



# Town and Country Amenities Act 1974

## 1974 CHAPTER 32

### *Trees and gardens*

#### **11 Offences relating to trees in Scotland**

(1) In subsection (1) of section 58 of the Town and Country Planning (Scotland) Act 1972 (tree preservation orders), in paragraph (a), after the word " lopping" there shall be inserted the words " uprooting, wilful damage ".

(2) Accordingly—

- (a) in subsection (6) of that section, before the word " felling ", in each place where it occurs, there shall be inserted the word " uprooting, "; and
- (b) in section 60(1) of the said Act, after the word " removed ", in both places where it occurs, there shall be inserted the word " uprooted ", and before the word " felling ", in both places where it occurs, there shall be inserted the words " uprooting or ".

(3) For section 98(1) of the said Act there shall be substituted the following subsection:—

“(1) If any person, in contravention of a tree preservation order, cuts down, uproots or wilfully destroys a tree, or wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it, he shall be guilty of an offence and shall be liable—

- (a) on summary conviction to a fine not exceeding £400 or twice the sum which appears to the court to be the value of the tree, whichever is the greater; or
- (b) on conviction on indictment, to a fine,<sup>r</sup>

and, in determining the amount of any fine to be imposed on a person convicted on indictment, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.”.

(4) In subsection (2) of that section, for " £50 " substitute " £200 ".

(5) In subsection (3) of that section, for " £2" substitute " £5 ".

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*Status: This is the original version (as it was originally enacted).*

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(6) After that subsection add—

“(4) This section shall apply to an offence under section 59A above as it applies to a contravention of a tree preservation order.”.

(7) Nothing in this section shall render any person liable to a greater penalty in respect of an offence committed before this section comes into force than that to which he would have been liable but for this section.