



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART VII

#### SPECIAL CONTROLS

#### CHAPTER I

#### TREES

#### *Tree preservation orders*

#### [<sup>F1</sup>162 Tree preservation: Forestry Commissioners

- (1) A tree preservation order does not have effect in respect of anything done—
- <sup>F2</sup>(a) .....
  - (b) by or on behalf of any other person in accordance with a relevant plan which is for the time being in force.

[<sup>F3</sup>(2) A relevant plan is—

- (a) a plan of operations or other working plan approved by the Forestry Commissioners under—
  - (i) a forestry dedication agreement within the meaning of section 5 of the Forestry Act 1967, or
  - (ii) conditions of a grant or loan made under section 1 of the Forestry Act 1979,
- (b) a plan approved by the Scottish Ministers under conditions of financial assistance provided under section 71 of the Forestry and Land Management (Scotland) Act 2018, provided that the plan relates to the promotion of sustainable forest management, or

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**Changes to legislation:** Town and Country Planning (Scotland) Act 1997, Section 162 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (c) any other plan approved by the Scottish Ministers relating to sustainable forest management.]
- (3) A reference to a provision of the Forestry Act 1967 or the Forestry Act 1979 [F<sup>4</sup> or the Forestry and Land Management (Scotland) Act 2018] includes a reference to a corresponding provision replaced by that provision or any earlier corresponding provision.]

#### Textual Amendments

- F1** S. 162 substituted (12.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 95, 121(4) (with s. 111); S.S.I. 2006/268, art. 3(b)
- F2** S. 162(1)(a) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Amendments) Regulations 2019 (S.S.I. 2019/125), regs. 1(2), 9(2)(a)
- F3** S. 162(2) substituted (1.4.2019) by The Forestry and Land Management (Scotland) Act 2018 (Consequential Amendments) Regulations 2019 (S.S.I. 2019/125), regs. 1(2), 9(2)(b)
- F4** Words in s. 162(3) inserted (1.4.2019) by The Forestry and Land Management (Scotland) Act 2018 (Consequential Amendments) Regulations 2019 (S.S.I. 2019/125), regs. 1(2), 9(2)(c)

**Changes to legislation:**

Town and Country Planning (Scotland) Act 1997, Section 162 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)