

**FORESTS ACT**

**CHAPTER 60:01**

**Act**  
**25 of 1958**  
Amended by  
12 of 1990

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## CHAPTER 60:01

## FORESTS ACT

**AN ACT to make provision for the conservation and control of forests.**

1961 Ed.  
Cap. 80.  
25 of 1958.

[6th August 1959]

Commencement.

## PART I

## PRELIMINARY

1. This Act may be cited as the –

Short title.

**FORESTS ACT.**

2. In this Act –

Interpretation.

“Court” means Magistrate’s Court;

“State land” includes –

(a) the waste or vacant land of the State within the State; and

(b) all lands vested in Government whether by forfeiture, escheat, purchase or exchange;

“Director” means the Director of Forestry and Wildlife;

“forest officer” includes forest supervisors, forest rangers, forest guards and any other persons appointed to exercise any or all of the powers vested in a forest officer under this Act;

“forest offence” means any offence punishable under this Act;

“forest reserve” means any area declared by the President by Notice in the *Gazette* to be a forest reserve;

“forest produce” includes –

(a) the following when found in or brought from any forest reserve, State land, or protected forest, that is to say, trees, timber, firewood, branches, poles, bamboos, leaves, flowers, fruits, seeds, roots, bark, charcoal, creepers, fibres, plants, gums, oils, resins, sap, rubber, honey, wax, humus, earth;

(b) such things found in or brought from any forest reserve, State land, or protected forest or any other places in the State as the President may by Notice in the *Gazette* declare to be forest produce.

“livestock” includes cattle, horses, mules, asses, goats, sheep, pigs and such other animals as the President by Notice in the *Gazette* may declare to be livestock.

“private land” means any land the freehold or leasehold of which is vested in any person, family, company, corporation or religious body;

“prohibited area” is any area within a forest reserve, State land, or protected forest into which entry is forbidden when this is necessary for any of the purposes of this Act;

“protected forest” means any area of private land declared by the President by Notice in the *Gazette* to be a protected forest;

“remnant” includes parts of trees that have fallen of which some part has already been worked or destroyed by fire or otherwise;

“timber” includes trees and bushes whether standing, fallen or felled, stumps of trees, and any wood whether sawn, split, hewn or otherwise fashioned.

## PART II

### FOREST RESERVE AND PROTECTED FOREST

Proclamation of forest reserves. [12 of 1990].

3. (1) The President may by Order declare any area of State land to be forest reserve. Every forest reserve shall be surveyed and a description of the boundaries giving bearings and distances shall be published in the Order.

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

Proclamation of protected forest.

4. The President may by Order declare any private land to be protected forest whenever in his opinion this appears to be necessary for any of the following purposes:

(a) for protection against storms, winds, rolling stones, floods and landslides;

- (b) for the prevention of soil erosion and landslide or the formation of ravines and torrents, and of the deposit of mud, stones, and sand, upon agricultural land;
- (c) for the prevention of wastage of resources of timber and for securing the proper management of timber lands;
- (d) for the maintenance of water supplies in springs, rivers, canals and reservoirs;
- (e) for the protection of roads, bridges, airstrips and other lines of communication;
- (f) for the preservation of health.

5. When any area of private land is declared to be protected forest the President shall, by Order, make Rules to regulate or prohibit within any such protected forest –

Power to make Rules applicable to protected forest.

- (a) the falling, cutting, lopping and burning of, or any injury to, any trees or timber;
- (b) the breaking up or clearing of lands for cultivation;
- (c) the pasturing or straying of livestock;
- (d) the setting of fire; and
- (e) any other act which appears to be prejudicial to the purposes set out in section 4.

6. (1) Any forest officer may enter any area declared to be protected forest at any time without notice, and carry out such surveys or works, as the President may in writing direct, in connection with the purposes set out in section 4.

Power to enter and carry out works.

(2) Upon any private land being declared a protected forest the Director shall cause the area to be marked out and kept defined and shall have right of access for this purpose as hereinbefore provided.

7. If, after the first publication of any Order declaring any land to be protected forest, any act is committed contrary to the Rules made by the President for the regulation thereof, and the act is proved to the satisfaction of the Magistrate to have been committed subsequent to the date of the publication, the act shall be presumed to have been committed by the owner or occupier of the land, unless he proves to the

Liability of occupier or owner of protected forest for any breach of rules.

satisfaction of the Magistrate that he has in no way contributed, directly or indirectly, to the commission of the act and that he with all diligence has given such information or evidence as may lead to the discovery of the offender; but the owner of any land declared to be a protected forest may in writing request the Director to supervise and manage the land on his behalf; and from and after the taking in charge of the land by the Director the foregoing provisions of this section shall cease to apply to the owner or occupier of the land.

Compensation  
when lands are  
proclaimed  
protected forest.

**8. (1)** When the owner of any land declared to be a protected forest, claims that he ought to be pecuniarily compensated in relation to the constitution of the protected forest, he shall within three months of the Order lodge at the Ministry of Trade a statement of his claim with full particulars of his estimated loss.

(2) On the claim being lodged the President shall appoint a Forestry Board consisting of –

(a) the Director;

(b) such person as the claimant may nominate; and

(c) such other person, as may be agreed upon by the President and the claimant, to be Chairman of the Board.

(3) The Board shall hear the claimant and consider his claim and make recommendations to the President. If the Board is not satisfied that the owner can be adequately compensated by the granting of special permits or by the making of special regulations with regard to the land declared to be a protected forest, they shall recommend a sum of money to be paid as compensation and the President may instruct the Accountant General to pay such sum of money from the general revenue of the State as compensation to the owner of the land.

Voluntary  
protection.

**9. (1)** The owner of any land may, with a view to the formation or conservation of forest thereon or the conservation of natural resources, represent in writing to the Director his desire –

(a) that the land be supervised or managed on his behalf by the Director in such manner as may be agreed upon; and

(b) that any or all of the provisions of this Act or Rules made thereunder be applied to the land.

(2) In such case the President may by Order apply to the land

such provisions of this Act or Rules made thereunder as he may consider suitable to the circumstances and as may be desired and as agreed upon by the applicant.

### PART III POWERS OF THE DIRECTOR

**10.** The Director may from time to time issue licences or permits for any purpose for which a licence or permit is required under this Act and may revoke, cancel, suspend or curtail such licences or permits. No right of any kind whatsoever shall be exercised or acquired in or over any forest reserve except under a licence or permit issued by the Director and subject to such terms and conditions as the Director may think fit to impose.

Powers to issue licences and permits.

**11.** The Director may dispose of forest produce by auction or tender or otherwise.

Sale by auction.

**12.** The Director may offer to public tender the exclusive right to take timber or other forest produce from any area of forest reserve or from any area of land upon which the Government has any right to timber or other forest produce, for such period and under such conditions as may be approved by the President.

Exclusive licence.

### PART IV POWER TO MAKE RULES

**13. (1)** The President may from time to time make Rules for all or any of the following purposes:

Power to make rules.

- (a) prohibiting or regulating the felling, cutting, damaging, taking, working, burning, or sale of timber and other forest produce from forest reserves, and State lands;
- (b) prescribing the fees and royalties payable on timber and other forest produce;
- (c) prescribing the purposes for which licences and permits are required; prohibiting the counterfeiting, alteration, or obliteration of licences and permits; providing for the termination, revocation, and forfeiture of licences, and requiring the holders of licences to keep books and

to render returns and accounts and to submit their books for inspection;

- (d) prohibiting or regulating the transport by land or water of timber and other forest produce in transit;
- (e) prohibiting or regulating cultivation, residing, camping, squatting, or building in forest reserve or on State land;
- (f) prohibiting or regulating any such acts or omissions as are likely to endanger forest reserve or State land by fire or otherwise;
- (g) controlling the entry of persons or livestock into forest reserve or State land;
- (h) prohibiting or regulating the marking of timber and forest produce and the manufacture, use and possession of timber marking instruments;
- (i) providing for the protection of boundary marks and survey marks surrounding and within forest reserve;
- (j) providing for the seizure, confiscation and disposal of any forest produce taken, sold or possessed in contravention of this Act or of any tools, implements, marking instruments, vehicles, or livestock by means of which any offence against this Act has been committed;
- (k) prohibiting or regulating hunting and fishing in forest reserve and on State land;
- (l) generally for the better carrying out of the purposes of this Act.

Penalties.

(2) Any Rules made under this Act may impose for the breach thereof a fine of one thousand five hundred dollars and imprisonment for six months.

## PART V

### POWERS OF FOREST OFFICERS

Powers of  
interrogation,  
search, seizure,  
and arrest.

**14.** A forest officer or police officer is hereby empowered –

- (a) to interrogate any person found in possession of forest produce;

- (b) to call upon any person committing or reasonably suspected by the officer of having committed an act for which a licence, permit or pass is required by this Act, to produce such licence, permit or pass;
- (c) whenever he reasonably suspects any person of having committed an offence against this Act or of being in possession of forest produce in respect of which an offence against this Act has been committed, to search the person and property of such person or any property in such person's possession or control;
- (d) to seize and detain any forest produce which he reasonably suspects of having been obtained or removed in contravention of this Act;
- (e) to seize and detain any property which he reasonably suspects has been used in committing an offence against this Act;
- (f) to arrest any person reasonably suspected by him of being concerned in a contravention of this Act who refuses to give his name and address or gives a name and address believed by the officer to be false or who is, in the officer's opinion, liable to abscond.

15. Every person making an arrest under section 14(f) shall, without unnecessary delay, take or send the person arrested before a Magistrate, or the officer or non-commissioned officer in charge of the nearest police station, to be dealt with according to law.

Arrested person to be taken before Magistrate without delay.

16. Any person who assaults or obstructs any forest officer or police officer or any person acting in his aid or assistance in the execution of any duty under this Act is liable to a fine of three thousand dollars and to imprisonment for six months.

Penalty for assaulting or obstructing.

17. (1) When any person is reasonably suspected of having committed any offence against this Act, the Director may compound the offence by accepting on behalf of Government from such person a sum of money not exceeding five hundred dollars by way of compensation for the offence which such person is suspected of having committed; and 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.

Authority to compound offences.  
[12 of 1990].

(2) On payment of the sum of money or the value, or both, as the case may be, 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 the suspected offence.

(3) All moneys received under this section shall be paid into the Treasury.

## PART VI GENERAL

Amount of damage may be assessed and recovered in addition to penalty.

18. (1) When any offender has been convicted of a forest offence the Court may in addition to any other penalty assess the amount of any damage which may have been caused by the offender and cause the same to be recovered in like manner as if it were a fine or in the case of unauthorised establishments, buildings, enclosures, huts, or standing crops within a forest reserve or on State land, may order the removal of the same within such period as may be fixed and the restoration of the places to their previous conditions, and if the removal has not been effected within the period fixed as aforesaid all the establishments, buildings, enclosures, huts, or standing crops shall become the property of the Government and may be disposed of by the Director in such manner as he may consider proper.

Offence committed by agent or servant.

(2) If anyone convicted of a forest offence is found to be the agent or servant of another person the Magistrate may hear the other person, and unless he is satisfied that the commission of the offence was not a consequence of the other person's instigation, neglect or default, order the other person to pay the amount of any damage assessed.

Recovery of penalties.

19. (1) Any offence under this Act may be prosecuted and any penalty incurred may be imposed or recovered on the complaint of a forest officer or member of the police service.

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

Right of forest officer to conduct case.

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

**20.** When in any proceedings taken under this Act or in consequence of anything done under this Act, a question arises as to whether any tree or forest produce is the property of the Government, or whether any land is Government land, the tree or forest produce shall be presumed to be the property of the Government, and the land shall be deemed to be Government land until the contrary is proved.

Presumption as to  
ownership of  
produce or land.