

CONSOLIDATED TO 30 JUNE 2012

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LAWS OF SEYCHELLES

CHAPTER 84

Act 2 of 1955.

Act 3 of 1959.

SI. 104 of 1975.

SI. 72 of 1976.

Act 23 of 1976.

FOREST RESERVES ACT

[25th March, 1955]

ARRANGEMENT OF SECTIONS

1. Short title.

2. Power of Minister to constitute Forest Reserves.

3. Power of Minister to direct that Forest Reserves shall cease to be a Forest Reserve.

4. Sale, lease, mortgage etc., of Forest Reserves to be void.

5. Person destroying or removing trees, wood or forest produce liable to penalty.

6. Person trespassing liable to penalty.

7. Person found with axe etc., within Forest Reserve liable to penalty.

8. Person lighting or allowing fire to be lighted in certain circumstances liable to penalty.

9. Powers of Forest and Police Officers.

10. Interpretation.

1 This Act may be cited as the Forest Reserves Act.

2 (1) The Minister may by order published in the Gazette constitute any area of State Land a forest reserve.

(2) Any such order shall -

(a) specify nearly as may be the situation and limits of the land so constituted a reserve; and

(b) state the date on which the order shall become operative.

3 The Minister may by order published in the Gazette direct that from the date specified therein any land or any part thereof constituted a forest reserve shall cease to be a forest reserve or, as the case may be, a part of a forest reserve; and thereupon from that date such land or part thereof shall cease to be, or to be part of, a forest reserve.

4 Notwithstanding any of the provisions of the State Lands and River Reserves Act, it shall not be lawful for the President or any person acting on behalf of the Government of Seychelles to sell or otherwise alienate any land or any part of any land constituted a forest reserve, or to grant any lease, mortgage or any other right on such land and any such sale or alienation, lease, mortgage, right, if made or granted in contravention of the provisions of this section, shall be void.

5 Any person who destroys or removes, or causes to be destroyed or removed, or attempts to destroy or remove any tree, wood or forest produce on or from any forest reserve without the written permission of the Chief Agricultural Officer, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rupees and to imprisonment not exceeding six months.

6 Any person who, unless accompanied by a forest officer or delegate or in possession of a written permit issued by the Chief Agricultural Officer, shall be found within any forest reserve, otherwise than on a public road or foot path, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rupees and to imprisonment for a period not exceeding six months.

7 Any person who without the written permission of the Chief Agricultural Officer shall be found within any forest reserve having in his possession any axe,

hatchet, saw or other instrument or implement used or likely to be used or capable of being used for cutting trees or working timber shall, unless he proves to the court that such axe or other instrument or implement was intended to be used for some lawful purpose, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rupees.

8 Any person who,

(a) lights or causes or authorises to be lighted a fire or charcoal pit in a forest reserve;

(b) lights or causes or authorises to be lighted a fire or charcoal pit in any place so situated that any tree or forest produce in a forest reserve is thereby in danger of being burnt or injured by fire,

without having previously obtained written permission from the Chief Agricultural Officer or any person duly authorised by him in writing, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rupees and to imprisonment not exceeding one year:

Provided that the permission so granted shall not be a defence to any criminal prosecution or civil action to which such person may be subject under any law in the event of the fire causing damage to property.

9 Any forest officer and any police officer may for the purpose of carrying the provisions of this Act into effect -

(a) stop and search any person whom he reasonably suspects to be in possession of wood or other forest produce stolen or unlawfully obtained in contravention of the provisions of this Act, and search any baggage, parcel or vehicle under the control of that person and any person who fails to stop when ordered to, by a forest or police officer as aforesaid shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rupees.

(b) seize and remove wood or other forest produce found as a result of a search made under the powers given by the preceding paragraph whenever such forest or police officer shall have reason to believe that such wood or forest

produce has been stolen or unlawfully obtained or obtained in contravention of the provisions of this Act;

(c) arrest any person who shall be found in possession of wood or other forest produce whenever such forest or police officer shall have reason to believe that such wood or forest produce has been stolen or unlawfully obtained or obtained in contravention of the provisions of this Act and such person shall be taken to the nearest police station to be detained there pending enquiry:

Provided that when such enquiry is not completed within twenty-four hours after such person was so arrested or detained, he shall be brought before a Judge or a Magistrate as soon as practicable;

(d) seize and impound any animal straying in a forest reserve.

10 In this Act unless the context otherwise requires –

"tree" shall mean live timber, stumps, seedlings, saplings and reshoots of all ages and the branches and twigs thereof respectively;

"wood" shall mean any tree or part of a tree which has been cut or has fallen down and includes any timber or any other produce derived therefrom;

"forest produce" shall mean any brushwood, shrub, underwood, firewood, cordwood, bark, seeds, gum, leaves, cattle-fodder, grass, ferns, bamboos, fruits and such other things as the Chief Agricultural Officer may by notice published in the Gazette declare to be forest produce for the purposes of this Act;

"destroy" shall mean fell, cut, mutilate, lop, bark or in any way whatsoever break or damage;

"remove" shall mean carry, convey or take away in any manner;

"forest officer" shall mean any officer or overseer employed by the Department of Agriculture for the care and supervision of forest reserves;

"forest reserve" and "reserve" shall mean any area constituted a forest reserve under this Act.

NO SUBSIDIARY LEGISLATION