



# Trees Act 1970

## 1970 CHAPTER 43

An Act to amend the law relating to the making of tree preservation orders and the grant of felling licences. [29th May 1970]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Modification of restriction on power to make tree preservation orders.**

- (1) This section applies to land in respect of which—
  - (a) the Forestry Commissioners have made advances under section 4 of the Forestry Act 1967 (financing of afforestation); or
  - (b) there is in force a forestry dedication covenant or (in Scotland) a forestry dedication agreement, being a covenant or agreement entered into with the Commissioners under section 5 of that Act.
- (2) A tree preservation order may be made in respect of land to which this section applies, but only if—
  - (a) there is not in force in respect of the land a plan of operations or other working plan approved by the Forestry Commissioners under such a covenant or agreement; and
  - (b) the Commissioners consent to the making of the order.
- (3) Where a tree preservation order is made in respect of land to which this section applies, the order shall not have effect so as to prohibit, or to require any consent for, the cutting down of a tree in accordance with a plan of operations or other working plan approved by the Forestry Commissioners, and for the time being in force, under such a covenant or agreement or under a woodlands scheme made under the powers contained in the Forestry Act 1967.
- (4) In the last foregoing subsection, " tree preservation order " has the same meaning as in the Town and Country Planning Act 1962 or, in relation to Scotland, the Town and Country Planning (Scotland) Act 1947.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Section 29(3) of the said Act of 1962 and section 26(3) of the said Act of 1947 (which prohibit the making of a tree preservation order in respect of land to which this section applies) are hereby repealed.
- (6) A reference in this section to any provision of the Forestry Act 1967 includes a reference to the corresponding provision (replaced by that Act) in the Forestry Acts 1919 to 1951.

## **2 Modification of restriction on power to attach conditions to felling licence.**

In section 12 of the Forestry Act 1967 (which, for cases where a felling licence from the Forestry Commissioners is required and is granted by them, specifies conditions which may be attached to the grant but, by subsection (2), prohibits the imposition of conditions in the case of land subject to a forestry dedication covenant or agreement), at the end of subsection (2) there shall be added the words " and the felling is in accordance with a plan of operations or other working plan approved by the Commissioners and in force under the covenant or agreement ".

## **3 Citation and extent.**

- (1) This Act may be cited as the Trees Act 1970.
- (2) This Act does not extend to Northern Ireland.