



SAINT VINCENT AND THE GRENADINES

ACT NO. 47 OF 1992

I ASSENT

DAVIDE. JACK
Governor-General
15th July, 1992

[L.S.]

AN ACT to make provision for the conservation, management and proper use of the forests and watersheds, the declaration of forest reserves, cooperative forests and conservation areas, the prevention and control of forest fires; and for matters connected with those purposes.

[By Proclamation]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:-

PART 1 — PRELIMINARY

1. This Act may be cited as the Forest Resource Conservation Act, 1992, and shall come into operation on such date as the Governor-General may by Proclamation in the Gazette, appoint.

Short title and
commencement

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

Interpretation

"authorized officer" means a forest officer, police officer, agricultural officer, fisheries officer or any other government officer or other person designated by the Minister under section 42;

"conservation area" means an area declared to be a conservation area under section 19;

"conservation area management plan" means a conservation plan prepared under section 25.

"conservation plan" means the national forest resource conservation plan prepared under section 6;

"council" means a conservation council appointed under section 22;

"Crown lands" mean –

- (a) the waste or vacant lands of the Government;
- (b) all lands vested in the Government whether by forfeiture, escheat, purchase or exchange but not including any land vested in a statutory authority;

"forest officer" means Director of Forestry, a forest technician, forest guard, forest supervisor or any other officer appointed under section 4;

"forest produce" means –

- (a) timber
- (b) any part of any product of such timber, including charcoal;
- (c) any vegetative growth, whether alive or dead;

"forest reserves" means an area declared to be a forest reserve under section 10 and crown lands suitable for forest management;

"livestock" includes cattle, oxen, sheep, goats, swine and horses, poultry and any domestic animal;

"minerals" include gravel, sand, limestone, lime, salt;

"Minister" means the Minister responsible for forestry;

"Planning Board" means the Physical Planning and Development Board established under section 3 of the Town and Country Planning Act, 1992;

"timber" includes trees at any stage of growth whether standing, fallen, living, dead, limbed, bucked or peeled, as well as logs.

PART II --ADMINISTRATION

Establishment of
Forestry Department

3. There shall be established a department of Government to be called the Forestry Department.

Director of Forestry and Staff

4. (1) For the administration of the Forestry Department, the Public Service Commission may appoint –

- (a) a Director of Forestry;
- (b) such other officer as may be necessary for the effective administration of the Department

(2) The Director of Forestry shall be responsible for the administration of the Department and for the enforcement of the provisions of the Act and shall have such other functions as may be assigned to him by or under this Act or any other enactment.

(3) The officers of the Department shall discharge the functions allocated to them by the Director of Forestry.

5. (1) The functions of the Director of Forestry shall include—

Functions of the
Director of Forestry

- (a) the conservation, management and development of forests;
- (b) the preparation of forest inventories and the demarcation and maintenance of forest boundaries;
- (c) the preparation and implementation of the national forest resource conservation plan, individual forest management plans and conservation plans;
- (d) the control and supervision of cutting, harvesting, milling and sale of timber and other forest produce, including charcoal, where the activity is conducted by government agencies;
- (e) the regulation of the activities of persons and corporations who cut, harvest, transport, mill and sell timber and other forest produce on crown lands;
- (f) the issuing of licences and permits for the harvesting of timber and other forest produce;
- (g) the inspection and collection of information and statistics concerning the use of timber and other forest produce;
- (h) the protection and preservation of water resources in forest reserves, co-operative forests, conservation areas and along streams and rivers in co-operation with the Central Water and Sewerage Authority and St. Vincent Electricity Services;
- (i) the regulation of fires on Crown land;
- (j) the promotion of the practice of forestry and agro-forestry in agricultural, pastoral and other areas in conjunction with the relevant divisions of the Ministry of Agriculture and the encouragement of proper forestry practices and management on private land through advice and assistance;

- (k) the promotion of proper soil and forest conservation practices;
- (l) the promotion and supervision of forest research;
- (m) the survey, establishment, management, development and administration of forest reserves;
- (n) the protection of the natural landscape to maintain the visual quality of the environment on Crown land;
- (o) the maintenance of biological diversity;
- (p) the training of the staff;
- (q) the promotion and implementation of educational programmes to improve understanding of the contribution of forests to national well-being and national development;
- (r) the prosecution of offenders against this Act and Regulations made under this Act, including compounding of offences;
- (s) the promotion, establishment, management, development and administration of recreation facilities in co-operation with the Ministry of Tourism;
- (t) the discharge of any other functions and duties that may be assigned under this Act or any other Act.

(2) The Director of Forestry may, subject to such conditions as he may specify, delegate any of his functions under this Act to any authorized officer.

National Forest
Resource conser-
vation plan

6. (1) The Director of Forestry shall prepare and submit to the Minister, for the approval of Cabinet at intervals not exceeding ten years, a national Forest Resource Conservation Plan which shall cover the next ten-year period.

(2) The purpose of the conservation plan shall be to co-ordinate activities on all forest reserves, conservation areas and co-operative forests.

- (3) The conservation plan shall include –
 - (a) a statement of forest resource conservation policy;
 - (b) an estimate of the amount, condition and status of the following –
 - (i) timber and other forest produce;

- (ii) water resources;
- (iii) soil, wildlife, recreation and other natural resources;
- (c) an assessment of the national demand for and threats to the resources mentioned at paragraph (b);
- (d) a statement of the measures required to conserve and develop resources in compliance with forest resource conservation policy;
- (e) an estimate of staffing, budgetary and administrative requirements.

7. Prior to submitting the conservation plan to the Minister, the Director of Forestry shall –

Comment on the plan

- (a) submit the conservation plan for comment to –
 - (i) the Department of Agriculture;
 - (ii) the Central Planning Unit;
 - (iii) the Central Water and Sewerage Authority;
 - (iv) St. Vincent Electricity Services;
 - (v) the National Trust;
 - (vi) Such other private conservation organizations as he may think fit;
 - (vii) such other relevant government agencies as he may think fit;
- (b) publicize the conservation plan and hold at least one public meeting to discuss its contents;
- (c) make copies of the conservation plan available at all forestry offices for public inspection.

8. (1) The Minister may comment on or revise the conservation plan prior to its submission to Cabinet.

Approval of the Plan

(2) The Minister shall submit the plan to Cabinet, which shall amend, approve or return it to the Minister for revision.

(3) If the plan is approved by Cabinet, the Director of Forestry shall make copies available for public inspection and for sale at a reasonable price at all forestry offices.

9. (1) For the purpose of preparing the conservation plan, the Director of Forestry is authorized to collect such information on forest

Power to collect information

resources as may be necessary from any person who, or from any public or private institution which, is in a position to supply this information.

(2) Any such person or public or private institution, that does not, within sixty days of a written request under subsection (1) provide the information requested by the Director of Forestry, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

(3) Upon the written request of an informant under this section, the Director of Forestry shall, if he finds the information to be confidential business information entitled to protection from disclosure, take all steps necessary to protect this information from disclosure.

(4) If the Director of Forestry decides that information submitted under this section is not entitled to protection from disclosure, he shall notify in writing the person who submitted the request of his decision and that person may appeal in writing to the Minister within thirty days from the date of receipt of the notification.

(5) A decision made by the Minister shall be in writing and shall be final.

PART III --- FOREST RESERVES

Declaration of
forest reserves

10. (1) The areas listed in the Schedule are declared to be forest reserves for the purposes of this Act.

(2) The Minister may, by order published in the Gazette, declare any area of Crown land to be a forest reserve for any of the following purposes -

- (a) the sustained production of timber and water;
- (b) the conservation of soils;
- (c) Public recreation;
- (d) the preservation of flora and fauna.

Schedule

(3) Every area so declared shall be added to the areas listed in the schedule.

(4) No land within a forest reserve shall be granted, devised or sold.

Leasing of forest
reserves

11. No land may be leased in a forest reserve unless -

- (a) the Minister finds that the lease is in the public interest and does not conflict with the purposes for which the reserve was declared;

- (b) the term of the lease does not exceed five years;
- (c) the lease is in writing;
- (d) the lease specifies the purpose for which the land will be used.

12. (1) The Minister may by Order published in the Gazette, declare any area within a forest reserve to be a protected area where there shall be no —

Protected areas
within forest
reserves

- (a) harvesting of timber or other forest produce; or
- (b) development or exploitation except for the maintenance of trails.

(2) In the event of a natural disaster, the Minister may suspend the order of declaration of a protected area for a period of time not exceeding six months to allow salvage operations within the protected area.

13. (1) An order declaring an area to be a forest reserve shall contain a description of the boundaries and, within two years of such declaration, the Director of Forestry shall cause the boundaries, where practicable, to be marked, defined and maintained in such a manner as to be visible at all times.

Demarcation of
boundaries

(2) The Director of Forestry shall cause a map or plan of each forest reserve to be prepared and such map or plan shall be deposited in the Chief Surveyor's Office, where it shall be made available for public inspection.

14. (1) The Director of Forestry shall, within two years of the declaration of a forest reserve, prepare and submit to the Minister for approval, a forest management plan to be used to guide development and other activities in respect of that forest reserve.

Forest Manage-
ment plans

(2) A forest management Plan shall contain —

- (a) a description of the area including size and boundaries;
- (b) a description of timber and other forest produce, wildlife, water, recreation and other resources;
- (c) a statement of management objectives for the next ten years;
- (d) where appropriate, a description of silvicultural, harvesting and reforestation measures;
- (e) the location, area and purpose of any protected areas.

(3) The Minister shall approve the forest management plan with or without modification.

(4) The Director of Forestry shall manage the forest reserve in accordance with the plan as approved by the Minister.

(5) The Director of Forestry shall prepare a revised forest management plan for each forest reserve at intervals of not more than five years.

PART IV -- CO-OPERATIVE FOREST

Co-operative
forest agreements

15. The Minister may enter into agreements with owners of private land to declare such land a co-operative forest for a term of years for any or all of the following purposes –

- (a) managing, maintaining and utilizing a forest plantation or natural forest for the production of timber and other forest produce;
- (b) soil and water conservation;
- (c) plant and wildlife conservation;
- (d) public recreation.

Terms of agree-
ment

16. An agreement in respect of a co-operative forest shall –

- (a) describe the area including size and boundaries;
- (b) be in writing signed by the owner or by the authorized agent on behalf of the owner and by the Director of Forestry on behalf of the Government;
- (c) contain a plan, if appropriate, of planting, thinning, harvesting and replanting indicating the species to be planted or occurring naturally and the extent of grazing, agricultural or other activity to be allowed;
- (d) contain a plan, if appropriate, for soil, water and wildlife conservation;
- (e) contain a plan, if appropriate, for the reimbursement of the Government for reasonable costs of the administration, planning and management costs incurred;
- (f) specify the responsibilities of the Government and the owner.

Proceeds payable
to private owners

17. (1) The proceeds from the sale of timber and other forest produce from a co-operative forest shall be payable to the owner of the co-operative forest.

(2) The expenses incurred by the Government in the management of a co-operative forest may first be subtracted from such proceeds.

18. (1) The Director Of Forestry may, at the request of any owner of private land, provide assistance in forestry to the extent practicable, including forest planning, thinning, charcoal production, harvesting and sale of timber and other forest produce.

Assistance to
owners of private
forest land

(2) The Director of Forestry may make reasonable charges to owners of private lands for services rendered having regard to the cost of such services and the forest policy of the Government.

PART V -- CONSERVATION AREAS

19. (1) The Minister may after consultation with the Planning Board, by Order in the Gazette, declare any area of land, whether private, Crown or both, to be a conservation area for one or more of the following reasons -

Declaration of
conservation pub-
lished areas

- (a) the area requires the implementation of conservation practice and management controls to prevent or limit sedimentation, pollution or erosion in order to maintain a clean and reliable supply of water for domestic, industrial and commercial use;
- (b) the area requires the implementation of conservation practices and management controls in order to maintain the soil or water resources in a productive state for agricultural development and the productivity or stability of surrounding areas;
- (c) the area is in a dangerous or unstable state above roadsides, along river and stream banks, or near residential or industrial areas;
- (d) the water resource of the area are in a polluted condition which may be injurious to the health of human beings, animals or plants.

(2) The Minister after consultation with the Director of Forestry, and the Planning Board may by Order published in the Gazette, vary or amend the terms of a declaration under this section where the purposes for which a conservation area were declared are no longer applicable and such variation may include an amendment to a boundary, the abolition of the declaration, or a change in the purposes for which the declaration was made.

(3) The Minister may, by Order published in the Gazette, at the same time or subsequent to the declaration of a conservation area specify the members of the Conservation Council, the powers of the Council and other matters related to the declaration and management of the conservation area.

Notice of proposed
conservation area

20. (1) Whenever an area is proposed for declaration as a conservation area, the Minister shall, at least ninety days prior to the issuing of an order declaring a conservation area –

- (a) publish in two issues of the Gazette, a notice;
 - (i) describing the area proposed for declaration as a conservation area and containing a general statement of the purposes for which the declaration is being proposed;
 - (ii) specifying the time and place in which the proposal, including supporting material, may be reviewed by the public;
 - (iii) specifying the means by which the public may comment on the proposal;
- (b) hold one or more public meetings at locations where residents within or nearby the proposed conservation area may comment on the proposal;
- (c) take into account in preparing the final order of declaration any written or verbal comments received under this section.

(2) Whenever an order of declaration is amended, to abolish a conservation area, the Minister shall give public notice and provide an opportunity to comment as in subsection (1).

Interim protection
measures

21. (1) The Minister may, by Order published in the Gazette, adopt in respect of a proposed conservation area such interim measures as may be necessary in order to protect the area, including measures prohibiting all agricultural activities, construction, land clearing, timber harvesting and other development in the area.

(2) Any measures adopted under this section shall remain in force only for as long as necessary to prepare the order of declaration and, in no event, for longer than six months.

Appointment of
local conservation
councils

22. (1) The Minister may appoint by instrument in writing a local conservation council for the whole or any part of a conservation area.

- (2) A council shall include at least
 - (a) two members who are residents of the conservation area or areas in the vicinity of a conservation area;
 - (b) two members from the public or private sector whose appointment in the opinion of the Minister, will ensure adequate expertise and the range of economic, social and conservation interests important for management and development of a conservation area.
- (3) The Director of Forestry may serve as chairman of the council or may delegate that responsibility in writing.
- (4) The Director of Forestry shall, from time to time, make available to any council such technical advice and assistance as may be necessary to assist the council in the management of the conservation area in accordance with its purposes and objectives.
- (5) Members of a council may be remunerated for their services at a rate to be fixed by the Council with the approval of the Minister.

23. (1) The function of a council shall include –

Functions of local
conservation
councils

- (a) monitoring and discussing the condition of natural resources;
- (b) holding public meeting;
- (c) collaborating with the Director of Forestry in the preparation and implementation of conservation plans;
- (d) proposing and reviewing conservation rules;
- (e) proposing a budget for the local conservation area fund;
- (f) proposing incentives for conservation practices in a conservation area;
- (g) any other functions allocated by regulations or rules issued under this Act;
- (h) making rules, with the approval of the Minister, for regulation of a conservation area.

24. The Minister may, by Order published in the Gazette, delegate such further functions as he thinks appropriate excepting the power to make regulations to any council including, but not limited to –

Delegation of
further powers to
local conservation
councils

- (a) hiring and payment of staff;
- (b) designing and executing local projects;
- (c) spending and raising funds;
- (d) preparing conservation plans;
- (e) using consultants and technical advisors from Government and outside of Government;
- (f) the enforcement of any conservation regulations or rules made under this Part;
- (g) implementing such other provisions of this Act as the Minister may think fit.

Conservation
plans

25. The Director of Forestry, in collaboration with a council, may prepare conservation area management plans which include –

- (a) a general description of the natural resources of the area and the problems which require that the area be declared a conservation area;
- (b) the general distribution of private, Crown and Crown-leased land in the area;
- (c) an identification of fragile or critical areas for priority management attention;
- (d) general management objectives;
- (e) a recommended time frame for implementing the management plan according to the priority lands and resources available;
- (f) a proposal for conservation rules.

Preparation of
conservation plans
for individual parcels

26. The Minister may direct the Director of Forestry to prepare, and the Minister may revise and approve, conservation plans for individual parcels of private land, giving priority to the most fragile or critical lands in a conservation area, in order to guide the owner or occupier in the implementation of improved conservation practices.

Conservation area
fund

27. (1) The Minister may establish a conservation area fund for any conservation area to be used for –

- (a) conservation education programmes;

- (b) expenses related to conservation measures and incentives;
- (c) purchase of private lands;
- (d) the hiring and training of staff, including consultants and labourers;
- (e) any other purposes related to the purpose and objective of the conservation area.
- (2) There shall be paid into a conservation area fund
 - (a) any sum contributed by private individuals, foundations, corporations and international bodies;
 - (b) any sums appropriated by Government;
 - (c) any other sums.
- (3) Any conservation area fund established under this section shall be subject to the accounting provisions of section 34.

28. (1) The Director of Forestry shall, in consultation with the Crown lands bailiff identify and review all leases of Crown land in a conservation area.

Crown land in
leases in conserva-
tion areas

(2) The Director of Forestry shall report to the Minister from time to time, on any Crown land lease that he determines to be incompatible with the purposes and objectives of the conservation area with recommendations on each lease for its amendment or termination.

(3) The Minister shall amend, where feasible, any lease of Crown land in a conservation area to make them compatible with the purposes of the conservation area, or shall terminate those Crown land leases identified by the Director of Forestry if they are determined by him to be incompatible with the purposes of the conservation area.

29. The Minister shall regularly offer programmes of technical assistance and training in proper land use, management and conservation to owners or occupiers of private land and leaseholders of Crown land in a conservation area.

Technical assis-
tance and training
programmes

30. Any person who within a conservation area –

- (a) pollutes any river or stream with live stock activity, garbage, chemicals or other waste;
- (b) takes out of a river or stream bed or bank any sand, gravel, shale, boulders or other natural material except at those sites designated for that purpose;

Special offences
and penalties in
conservation areas

- (c) undercuts or causes the erosion of a slope so as to cause a landslide;
- (d) violates the terms of a Crown land lease;
- (e) violates the terms of a conservation plan or a plan prepared specifically for a parcel of land within a conservation area;
- (f) violates any conservation regulation or rule issued under this Part;
- (g) destroys any tree or vegetation without the written authority of the Director of Forestry;
- (h) engages in the production of charcoal;
- (i) undertakes other activities that would be in violation of this Act;

commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or a term of imprisonment not exceeding one year or to both such fine and imprisonment and, where the offence is a continuing one, to a further fine of two hundred dollars for each day during which such offence continues, such time to run from the date of conviction.

**Power to make
regulations**

31. (1) The Minister may, upon the recommendation of the Director of Forestry, make regulations for any specific conservation area or for conservation areas generally in order to ensure that the purpose and objectives of the area are accomplished.

(2) Without prejudice to the generality of the foregoing, the Minister may make regulations to –

- (a) regulate or prohibit the cutting of trees and other vegetation generally, or of certain species of trees;
- (b) regulate or prohibit the clearing or excavation of land for cultivation, construction or other purposes;
- (c) regulate or prohibit the pasturing or straying of livestock;
- (d) regulate or prohibit the setting of fires;
- (e) regulate or prohibit the use of chemical or organic compounds used for agricultural or other purposes;
- (f) control soil erosion and sedimentation, and as a means for such control to establish standards and land classification systems to guide land use on erosion prone areas;

- (g) manage and protect water resources, watersheds, and streambanks, streams and rivers for clean and reliable water or hydroelectric production and establish standards for that purpose where appropriate;
- (h) establish funds for a specific conservation area and procedures for their administration;
- (i) establish procedures for operation of local conservation councils;
- (j) establish criteria and conditions for leasing of Crown land located in a conservation area;
- (k) accomplish any other purpose related to this Part.

PART VI -- FORESTRY DEVELOPMENT FUND

32. There shall be established a Forestry Development Fund to be used for —

Establishment of
Forestry Develop-
ment Fund

- (a) expenses related to reforestation;
- (b) purchase of private lands for forest reserves and other protected areas;
- (c) loans and grants to owners and tenants of land for tree planting and forest management;
- (d) water and soil conservation measures;
- (e) public recreation and nature conservation;
- (f) any other purposes specified in this Act.

33. There shall be paid into the Forestry Development Fund —

Moneys paid into
the fund

- (a) any sums contributed by private individuals, foundations, corporations and international bodies;
- (b) any sums appropriated by Government;
- (c) any other sums.

34. (1) The Director of Forestry shall administer the Forestry Development Fund and shall keep proper accounts and other records in respect of the operations of the Fund and shall cause to be prepared a statement of accounts of the fund in respect of each financial year.

Accounts and
Audits

(2) The Minister shall cause the accounts of the Fund to be audited annually by the Director of Audit.

PART VII CROWN LAND FIRE PREVENTION AND CONTROL

Fire control on
Crown lands

35. (1) The Director of Forestry shall be responsible for the prevention and control of fires on Crown lands.

(2) All persons shall exercise due care when lighting fires on or adjacent to crown lands.

Orders respecting
Fires

36. The Minister may, by Order published in the Gazette –

- (a) regulate the setting of fires on Crown lands and areas adjacent to Crown lands;
- (b) specify the time of the year when fire may be set to any land;

Fire permits

- (c) impose any other restrictions on the use of fire.

37. (1) Any person who desires to set fire to Crown lands shall apply to the Director of Forestry or other authorized officer for a permit and shall provide a description of the locality of such land and the purpose of such fire.

(2) The Director of Forestry shall inspect such area or cause it to be inspected by an authorized officer and may, after such inspection has been made and if satisfied that the setting of such a fire serves the management objectives of the area, issue a permit to set fire to such area or any part thereof subject to any appropriate conditions.

Reporting fires

38. The Director of Forestry shall deliver copies of all fire permits issued under this section to the Police Department.

PART VIII -- LICENCES AND PERMITS

Authority to issue
licences and per-
mits

39. The Minister may, in writing authorize the Director of Forestry to issue licences and permits for –

- (a) the harvesting of forest produce;
- (b) the control of chain-saws and milling equipment;
- (c) visitors;
- (d) any other purposes consistent with this Act.

Terms of licences
and permits

40. (1) A licence or permit issued under this Act or Regulations shall be –

- (a) subject to such conditions and procedures, including management conditions;
- (b) subject to payment of such fees;

(c) valid for such period of time, not exceeding two years, as may be stated therein or prescribed by regulations.

41. (1) Any person aggrieved by the refusal of the Director of Forestry to issue a licence or permit under this Part may, within twenty one days of the receipt of notification of that decision, appeal against it to the Minister.

Appeal on denial
of Licences and
Permits

(2) Any appeal in respect of the decision of the Director of Forestry shall be submitted to the Minister in writing and a copy of the appeal shall be delivered to the Director of Forestry at the time that the appeal is delivered to the Minister.

(3) The decision of the Minister on any appeal brought under this section shall be in writing and shall be final.

PART IX -- POWER OF OFFICERS

42. The Minister may designate any government officer or other person, by notice published in the Gazette, as an authorized officer for the purposes of this Act.

Designation of au-
thorized officers

43. (1) Where any person commits, attempts to commit or is suspected of committing an offence against this Act, an authorized officer may —

Power of arrest

(a) demand that the person cease from committing the offence; and

(b) require the person to give his name and place of residence.

(2) An authorized officer may arrest a person without a warrant and deliver him to the nearest police station if that person —

(a) refuses to give his name and place of residence; or

(b) refuses to cease committing the offence; or

(c) is suspected of giving a false name or place of residence.

44. Any person acting in breach of section 43 commits an offence against this Act and is liable on summary conviction to a fine not exceeding two thousand dollars or to a term of imprisonment of not more than six months or to both such fine and imprisonment.

Penalty

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

Indemnity

46. The police shall assist forest officers in arresting offenders under this Act.

Assistance from
police

Power to inspect
and seize

47. (1) If any authorized officer finds any person trespassing on a forest reserve without reasonable cause or has grounds for suspecting that any person has committed an offence against this Act he may -

- (a) 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;
- (b) enter and search any temporary shelter or land in the occupation of such person;
- (c) under the authority of a warrant issued by a Magistrate, enter and search any building in the occupation of any such person;
- (d) seize any tools, chain-saws and milling equipment, vehicles, boats or other equipment and any forest produce, livestock or minerals which he may reasonably suspect to have been used or acquired by such person in connection with an offence against this Act.

(2) Any article so seized shall be disposed of in accordance with section 55 of this Act.

Power to collect
information and
prosecute

48. (1) An authorized officer may -

- (a) inspect timber plantations, harvesting operations and saw-mills;
- (b) collect information concerning the scope, extent and nature of forestry operations;
- (c) obtain information with regard to production and sale of timber and forest produce; and
- (d) obtain such other information as is required for the purposes of this Act.

Power to prosecute

49. An authorized officer may -

- (a) prosecute an offender against this Act before a Magistrate;
- (b) arrest and deliver an offender to the police for prosecution.

Compounding of-
fences

50. (1) The Director of Forestry may compound any offence under this Act or any regulation made under this Act other than an offence under section 52, 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 the Government may have incurred in the seizure, storage, maintenance or removal of any article 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 this Act 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 proceeding brought against a person in respect of an alleged offence under this Act or any regulation made under this Act, it shall be a defence if such person proves that the offence with which he is charged has been compounded under this section.

PART X -- MISCELLANEOUS

51. (1) Any person who in a forest reserve or in contravention of a co-operative forest agreement –

Offences

- (a) fells, cuts, girdles, marks, taps, uproots, burns or removes any timber or other forest produce, or strips off the bark or leaves from or otherwise damages any tree or other vegetation;
- (b) clears, cultivates or breaks up any land for cultivation or for any other purpose;
- (c) pastures livestock or permits livestock to trespass;
- (d) damages, alters or removes any notice or boundary marker;
- (e) erects any building or shelter;

commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(2) Nothing in this section shall be construed to prohibit any act performed under the authority of a permit, licence, lease or agreement under this Act or by a forest officer in the performance of his official duties.

52. Any person who assaults, hinders, obstructs, or incites another to assault, hinder, obstruct, or resist a forest officer or other authorised officer in the execution of his duties under this Act commits an offence

Obstruction of
forest officers

and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Repeat offenders

53. Any person who, within five years of a previous conviction under this Act, is convicted of a subsequent offence against this Act shall be liable to twice the fine or two times the term of imprisonment or to both the fine and term of imprisonment prescribed for that offence.

Compensation

54. When any person is convicted of felling, cutting, removing, girdling, marking, lopping, tapping, or bleeding a tree or timber or other forest produce, or injuring timber or other forest produce by fire or otherwise, the court may, in addition to any other penalties imposed, order that the person pay compensation in a sum not exceeding the market value as determined by the Director of Forestry for each tree or log of timber or other forest produce in respect of which the offence was committed.

Forfeiture

55. Where, upon the apprehension of a person charged with an offence, any property is taken from him, the court before which he is charged may order that the property or any part thereof be –

- (a) restored to the person who appears to the court to be entitled thereto, and if he be the person charged, that it be restored either to him or to such other person as he may direct;
- (b) applied to the payment of any fine or any costs of compensation directed to be paid by the person charged;
- (c) be forfeited to the Crown, and be used or disposed of as the Director of Forestry sees fit.

Impoundment

56. (1) Forest officers may impound livestock trespassing in forest reserves or in contravention of a co-operative forest agreement or the rules for a conservation area.

(2) Forest officers, having previously given notice of trespass by livestock to the owner, where the livestock are trespassing on forest reserves, co-operative forests or conservation areas may –

- (a) impound such livestock;
- (b) sell such livestock –
 - (i) if unclaimed by the owner or other person in charge within seven days of notice;
 - (ii) if the owner or other person in charge fails or refuses to pay the required fee.

(3) The proceeds of a sale under subsection (2) (b) shall be used to pay the required fee and to defray any expenses incurred in connection with the care of the animal and the balance (if any) shall be paid to the owner if known.

(4) If the owner fails to claim the balance within one month of the sale of the animal the amount shall be paid to the Treasury and may be claimed by the owner of the animal within six months from the date of such payment but not thereafter.

(5) Where every effort has been made to secure or impound any livestock without success the authorized officer may destroy such animal and no compensation shall be payable in any event.

57. The Minister may make regulations generally for the carrying out of the purposes of this Act and for the preservation, management and development of forests and wildlife, and without prejudice to the generality of the foregoing, may make regulations providing for -

Power to make
regulations

- (a) the management and administration of forest reserves, protected forests and conservation areas;
- (b) the grant of licences and permits for the exploitation and taking of timber and other forest produce and the terms and conditions applicable to those licences and permits;
- (c) the making of reports and returns by the holders of licences and permits and the fees;
- (d) the importation and registration of chain-saws and milling equipment and parts thereof;
- (e) the setting of fees and royalties for licences and permits;
- (f) the felling, collection, removal and transport of timber and other forest produce;
- (g) the seizure and impoundment of livestock on Crown lands;
- (h) the lighting and use of fires;
- (i) recreational use of forest reserves and co-operative forests;
- (j) the preservation of lands of particular ecological or scientific interest;

- (k) the preservation of wildlife species and wildlife habitat;
 - (l) the payment of rewards to persons who provide information leading to the arrest and conviction of violators;
 - (m) the imposition of penalties for a violation of the regulations or rules issued under the Act.
- Repeals 58. The Forests Act (No. 25 of 1945) is repealed.

SCHEDULE

(Section 10)

Forest Reserves

1. **King's Hill Forest Reserve** -- The area on and around King's Hill as shown on Plan G35 prepared from a survey conducted in June 1912 and deposited in the Chief Surveyor's office.
2. **Cumberland Forest Reserve** -- The area in the Cumberland watershed which is: east of the surveyed line shown on the drawings Nos. P197, P204, P205, and P206; north of the ridge called Belleisle and Johnson Peak, which is marked by trigonometrical station Nos. 1586, 2031, 2694; west of the central ridge of St. Vincent which is marked by trigonometrical station No. 3350; south of the ridge called fiddlewood and Jack Hill and marked by trigonometrical station Nos. 2520 and 1362.
3. **Tobago Cays National Park** -- The Islands of the Tobago Cays, namely: Jamesby, Baradal, Petit Rameau, Petit Bateau, and Petit Tabac.

Passed in the House of Assembly this 16th day of April, 1992

J. THERESA ADAMS

Clerk of the House of Assembly

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