18. TREE PRESERVATION ORDER

The Town and Country Planning (Tree Preservation Order) Regulations, 1948

1948 No. 1436

Made - - - -	*29th June*, 1948
Laid before Parliament	*30th June*, 1948
Coming into Operation	*1st July*, 1948*

B 2507

The Minister of Town and Country Planning in exercise of the powers conferred on him by sections 28 and 111 of the Town and Country Planning Act, 1947(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These Regulations may be cited as the Town and Country Planning (Tree Preservation Order) Regulations, 1948, and shall come into force on the appointed day.*

2.—(1) In these regulations unless the context otherwise requires:

" the Act " means the Town and Country Planning Act, 1947;

" the appointed day " means the day appointed for the coming into force of the Act;*

" order " means a tree preservation order made under section 28 of the Act, and in regulations 4, 6 and 7 includes an order amending or revoking such an order;

" notice by advertisement " in relation to an order means a notice published in a newspaper circulating in the locality in which the subject matter of the order is situate;

" the Minister " means the Minister of Town and Country Planning.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Subject to the provisions of paragraph (2) of this regulation, an order made by a local planning authority shall be in such form as the local planning authority may determine.

(2) Every order shall include a map showing the position of the trees, groups of trees or woodlands, which are the subject matter of the order. Such map shall be to a scale of 25 inches to 1 mile (or 1/2,500) where the order is for trees or groups of trees or affects only small areas of woodlands. For orders affecting large areas of woodlands, such map shall be to a scale of 6 inches to 1 mile and in respect of any woodlands which are too small to be shown adequately thereon, or in respect of which a clearer definition of boundaries is necessary, additional maps to a scale of 25 inches to 1 mile (or 1/2,500) shall form part of the order.

4. A local planning authority shall, on making an order—

(*a*) submit to the Minister:

(i) the sealed order in duplicate;

(a) 10 & 11 Geo. 6. c. 51. (b) 52 & 53 Vict. c. 63.

* *See* S.I. 1948 No. 213, p. 4087 above.

(ii) the following number of unsealed copies thereof, namely, in the case of an order affecting woodlands, five copies, in the case of an order affecting only trees or groups of trees, four copies, and in the case of an order which merely amends or revokes an existing order, one copy; and

(iii) a statement of their reasons for making the order;

(*b*) give notice by advertisement of the submission of the order to the Minister, and include in the notice a statement that a certified copy of the order will be open for inspection at a specified place or places and between specified hours, and that objections or representations with reference to the order may be made in writing to the Minister in accordance with these regulations within 28 days from the date of publication of the advertisement;

(*c*) serve on the owners and occupiers of the land affected by the order and on any other person known to them, at the time of giving such notice as aforesaid, to be entitled to fell any trees, groups of trees or woodlands specified in the order, or to work by surface working any minerals in the land affected by the order, a copy of the order (either with or without any map forming part thereof) together with a notice stating that the order has been made and submitted to the Minister for confirmation, naming the place or places where and the hours within which a certified copy of the order may be inspected, and stating that objections or representations with reference thereto may be made in writing to the Minister in accordance with these regulations within 28 days from the date of service of the notice; and

(*d*) furnish to the Minister copies of any advertisement published in accordance with the provisions of this regulation, and a certificate that the provisions of sub-paragraphs (*b*) and (*c*) of this regulation have been complied with.

5.—(1) Every objection or representation shall specify the particular trees, groups of trees or woodlands in respect of which it is made and shall state the grounds thereof.

(2) An objection shall not be duly made unless it is received within the period allowed under the last foregoing regulation and complies with the provisions of paragraph (1) of this regulation.

6. The Minister shall, before deciding whether to confirm the order, take into consideration any objections and representations duly made in accordance with the foregoing regulation, and, if a local inquiry is held, the report of such inquiry.

7. The local planning authority shall, on receipt of the Minister's decision on the order—

(*a*) inform all persons on whom notices have been served under sub-paragraph (*c*) of regulation 4 of these regulations of the Minister's decision, and in addition, where the order is confirmed or confirmed subject to modifications, serve a copy of the order on every such person; and

(*b*) (except where the order is confirmed provisionally under the proviso to sub-section (4) of section 28 of the Act) give notice by advertisement

of the Minister's decision, and where the order is confirmed with or without modifications, state in such notice the place where and the hours within which a copy of the order may be inspected.

Dated this twenty-ninth day of June, 1948.

Given under the Official Seal of the Minister of Town and Country Planning.

(L.S.) *Lewis Silkin,*
Minister of Town and Country Planning.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

These regulations deal with the form of tree preservation orders made under section 28 of the Town and Country Planning Act, 1947, and the procedure to be followed in connection with the submission and confirmation of such orders.

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19. USE CLASSES

The Town and Country Planning (Use Classes) Order, 1948

1948 No. 954

Made - - - -	*5th May*, 1948
Coming into Operation	*1st July*, 1948*

B2303.

The Minister of Town and Country Planning in exercise of the powers conferred on him by Section 12 of the Town and Country Planning Act, 1947(a), and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the Town and Country Planning (Use Classes) Order, 1948, and shall come into force on the appointed day.

Interpretation

2.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 10 & 11 Geo. 6. c. 51. (b) 52 & 53 Vict. c. 63.

* *See* S.I. 1948 No. 213, p. 4087 above.