

CHAPTER 178

THE FORESTRY ACT

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FORESTRY

(17th June, 1941.)

711941.
17/1952.
1811989.
S.I. 39/1989.

1. This Act may be cited as the Forestry Act. Short title.
2. In this Act— Interpretation.
- “estate” means any plantation, property or land;
- “Forest Officer” means any person appointed as such by the Governor-General;
- “forest reserve” means lands referred to in sections 5 and 10;
- “owner” includes lessee and the manager and attorney of such owner;
- “timber” means any kind of growing tree except brushwood or trees growing on cultivated lands or on cleared lands or pasture lands on any estate;
- “Accountant-General” means the officer for the time being performing the duties of Accountant-General and includes any Government or Revenue Officer duly authorised in writing by the Accountant-General to act on his behalf.

PART I

FOREST OFFICERS

3. The Public Service Commission may appoint such persons to be Forest Officers as may be necessary for the carrying out of the provisions of this Act. **Appointment of Forest Officers.**
4. For the purposes of this Act the Director of Agriculture shall be Chief Forest Officer. **Chief Forest Officer.**

PART II

PREVENTION OF DEFORESTATION

Forest reserve.

5. Any land which at the date of the coming into force of this Act or at any time thereafter shall be in forest shall be deemed to be a forest reserve.

Timber not to be cut or felled within forest reserve without permit.

6. (1) From and after the coming into force of this Act no person shall clear any land for cultivation, pasturage or other purpose, or cut, lop or fell any timber; or burn any wood or charcoal within any forest reserve without having first obtained from the Chief Forest Officer a permit in writing so to do granted in accordance with and subject to such conditions as may be prescribed by regulations made by the Minister as hereinafter provided.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence against this Act.

Existing forest areas not to be cleared.

7. Any cultivation, cleared space or pasture land found after the coming into force of this Act on any estate which is proved to the satisfaction of a District Magistrate to have been in forest at the time of the coming into force of this Act or subsequent thereto, and in respect of which no permit is produced, shall be deemed to have been cleared by the owner thereof contrary to the provisions of this Act; and in addition to any penalty which may be provided by this Act the District Magistrate may in the case of any such cultivation authorise the Chief Forest Officer to destroy the same and in the case of such cleared space or pasture land prohibit the cultivation or other use thereof.

PART III

REAFFORESTATION

Declaration that any estate shall be subject to Part III.

8. The Minister may by Order published in the *Gazette* declare that any estate or part thereof shall be subject to the provisions of this Part and in like manner revoke any such declaration.

Procedure.

9. When any estate or part thereof has been declared to be subject to the provisions of this Part the following procedure shall be observed—

(a) The Chief Forest Officer shall prepare a scheme for the reforestation of such estate, together with plans, specifications, and estimates of the cost of such scheme and shall forward the same to the Minister.

(b) Due notice for the period of one month that such scheme together with such plans, specifications and estimates as aforesaid have been forwarded to the Minister and are open to inspection by the public shall be given in the *Gazette* and at least one newspaper circulating in Antigua and Barbuda and to the reputed owner.

(c) Any person who considers that his interests will be injured by the carrying out of such scheme shall within such period of notice forward to the Minister his objection in writing.

(d) After the expiration of such period of notice such scheme together with the plans, specifications and estimates, and the objections, if any, to the scheme shall be forthwith submitted to the Minister.

(e) The Minister, after considering the scheme, and any objections to it, and after hearing, should he deem it necessary, all persons interested, may make such orders as to him may seem fit, and may direct such works to be executed as to him may seem expedient, and the orders and directions of the Minister shall be published in the *Gazette* and at least one newspaper circulating within Antigua and Barbuda and notified to the reputed owner and such orders and directions shall be binding on all parties:

Provided that the Minister shall not without the written consent of the owner make such orders or give such directions in respect of any scheme for the reforestation of any land which at the time of the coming into force of this Act is cultivated or cleared for cultivation or used as pasture land.

10. The Minister may by Order published in the *Gazette* declare that any estate or part thereof in respect of which a proclamation pursuant to section 8 has been made shall be a forest reserve.

**Declaration of
forest reserve.**

Carrying out of
scheme for
reafforestation.

11. (1) Where the Minister has approved of any scheme of reafforestation and has ordered or directed such work as may be necessary in connection therewith to be carried out and maintained on any estate, such work shall be carried out and maintained by the Chief Forest Officer:

Provided that the owner of such estate may with the consent and under the control and direction of the Chief Forest Officer carry out such work.

(2) The cost of carrying out and maintaining any scheme of reafforestation shall be a charge on the public funds of Antigua and Barbuda.

Payment to
owner for
carrying out
scheme.

12. (1) Where the owner of any estate has carried out any scheme of reafforestation and performed any work rendered necessary in connection therewith, such owner shall be entitled to receive and be paid by the Accountant-General such sums in respect of each acre or part of an acre of his estate so reafforested in accordance with the provisions of this Act as the Chief Forest Officer shall fix and determine and as the Chief Forest Officer shall certify to be in respect of work carried out with the authority and to the satisfaction of the Chief Forest Officer.

(2) If any owner shall be dissatisfied with the sum so fixed and determined by the Chief Forest Officer he may appeal to the Minister whose decision shall be final.

PART IV

MISCELLANEOUS

Regulations.

13. The Minister may make regulations for any of the following purposes, that is to say—

(a) for the granting of permits under the provisions of this Act;

(b) for the survey and demarcation of forest reserves declared as such under the provisions of section 10;

(c) for the cutting, lopping and felling of timber within a forest reserve;

(d) for regulating the management and control of forest reserves;

(e) generally for the better carrying out of the provisions of this Act;

(f) prescribing penalties not exceeding a fine of five hundred dollars for the breach of any regulations made thereunder.

14. Any Forest Officer or any police officer or any person appointed to perform duties pursuant to the provisions of this Act may enter upon and pass or repass over any land within Antigua and Barbuda as may be necessary for the purpose of ascertaining whether the provisions of this Act or of any regulations made thereunder have been complied with or for any of the purposes of this Act. **Power of entry.**

15. Any person who shall assault, obstruct or hinder any Forest Officer, police officer or person aforesaid in the execution of any duty imposed under the provisions of this Act shall be guilty of an offence against this Act. **Assault, &c.**

16. Any complaint in respect of any offence against this Act or any regulations made thereunder may be laid or made by the Chief Forest Officer or by any person duly authorised in writing in that behalf by the Chief Forest Officer. **Who may prosecute.**

17. The Cabinet is hereby authorised to remit the land tax payable in respect of any land which is being reafforested to the satisfaction of the Chief Forest Officer under the provisions of this Act or otherwise for such period as he may think fit. **Remission of land tax.**

18. Any person who is guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one thousand dollars. **Penalty.**