52 & 53 Vict. c. 63.

5. The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Given under the Official Seal of the Minister of Transport this nineteenth day of June, 1948.

(L.S.)

Alfred Barnes,
The Minister of Transport.

EXPLANATORY NOTE

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

Section 46 of the Town and Country Planning (Scotland) Act, 1947, empowers the Minister of Transport for development purposes by order to authorise the stopping up or diversion of any highway and the provision or improvement of any other highway. The section also enables the Minister or a local highway authority to be authorised to acquire land for the purposes of such an order. These Regulations make provision for enabling the proceedings relating to the compulsory acquisition of the land to be taken concurrently with the proceedings required to be taken for the purpose of the order under section 46.

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17. TREE PRESERVATION ORDER

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

1948 No. 1781 (S. 157)

Made - - - -	*28th July,* 1948
Laid before Parliament	*29th July,* 1948
Coming into Operation	*1st August,* 1948

In exercise of the powers conferred on me by sections 26 and 107 of the Town and Country Planning (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Town and Country Planning (Tree Preservation Order) (Scotland) Regulations, 1948, and shall come into operation on the first day of August, 1948.

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

" the Act " means the Town and Country Planning (Scotland) Act, 1947;

" order " means a tree preservation order made under section 26 of the Act and 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.

(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.

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

3. An order made by a local planning authority shall be in such form as the local planning authority may determine and shall include a map (to a scale of 25 inches to the mile or such other scale as the Secretary of State may in any particular case approve) showing the position of the trees, groups of trees or woodlands which are the subject matter of the order.

4. A local planning authority shall, as soon as may be after making an order—

(*a*) submit to the Secretary of State—

(i) the order;

(ii) four copies thereof; and

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

(*b*) give notice by advertisement of the making of the order and of the submission thereof to the Secretary of State for confirmation and include in the notice a statement containing the information specified in Regulation 5 hereof;

(*c*) serve on the owners, lessees and occupiers of 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 Secretary of State for confirmation and include in the notice a statement containing the information aforesaid; and

(*d*) furnish to the Secretary of State a copy of each advertisement published in accordance with the provisions of this regulation and a certificate that the provisions of the last preceding sub-paragraph have been complied with.

5. A notice given or served under sub-paragraphs (*b*) or (*c*) of the last preceding regulation shall state—

(*a*) that a certified copy of the order (including a map) will be open for inspection at a specified place or places and between specified hours;

(*b*) that any objections or representations with respect to the order must be made in writing to the Secretary of State within 21 days from the date of publication or service of the notice as the case may be; and

(*c*) that every such objection or representation must, unless it is an objection to the order as a whole, specify the particular trees, groups of trees or woodlands in respect of which it is made and the grounds thereof:

Provided that, where a map was included with the copy of the order served under sub-paragraph (*c*) of the last preceding regulation, it shall not be necessary to include in the notice served therewith the information contained in sub-paragraph (*a*) of this regulation.

6. Every objection or representation with respect to the order shall—

(*a*) be made in writing to the Secretary of State within the period specified in sub-paragraph (*b*) of the last preceding regulation;

(*b*) unless it is an objection or representation with respect to the order as a whole, specify the particular trees, groups of trees or woodlands in respect of which it is made; and

(*c*) state the grounds thereof.

7. The Secretary of State shall, before deciding whether to confirm the order, take into consideration any objections and representations with respect thereto made in accordance with the provisions of the last preceding regulation and, if he has caused a local inquiry to be held with respect to such objections or representations, the report of such inquiry.

8. The local planning authority shall, as soon as may be after receipt of the Secretary of State'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 Secretary of State'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 (5) of section 26 of the Act) give notice by advertisement of the Secretary of State's decision, and where the order is confirmed with or without modifications, state in such notice the place or places where and the hours within which a certified copy of the order may be inspected.

Dated this 28th day of July, 1948.

Arthur Woodburn,

One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.

EXPLANATORY NOTE

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

These regulations deal with the form of orders made under section 26 of the Town and Country Planning (Scotland) Act, 1947, for the preservation of trees, and the procedure to be followed in connection with the submission and confirmation of such orders.