

PEOPLE'S LAW NO. 65 OF 1979

PROCLAMATION

BY THE

PEOPLE'S REVOLUTIONARY GOVERNMENT

A LAW to provide for the establishment of a Forestry Development Corporation and for connected purposes.

[*Gazetted 24th August, 1979*]

In the exercise of the powers vested in the People's Revolutionary Government by People's Law No. 2 (Establishment of People's Revolutionary Government) and in exercise of the powers vested in the Prime Minister by People's Law No. 10 (Declaration and Effect of Laws) it is hereby ORDERED and PROCLAIMED as follows:—

1. This Law may be cited as the

Short title.

FORESTRY DEVELOPMENT CORPORATION
LAW, 1979.

2. In this Law—

- “Corporation” means the Forestry Development Corporation established by section 3 (1);
“fell” includes wilfully destroying by any means;
“Minister” except as provided in section 9 means the Minister responsible for agriculture.

Interpretation.

3.—(1) There is hereby established a Corporation to be called the Forestry Development Corporation which shall be a body corporate under that name with perpetual succession and a common seal which shall be

Incorporation of the Forestry Development Corporation.

officially and judicially noticed. The seal shall be authenticated by the signatures of the Chairman and one other member of the Corporation. The Corporation may sue and be sued in its corporate name and may for all purposes be described by that name.

(2) Until a seal is provided in accordance with the provisions of this section, a stamp bearing the words "Forestry Development Corporation", and authenticated by the signatures of the Chairman and one other member of the Corporation may be used instead of the seal.

Membership
of the
Corporation.

4.—(1) The Corporation shall consist of a chairman appointed by the Minister and such other members so appointed, not being less than six or more than nine as the Minister may from time to time determine.

(2) The members of the Corporation shall be appointed from among persons appearing to the Minister qualified as having had experience and shown capacity in matters relating to forestry, the timber trade, science, industry, commercial or financial matters, or the organization of workers.

Tenure of
office of
members of
Corporation.

5.—(1) A member of the Corporation shall be appointed for a period not exceeding three years and on the expiration of his period shall be eligible for re-appointment.

(2) Any member may resign his office by notice in writing under his hand given to the Minister.

(3) The Minister may at any time revoke the appointment of any member if he considers it expedient so to do.

(4) Any member of the Corporation who is absent from three consecutive meetings, except for reasons approved by the Minister, shall cease to be a member of the Corporation.

6.—(1) The Corporation shall, with the approval of the Minister, employ at such remuneration and on such terms and conditions as it may think fit a Secretary and such officers and servants as it deems necessary for carrying out its functions. Appointment
of officers
and
servants.

(2) The Secretary shall be the chief executive officer of the Corporation and shall have supervision and direction of the work and staff of the Corporation.

(3) The Minister, acting on the advice of the Public Service Commission, may approve the transfer of an officer from the service of the Government to the service of the Corporation and *vice versa*.

(4) An officer who is transferred as provided by subsection (3) of this section shall retain all his rights and privileges and be in no less favourable a position as if he had not been so transferred.

7. The funds of the Corporation shall consist of such money as may— Funds of the
Corporation.

- (a) accrue from the operation of the Corporation;
- (b) be borrowed by the Corporation from time to time;
- (c) be provided from public funds from time to time; and
- (d) accrue from any source and at any time be granted or allocated to the Corporation.

8.—(1) The Corporation shall not, without the prior consent of the Minister responsible for finance, borrow any money or mortgage or pledge its assets for the repayment of any money borrowed or owing by the Corporation. Loans.

(2) The Minister responsible for finance may by warrant from time to time and on such terms and conditions as he may think fit for the purposes of this Act, authorise the Accountant General to advance sums of money to the Corporation.

Functions
and duties
of the
Corporation.

9.—(1) The Corporation is charged with promoting the interests of forestry, the development of afforestation and the production or supply of timber and other forest products in Grenada and in that behalf shall have the powers and duties conferred or imposed on it by this Law.

(2) The Corporation shall manage, plant and otherwise use, for the purpose of the exercise of its functions under this Law, any land vested in it or placed at its disposal by the Minister under this Law and—

(a) the power of the Corporation under this subsection to manage and use any land shall, without prejudice to the generality of that power, include power to erect buildings or execute works on the land including the construction of roads for the purpose of transporting timber;

(b) any timber produced on land so placed at the Corporation's disposal shall belong to the Corporation.

(3) The Corporation may—

(a) purchase or otherwise acquire outstanding timber and sell or otherwise dispose of any land or timber belonging to it and generally promote the supply, sale, utilization and conversion of timber.

(b) establish and carry on, or aid in the establishment and carrying on, of woodland industries.

(4) The Corporation's general duty includes that of promoting the establishment and maintenance of adequate resources of growing trees and in this connection it shall comply with such directions as may be given by the Minister.

(5) In this section the expression "timber" includes all forest products.

10.—(1) The Corporation shall keep account of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Minister. Accounts and audits.

(2) The members, officers and servants of the Corporation shall grant to the auditor appointed to audit the accounts of the Corporation access to all books, documents, cash and securities of the Corporation and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Corporation.

(3) As soon as the accounts have been finally audited the Secretary of the Corporation shall send to the Minister a copy thereof together with any report thereon by the auditor.

11.—(1) The Minister may by order published in the *Gazette*— Lands vested in or placed at disposal of Corporation.

(a) vest absolutely in the Corporation; or

(b) place at the disposal of the Corporation, such acres of forest reserve or other Crown Lands which in his opinion is suitable for afforestation or for purposes connected with forestry together with any other land which must necessarily be acquired therewith.

(2) Every order made under paragraph (a) of subsection (1) of this section shall be registered in accordance with the provisions of the Deeds and Land Registry Ordinance (Cap. 90).

12.—(1) Anyone who fells a mohogany tree of any size or any tree specified in the Schedule to this Law with a diameter exceeding six inches except under the authority of a licence issued by the Corporation shall be guilty of an offence and the felling of each tree shall constitute a separate offence. Licence required to cut specified trees.

(2) The reference to the diameter of a tree in subsection (1) of this section shall be construed as a reference to the diameter, measured over the bark, at a point five feet above ground level.

Cutting of trees on Corporation land without permission prohibited.

13.—(1) Notwithstanding any law to the contrary anyone who fells, cuts or otherwise interferes with any tree growing on land vested in or under the control of the Corporation without the prior permission in writing of the Corporation shall be guilty of an offence and the felling, cutting or interfering with each tree shall constitute a separate offence.

(2) For the purposes of this section the expression “tree” includes any tree, wood, bamboo, underwood or other produce of the soil whether cultivated or not.

Penalty.

14.—(1) Anyone who commits an offence under this Law shall on summary conviction be liable to a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for a term not exceeding six months.

(2) Proceedings for an offence under this Law may be instituted within six months from the discovery of the offence by the person taking proceedings, provided that no proceedings shall be instituted more than two years after the date of the offence.

Prosecution of offences.

15.—(1) No proceedings for an offence punishable under this Law shall be instituted except by or under the sanction of the Corporation or the Commissioner of Police.

(2) Any employee of the Corporation or any police constable may conduct such proceedings.

Regulations.

16. The Corporation, with the approval of the Minister may make regulations—

(a) governing the proceedings of the Corporation and the manner and transaction of its business;

(b) prescribing the circumstances in which members of the Corporation, its officers and servants may receive travelling and subsistence allowance and fixing the rates of such allowance;

- (c) prescribing licence to be issued by the Corporation and imposing fees therefor;
(d) generally for the exercise of its powers and duties under the provisions of this Act.

SCHEDULE

MAHOE	—	ANY SPECIES
WHITE CEDAR		
RED CEDAR		
SAMAAN		
TEAK		
BULLET		
GOMMIER		
TAPANA		
LAURIER	—	ANY SPECIES
PINE	—	ANY SPECIES
ZABRICOT		

Dated this 22nd day of August, 1979.

MAURICE BISHOP
Prime Minister