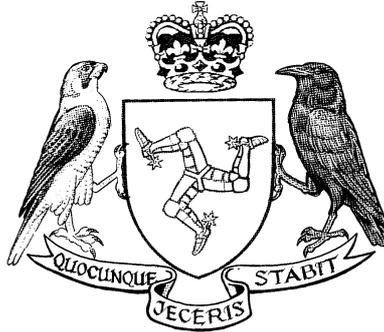


**TREE PRESERVATION
(AMENDMENT) ACT 2009**

Arrangement of Sections

Section

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



Isle of Man } Signed in Tynwald: 19th May 2009
 to Wit } Received Royal Assent: 19th May 2009
 Announced to Tynwald: 19th May 2009

AN ACT

to amend the Tree Preservation
 Act 1993.

BE 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]

- (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
- (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 —

- (a) on summary conviction, to a fine not exceeding £20,000;
- (b) on conviction on information, to a fine.

(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 —

“(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.”.

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.”.

Short title

3. This Act may be cited as the Tree Preservation (Amendment) Act 2009.