

dated 24th May, 1988

THE FORESTRY ACT 1988
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No.



1988

Sierra Leone

A BILL ENTITLED

The Forestry Act, 1988

Short title.

Being an Act to make new provisions in the Law relating to Forestry
in Sierra Leone and for connected purposes

[

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Date of
Commence-
ment.

BE IT ENACTED by the President and Members of Parliament in this
present Parliament assembled, as follows:—

PART I—PRELIMINARY

1. This Act shall come into operation on such date as the
Minister may by notice in the *Gazette* appoint.

Commence-
ment.

Interpreta-
tion.

2. In this Act unless the context otherwise requires:—

“Chief Conservator” means the officer in the public service appointed to be the Chief Conservator of Forests or such other person as the Minister may appoint to perform the functions of the Chief Conservator under this Act;

“Classified forest” means a national production forest, national protection forest or community forest;

“Community forest” means an area of land constituted as a community forest under section 18;

“Concessionaire” means the holder of a forest utilization concession or a forest plantation concession;

“Confirmed usage right” means a right to use land and to take forest produce therefrom which has been recognized and confirmed under section 10 or 18,

“forest management plan” means a plan drawn up in accordance with section 8 for the management of any classified forest;

“forest officer” means an officer in the Public Service appointed to serve in the Forestry Division;

8 “forest plantation concession” means a grant of rights in a national forest pursuant to an agreement under section 16;

“forest produce” means any tree or other vegetation growing in, found in or removed from a classified forest;

“Forestry Division” means the Forestry Division of the Ministry of Agriculture, Natural Resources and Forestry or such other unit of Government as the Minister may appoint to fulfil the functions of the Forestry Division under this Act;

“Licensee” means the holder of a licence issued under section 11 or 22;

“Minister” means the Minister for the time being charged with responsibility and matters relating to Agriculture, Natural Resources and Forestry;

“National forest” means an area of land constituted as a national forest under section 10;

“national production forest” means a national forest of which the primary management objective is production of forest produce;

“national protection forest” means a national forest of which the primary management objective is preservation of the forest environment and protection of soil, water, flora and fauna

“protected area” means any land declared to be a protected area under section 21;

“protected tree” means a tree declared to be a protected tree under section 22;

“purchaser” means a purchaser of forest produce under section 12;

“tree” means any woody vegetation.

PART II—ADMINISTRATION

3. Subject to the direction of the Minister, the Chief Conservator shall be responsible for the implementation of this Act and in particular, for—

- (a) the efficient management and rational utilization of the country's forest resources;
- (b) the preservation of the forest environment and the environmental role of forest land;
- (c) promoting and assisting the practice of forestry in agricultural, pastoral and other areas of the country in order to ensure the continued local supply of forest products and the protection of soil and water resources;
- (d) promoting and conducting forest research, education and extension;
- (e) conducting forest inventories and preparing forest management and working plans;
- (f) afforestation and silvicultural treatment of forests;
- (g) conducting sales and issuing licences for the disposition of forest produce;
- (h) negotiating concession agreements for the plantation and utilization of production forests and the processing of their products and ensuring performances of such agreements;
- (i) performing such other duties as may be assigned to him by the Minister or by any other law or regulations.

Reforestation
fund.

4. (1) There shall be a Reforestation Fund into which shall be paid all reforestation fees collected under section 17 and any other amounts appropriated by Act of Parliament or otherwise contributed to the Fund.

(2) The proceeds of the Fund shall be used to finance reforestation in Sierra Leone, through incentive payments and reimbursement of reforestation fees to any person or entity, and through defraying of reforestation expenses incurred by the Forestry Division.

PART III—FOREST MANAGEMENT

Management
of classified
forests.

5. Every classified forest shall be managed to achieve the greatest combination of benefits, in the forms of forests production, forest protection and non-forest uses, that is compatible with the primary objective of the forest.

Forest
inventory.

6. (1) The Chief Conservator shall compile a national inventory of the forest resources of Sierra Leone, and shall revise the inventory as necessary to maintain its currency.

(2) The Minister may by regulation require detailed inventories to be compiled for any area of classified forest, and such regulations may prohibit any forest operation in any area for which a detailed inventory has not been approved by the Chief Conservator.

National
Forest
manage-
ment
plan.

7. On the basis of the national inventory of forest resources, the Chief Conservator shall prepare and revise a plan for the management of the nation's forest resources in order to provide the optimum combination of economic, social and environmental benefits that they can be made to provide. The plan shall take due account to national and regional land use plans prepared by other agencies of Government.

Area forest
management
plans.

8. (1) Prior to granting a forest concession in any area of national forest, a forest management plan for such area or for a series of related areas shall be prepared by, or authorised and approved by, the Chief Conservator. The plan shall indicate the technical requirements for the rational use of the forest resources within the area covered by the plan and shall—

- (a) describe the area and its forest resources and customary and other rights affecting it;
- (b) describe the surrounding area and its land uses;
- (c) state the management objectives for the area;
- (d) contain provisions regarding forest protection, such as fire prevention and control, protected trees, control of land clearing, soil conservation;

- (e) establish an allowable annual cut;
- (f) specify species and sizes of trees which must and must not be cut and extracted;
- (g) establish the plan of road construction;
- (h) establish requirements for the utilization and processing of forest produce;
- (i) specify methods of felling and extracting timber;
- (j) specify silvicultural and reforestation measures.

(2) So far as practicable, plans shall also be prepared and revised for the management of areas of national forest not under concession and for community forests.

9. No person in a national or community forest shall cut, burn, uproot, damage or destroy any tree, remove any timber or other forest produce, clear any land, build any road or structure, take any earth, clay, sand, gravel or stone, cultivate any crop, graze any animal, or conduct any forest operation except pursuant to a concession agreement, contract of sale, licence, confirmed usage right or other authority under this Act. Acts prohibited in classified forests.

PART IV—NATIONAL FORESTS

10. (1) The Chief Conservator may prepare a proposal for a national forest. The proposal shall contain— Constitution of a national forest.

- (a) the boundaries of the proposed forest described by reference to geographical features, markers, co-ordinates and measurements and demarcated on a map of suitable scale;
- (b) a description of the forest resources and potential of the proposed forest;
- (c) the main objective whether production or protection to be pursued in the management of the forest, and a description of the multiple benefits that may be obtained by such management;
- (d) a description of all ownership, usage and other rights affecting the area of the proposed forest and recommendations for acquiring or confirming them;
- (e) an analysis of the effect, if any, that the constitution of the proposed forest will have on any rights that are not recommended to be acquired;
- (f) an analysis of the effect of the proposal on the agricultural, herding and other activities of the neighbouring population.

(2) Whenever the Minister intends to constitute as a national forest any land not owned or leased by the State, he shall first acquire the land by purchase or lease on such terms as to him seem just subject to the following provisions—

(a) existing usage rights shall be confirmed in so far as they are consistent with the main objective of the proposed forest, and the acquisition of land under this subsection shall be subject to confirmed usage rights;

(b) in the case of land in the Provinces—

(i) the Minister shall acquire a lease of such land for such term not exceeding 99 years as appears to him appropriate to the objectives of the proposed forest;

(ii) a lease may be renewed for successive terms of 99 years, subject to the provisions of this sub-section;

(iii) the amount agreed as rent for such land shall be adjusted by mutual agreement every five years;

(iv) the lease shall state what proportion of the rent as from time to time agreed shall be paid to the Chiefdom Council and what proportion shall be paid to each of the land-users whose rights are being curtailed or extinguished;

(v) with respect to any part of the land that is constituted as a forest reserve under the Forestry Act, no compensation shall be payable to land users whose use contravenes the provisions of the Forestry Act or any order made hereunder:

(vi) at the time of the execution or renewal of lease or adjustment of rent, no compensation or rent shall be payable in respect of improvements, including afforestation, made on the land by the Forestry Division or a concessionaire, purchaser or licensee;

(vii) if at the time of seeking a lease, or at any renegotiation thereof, the Minister is unable to obtain the agreement of the Chiefdom Council to such terms as to him seem just, he may execute the lease or any modification thereof on such terms and in the name

of the Chieftdom Council, subject to the adequacy of the amount of rent determined by the Minister;

(viii) every lease and every renewal thereof shall be subject to the approval of the District Officer for the District in which the land is situated;

(c) in the case of land in the Western Area, the Minister shall acquire the freehold or leasehold by agreement or on such terms as to him seem just, subject to the right of any person to apply to a court for judicial determination of the adequacy of the compensation offered.

(3) Upon receipt of a proposal prepared in accordance with sub-section (1), the Minister may, by notice in the *Gazette*, constitute any land owned or leased by the State as a national production forest or a national protection forest. The notice shall contain—

(a) the boundaries of the forest described by reference to geographical features, markers, co-ordinates and measurements and demarcated on a map of suitable scale;

(b) the main objective whether production or protection to be pursued in the management of the forest;

(c) a description of all confirmed usage rights affecting the forest.

(4) The Minister may, where it appears to him to be in the long-term interest of the country and of the proper management of its forest resources, revoke or modify any notice constituting a national forest. If the modification of an order under this section would enlarge the area of a national forest or reduce the rights of others in the forest applicable provisions of this section with respect to the acquisition of land rights shall first be complied with.

(5) Any area of national forest which is leased by the State shall cease to be a national forest upon the expiry without renewal of the lease.

11. (1) Subject to any applicable forest management plan and to the prior rights of other persons, a forestry officer designated by the Chief Conservator may issue a licence authorizing the holder thereof to perform such of the following acts in a national forest as may be stated in the licence—

Licences for
utilization of
national
forests.

to fell, take and extract timber, fuelwood and other forest produce, clear land, plant trees and crops, and graze animals.

(2) A licence issued under this section shall be subject to such conditions as may be stated thereon or prescribed by regulations made under this Act and to the payment of such fees as may be prescribed by regulations made under this Act.

(3) A licence issued under this section shall, unless sooner revoked or suspended, be valid for such period not exceeding one year as may be stated therein, except that a licence to clear land and plant trees and crops may be valid for such longer period as is necessary for the maturation and harvesting of the crops or tree products to be planted.

(4) A licence to clear land shall, unless the Minister shall otherwise provide with respect to any specified area, be subject to the condition that the land be restocked with approved forest vegetation within a period to be specified in the licence.

Sale of national forest produce.

12. Subject to any applicable forest management plan and to the prior rights of other persons, the Chief Conservator may sell the produce of a national forest by auction or by private agreement, but the price of sale shall in no case be less than the total of fees that would be payable if such produce were disposed of under licence. In the case of sales of felled timber, if the sale is not conducted by auction, the price shall not be less than the prevailing price for such timber in the locality. If standing timber is sold, the contract of sale shall provide for the following—

- (a) time and methods of felling and extraction;
- (b) end use of the timber;
- (c) reforestation plan.

Forest utilization concessions.

13. (1) The Minister may enter into an agreement with any person for a concession to utilize any area of national forest classified for production forestry.

(2) A forest utilization concession shall convey such rights as are specified in the concession agreement to fell and extract timber and other forest produce, and to build roads, bridges, saw mills factories and other works and structures and undertake operations necessary to the extraction and processing of timber and other forest produce. A forest utilization concession shall not convey an interest in any land.

(3) An agreement for a forest utilization concession shall specify—

- (a) the boundaries of the concession area;

- (b) the customary and other rights affecting the concession area;
- (c) the rights granted to the concessionaire;
- (d) the type and size of the wood conversion and processing facilities to be operated by the concessionaire and the schedule for their operation;
- (e) the quantity of logs, if any, that may be exported and the conditions under which they may be exported;
- (f) a programme for the training and employment of Sierra Leoneans in all phases of the operation;
- (g) the payments, in addition to any fees imposed under this act, which the concessionaire agrees to pay in respect of operations pursuant to the concession agreement;
- (h) the amount of the bond or other security that the concessionaire agrees to post to guarantee his performance under the concession;
- (i) the compensation to be paid by the concessionaire for any failure to fulfil the terms of the agreement.

(4) Subject to the provisions of this Act and regulations made hereunder and agreement for a forest utilization concession may be modified by mutual agreement of the Minister and the concessionaire.

14. A forest utilization concession shall be subject to a forest management and reforestation plan prepared by the Chief Conservator and to an annual working plan prepared by the concessionaire and approved by the Chief Conservator.

Conditions of forest utilization concessions.

15. (1) A forest utilization concession shall be valid for a period not exceeding ten years, except that such period may extend to twenty years if the concession agreement provides for an integrated wood based industry that converts substantially all of the forest produce extracted under the concession into the most highly processed products for which the different kinds of produce are technically and economically suitable.

Duration of forest utilization concessions.

(2) The Minister may revoke a forest utilization concession if the concessionaire fails to undertake logging or processing operations of the scale and within the time limits agreed.

(3) A forest utilization concession granted for a period exceeding ten years shall be revoked at the end of ten years if by that time an integrated wood-based industry as described in subsection (1) is not operating at the level required by the concession agreement.

Forest plantation concessions.

16. (1) The Minister may enter into an agreement with any person for a concession to clear any area of national forest classified for production forestry, to restock it with approved forest vegetation and, at the culmination of the optimum growth of the restocked forest vegetation, to fell and extract the same.

(2) A forest plantation concession shall be subject to the provisions of section 13 except with respect to payments which shall be governed by sub section (3) of this section.

(3) A forest plantation concession shall be subject to the following payments by the concessionnaire—

- (a) with respect to the forest produce felled, taken or extracted in the initial clearance of the land, all fees payable under this Act or regulations made hereunder, subject to refund of the reforestation fee if approved planting is accomplished on schedule;
- (b) the amount of rent payable under section 10(2) with respect to the land;
- (c) with respect to the felling or extraction of forest produce planted by the concessionnaire, the Mano River Union Training fee and reforestation fee prescribed under section 17, subject to refund of the reforestation fee if approved reforestation works are accomplished, but no other fee shall be payable in respect of such produce unless payment of such fee is specified in the concession agreement;
- (d) such other amounts as may be specified in the concession agreement.

(4) A forest plantation agreement shall be subject to the provisions of section 14 with respect to the felling and extraction of timber.

(5) A forest plantation concession shall be valid for a period equal to the estimated optimum growth cycle of the forest vegetation to be planted and to an additional period determined in accordance with the provisions of section 15.

National forest fees.

17. (1) Every concessionnaire, every purchaser of standing timber and every holder of a licence to fell and extract timber shall pay the reforestation fee on the basis of the quantity of timber felled or extracted and at such rate as the Minister may prescribe. The reforestation fee shall be paid to the Chief Conservator, who shall immediately pay all amounts so collected into the Reforestation

Fund established under this Act, provided that where the person liable to payment of the reforestation fee completes approved reforestation works to the satisfaction of the Chief Conservator, the amount reforestation fee paid with respect to the reforested area shall be returned to such person forthwith.

(2) The Minister may prescribe fees payable in addition to the fees referred to in the preceding sub-sections (1) and (2) in respect of each kind of forest produce and operation, and fees under this provision may be fixed at different rates for different classes of concessions, licences and other authorities.

(3) The Minister may prescribe that any fee payable on the basis of the kind and quantity of timber felled or extracted shall be payable on the basis of timber felled, damaged or destroyed, whether or not extracted, (or authorised to be felled whether or not actually felled), and may further prescribe that any fee shall be paid in advance of the operation to which it relates.

PART V—COMMUNITY FORESTS

18. (1) The Chiefdom Council of any Chiefdom may conclude an agreement with the Chief Conservator providing for the constitution as a community forest of any land within the Chiefdom, subject to the approval of the District Officer for the District in which the land is situated.

Constitution
of a commu-
nity forest.

(2) Every agreement under this section shall—

- (a) describe the area included in the forest by reference to geographical features, markers, co-ordinates and measurements and indicate the same on a map of suitable scale which shall be annexed to the agreement;
- (b) describe the forest resources and potential of the area;
- (c) indicate the purpose of the forest such as supply of fuel, building poles, production of commercial timber, protection of soil and water supplies;
- (d) contain a detailed inventory of any rights that will be suppressed upon the constitution of the forest provide for adequate compensation and for such rights, either in money or through the allocation of equivalent rights in other land, within the Chiefdom;
- (e) contain a list of existing rights that will be confirmed by the agreement;

(f) be valid for such period not exceeding 99 years as is reasonable in view of the purpose for which the forest is to be constituted.

(3) The Minister may by notice in the *Gazette* constitute any state land, and any land in respect of which there is an agreement in force and this section, as a community forest.

(4) A community forest agreement may be terminated or modified by mutual consent of the parties thereto. The Chief Conservator shall agree to termination or modification of an agreement in the following case—

- (a) when the agreement no longer serves its original purpose;
- (b) when the needs of the community require such termination or modification.

(5) Before agreeing to the modification or termination of any community forest agreement, the Chief Conservator shall give such notice as is reasonably necessary for any person affected to communicate his views on the modification or termination under consideration.

(6) The Minister may at any time revoke or modify a notice constituting a community forest, but he shall not modify a notice constituting a community forest in a manner contrary to any agreement under this section regarding such forest. The Minister shall revoke or modify a notice constituting a community forest as necessary to reflect any modification or termination of an agreement under subsection (4).

Management
of communi-
ty forests.

19. (1) A community forest on State land shall be managed by the Forestry Division or, pursuant to an agreement with the Forestry Division, by a unit of local government or a community forest association, co-operative or other association of persons.

(2) A community forest not on State land shall be managed by the Chiefdom Council, or pursuant to an agreement with the Chiefdom Council; by a community forest association, co-operative or other association of persons or the Forestry Division.

(3) The Forestry Division shall provide all necessary advice and assistance for the management of community forests, including the preparation of a management plan for any community forest which the Chiefdom Council may request.

(4) The Chief Conservator may require a management plan and annual working plans to be prepared for any community forest.

(5) The Forestry Division shall oversee the management of community forests and may itself perform any operation which is required for the proper management of any community forest.

(6) The Chief Conservator may, where he considers it appropriate so to do, require reimbursement from the Chieftdom Council or other entity responsible for managing of community forest for the cost of any operation or assistance undertaken by the Forestry Division for the management of such forest.

20. (1) The Chieftdom Council or other entity responsible for managing a community forest shall determine the conditions, including the fees and prices, under which the forest may be utilized and produce may be taken from it. Utilization of community forest.

(2) Conditions, fees and prices established under subsection (1) may be more favourable for inhabitants of the Chieftdom or other unit of local government in which the community forest is situated than for other persons.

(3) All fees and prices paid in respect of a community forest shall be retained by the Chieftdom Council or other entity responsible for managing the forest, subject to the terms of any applicable agreement under sub-section (i) or (2) or section 19.

(4) The Chieftdom Council or other entity responsible for managing a community forest shall maintain records of the forest's utilization, of silvicultural and afforestation activities, and of all fees and prices received, and shall transmit copies of such information to the Forestry Division and to the Chieftdom Council.

PART VI—SPECIAL PROTECTION PROVISIONS

21. (1) The Minister may by notice published in the *Gazette* declare any area to be a protected area for purposes of the Conservation of soil, water, flora or fauna. Protected areas.

(2) In a protected area, no vegetation of such description as may be specified in the notice declaring the area may be cut, burned, uprooted, damaged or destroyed except with permission in writing from a forest officer.

(3) The Minister may at any time revoke or modify a notice declaring a protected area.

(4) A notice declaring a protected area shall expire after five years unless sooner revoked.

22. (1) The Minister may by notice in the *Gazette* declare any species or other description of tree to be a protected tree. Protected trees.

(2) No person shall cut, burn, uproot, damage or destroy a protected tree except pursuant to a licence under this section.

(3) Any forest officer designated by the Chief Conservator may issue a licence authorizing the holder to fell and extract a protected tree.

(4) A licence issued under this section shall be subject to such conditions as may be stated thereon or prescribed by regulations made under this Act and to the payment of such fees as may be prescribed by regulations made under this Act.

PART VII—GENERAL PROVISIONS

Cancellation and suspension of licences and contracts.

23. The Chief Conservator may cancel or suspend a licence or a contract of sale under this Act at any time if the licence or purchaser violates any provision of this Act or regulations made hereunder or any condition of the licence or contract.

Marking of timber.

24. The Minister may by regulation require that any timber felled or extracted pursuant to any licence, contract of sale, concession or other authority under this Act be first inspected and marked in such manner as the Chief Conservator may direct.

Grading.

25. (1) Subject to any law on standards and metrication in force in Sierra Leone the Chief Conservator shall, in consultation with forest users, wood processors and consumers, devise rules for the grading of timber and sawn wood, and provide for their dissemination among producers and consumers and for training in the application of such rules.

(2) The Minister may by regulation require that any wood or wood product sold in or exported from Sierra Leone be graded according to such rules as the Minister may prescribe.

PART VIII—OFFENCES AND ENFORCEMENT

Inspection.

26. (1) A forest officer may enter upon any land or premises held or occupied by virtue of a forest licence, contract of sale or concession under this Act and inspect such land or premises and carry out silvicultural operations or other forest work including operations to prevent or suppress fires, forest pests and diseases.

(2) A concessionnaire, licensee or purchaser under this Act, shall, for the purpose of inspection and supervision conduct a forest officer, on his request, to any area covered by the concession, licence or contract of sale where logging or other operations are taking place, and shall provide accommodation in such area for the use of such forest officer during such inspection and supervision.

(3) Where there is reason to believe that an offence has been committed against this Act, a forest officer or a constable may without warrant seize any article by means of which or in respect of which the offence is suspected or having been committed and any article which there is reason to believe will afford evidence of the commission of the offence.

(4) Any person seizing an article under this section shall give a receipt therefore and deliver the article into the custody of the

court, where it shall be held pending the completion of any proceedings, provided that on the order of the Chief Conservator any live animal may be sold, and any perishable article may be sold or destroyed. Any proceeds from the sale under this sub-section shall be paid to the court and held in place of the article sold.

(5) Articles and proceeds held under this section shall be disposed of according to the provisions of the Criminal Procedure Act, 1965. No. 32 of 1965.

27. A forest officer may without a warrant arrest any person who he reasonably suspects has committed any offence against this Act or regulations made hereunder, if such person refuses to give his name and address or give a name and address which the forest officer reasonably believes to be false, or if the forest officer has reason to believe that such person will abscond. Any person arrested under this section shall without delay be brought before the Magistrate's Court within the local limits of whose jurisdiction the person was arrested or the offence was committed. Arrest.

28. (1) Any person who, without lawful authority, in a national or community forest, cuts, burns, uproots, damages or destroys any tree, removes any timber or other forest produce, clears any land, builds any road or structure, takes any cork, clay, sand, gravel or stone, cultivates any crop, grazes any animal, or conducts any forest operation shall be guilty of an offence punishable with a fine not exceeding ten thousand leones or imprisonment for a term not exceeding twelve months or both such fine and imprisonment. Offences.

(2) Any person who without lawful authority in any protected area cuts, burns, uproots, damages or destroys any vegetation shall be guilty of an offence punishable with a fine not exceeding five thousand leones or imprisonment for a term not exceeding six months or both such fine and imprisonment.

(3) Any person who without lawful authority cuts, burns, uproots, damages or destroys any protected tree shall be guilty of an offence punishable with a fine not exceeding one thousand leones or imprisonment for a term not exceeding three months or both such fine and imprisonment.

(4) Any person who without lawful authority destroys, removes or alters any boundary mark placed by or under the authority of the Chief Conservator to mark any area for the purposes of this Act shall be guilty of an offence punishable with a fine not exceeding five thousand leones or imprisonment for a term not exceeding six months or both such fine and imprisonment.

(5) Any person who knowingly and falsely represents that any wood or wood product has been graded or meets any standard according to any grading rules shall be guilty of an offence punishable

with a fine of not less than twenty-five thousand leones or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

(6) Any person who counterfeits upon or unlawfully affixes to any forest produce a mark used by forest officers to indicate that such produce is the property of the Government, or that it may be lawfully felled, taken or extracted, or that it has been inspected and graded in any category shall be guilty of an offence punishable with a fine of not less than fifty thousand leones or imprisonment for a term not exceeding two years or both such fine and imprisonment.

(7) Any person who, without lawful authority, makes, uses or possesses a brand, stamp or mark which resembles or purports to be a brand, stamp or mark used by forest officers for official purposes under this Act shall be guilty of an offence punishable with a fine of not less than twenty-five thousand leones or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

(8) Any person who knowingly makes a false or incorrect statement, report or entry of any information required under this Act or regulations made hereunder shall be guilty of an offence punishable with a fine of not less than five thousand leones or imprisonment for a term of not less than three months or to both fine and imprisonment.

(9) Any person who obstructs or hinders any forest officer in the exercise of his powers and duties under this Act shall be guilty of an offence punishable with a fine of not less than five thousand leones or imprisonment for a term of not less than three months or to both such fine and imprisonment.

Presumption

29. Where any person in a national or community forest possesses any forest produce which he is not authorized to take from such forest, he shall be presumed, unless the contrary is proved, to have taken such produce from such forest.

Forfeiture
and compensation.

30. Where any person is convicted of an offence against this Act or any regulations made hereunder, the Court, in addition to any other penalty provided by this Act, may order---

- (a) that any article or thing by means of which or in respect of which the offence has been committed shall be forfeited to the Government.
- (b) the convicted person to pay to the Government a sum equal to the value of any damage to forest produce or forest land caused by the offence; and

- (c) may cancel any concession, licence or contract of sale under this Act or regulations made hereunder.

31. (1) A forest Officer not below the rank of Assistant Conservator of Forests may, where he is satisfied that a person has committed an offence against this Act or regulations made hereunder, and such person consents in writing to compounding under this section, compound such offence by accepting—

Compound-
ing of
offences.

- (a) a sum of money not exceeding the value of the produce involved or one thousand leones whichever is the higher;
- (b) the return of any forest produce, or the proceeds thereof, in respect of which the offence has been committed.

(2) In any proceedings brought for an offence against this Act or any regulations made hereunder, it shall be a good defence, save with regard to damages recoverable in respect of personal liability to any person other than the Government, if the person against whom proceedings are brought proves to the satisfaction of the court that he has compounded the offence under this section.

PART IX—FINAL PROVISIONS

32. The Minister may make regulations for the implementation of this Act and, without prejudice to the generality of these provisions, may by such regulations—

Regulations.

- (a) prescribe the form and contents of community forest agreements, concession agreements, contracts of sale, licences and other authorities under this Act, the manner of applying for, granting, issuing, registering, and transferring such agreements, contracts, licences and other authorities and the covenants, terms and conditions under which they shall be held, determined, suspended or cancelled;
- (b) prescribe the rate, amount and manner of assessment of fees, royalties and other charges for forest produce and for any concession, contract of sale, licence or other authority or for any application for any of the foregoing;
- (c) establish different classes of licences and other authorizations and provide that different conditions and fees shall pertain to each of them;
- (d) prescribe rules and standards for the inspection and grading of forest produce, including timber

and the products thereof, and prohibiting any forest produce from being described or traded or exported except in accordance with such rules and standards;

- (e) provide for the manner of preparing proposals for national forests;
- (f) prescribe the form and contents of any forest inventory or national or area forest management plan;
- (g) prescribe the kinds, sizes and quantities of any forest produce that may be felled, taken or extracted in or from any national forest, community forest or protected area;
- (h) prohibit any forest operation in any area of classified forest for which a detailed inventory or a forest management plan has not been approved by the Chief Conservator;
- (i) require any person conducting any operation in a national or community forest or a protected area to furnish all information concerning such operation and prescribe the form and manner of reporting such information;
- (j) prescribe conditions and standards for the transportation and processing of any forest produce;
- (k) prohibit or otherwise regulate the export of logs or of forest produce in any form;
- (l) provide for the assignment, registration and use of timber marks;
- (m) provide for the demarcation of any national or community forest or protected area;
- (n) provide that the contraventions of any such regulations shall be an offence and prescribe in respect of such offence any penalty not exceeding a fine of ten thousand leones or imprisonment for a term not exceeding two years or both such fine and imprisonment and in addition, prescribe in respect of any continuing offence, a fine not less than fifty leones in respect of each day on which the offence continues.

Repeal and savings.
Cap. 189.

33. (1) The Forestry Act is hereby repealed except that the Forestry Order, the Forestry (Forest Protection) Order and every Protected Forest Order and Forest Reserve Order in force on the commencement of this Act shall remain in force subject to the following—

- (a) the Minister may by notice published in the *Gazette* revoke or modify any Protected Forest Order or Forest Reserve Order in its entirety or with respect to any area of land;
- (b) the provisions of the Forestry Order and the Forestry (Forest Protection) Order shall only apply to areas with respect to which a Protected Forest Order or Forest Reserve Order remains in force;
- (c) the Minister may by notice published in the *Gazette* make provision for—
 - (i) the fees to be charged on the grant and issue of licences;
 - (ii) the royalties to be paid by the holders of such licences;
 - (iii) tolls on timber, rubber and forest produce conveyed on any river or creek, and the cost of surveys and demarcations;
 - (iv) the collection, payment and disposal of fees, royalties, tolls and costs of surveys and demarcations.
- (d) the reforestation fee established by section 17 (1) of this Act shall be payable in respect of such concessions, licences and operations in Protected Forests and Forest Reserves as the Minister may by order published in the *Gazette* determine, but other fees and royalties shall be assessed and distributed under the provisions of the Forestry Order.

OBJECTS AND REASONS

The object of this Bill is to up date the law relating to Forestry in Sierra Leone which has not been revised since 1946.

The Bill seeks to repeal the Forestry Act (Cap. 189) and to replace it by a new Act which will provide for—

- (a) the effective management, conservation and development of the forest resources of the Republic of Sierra Leone;
- (b) afforestation and reforestation measures as well as the control and supervision of the utilization of the nation's forest resources;
- (a) concession agreements as a basis for the commercial utilization of the forest resources of Sierra Leone;

- (d) the fixing of fees and royalties and other charges to reflect the economic value of our forests;
- (e) the principle of compensation to land owners for loss of usufruct over land constituted forest estates;
- (f) the introduction of agro-forestry and its ancillaries.

PHILIPSON KAMARA,
*Acting Minister of Agriculture, Natural
Resources and Forestry.*

FREETOWN,
SIERRA LEONE,
6th May, 1988.