

No. 11.] *Forest, Soil and Water Conservation Ordinance* [1983.
(Amendment) Act

I ASSENT

[L.S.]

VINCENT FLOISSAC,
Governor-General's Deputy.

15th July, 1983.

SAINT LUCIA

No. 11 of 1983.

AN ACT to amend the Forest, Soil and Water Conservation Ordinance, Chapter 25.

[15th July, 1983.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Parliament of Saint Lucia, and by the authority of the same, as follows:—

1. This Act may be cited as the Forest, Soil and Water Conservation Ordinance (Amendment) Act 1983 and shall be read as one with the Forest, Soil and Water Conservation Ordinance, Chapter 25 (hereinafter referred to as the principal Ordinance). Short Title

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Section 2 of
principal
Ordinance
amended.

2. Section 2 of the principal Ordinance is hereby amended as follows:—

(a) by inserting in its proper alphabetical sequence the following definition —

“Minister” means the Minister responsible for matters relating to Forest, Soil and Water Conservation;

(b) by inserting the words “including charcoal and honey” immediately after the word “trees” appearing at the end of paragraph (a) of subsection (5) thereof and by deleting the word ‘and’ appearing thereafter;

(c) by deleting the words “including charcoal”, appearing at the end of paragraph (b) of subsection (5) thereof and inserting the word “and” after the words “such plants”;

(d) by adding the following new paragraph as 5 (c) — ‘c’ soil, and rock and other minerals;

(e) by replacing the semi-colon appearing at the end of subsection (8) by a comma and by adding the following words thereafter “including the making of furniture or handicraft”;

(f) by adding the following new subsection after subsection (10) thereof —

“(11) ‘forest’ means an area of land, with or without trees, declared to be a Forest Reserve, Protected Forest or prohibited area”.

Substitution
of certain
expressions in
principal
Ordinance.

3. The principal Ordinance is hereby amended by substituting in every instance therein:—

(a) the expression ‘Minister’ for the expressions ‘Governor in Council’ and “Governor”;

(b) the expression “Chief Agricultural Officer” for the expression “Agricultural Superintendent”.

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4. Section 5 of the principal Ordinance is hereby repealed and replaced as follows:—

Section 5 of principal Ordinance repealed and replaced.

‘5. The Chief Agricultural Officer, Senior Agricultural Assistants, Agricultural Assistants and other Agricultural Officers, Senior Forest Assistants, Forest Assistants and other Forest Officers and Officers of the Central Water Authority shall be *ex officio* Forest Officers for the purpose of dealing with offences under this Ordinance.’

5. Section 6 of the principal Ordinance is hereby amended by deleting the words:—

Section 6 of principal Ordinance amended.

“of ninety-six dollars” appearing at the end of the section and by substituting therefor the words —

“not exceeding five hundred dollars”.

6. Section 8 of the principal Ordinance is hereby amended as follows:—

Section 8 of principal Ordinance amended.

(a) by deleting the words “one hundred and twenty dollars” appearing in subsection (2) thereof and by substituting therefor the words “not exceeding one thousand dollars”

(b) by inserting a full stop after the word “case” appearing in the fifth line of subsection (3) thereof and by deleting all the words appearing thereafter.

7. Section 9 of the principal Ordinance is hereby amended by deleting the words “a penalty of forty-eight dollars” appearing in the third and fourth line thereof and by substituting therefor the words “a fine not exceeding five hundred dollars or in default of payment to six months imprisonment.”

Section 9 of principal Ordinance amended.

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Section 10 of
principal
Ordinance
repealed and
replaced.

8. Section 10 of the principal Ordinance is hereby repealed and replaced as follows:—

‘10.—(1) Every dealer shall cause to be affixed, in a conspicuous place in front of the place of business or premises at which he deals, a board on which shall be painted in clearly visible letters a description of the type of work carried out, and in default of so doing he shall be liable on summary conviction to a fine not exceeding five hundred dollars or in default of payment to six months imprisonment.

(2) Whoever puts or has any board or letters on any premises falsely purporting that he is a dealer in timber or falsely describing the type of work shall be liable on summary conviction to a fine not exceeding five hundred dollars or in default of payment to six months imprisonment.’

Section 11 of
principal
Ordinance
amended.

9. Section 11 of the principal Ordinance is hereby amended by adding at the end of subsection (2) thereof the following:—

“Copies or numbers of receipts and/or permits to move timber shall be noted as proof of ownership by the dealer.”

Section 13 of
principal
Ordinance
amended.

10. Section 13 of the principal Ordinance is hereby amended by deleting the words “a penalty of forty-eight dollars” appearing at the end thereof and substituting therefor the words “a fine not exceeding five hundred dollars or in default of payment to six months imprisonment.”

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11. Section 22 of the principal Ordinance is hereby amended as follows:—

Section 22 of principal Ordinance amended.

(a) by deleting the semi-colon at the end of paragraph (a) thereof and by inserting the following therefor —

“ or other forest produce, ”

(b) by deleting the semi-colon at the end of paragraph (b) thereof and by inserting the following therefor —

“ or any other purpose ”

(c) by renumbering subsection (e) as subsection (f) and by inserting as subsection (e) the following —

(e) the ordering, purchase, and registration of Alaskan Mills and Chainsaws.

12. Section 24 of the principal Ordinance is hereby repealed and replaced as follows:—

Section 24 of principal Ordinance repealed and replaced.

‘24. If and for so long as the owner of a Protected Forest complies with the rules made by the Minister he shall be entitled to —

(a) remission of any land tax for the time being in force; or

(b) compensation by exchange of land by mutual agreement or

(c) compensation in money as mutually agreed.’

13. There shall be inserted immediately after section 24 of the principal Ordinance the following new section:—

Insertion of new section 24A to the principal Ordinance.

Acquisition of a protected forest.

“ 24A. If the owner of a Protected Forest fails to comply with the rules made by the Minister or if the Minister considers that the said Protected Forest should be acquired by the State in the

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public interest, then that Protected Forest may be acquired and the acquisition shall take place according to the terms of the Land Acquisition Ordinance.”

Section 28 of
principal
Ordinance
amended.

14. Section 28 of the principal Ordinance is hereby amended by deleting the words “imprisoned with hard labour for any term not exceeding six months” appearing at the end of subsection (2) thereof and by substituting therefor the words “liable to a fine not exceeding one thousand dollars or six months imprisonment on the first offence, to a fine not exceeding two thousand five hundred dollars or nine months imprisonment on the second offence and to imprisonment with hard labour for a period of not less than one year on the third or subsequent offence.”

Section 32 of
principal
Ordinance
amended.

15. Section 32 of the principal Ordinance is hereby amended by deleting the words “of two hundred and forty dollars” appearing before the proviso to the said section and by substituting therefor the following words:—

“not exceeding two thousand dollars or six months imprisonment on the first offence, to a fine not exceeding three thousand five hundred dollars or nine months imprisonment on the second offence and to imprisonment with hard labour for a period not less than one year on the third or subsequent offence.”

Section 34 of
principal
Ordinance
amended.

16. Section 34 of the principal Ordinance is hereby amended by deleting the words “of two hundred and forty dollars, or to imprisonment for three months” appearing at the end of the said section and by substituting therefor the words “not exceeding two thousand five hundred dollars or to imprisonment for a period not less than six months.”

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17. Section 35 of the principal Ordinance is hereby amended by inserting after the word "timber" wherever it appears in the said section, the following expression—

Section 35 of principal Ordinance amended.

"or other forest produce".

18. Section 37 of the principal Ordinance is hereby amended as follows:—

Section 37 of principal Ordinance amended.

(a) by inserting after the word "tools" appearing in the third line of subsection (1) thereof the words "power saws and equipment," and by inserting after the word "carriages" appearing in the fourth line of the said subsection the words "motor vehicles".

(b) by deleting the words "ninety-six dollars" appearing in the fourth line of subsection (4) thereof and by substituting therefor the words "five thousand dollars".

19. Section 38 of the principal Ordinance is hereby amended by deleting the words "not exceeding four dollars and eighty cents" appearing in the seventh line of subsection (1) thereof and by substituting the words "as assessed by the Forestry Division at current market value".

Section 38 of principal Ordinance amended.

20. Section 39 of the principal Ordinance is hereby amended by inserting after the words "tools," appearing in the third line of subsection (1) thereof, the words "power saws and equipment," and by inserting after the word "carriages" appearing in the fourth line of the said subsection the words "motor vehicles."

Section 39 of principal Ordinance

21. Section 42 of the principal Ordinance is hereby amended by deleting the words "of one hundred and twenty dollars" appearing in subsection (2) thereof and by substituting therefor the words "not exceeding five hundred dollars and by inserting the following proviso at the end of the section:—

Section 42 of principal Ordinance amended.

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“ Provided that where such assault, molestation, obstruction or resistance is by use of weapons such as knives, firearms or any other instruments the penalty shall be imprisonment with hard labour for a period not less than one year ”.

Section 45 of
 principal
 Ordinance
 amended.

22. Section 45 of the principal Ordinance is hereby amended by deleting the words “ forty-eight dollars ” appearing in the fourth line of subsection (1) (a) thereof and by substituting the words “ five hundred dollars ”.

Passed in the House of Assembly this 14th day of June, 1983.

W. ST. CLAIR-DANIEL,
Speaker.

Passed in the Senate this 23rd day of June, 1983.

E. HENRY GIRAUDY,
President.