

IN THE KEYS

---

## **TREE PRESERVATION (AMENDMENT) BILL 2008**

---

### **Explanatory Memorandum**

- 1.** This Bill, which is promoted by the Department of Agriculture, Fisheries and Forestry, is to amend the Tree Preservation Act 1993.
- 2.** *Clause 1* makes it an offence recklessly to destroy or damage a tree, and requires emergency works affecting a tree to be reported to the Department within 48 hours. *Clause 2* requires the Department to consult the planning authority before refusing, or granting subject to conditions, a licence to cut a tree on land affected by a pending planning application. *Clause 3* is supplemental.
- 3.** The Bill will not increase expenditure nor will it reduce the income of the Government.
- 4.** In the view of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.

## **Arrangement of Sections**

### Section

1. Damage to or destruction of trees
2. Notice to planning authority
3. Short title

## A BILL

to amend the Tree Preservation Act 1993.

**B**E IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

**1.** (1) In section 3 of the Tree Preservation Act 1993, for subsections (1) and (2) substitute —

Damage to or destruction of trees

“(1) If any person —

[c.6]

**5**

(a) cuts down, uproots or intentionally or recklessly destroys a tree; or

(b) tops, lops or intentionally or recklessly damages a tree in such a manner as to be likely to destroy it; or

(c) tops or lops a registered tree, or

**10**

(d) causes or permits another to do anything falling within paragraph (a), (b) or (c),

he or she is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable —

**15**

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on information, to a fine.

2 *Tree Preservation (Amendment) Bill 2008*

(2A) Subsection (1) does not prevent the cutting down, uprooting, destruction, topping, lopping or damaging of a tree in accordance with a licence granted by the Department under this Act.”.

(2) In section 4(1) of that Act, for paragraph (d) substitute — **5**

“(d) that notice in writing specifying the action taken and explaining the need for it was given to the Department —

(i) as soon as reasonably practicable, and

(ii) in any event, within 48 hours after the action was taken.”. **10**

Notice to  
planning  
authority

**2.** In section 5 of the Tree Preservation Act 1993 (licences) —

(a) in subsection (4), omit paragraph (a);

(b) after subsection (4) insert —

“(4A) Where it appears to the Department that a planning application relating to development on land on which the tree stands has been submitted to the planning authority and has not been determined, the Department shall consult the planning authority before refusing a licence or granting it subject to conditions.”. **15**  
**20**

Short title

**3.** This Act may be cited as the Tree Preservation (Amendment) Act 2008.

IN THE KEYS

---

**Tree Preservation (Amendment)**

---

**A BILL**

*to amend the Tree Preservation  
Act 1993.*

Approved by the Council of Ministers for  
introduction in the House of Keys.

---

MRS. CANNELL

---

MARCH 2008

---