



Town and Country Amenities Act 1974

CHAPTER 32

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Town and Country Amenities Act 1974

1974 CHAPTER 32

An Act to make further provision for the control of development in the interests of amenity, for the protection of trees and the preservation and enhancement of conservation areas, and of buildings of architectural or historic interest and their surroundings and landscapes, and for related purposes.

[31st July 1974]

B **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:—

Conservation areas and areas of special control

1.—(1) For section 277 of the Town and Country Planning Act 1971 there shall be substituted the following sections:—

“ Designation of conservation areas.

277.—(1) Every local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate such areas as conservation areas.

Conservation areas in England and Wales. 1971 c. 78.

(2) It shall be the duty of a local planning authority, within such period as the Secretary of State may from time to time direct, to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation

areas ; and, if they so determine, they shall designate those parts accordingly.

(3) A direction under subsection (2) above may be given either to an individual authority or to authorities generally, but before giving a direction to an individual authority the Secretary of State shall consult with the authority about the proposed direction.

(4) The Secretary of State may from time to time, after consultation with a local planning authority, determine that any part of the authority's area which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance ; and, if he so determines, he may designate that part as a conservation area.

(5) Before making a determination under this section—

(a) the council of a London borough shall consult the Greater London Council ;

(b) a district planning authority shall consult the council of the county in which their area is comprised ; and

(c) the Greater London Council and a county planning authority shall respectively consult the council of each London borough or district of which any part is included in the area to which the proposed determination relates.

(6) A local planning authority shall give notice to the Secretary of State of the designation of any part of their area as a conservation area under subsection (1) or (2) above, and of any variation or cancellation of any such designation, and the Secretary of State shall give notice to a local planning authority of the designation of any part of their area as a conservation area under subsection (4) above, and of any variation or cancellation of any such designation ; and a notice under this subsection shall contain sufficient particulars to identify the area affected.

(7) Notice of any such designation, variation or cancellation as is mentioned in subsection (6) above, with particulars of its effect, shall be published in the London Gazette and in at least one newspaper circulating in the area of the local planning

authority, by that authority or, as the case may be, the Secretary of State.

(8) Where any area is for the time being designated as a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, Part I of the Historic Buildings and Ancient Monuments Act 1953 or the Local Authorities (Historic Buildings) Act 1962. 1953 c. 49. 1962 c. 36.

(9) The designation of any area as a conservation area shall be registered in the register of local land charges, in such manner as may be prescribed by rules made under section 19 of the Land Charges Act 1925, by the proper officer of the council of the district or London borough in which the area is situated. 1925 c. 22.

(10) The functions of a local planning authority under this section shall be exercisable—

(a) in Greater London, by the Greater London Council and also, in relation to a London borough, by the council of that borough;

(b) in a National Park, by the county planning authority;

(c) elsewhere, by the district planning authority;

but outside a National Park a county planning authority shall also have power to make determinations and designations under this section.

Control of demolition in conservation areas.

277A.—(1) This section applies to all buildings in conservation areas other than—

(a) listed buildings;

(b) excepted buildings within the meaning of section 58(2) above; and

(c) buildings in relation to which a direction under subsection (4) below is for the time being in force.

(2) A building to which this section applies shall not be demolished without the consent of the appropriate authority.

(3) An application for consent to the demolition of such a building may be made as a separate application or as part of an application for planning permission to redevelop the site of the building, but consent to demolition shall not be taken to have

been given as part of planning permission for redevelopment of the site unless the appropriate authority, on granting the planning permission, states that it includes consent to demolish the building.

(4) The Secretary of State may direct that this section shall not apply to a description of buildings specified in the direction or to an individual building so specified.

(5) A direction under subsection (4) above relating to a description of buildings may be given either to an individual local planning authority or to local planning authorities generally.

(6) The Secretary of State may vary or revoke a direction under subsection (4) above by a further direction under that subsection.

(7) The appropriate authority for the purposes of this section is—

(a) in relation to applications for consent made by local planning authorities, the Secretary of State ; and

(b) in relation to other applications for consent, the local planning authority or the Secretary of State.

(8) The following provisions of this Act, namely—
 section 55,
 section 56(3), (5) and (6),
 sections 96 to 99,
 section 172,
 section 190,
 section 266(1)(b),
 paragraph 2 of Schedule 3,
 Parts I and II of Schedule 11, and
 Schedule 19,

shall have effect in relation to buildings to which this section applies as they have effect in relation to listed buildings ; but regulations may provide that they shall have effect in relation to buildings to which this section applies subject to such exceptions and modifications as may be prescribed.

(9) Any such regulations may make different provision—

(a) in relation to applications made by local planning authorities, and

(b) in relation to other applications.

(10) Any proceedings on or arising out of an application for listed building consent made while this section applies to a building shall lapse when it ceases to apply to it, and any listed building consent granted with respect to the building shall also lapse; but the fact that this section has ceased to apply to a building shall not affect the liability of any person to be prosecuted and punished for an offence under section 55 or 98 of this Act committed by him with respect to the building while this section applied to it.

(11) The functions of a local planning authority under this section shall be exercisable—

(a) in Greater London, by the Greater London Council and also, in relation to a London borough, by the council of that borough;

(b) in a National Park, by the county planning authority; and

(c) elsewhere, by the county planning authority and the district planning authority.

Formulation and publication of proposals for preservation and enhancement of conservation areas.

277B.—(1) It shall be the duty of a local planning authority to formulate and publish, within such period as may from time to time be directed by the Secretary of State, proposals for the preservation and enhancement of any parts of their area which are conservation areas.

(2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate; and the local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.

(3) A direction under subsection (1) above may be given either to an individual local planning authority or to local planning authorities generally.”

(2) A local planning authority any part of whose area is a conservation area on the date when this section comes into force shall publish in at least one newspaper circulating in their area, within a reasonable period after that date, notice of the extended controls on the demolition of buildings imposed by section 277A of the Town and Country Planning Act 1971, and **1971 c. 78.** any such notice shall give sufficient particulars to identify the part of their area subject to those controls.

Conservation
areas in
Scotland.
1972 c. 52.

2.—(1) For section 262 of the Town and Country Planning (Scotland) Act 1972 there shall be substituted the following sections:—

“ Designa-
tion of
conservation
areas.

262.—(1) Every planning authority shall from time to time determine which parts of their district are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate such areas as conservation areas.

(2) On and after 16th May 1975 it shall be the duty of a planning authority, within such period as the Secretary of State may from time to time direct, to review the past exercise of functions under this section and to determine whether any parts or any further parts of their district should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.

(3) A direction under subsection (2) above may be given either to an individual authority or to authorities generally, but before giving a direction to an individual authority the Secretary of State shall consult the authority about the proposed direction.

(4) The Secretary of State may from time to time, after consultation with a planning authority, determine that any part of the authority's district which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a conservation area.

(5) Before making a determination under this section, a planning authority shall consult the planning authority of each district of which any part is included in the area to which the proposed determination relates.

(6) A planning authority shall give notice to the Secretary of State of the designation of any part of their district as a conservation area under subsection (1) or (2) above, and of any variation or cancellation of any such designation, and the Secretary of State shall give notice to a planning authority of the designation of any part of their district as a conservation area under subsection (4) above, and of

any variation or cancellation of any such designation ; and a notice under this subsection shall contain sufficient particulars to identify the area affected.

(7) Notice of any such designation, variation or cancellation as is mentioned in subsection (6) above, with particulars of its effect, shall be published in the Edinburgh Gazette and in at least one newspaper circulating in the district of the planning authority, by that authority or, as the case may be, the Secretary of State.

(8) Where any area is for the time being designated as a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, Part I of the Historic Buildings and Ancient Monuments Act 1953 or the Local Authorities (Historic Buildings) Act 1962. 1953 c. 49. 1962 c. 36.

(9) Every planning authority shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing such particulars as the Secretary of State may determine of any area in their district which has been designated as a conservation area.

Control of demolition in conservation areas.

262A.—(1) This section applies to all buildings in conservation areas other than—

- (a) listed buildings, and
- (b) excepted buildings within the meaning of section 56(2) of this Act, and
- (c) buildings in relation to which a direction under subsection (4) below is for the time being in force.

(2) A building to which this section applies shall not be demolished without the consent of the appropriate authority.

(3) An application for consent to the demolition of such a building may be made as a separate application or as part of an application for planning permission to redevelop the site of the building, but consent to demolition shall not be taken to have been given as part of planning permission for redevelopment of the site unless the appropriate authority, on granting the planning permission, states that it includes consent to demolish the building.

(4) The Secretary of State may direct that this section shall not apply to a description of buildings specified in the direction or to an individual building so specified.

(5) A direction under subsection (4) above relating to a description of buildings may be given either to an individual planning authority or to planning authorities generally.

(6) The Secretary of State may vary or revoke a direction under subsection (4) above by a further direction under that subsection.

(7) The appropriate authority for the purposes of this section is—

(a) in relation to applications for consent made by planning authorities, the Secretary of State; and

(b) in relation to other applications, the planning authority or the Secretary of State.

(8) The following provisions of this Act, namely—
 section 53,
 section 54(3), (5) and (6),
 sections 92 to 95,
 section 161,
 section 179,
 section 253(1)(b),
 Parts I and II of Schedule 10,
 Schedule 17,

shall have effect in relation to buildings to which this section applies as they have effect in relation to listed buildings; but regulations may provide that they shall have effect in relation to buildings to which this section applies subject to such exceptions and modifications as may be prescribed.

(9) Any such regulations may make different provision—

(a) in relation to applications made by planning authorities, and

(b) in relation to other applications.

(10) Any proceedings on or arising out of an application for listed building consent made while this section applies to a building shall lapse when it ceases to apply to it, and any listed building consent granted with respect to the building shall also lapse; but the fact that this section has ceased to apply to

a building shall not affect the liability of any person to be prosecuted and punished for an offence under section 53 or 94 of this Act committed by him with respect to the building while this section applied to it.

Formulation and publication of proposals for preservation and enhancement of conservation areas.

262B.—(1) It shall be the duty of a planning authority to formulate and publish, within such period as may from time to time be directed by the Secretary of State, proposals for the preservation and enhancement of any parts of their district which are conservation areas.

(2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate ; and the planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.

(3) A direction under subsection (1) above may be given either to an individual planning authority or to planning authorities generally.”

(2) A planning authority any part of whose district is a conservation area on the date when this section comes into force shall publish in at least one newspaper circulating in their district, within a reasonable period after that date, notice of the extended controls on the demolition of buildings imposed by section 262A of the Town and Country Planning (Scotland) Act 1972, and any such notice shall give sufficient particulars to identify the part of their district subject to those controls. 1972 c. 52.

3.—(1) For section 63(3) of the Town and Country Planning Act 1971 (control of advertisements) there shall be substituted the following subsection:— Control of advertisements in conservation areas and areas of special control. 1971 c. 78.

“ (3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision—

(a) with respect to conservation areas ; and

(b) with respect to areas defined for the purposes of the regulations as areas of special control, being either rural areas or areas other than rural areas which appear to the Secretary of State to require special protection on grounds of amenity ;

and, without prejudice to the generality of this subsection, the regulations may prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.”

1972 c. 52.

(2) For section 61(3) of the Town and Country Planning (Scotland) Act 1972 (control of advertisements) there shall be substituted the following subsection:—

“ (3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision—

(a) with respect to conservation areas ; and

(b) with respect to areas defined for the purposes of the regulations as areas of special control, being either rural areas or areas other than rural areas which appear to the Secretary of State to require special protection on grounds of amenity ;

and, without prejudice to the generality of this subsection, the regulations may prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.”.

Listed buildings etc.

Extension of special publicity requirements to planning applications affecting settings of listed buildings.
1971 c. 78.

4.—(1) At the end of paragraph (a) of subsection (1) of section 28 of the Town and Country Planning Act 1971 (which imposes special requirements as to publicity for planning applications affecting conservation areas) there shall be added:—

“ or

(aa) the development would, in the opinion of the authority, affect the setting of a listed building.”

(2) At the end of paragraph (a) of subsection (1) of section 25 of the Town and Country Planning (Scotland) Act 1972 (which makes corresponding provision for Scotland) there shall be added:—

“ (aa) the development would, in the opinion of the authority, affect the setting of a listed building ; or ”.

1973 c. 65.

(3) In Schedule 29 to the Local Government (Scotland) Act 1973 (repeals), for the entry relating to section 25(1) of the Town and Country Planning (Scotland) Act 1972 there shall be substituted the following entry:—

“ In section 25(1), paragraph (b) and the word “or” immediately preceding it.”

Urgent repair of unoccupied buildings.
1971 c. 78.

5.—(1) For section 101 of the Town and Country Planning Act 1971 (which gives a local authority power to execute urgent works for the preservation of unoccupied listed buildings) there shall be substituted the following section:—

“Urgent works for preservation of unoccupied buildings.

101.—(1) This section applies to any unoccupied building which satisfies one of the conditions specified in subsection (2) below but is not an excepted building as defined in section 58(2) above.

(2) The conditions mentioned in subsection (1) above are—

- (a) that the building is a listed building ;
- (b) that a direction that this section shall apply to the building has been given under subsection (3) below.

(3) If it appears to the Secretary of State, in the case of a building which is not a listed building but is situated in a conservation area, that it is important to preserve it for the purpose of maintaining the character or appearance of the conservation area, he may direct that this section shall apply to it.

(4) If it appears to a local authority that any works are urgently necessary for the preservation of a building to which this section applies and which is situated in their area, they may execute the works, after giving the owner of the building not less than seven days' notice in writing of their intention to do so.

(5) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a building to which this section applies, he may execute the works, after giving the owner of the building not less than seven days notice in writing of his intention to do so.

(6) The local authority or, as the case may be, the Secretary of State may give notice to the owner of the building requiring him to pay the expenses of any works executed under subsection (4) or (5) above ; and if such a notice is given by the local authority or the Secretary of State, the amount specified in the notice shall be recoverable from the owner, subject to subsections (7) to (9) below.

(7) Within 28 days of the date of a notice under subsection (6) above, the owner may represent to the Secretary of State—

- (a) that the amount specified in the notice is unreasonable ; or
- (b) that recovery of it would cause him hardship ; or
- (c) that some or all of the works were unnecessary for the building's preservation.

(8) The Secretary of State shall determine the extent, if any, to which representations under subsection (7) above are justified.

(9) The Secretary of State shall give the owner and the local authority notice of any determination under subsection (8) above and of the reasons for it, and of the amount (if any) which is to be recoverable from the owner; and no sum shall be recoverable from him unless it is so notified.”.

1972 c. 52.

(2) For section 97 of the Town and Country Planning (Scotland) Act 1972 (which gives a planning authority power to execute urgent works for the preservation of unoccupied listed buildings) there shall be substituted the following section:—

“Urgent works for preservation of unoccupied buildings.

97.—(1) This section applies to any unoccupied building which satisfies one of the conditions specified in subsection (2) below but is not an excepted building as defined in section 56(2) above.

(2) The conditions mentioned in subsection (1) above are—

- (a) that the building is a listed building;
- (b) that a direction that this section shall apply to the building has been given under subsection (3) below.

(3) If it appears to the Secretary of State, in the case of a building which is not a listed building but is situated in a conservation area, that it is important to preserve it for the purpose of maintaining the character or appearance of the conservation area, he may direct that this section shall apply to it.

(4) If it appears to a planning authority that any works are urgently necessary for the preservation of a building to which this section applies and which is situated in their district, they may execute the works, after giving the owner of the building not less than seven days notice in writing of their intention to do so.

(5) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a building to which this section applies, he may execute the works, after giving the owner of the building not less than seven days notice in writing of his intention to do so.

(6) The planning authority or, as the case may be, the Secretary of State may give notice to the owner of the building requiring him to pay the expenses of any works executed under subsection (4) or (5) above; and if such a notice is given by the planning authority or the Secretary of State, the amount specified in the notice shall be recoverable from the owner, subject to subsections (7) to (9) below.

(7) Within 28 days of the date of a notice under subsection (6) above, the owner may represent to the Secretary of State—

- (a) that the amount specified in the notice is unreasonable; or
- (b) that recovery of it would cause him hardship; or
- (c) that some or all of the works were unnecessary for the building's preservation.

(8) The Secretary of State shall determine the extent, if any, to which representations under subsection (7) above are justified.

(9) The Secretary of State shall give the owner and the planning authority notice of any determination under subsection (8) above and of the reasons for it, and of the amount (if any) which is to be recoverable from the owner; and no sum shall be recoverable from him unless it is so notified."

6. In section 116 of the Town and Country Planning Act 1971 (which directs that in assessing compensation on compulsory acquisition of a listed building it shall be assumed that listed building consent would be granted for its alteration, extension or demolition), and in section 106 of the Town and Country Planning (Scotland) Act 1972 (which makes corresponding provision for Scotland), the words "or for its demolition" shall cease to have effect except so far as they refer to demolition for the purpose of development of any class specified in Schedule 8 to the Town and Country Planning Act 1971 or Schedule 6 to the Town and Country Planning (Scotland) Act 1972 (development not constituting new development).

Compulsory acquisition of listed buildings.
1971 c. 78.
1972 c. 52.

7.—(1) For section 271 of the Town and Country Planning Act 1971 (regulations applying provisions of that Act as to listed buildings to local planning authorities) there shall be substituted the following section:—

Local authority listed buildings.

"**271.** The provisions of this Act specified in Part VI of Schedule 21 to this Act shall have effect for the purpose

of applications by local planning authorities relating to the execution of works for the demolition, alteration or extension of listed buildings, subject to such exceptions and modifications as may be prescribed by regulations; and the regulations may in particular provide for the making of applications for listed building consent to the Secretary of State and for the service of notices under the said provisions by him.”.

1972 c. 52.

(2) For section 257 of the Town and Country Planning (Scotland) Act 1972 (regulations applying provisions of that Act as to listed buildings to planning authorities) there shall be substituted the following section:—

“ 257. The provisions of this Act specified in Part IV of Schedule 19 to this Act shall have effect for the purpose of applications by planning authorities relating to the execution of works for the demolition, alteration or extension of listed buildings, subject to such exceptions and modifications as may be prescribed by regulations; and the regulations may in particular provide for the making of applications for listed building consent to the Secretary of State and for the service of notices under the said provisions by him.”.

Trees and gardens

Protection
of trees in
conservation
areas in
England
and Wales.
1971 c. 78.

8. After section 61 of the Town and County Planning Act 1971 there shall be inserted the following section:—

“ Trees in
conservation
areas.

61A.—(1) Subject to the provisions of this section, any person who, in relation to a tree to which this section applies, does any act which might by virtue of section 60(1)(a) above be prohibited by a tree preservation order shall be guilty of an offence.

(2) Subject to the provisions of this section, this section applies to any tree in a conservation area but in respect of which no tree preservation order is for the time being in force.

(3) It shall be a defence for a person charged with an offence under subsection (1) above to prove—

(a) that he served notice of his intention to do the act in question, with sufficient particulars to identify the tree, on the council of the district or London borough in whose area the tree is or was situated; and

(b) that he did the act in question—

(i) with the consent of the local planning authority in whose area the tree is or was situated, or

(ii) after the expiry of the period of six weeks from the date of the notice but before the expiry of the period of two years from that date.

(4) The Secretary of State may by regulations direct that this section shall not apply in such cases as may be specified in the regulations.

(5) Without prejudice to the generality of subsection (4) above, the regulations may be framed so as to exempt from the application of this section cases defined by reference to all or any of the following matters, namely—

(a) acts of such descriptions or done in such circumstances or subject to such conditions as may be specified in the regulations ;

(b) trees in such conservation areas as may be so specified ;

(c) trees of a size or species so specified ; or

(d) trees belonging to persons or bodies of a description so specified ;

and the regulations may, in relation to any matter by reference to which an exemption is conferred by them, make different provision for different circumstances.

(6) Regulations under subsection (4) above may in particular, but without prejudice to the generality of that subsection, exempt from the application of this section cases exempted from section 60 above by subsection (6) of that section.

(7) It shall be the duty of the council of a district or a London borough to compile and keep available for public inspection free of charge at all reasonable hours and at a convenient place a register, containing such particulars as the Secretary of State may determine of notices under this section affecting trees in their area.

(8) If any tree to which this section applies is removed, uprooted or destroyed in contravention of this section or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by virtue of the provisions of such regulations under subsection (4) above as are mentioned in subsection (6) above, it shall be the duty of the owner of the land, unless on his application the local planning authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(9) The duty imposed by subsection (8) above on the owner of any land shall attach to the person who is from time to time the owner of the land and may be enforced as provided by section 103 of this Act and not otherwise.”.

Protection
of trees in
conservation
areas in
Scotland.
1972 c. 52.

9. After section 59 of the Town and Country Planning (Scotland) Act 1972 there shall be inserted the following section:—

“ Trees in
conservation
areas.

59A.—(1) Subject to the provisions of this section, any person who, in relation to a tree to which this section applies, does any act which might by virtue of section 58(1)(a) above be prohibited by a tree preservation order shall be guilty of an offence.

(2) Subject to the provisions of this section, this section applies to any tree in a conservation area but in respect of which no tree preservation order is for the time being in force.

(3) It shall be a defence for a person charged with an offence under subsection (1) above to prove—

(a) that he served notice of his intention to do the act in question, with sufficient particulars to identify the tree, on the planning authority in whose district the tree is or was situated ; and

(b) that he did the act in question—

(i) with the consent of the said planning authority, or

(ii) after the expiry of the period of six weeks from the date of the notice but before the expiry of the period of two years from that date.

(4) The Secretary of State may by regulations direct that this section shall not apply in such cases as may be specified in the regulations.

(5) Without prejudice to the generality of subsection (4) above, the regulations may be framed so as to exempt from the application of this section cases defined by reference to all or any of the following matters, namely—

- (a) acts of such descriptions or done in such circumstances or subject to such conditions as may be specified in the regulations ;
- (b) trees in such conservation areas as may be so specified ;
- (c) trees of a size or species so specified ; or
- (d) trees belonging to persons or bodies of a description so specified ;

and the regulations may, in relation to any matter by reference to which an exemption is conferred by them, make different provision for different circumstances.

(6) Regulations under subsection (4) above may in particular, but without prejudice to the generality of that subsection, exempt from the application of this section cases exempted from the application of section 58 above by subsection (6) of that section.

(7) It shall be the duty of every planning authority to compile and keep available for public inspection free of charge at all reasonable hours and at a convenient place a list, containing such particulars as the Secretary of State may determine of notices under this section affecting trees in their district.

(8) If any tree to which this section applies is removed, uprooted or destroyed in contravention of this section or is removed, uprooted or destroyed or dies at a time when its uprooting or felling is authorised only by virtue of the provisions of such regulations under subsection (4) above as are mentioned in subsection (6) above, it shall be the duty of the owner of the land, unless on his application the planning authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(9) The duty imposed by subsection (8) above on the owner of any land shall attach to the person who is from time to time the owner of the land and may be enforced as provided by section 99 of this Act and not otherwise.”.

Offences
relating to
trees in
England
and Wales.
1971 c. 78.

10.—(1) In subsection (1) of section 60 of the Town and Country Planning Act 1971 (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, after the words “cutting down,”, in both places where they occur, there shall be inserted the word “uprooting”; and

(b) in section 62(1) of the said Act, after the word “removed”, in both places where it occurs, there shall be inserted the word “uprooted”, and after the words “cutting down” there shall be inserted the words “or uprooting”.

(3) For section 102(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,
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”.

(6) After that subsection add—

“ (4) This section shall apply to an offence under section 61A 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.

11.—(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”.

Offences relating to trees in Scotland.
1972 c. 52.

(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,
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”.

(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.

Grants for
historic
gardens, etc.
1953 c. 49.

12. At the end of section 4(1) of the Historic Buildings and Ancient Monuments Act 1953 (grants for preservation of historic buildings, their contents and adjoining land) there shall be added “or in the upkeep of a garden or other land which appears to the Secretary of State to be of outstanding historic interest but which is not contiguous or adjacent to a building which appears to him to be of outstanding historic or architectural interest”.

Supplementary

Citation, etc.

13.—(1) This Act may be cited as the Town and Country Amenities Act 1974, and —

1971 c. 78.

(a) so far as it relates to the Town and Country Planning Act 1971, may be cited together with that Act and the Town and Country Planning (Amendment) Act 1972 as the Town and Country Planning Acts 1971 to 1974 ;

1972 c. 42.

(b) so far as it relates to the Town and Country Planning (Scotland) Act 1972, may be cited together with the Town and Country Planning (Scotland) Act 1972 as the Town and Country Planning (Scotland) Acts 1972 to 1974, and

1953 c. 49.

(c) so far as it relates to the Historic Buildings and Ancient Monuments Act 1953, may be cited together with the Ancient Monuments Acts 1913 to 1972 as the Ancient Monuments Acts 1913 to 1974.

(2) The enactments specified in the Schedule to this Act are repealed to the extent mentioned in column 3 of that Schedule ; and in section 10(1) of the Town and Country Planning (Amendment) Act 1972 (as amended by Schedule 21 to the Town and Country Planning (Scotland) Act 1972) for the words “ Act of 1972 ” there shall be substituted the words “ Town and Country Planning (Scotland) Act 1972 ”.

(3) Subject to subsection (4) below, this Act shall come into force at the expiration of the period of one month beginning with the date on which it is passed.

(4) Sections 8 and 9 above shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

(5) This Act does not extend to Northern Ireland.

SCHEDULE

Section 13.

REPEALS

Chapter	Short title	Extent of Repeal
1972 c. 42.	The Town and Country Planning (Amendment) Act 1972.	Sections 8 and 9. In section 12, in subsection (1), paragraph (a) and the word "and" immediately preceding it, subsection (2) and in subsection (3) the words "and 8" and "and 2". Schedules 2 and 3.
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	Schedule 21, so far as relating to section 9 of and Schedule 3 to the Town and Country Planning (Amendment) Act 1972.
1972 c. 70.	The Local Government Act 1972.	In Schedule 16, paragraphs 48 and 57.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 23, paragraph 15. In Schedule 29, in column 3, the entry relating to section 262(2) of the Town and Country Planning (Scotland) Act 1972.

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