

CHAPTER 23

FORESTS

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## CHAPTER 23

## FORESTS

Ordinance  
No. 25  
of 1945.

[31st December, 1945]

PART I. *Preliminary*

1. This Ordinance may be cited as the Forests Ordinance. Short title.
2. In this Ordinance, unless the context otherwise requires— Inter-  
pretation.
- “Crown Land” includes—
- (a) the waste or vacant land of the Crown within the Territory; and
  - (b) all lands vested in Her Majesty, whether by forfeiture, escheat, purchase or exchange but shall not include any land vested in any Statutory Authority;
- “forest offence” means any offence punishable under this Ordinance or under any rule made thereunder;
- “Forest Officer” includes any person appointed to discharge any function of a Forest Officer under this Ordinance or under any rule made thereunder;
- “forest produce” includes the following, when found in or bought from Crown Lands—
- (a) trees and all parts or produce of such trees; and
  - (b) plants not being trees and all parts or produce of such plants, including charcoal;
- “livestock” includes cattle, horses, mules, asses, goats, sheep and swine;
- “private land” means land other than Crown Land;
- “property mark” means a mark placed on timber to denote that after all purchase money or royalties due to the Crown have been paid, the owner has or will have a right of property in the timber;
- “timber” includes trees when they have fallen or been felled, and all wood whether cut up or fashioned for any purpose or not;

“timber lands” means lands whereon trees are growing and which are not under permanent agricultural cultivation;

“tree” includes palms, bamboos, stumps, brushwood and canes.

#### PART II. *Establishment*

Appointment  
of Chief  
Forest  
Officer.

3. The Governor shall appoint a Chief Forest Officer who shall have the management of all Crown Lands and shall be charged with the duty and obligation of carrying out the provisions of this Ordinance.

Appointment  
of Forest  
Officers.

4. The Governor may appoint such and so many persons to be Forest Officers as may be necessary to carry out the provisions of this Ordinance under the supervision of the Chief Forest Officer, and may, by writing under his hand confer upon any such Officer power or authority, either generally or in a specific case, to do any act or grant any permission for which power or authority is required under the provisions of this Ordinance.

Forest  
Officers  
ex-officio.

5. The Chief Agricultural Officer, all Agricultural Assistants, Agricultural Instructors, Forest Supervisors, Forest Rangers and Forest Guards shall be *ex-officio* Forest Officers.

#### PART III. *Forest Reserves*

Forest  
Reserves.

6. It shall be lawful for the Governor-in-Council from time to time provisionally to declare any Crown Land to be a Forest Reserve, and thereafter no land shall be granted, devised or sold within such Forest Reserve.

Survey and  
plans of  
Forest  
Reserves.

7. Every such Forest Reserve shall in due course be surveyed and a map thereof shall be prepared whereupon the Governor-in-Council may issue an Order superseding the provisional declaration and finally constituting the area surveyed as a Forest Reserve. Every such order shall be published in the Government Gazette together with a map of the Forest Reserve.

Demarcation  
and Pro-  
tection of  
Reserves.

8. Upon the proclamation of any such order the Chief Forest Officer shall cause the boundaries of the Forest Reserves to be marked out, defined and maintained in such manner as to be at all times clearly visible and thereafter no land shall be granted, devised or sold within the Forest Reserve.

PART IV. *Protection of Private Forests*

9. (1) The owner of any private land may, with a view to the formation or conservation of forest thereon or the conservation of natural resources, represent in writing to the Chief Forest Officer his desire—

Voluntary  
Protection.

- (a) that such land be supervised or managed on his behalf by the Chief Forest Officer in such manner as may be agreed upon; and
- (b) that any or all of the provisions of this Ordinance or Rules made thereunder be applied to such land.

(2) In such case the Governor-in-Council may by Order apply to such land such provisions of this Ordinance or Rules made thereunder as he may consider suitable to the circumstances and as may be desired and agreed upon by the applicant.

PART V. *Prohibited Areas*

10. It shall be lawful for the Governor-in-Council by Order from time to time to declare any Crown Land to be a prohibited area whenever in his opinion this appears to be necessary.

Prohibited  
Areas.

PART VI. *Offences and Procedure*

11. If any person shall do any of the following acts on Crown Land—

Forest  
Offences.

- (a) fell, cut, girdle, mark, lop, tap, uproot or burn any tree or strip off the bark or leaves from or otherwise injure the same;
- (b) cause any damage by negligence in felling any tree or cutting or dragging any timber;
- (c) subject to any manufacturing process or convey or remove any forest produce;
- (d) kindle, keep or carry any fire;
- (e) pasture livestock or permit livestock to trespass;
- (f) clear, cultivate or break up any land for cultivation or for any other purpose; or
- (g) enter a prohibited area;

Offences  
with intent  
to cause  
damage, etc.

he shall be liable to a fine not exceeding two hundred and forty dollars, or to imprisonment for a period not exceeding six months:

Provided that nothing in this section contained shall subject any person to any penalty thereunder for any act done in accordance with the rules made by the Governor or with permission in writing given by a Forest Officer authorized to grant such permission or under any tenancy agreement made with the Chief Forest Officer.

Livestock  
straying.

12. (1) Any Forest Officer, rural constable, member of the Police Force or any person authorized by either of them may seize any livestock found trespassing on Crown Lands if the owner of same cannot immediately be found.

(2) All such livestock may be forfeited to the Crown unless the owner thereof or some person authorized by him shall within seven days of seizing the same, claim the same.

(3) Any person claiming livestock so seized shall be charged with a forest offence under section 11 (e) of this Ordinance.

Offences  
with intent  
to cause  
damage or  
wrongful  
gain.

13. Whosoever—

(a) knowingly counterfeits upon any tree or timber, or has in his possession any implement for counterfeiting, a mark used by Forest Officers to indicate that such tree or timber is the property of the Government, or of some person, or that it may lawfully be felled or removed by some person; or

(b) unlawfully or fraudulently affixes to any tree or timber a mark used by Forest Officers; or

(c) alters, defaces, or obliterates any such mark placed on any tree or timber by or under the authority of a Forest Officer, shall be liable to a fine not exceeding two hundred and forty dollars, or to imprisonment for a period not exceeding six months.

Power of  
Arrest.

14. (1) Any Forest Officer, rural constable, or member of the Police Force may, without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence if such person refuses to give his name or residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every person making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate or Justice or the officer or non-commissioned officer in charge of the nearest Police Station to be dealt with according to law.

15. (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, ropes, chains, boats, crafts, carriages, carts and livestock used in the commission of such offence, may be seized by any Forest Officer or person authorized by him, or by any rural constable or member of the Police Force.

Power to  
seize tools  
and produce  
and con-  
demn.

(2) Every person seizing any property under this section shall, as soon as may be, make a report of such seizure to a Magistrate:

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of the Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

(3) All such property may be forfeited to the Crown, and, if so forfeited, shall be taken to be condemned, and may be sold by the Forest Officer of the district in which the seizure took place, unless the person from whom the same shall have been seized or the owner thereof or some person authorized by him shall, within fourteen days of seizing the same, claim the same, and shall, within the said term of fourteen days, or such further term as a Magistrate may allow, prove to the satisfaction of such Magistrate that such forest produce was not obtained from Crown Land, or that such person had some sufficient licence or authority in that behalf.

(4) In lieu of the forfeiture of any of the things other than forest produce mentioned in this section, the Magistrate may order the owner thereof to pay such penalty not exceeding ninety-six dollars, as the Magistrate may think fit, and on payment of such penalty such things shall be returned to the owner.

(5) Whoever seizes any forest produce or any property under this section shall place on such forest produce or property, or the receptacle, if any, in which it is contained, a mark indicating that the same has been seized.

(6) Notwithstanding anything in this section contained, a Forest Officer may direct at any time the immediate release of any property seized under the provisions of this section which is not the property of the Crown, and the withdrawal of any charge made in respect of such property.

Compensation in addition to penalty.

16. (1) When any person is convicted of felling, cutting, removing, girdling, marking, lopping, tapping or bleeding trees or timber, or of injuring them by fire or otherwise, in contravention to this Ordinance, the Magistrate may, in addition to any other punishment which he may award, order that person to pay to the Government such compensation, not exceeding four dollars and eighty cents, for each tree or log of timber with respect to which the offence was committed, as he deems just.

(2) If the person convicted of the offence committed is the agent or servant of another person, the Magistrate may, unless, after hearing that other person, he is satisfied that the commission of the offence was not a consequence of such person's instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in this section.

Produce, tools, etc., liable to forfeiture.

17. (1) When any person is convicted of a forest offence, all forest produce in respect of which such offence has been committed, and all tools, ropes, chains, boats, crafts, carts, carriages, and live-stock used in the commission of such offence shall be liable by order of the Magistrate to be forfeited to the Crown or to be otherwise dealt with as to the Magistrate, in the particular circumstances of the case, seems just. Such forfeiture may be in addition to any other penalty or compensation prescribed for such offence.

Disposal of produce after trial.

(2) Any thing or livestock mentioned in this section shall, if forfeited to the Crown, be taken possession of by a Forest Officer empowered in this behalf, and in any other case may be disposed of in such manner as the Magistrate may order.

Sale of perishable goods.

18. The Magistrate may, notwithstanding anything in this Ordinance contained, direct the sale of any property seized under this Ordinance and subject to speedy or natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Recovery of Penalties.

19. (1) Any offence under this Ordinance may be prosecuted and any penalty incurred may be imposed or recovered on the complaint of a Forest Officer or member of the Police Force.

(2) All such complaints may be made at any time within one year from the time when such matter of complaint arose.

(3) Where any Forest Officer makes a complaint against any person, any other Forest Officer may appear before the Magistrate who is trying or enquiring into the matter of the said complaint, and shall have the same privileges as to addressing the said Magistrate and as to examining the witnesses adduced in the said matter as the Forest Officer who made the complaint would have had.

Right of  
Forest  
Officers to  
conduct case.

20. (1) Every Forest Officer, rural constable and member of the Police Force is hereby authorized to prevent the commission of any forest offence.

Prevention  
of offences.

(2) Every person who assaults, molests, obstructs or resists any Forest Officer or any person authorized by him in the execution of his duty, or aids or incites any other person so to assault, molest, obstruct or resist any Forest Officer or any person authorized by him, or any person aiding or assisting such Forest Officer or any person authorized by him in the execution of his duty, shall be liable to a fine not exceeding one hundred and twenty dollars, or to imprisonment for a period not exceeding three months.

Penalty for  
assaulting or  
obstructing  
Forest  
Officer.

21. In any action brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Ordinance or by any rules made thereunder, it shall be expressly alleged that the defendant acted maliciously and without reasonable and probable cause, and if at the trial the plaintiff fails to prove such allegation, judgment shall be given for the defendant.

Protection of  
persons  
acting under  
Ordinance.

#### PART VII. *Miscellaneous*

22. (1) The Governor-in-Council may, by writing under his hand, empower a Forest Officer—

Compound-  
ing of forest  
offences.

- (a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in section 15, a sum of money not exceeding forty-eight dollars by way of compensation for the offence which such person is suspected to have committed; and
- (b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money or such value or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property in respect of such suspected offence.

(3) All moneys received under this section shall be paid into the Treasury direct, and shall not be received by the Forest Officer.

Rewards.       **23.** The Governor-in-Council may order such rewards as he thinks fit to be paid in respect of any seizure made under this Ordinance to the person making such seizure or through whose information or means such seizure was made.

Rules.           **24.** (1) The Governor-in-Council may make rules—  
(a) prescribing the form of permits and providing for their issue, production, and return;  
(b) regulating the issue of property marks and classification marks for timber and the registration of such marks, and declaring the circumstances in which the registration of any property mark or classification mark may be refused or cancelled; prescribing the time for which such registration shall hold good; limiting the number of such marks that may be registered by any one person, and providing for the levy of fees for such registration;  
(c) prescribing the duties of Forest Officers; and  
(d) generally carrying into effect the provisions of this Ordinance.