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# FORESTRY ACT, 2010

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No. 20 of 2010

## **FORESTRY ACT, 2010**

### **AN ACT TO PROVIDE THE CONSERVATION AND CONTROL OF FORESTS AND FOR MATTERS RELATED THERETO**

[Date of Assent - 1st July, 2010]

**Enacted by the Parliament of The Bahamas**

## **PART I**

### **PRELIMINARY**

#### **1. Short title and commencement.**

- (1) This Act may be cited as the Forestry Act, 2010.
- (2) This Act shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

#### **2. Interpretation.**

In this Act, unless the context otherwise requires —

**“affirmative resolution”** means approval by a resolution of each House of Parliament.

**“artifact”** means an object made by a human being, such as a tool or ornament, especially one that has archaeological or cultural interest;

**“agro-forestry”** means a deliberate intermixing of agricultural crops with forest trees.

**“authorized officer”** means a forest officer or a police officer, or any public officer designated by the Minister under the provisions of section 22;

**“conservation forest”** means an area of land declared to be a conservation forest by or under this Act.

**"crown land"** includes all vacant land in The Bahamas vested in Her Majesty as the property of the Crown for the beneficial interest of The Bahamas, whether by forfeiture, escheat, purchase or exchange;

**"Director of Forestry"** means the forest officer appointed to head the Forestry Unit;

**"forest"** means any area consisting mainly of trees including forest cover, all other vegetation, wetlands, soil and ground beneath it;

**"forest industry"** includes any activity involving the economic utilization of forest produce;

**"forest management plan"** means a plan approved by the Minister under the provisions of section 9;

**"forest officer"** means any forest officer appointed under the provisions of section 3;

**"forest produce"** includes —

- (a) timber, lumber, firewood, logs;
- (b) any product of such timber, or any part thereof, including charcoal, resin and gum, bark, extracts of bark fibres, leaves, needles;
- (c) any other vegetative growth, whether alive or dead, including bromeliads, orchids, tops, sisal, grasses, materials extracted from the forest for such use but not limited to handicraft and artisanal production and such other plant species as the Minister determines to be rare or endangered or in need of management to prevent plant species from becoming endangered;
- (d) any plant material used for medicinal purposes; and
- (e) Soil, humus, rock, limestone, or any such products of forest sites as the Minister may from time to time declare to be forest produce;

**"forest reserve"** means an area of land declared to be a forest reserve by or under this Act to be managed as a permanent forest estate for the sustained yield of timber and other forest produce;

**"forestry"** means the science and art of making the best permanent use of the forest; thus ensuring its most productive and sustainable use;

**"growing stock"** means standing trees under silvicultural management, and making up a forest;

**"harvesting"** in relation to a protected tree, means cutting down, uprooting, destroying or taking the protected tree;

**"invasive species"** means alien species that become established in a new environment, then proliferate and spread in ways that are destructive to native ecosystems, human health, and ultimately human welfare which includes but not limited to, wild hogs, feral cats, raccoons;

**"large-scale operations"** means the harvesting of forestry produce and non-timber forest produce from forest areas in excess of one thousand acres;

**"lease"** means a lease issued under the provisions of section 17 (1) (a);

**"licence"** means a licence issued under the provision of section 17 (1)(d);

**"livestock"** means goats, sheep, swine, cattle, oxen, horses and chickens;

**"minerals"** means any mineral, organic matter, rock, gravel, limestone, lime, salt, sand, marl, soil, humus or earth;

**"Minister"** means the Minister responsible for Forestry;

**"national forest plan"** means a plan approved by the Minister under the provisions of section 5;

**"non-timber forest produce"** means goods of biological origin other than wood derived from forest, other wooded land and trees outside forests;

**"permit"** means a permit issued under section 17 (1)(e);

**"prescribed burning"** means the controlled application of fire in accordance with a written burn plan to achieve any specific objective on lands selected in advance of that application and while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area;

**"forest management plan"** has the meaning assigned to that expression in section 9 (1);

**"national forest plan"** has the meaning assigned to that expression in section 5 (1);

**"protected forest"** means an area of land declared to be a protected forest by or under this Act to be managed in the same manner as forest reserves until the land is required for agriculture, industry, residential purposes or other development;

**"silviculture"** means the art and science of controlling the establishment, growth, health and quality of forest;

**"small-scale operations"** means the harvesting of forestry produce or non-timber forest produce from forest areas of one thousand acres or less;

**"timber or lumber"** includes trees, whether standing, fallen, living, dead, limbed or peeled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not;

**"trees"** includes any perennial plant with a self supporting stem, shrubs, bushes, palms, stumps, seedlings, saplings and coppice shoots the species of which may reach a height of ten feet or more;

**"water reserve"** means lands reserved for the protection of water resources, be it surface or ground water, deemed fit for human use or conservation;

**"wetland"** means areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters including areas which may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six meters at low tide lying within the wetlands";

**"wildlife"** means vertebrates that are mammals, birds, reptiles, amphibians, arthropod, their eggs and nests and invertebrates excluding marine or domestic animals;

**"wildlife habitat"** means the foraging area where wildlife normally lives or occurs.

## **PART II**

### **ADMINISTRATION**

#### **3. Establishment of a Forestry Unit.**

- (1) There shall be established an agency in Government to be called the Forestry Unit.
- (2) There shall be appointed a Director of Forestry and such other Forest officers as may be necessary for the efficient operation of the Unit and for the purposes of this Act.

#### **4. Responsibilities of the Director of Forestry.**

The Director of Forestry shall, subject to the directions of the Minister, be responsible for —

- (a) the administration of this Act;
- (b) the administration of the Forestry Unit and its staffing requirements;
- (c) making annual budgetary provisions concerning estimates of Revenue and Expenditure in the administration of the provisions of the Act with sustained funding provided from the consolidated fund;

- (d) the setting of royalty fees, permits, leases, and licence fees for utilization of forest produce and non-timber forest produce from the forest estate;
- (e) the management, conservation, control and development of forests, and the promotion and regulation of forest industries;
- (f) conducting forest inventories;
- (g) demarcating and maintaining forest boundaries;
- (h) preparing national forest plans and forest management plans;
- (i) processing applications for licences and leases and issuing permits for the utilization of forest produce and non-timber forest produce and other activities in forest reserves, protected forests and conservation forests;
- (j) supervising any cutting, harvesting, transporting, milling or selling of forest produce by the Government and or private sector forestry activities by any person acting on behalf of or licensed by the Government or by private entities;
- (k) inspecting the operations and regulating the activities of persons, whether public, private or corporate, operating under leases, licences or permits;
- (l) collecting and examining information and statistics relating to the forest produce industry;
- (m) collecting and examining information and statistics relating to the supply of forest produce from any forest;
- (n) promoting and conducting forest research and forest education, and promoting forest extension;
- (o) promoting the conservation and management of wildlife and wildlife habitat in forest reserves, protected forests and conservation forests;
- (p) implementing conservation and management initiatives including the use of prescribed burning to protect forest reserves, protected forests and conservation forests;
- (q) promoting and conducting educational programs to improve understanding of the contribution of forests to national well-being and national development;
- (r) liaising with non-Governmental agencies engaged in work relevant to forestry and conservation;
- (s) supervising and training staff members; and
- (t) performing such other duties as may be assigned to him by the Minister or by this or any other written law.



## **5. National forest plan.**

- (1) The Director of Forestry shall prepare and submit to the Minister for his approval, every five years or such other periods as the Minister may specify, a plan (in this Act referred to as a "national forest plan") which shall include —
  - (a) a statement of goals and objectives for the management of forests in The Bahamas;
  - (b) a financial estimate of national supply and demand for timber and other forest produce;
  - (c) an estimate of the economic potential contribution from any forest to national supply and demand for timber and other forest produce;
  - (d) an estimate of the total volume of growing stock and the sustainable yield of timber and other forest produce; and
  - (e) the contribution of forests to the national economy, including water production, recreation use, conservation of biological diversity, biofuels and agriculture.
- (2) The Minister shall review the national forest plan and may, at his discretion seek public input to make such revisions as he may see fit within six months after receipt of the same.
- (3) After the Minister has approved a national forest plan, the plan shall be tabled in Parliament and subsequently Gazetted.
- (4) The Director of Forestry shall manage the forests in accordance with the applicable national forest plan.

## **PART III**

### **FOREST RESERVES, PROTECTED FORESTS AND CONSERVATION FORESTS**

## **6. Declaration of a forest reserve.**

Subject to affirmative resolution, the Minister may by Order, declare any Crown land to be a forest reserve, to be used primarily for the following purposes—

- (a) the conservation of natural forest, providing for the sustained yield of timber and other forest produce in perpetuity;
- (b) to provide for the development of forest resources, including the establishment of forest plantations;
- (c) the generation of forest produce and non-timber forest produce;
- (d) the conservation of soil and fresh water resources;

- (e) the provision of parks and other natural and recreational amenities; and
- (f) the protection and conservation of endemic flora and fauna.

**7. Declaration of protected forest.**

- (1) The Minister may by Order declare any Crown land to be a protected forest with the same use as a forest reserve, but whose status is less permanent.
- (2) The protected forest area may be required for an alternative land use or development; subject to an Environment Impact Assessment (EIA) and analysis which determines that the alternative use or development is sound and yields greater returns than forestry.
- (3) The Minister may by Order transfer a protected forest area to a forest reserve or conservation forest, or release a protected forest area to another form of land use, other than forestry, in accordance with the provisions of section 7(2).

**8. Declaration of a conservation forest.**

Subject to affirmative resolution, the Minister may by Order declare any land to be a conservation forest, by reason of it being—

- (a) a significant wildlife habitat, wetland, woodland or area of natural or scientific interest (relating to saline lagoons, coastal estuaries and plant ecology);
- (b) a significant natural resource; and
- (c) an area of biological diversity.

**9. Forest Management Plans.**

- (1) The Director of Forestry shall prepare and submit to the Minister for approval, every five years, a plan (in this Act referred to as a "forest management plan") for the management of each forest reserve, protected forest and conservation forest.
- (2) A forest management plan shall contain —
  - (a) a description of the area, and of its timber and other forest produce;
  - (b) a statement of management objectives and monitoring strategies for the area;
  - (c) a description of silvicultural harvesting and re-forestation measures or preservation as biotic corridors for view scope and biodiversity;

- (d) prescriptions for fire prevention, wildfire suppression and prescribed burning for fire management, soil and water conservation;
  - (e) a description of any portions of the area which are, or are proposed to be, subject to permits, licences or leases;
  - (f) staffing and budget requirements;
  - (g) proposals for the construction and maintenance of roads and other facilities; and
  - (h) a description of the known biodiversity and artifacts associated with the area.
- (3) The Minister shall review the forest management plan and make such revisions as he may see fit.
  - (4) After the Minister has approved a forest management plan, the Director of Forestry shall manage the area in accordance with the applicable Forest management plan.

## **PART IV**

### **PROTECTED TREES**

#### **10. Declaration of protected trees.**

The Minister may by Order declare any particular tree described in the Order or any species of hardwood trees, rare trees, trees of remarkable growth or trees of historic significance to be protected trees for the purposes of this Act.

#### **11. Permit required for harvesting of protected trees.**

- (1) No person shall harvest or cause or procure to be harvested any protected tree except under and in accordance with the conditions of a permit and in accordance with the provisions of this Act and the regulations.
- (2) Any person who acts in contravention of subsection (1) is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of three months or to both such fine and imprisonment.

#### **12. Application for grant of permit to harvest protected trees.**

- (1) An application for the grant of a permit to harvest a protected tree shall be made to the Director of Forestry in writing and shall be accompanied by copies of all relevant drawings, specifications, calculations and such other particulars relating to the harvesting of a protected tree as may be prescribed.

- (2) The applicant shall furnish, together with the application, such other or further information or particulars relating to the harvesting of protected trees (as the case may be) as the Director of Forestry may reasonably require, including information and particulars relating to—
  - (a) the purpose for which the harvesting of protected trees is proposed;
  - (b) the location of the harvesting of protected trees and the conditions relating to that location (including details as to its topography, soil type and vegetation);
  - (c) the extent of the harvesting of the protected trees;
  - (d) the type of equipment for use in the harvesting of the protected trees; and
  - (e) the proposed method of harvesting of the protected trees.

**13. Grant of permit to harvest protected trees.**

- (1) Subject to the payment of the prescribed fee, the Director of Forestry, acting in consultation with the Director of Agriculture, may grant or refuse a permit to harvest a protected tree.
- (2) A permit shall be subject to the following conditions—
  - (a) that the method of harvesting of protected trees adopted and the equipment used in the harvesting shall in all respects comply with the particulars furnished by the holder of the permit to the Director of Forestry upon application therefor (including those contained in the plans, drawings, specifications and calculations) except insofar as the Director of Forestry may in writing at any time authorise any variation in or departure from such particulars;
  - (b) that any harvesting of protected trees carried out under the authority of the permit shall comply in all respects with the provisions of this Act and the regulations;
  - (c) that the harvesting of protected trees shall be commenced within the time specified in the permit; and
  - (d) that, upon the completion of any harvesting carried out for commercial purposes, a surface which has been exposed as a result of the harvesting shall be restored (to the satisfaction of the Director of Forestry) to its original state of vegetation insofar as is reasonably possible,and to such further conditions as may be prescribed.

**14. Suspension and revocation of permit.**

- (1) Where it appears to the Director of Forestry that the holder of a permit has failed to comply with any of its provisions or conditions, he may suspend or revoke the permit, but the Director of Forestry shall not revoke a permit

without first giving to the holder the opportunity to make representations to him before the expiration of ten days.

- (2) Where the Director of Forestry suspends a permit, he shall forthwith so inform the holder in writing, and shall specify the reason for the suspension and the action required to be taken by the holder before the suspension may be removed.
- (3) Where the Director of Forestry is satisfied that all action required under subsection (2) has been taken, he may by writing remove the suspension and thereupon the permit shall be as valid as if it has not been suspended.
- (4) Any person who, knowing or having reason to believe that the permit in respect, of harvesting of protected trees has been suspended, performs or causes or allows to be performed, any work in connection with such harvesting other than any work required by the Director of Forestry under subsection (2) on and after the date of such suspension and before the suspension is removed, is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and, in addition, an amount equal to five times the open market value of the material to which the offence relates or to imprisonment for a term of three months or to both such fine and imprisonment;
- (5) Subsection (4) shall not apply to any work performed solely for the purpose of safeguarding life or property during such period of suspension.

#### **15. Appeal from decision of Director of Forestry.**

Any person considering himself aggrieved by the decision of the Director of Forestry refusing to grant to him a permit or revoking, or suspending, or refusing to remove the suspension of, a permit, may appeal in the prescribed manner and within the prescribed time to the Minister, and the Minister may confirm, vary or reverse such decision and the decision of the Minister shall be final.

#### **16. Obligation of holder on termination of permit.**

- (1) Every person who was the holder of a permit which has terminated, shall, not later than thirty days from the date of such termination—
  - (a) stop all harvesting made by virtue of the permit or otherwise secure trees in a permanent manner so as to prevent persons removing them; and
  - (b) furnish a certificate to the Director of Forestry that he has complied with the provisions of this section as to the harvesting of protected trees.
- (2) No person shall be liable for any harvesting made on the area subject of his permit by other persons prior to the grant of the permit if on application for the permit he has shown the position of these harvesting in

relation to the boundaries of the area applied for on the plans submitted with his application or if he submits a plan showing the position of such harvesting in relation to the boundaries of the area the subject of the permit within a period of one month from the date of grant of such permit.

- (3) If any person contravenes the provisions of subsection (1) the Director of Forestry may cause such harvesting to be stopped or may take other protective measures and shall charge such person such sum as was reasonably expended in so doing, but such action by the Director of Forestry and the payment of such charge by such person shall not exempt such person from liability under this or any other written law for such contravention.

## **PART V**

### **LEASES, LICENCES AND PERMITS**

#### **17. Leases, Licences and permits.**

(1) In respect of Crown land within a forest reserve, protected forest or conservation forest, the Minister may, consistent with the applicable Forest management plan —

- (a) issue leases to The Bahamas Water and Sewerage Corporation and other approved concessionaires, for the extraction and collection of ground water;
  - (b) issue leases to the Bahamas National Trust for any other purpose;
  - (c) issue leases, licenses and permits for any other public, touristic, or recreational activities;
  - (d) issue licences for large-scale operations to fell, take, extract or remove timber and other forest produce and minerals;
  - (e) by instrument in writing, authorize the Director of Forestry and other forest officers to issue permits for small-scale operations and other activities to fell, take, extract or remove timber and other forest produce and to hunt wildlife; and
  - (f) by instrument in writing issued by the Director of Forestry, to authorize rehabilitation of degraded lands.
- (2) A person or entity applying for a lease, licence or permit, in relation to any commercial forestry activity which may have an adverse effect upon the environment, shall submit to the Minister, together with the application, an Environmental Impact Assessment of the activity and the assessment shall contain such information as may be prescribed.

**18. Terms of leases, licences and permits.**

- (1) A lease, licence or permit shall be —
  - (a) subject to such conditions and procedures, including management conditions, as may be stated therein or prescribed;
  - (b) subject to payment of such fees, rents or royalties as may be stated therein or prescribed; and
  - (c) non-transferable, except with the written permission of the Minister and in accordance with subsection (2).
- (2) Where the licensee is a company or corporation, no sale, transfer assignment or other disposal of the majority shareholding or interest shall be made after the grant of a licence without prior notification of the Minister at least three months prior to such sale, transfer, assignment or other disposal and, thereafter the Minister may terminate the licence within three months of the date of the receipt of such notification.
- (3) If the Minister is not notified as required in subsection (2), the licence shall as of the date of the change in the majority shareholding or interest, be of no further effect.
- (4) The granting of a permit or licence shall in no circumstances grant to the holder any interest in any land.

**19. Validity of Leases, Licences and permits.**

- (1) A permit issued under this Act shall be valid for such period of time, not exceeding one year, as may be stated therein.
- (2) A licence issued under section 17 shall be valid for such period, not exceeding five years as may be stated therein.
- (3) A lease issued under section 17 shall be valid for such period, not exceeding ninety- nine years, as may be stated therein.

## **PART VI**

### **FORESTRY ON PRIVATE LAND**

**20. Assistance to owners of private lands.**

- (1) The Director of Forestry shall, on request, provide technical assistance in forestry, including forest management, prescribed burning, silviculture, stumpage pricing and re-forestation to owners of private forest land.
- (2) The Director of Forestry shall charge applicable fees for services to owners of private forests.

## **21. Harvesting of private forest land.**

- (1) An owner of private forests shall not harvest any trees from the forest, for commercial purposes, unless he has submitted, to the Director of Forestry a plan for the management of the forest land and such plan has been approved.
- (2) A plan submitted pursuant to subsection (1) shall be made with due regard to the provisions of this Act and any regulations made hereunder, and such plan shall contain —
  - (a) a description of the area to which the plan relates, and of its timber and other forest produce;
  - (b) a statement of management objectives for the area;
  - (c) a description of silvicultural harvesting and reforestation measures;
  - (d) prescriptions for fire prevention, wildfire suppression and prescribed burning for fire management and control and soil and water conservation;
  - (e) proposals for the construction of roads and other facilities;
  - (f) site plans and prescriptions for stormwater and run-off management, dust, erosion, and sediment control as well as other items deemed necessary by the Director of Forestry;
  - (g) a description of any historic or prehistoric buildings, artifacts or faunal remains located within the area;
  - (h) plans for protected species conservation; and
  - (i) such other information and criteria as may be prescribed;

## **PART VII**

### **POWER OF OFFICERS**

## **22. Designation of authorized officers.**

The Minister may by Order designate any public officer or other gazetted person as an authorized officer for the purposes of this Act.

## **23. Power of Arrest.**

- (1) An authorized officer may without warrant arrest any person whom he reasonably suspects has committed an offence against this Act, if such person refuses to give his name and place of residence, gives a name or place of residence which the authorized officer reasonably believes to be false or refuses to desist from committing the offence.



- (2) A person arrested under this section shall, without unnecessary delay, be placed in the custody of a police officer or in the absence of a police officer be taken to the nearest or most convenient police station.
- (3) Any person who refuses to give his name and place of address to an authorized officer in performance of his duties or who gives a false name or address shall be guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or a term of imprisonment of six months or to both such fine and imprisonment.

**24. Immunity of authorized officers.**

No action shall be brought against any authorized officer in respect of anything done or omitted to be done by him in good faith in the execution of his powers and duties under this Act.

**25. Power to prosecute offenders.**

The Attorney-General may authorize any forest officer to institute proceedings against any person for an offence against and for the recovery of any fine under this Act or any regulations made thereunder and such forest officer may prosecute or conduct such proceedings.

**26. Power to inspect and seize.**

If a forest officer has reasonable grounds for suspecting that a person has committed an offence against this Act, he may —

- (a) within a forest reserve, a protected forest or a conservation forest —
  - (i) stop and search such person and any vehicle, boat or other conveyance in the possession of such person or in which such person happens to be, and open and search any baggage or other thing in such person's possession;
  - (ii) enter and search any land or premises, other than premises used exclusively for dwelling, in the occupation of such person; and
  - (iii) seize all tools, power saws, vehicles, boats or other equipment and forest produce, livestock and minerals which he may reasonably suspect to have been used or acquired by such person in connection with an offence against this Act; and
- (b) under the authority of a warrant issued by the Chief Magistrate, a Deputy Chief Magistrate, a Senior Stipendiary and Circuit Magistrate, a Stipendiary and Circuit Magistrate, or administrator enter and search any dwelling-house in the occupation of any such person.

## **27. Sale of perishable objects.**

- (1) The Director of Forestry may direct that any perishable object seized under this Act may be sold, and the person from whom the seizure is made shall be given a receipt signed by the Director of Forestry stating the date of sale and the amount of the proceeds.
- (2) The proceeds of the sale of a perishable object under subsection (1) shall be kept in account pending the disposition of the matter to which the perishable object relates.
- (3) Where a court dismisses a charge for an offence in respect of which a perishable object was seized and sold pursuant to subsection (1), the court may order that the net amount realized by the sale be paid to the person from whom the seizure was made.

## **PART VIII**

### **OFFENCES**

## **28. Forest Offences.**

- (1) Any person who, in a forest reserve, protected forest or conservation forest —
  - (a) fells, takes, extracts, removes or damages any timber or other forest produce, or non-timber forest produce;
  - (b) clears, cultivates or breaks up any land for cultivation or for any other purposes;
  - (c) squats, resides or builds any hut or other living place for livestock enclosure;
  - (d) pastures, livestock or permits livestock to trespass;
  - (e) excavates or removes any minerals;
  - (f) sets or assists in lighting fire to any timber or other forest produce including grass or undergrowth except for the purposes of implementing prescribed burning as regulated by the Minister
  - (g) leaves unattended a fire which he has lit;
  - (h) by his negligence, causes any fire, before such fire has been thoroughly extinguished, to spread; or
  - (i) leaves any object likely to cause a fire;
  - (j) dumps or otherwise deposits or leaves, any waste paper, cigarette ends, bottles (whether empty or not) garbage, refuse or litter, derelict vehicles, sewage or any other solid or liquid effluent,
  - (k) damages, alters or removes any notice, sign or boundary marker;

- (l) hunts or captures any wildlife without lawful authority or where such hunting or capture of wildlife has been prohibited;
- (m) fraudulently affixes to timber a mark or brand used by the Government, or alters, defaces or obliterates any mark placed on timber by or under the authority of a forest officer; or
- (n) performs any act prohibited by this Act or the regulations made hereunder;

is guilty of an offence and liable on summary conviction to a fine of up to twenty-five thousand dollars or to a term of imprisonment of two years or to both such fine and imprisonment.

(2) Any person who without lawful authority deliberately or negligently causes a fire which spreads from an area outside a forest reserve, protected forest or conservation forest into a forest reserve, protected forest or conservation forest is guilty of an offence and liable on summary conviction to a fine of twenty-five thousand dollars or a term of imprisonment of two years or to both such fine and imprisonment.

(3) Nothing in this section shall prohibit any act performed under the authority of a permit, licence, or lease issued under this Act or by an authorized officer in the performance of his official duties.

#### **29. Repeat Offenders.**

Any person convicted of an offence against this Act within five years of a previous conviction for an offence against this Act is liable to twice the amount of the fine or twice the term of imprisonment, or to both, prescribed in respect of the commission of such first mentioned offence.

#### **30. Limitation Act not to apply.**

Notwithstanding any provision of any other law thereunto pertaining the Limitation Act (*Ch. 83*) as regards to adverse possession shall not apply to lands designated by this Act.

#### **31. Obstruction of authorized officers.**

Any person who assaults, hinders, obstructs or resists an authorized officer in the execution of his duty under this Act is guilty of an offence and liable on summary conviction to a fine of twenty-five thousand dollars or a term of imprisonment of two years or to both such fine and imprisonment.

#### **32. Compensation.**

When any person is convicted by a court of any offence under this Act, the court may, in addition to any other punishment, order —

- (a) the person to pay compensation, not exceeding the market value and cost of replacement of the timber or other forest produce, wildlife or minerals destroyed, damaged or lost in connection with the offence;
- (b) that any article or thing by means of which or in respect of which the offence has been committed, be forfeited to the Government.

### **33. Compounding of Offences.**

- (1) The Director of Forestry may compound any offence under this Act, if he is satisfied that evidence is available that would reasonably support the bringing of a prosecution against that person for that offence, by accepting on behalf of the Government from the person alleged to have committed the offence a sum not exceeding the maximum fine specified for that offence, plus all reasonable expenses which the Government has incurred in the storage, upkeep, maintenance and removal of any tools, vehicles, forest produce, livestock or minerals seized in connection with the offence.
- (2) On compounding an offence under this section, the Director of Forestry may order the release of any article seized under section 26 on such conditions, including the payment of such additional sums of money not exceeding the value of the articles seized, as he may think fit.
- (3) In any proceedings under this Act or any regulations made hereunder it shall be a defence if such person proves that the offence has compounded under this section.

## **PART IX**

### **REGULATIONS**

#### **34. Power to make Regulations**

The Minister may make regulations generally for carrying into effect the provisions of this Act and, in particular, but without prejudice to the generality of the foregoing, may make regulations concerning —

- (a) the management of forest reserves, protected forests and conservation forests;
- (b) the grant of licences and permits for the exploitation and taking of timber and other forest produce, the removal of minerals and the hunting and capture of wildlife in forest reserves, protected forests and conservation forests, the terms and conditions applicable to those licences and permits and the form and contents of applications for licences and permits;

- (c) the making of reports and returns by the holders of licences and permits;
- (d) the fees and royalties payable for licences and permits;
- (e) the felling, collection, removal and transport of timber and other forest produce;
- (f) the lighting and use of fires on Crown and Private lands including the implementation of prescribed burning;
- (g) the recreational use of forest reserves and protected forests;
- (h) the preservation of lands of particular ecological or scientific interest;
- (i) the preservation of wildlife species and wildlife habitat, having regard to the provisions of the Agriculture and Fisheries Act (*Ch. 242*), The Bahamas National Trust Act (*Ch. 391*), the Wild Animals (Protection) Act (*Ch. 248*), the Wild Birds Protection Act (*Ch. 249*), the Plants Protection Act (*Ch. 250*) the *Wildlife Conservation and Trade Act (Ch. 250A)* or any other law thereunto pertaining;
- (j) the preservation and protection of rare trees, trees of remarkable age, size, variety and beauty and trees of historic significance, whether located on Crown land, private land, views capes and biotic corridors;
- (k) the practice of forestry on private land;
- (l) the preservation of areas commonly referred to as "blue holes", whether within or outside forest reserves, protected forests and conservation forests;
- (m) the taking, uprooting or destruction of any plant, having regard to the provisions of the Agriculture and Fisheries Act (*Ch. 242*);
- (n) the use of trees in the Urban environment, particularly in public places;
- (o) the use of and the safety requirements for all power tools and other equipment in the forestry sector; and
- (p) penalties and offences for the contravention of the regulations.

### **35. The Crown.**

This Act binds the Crown.

### **36. Repeals.**

The legislation outlined in the Schedule are repealed to the extent set out therein.

## SCHEDULE

(Section 36)

### REPEALS

| Short Title                                                                      | Extent of Repeal                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conservation & Protection of the Physical Landscape of The Bahamas Act (Ch. 260) | Definitions of "harvesting" and "protected tree" in section 2.<br>Sections 3(1)(b), 3(2)(e)<br>In section 3 (2) (d) delete the words "or harvesting of a protected tree".<br><br>In section 4(1) delete the words "and harvesting of protected trees" |
|                                                                                  | PART VI                                                                                                                                                                                                                                               |
|                                                                                  | Conservation and Protection of the Physical Landscape of The Bahamas (Declaration of Protected Trees) Order, 1997 under section 20 of the Conservation and Protection of the Physical Landscape of The Bahamas Act, (Ch. 260).                        |
|                                                                                  | Regulations 4, 7 and 14 of the Conservation and Protection of the Physical Landscape of The Bahamas Regulations, 1997 under section 27 of the Conservation and Protection of the Physical Landscape of The Bahamas Act, (Ch. 260).                    |

Penal Code

(Ch. 84)

Section 142

Section 151

Section 156

In section 157, delete the words  
"or any cultivated

plant".

Section 186; 187(1) & 191

Section 325

The Bahamas National Trust Act

(Ch. 391)

In section 24 (a) delete the words

"and from cutting, felling or  
injuring any tree, scrub, brushwood  
or other plant growing thereon".

Section 24 (b).