

THE FOREST ACT

REGULATIONS

*saved by section 40 of Act 17 of 1996
(made under section 16 of the Forest Act, 1937)*

THE FOREST (REMOVAL OF TIMBER AND PROPERTY MARK)
REGULATIONS, 1938

*(Made by the Governor in Privy Council on the 18th day of October,
1938)*

G.N. 1011/38
Amd:
L.N. 39/43

1. These Regulations may be cited as the Forest (Removal of Timber and Property Mark) Regulations, 1938.

2. In these Regulations "scheduled timber" means and includes any timber cut from any tree or trees of the kind mentioned in the First Schedule.

First
Schedule.

Removal of Timber

3. No person shall convey or remove any scheduled timber along any public or parochial road or along any track or path or by railway unless the person in charge of such timber has a written pass from the owner or occupier of the land from which the scheduled timber was cut.

4. The pass mentioned in regulation 3 shall contain—

- (a) the name and the address of the owner or occupier of the land on which the scheduled timber was cut;
- (b) the name and address of the person authorized to move the scheduled timber;
- (c) the quantity and kind of scheduled timber which is authorized to be moved;
- (d) the date on which the pass was issued;
- (e) the signature of the person issuing the pass.

5. When the scheduled timber has been cut on Crown lands the pass must be issued by a forest officer in the form specified in the Second Schedule and every pass so issued must be returned to the officer who issued it within seven days of the date of expiry noted on the pass.

Second
Schedule.

6. It shall be lawful for any forest officer or member of the Jamaica Constabulary, to stop any person found in possession or in control of scheduled timber on any public or parochial road or on any track or path or in any public place and to require such person to produce for inspection the pass for the scheduled timber in his possession or control, and if such person fails to produce the appropriate pass or to satisfactorily account for its absence, the forest officer or member of the Jamaica Constabulary may detain and mark the scheduled timber, and report the circumstances to the nearest police station or to the Clerk of the Resident Magistrate's Court of the parish in which the scheduled timber is detained.

Property Marks

7. Any owner or occupier of a property may submit to the Conservator of Forests a specimen of a design to be registered as the mark which he proposes to use on his scheduled timber, and the design when registered shall so long as its registration is in force, be the registered property mark of the person at whose request it was registered (hereinafter called "the registered proprietor") and any person other than the registered proprietor using that mark or design or any colourable imitation thereof shall be guilty of an offence against these Regulations.

8. The Conservator of Forests may refuse to register any design if, in his opinion, it resembles a registered mark or the mark used by forest officers, or if in his opinion it is not desirable to register it.

9. A registered design or mark shall be used exclusively by the registered proprietor from the date of registration until the thirty-first day of December next following, but it shall be lawful for the Conservator of Forests in his discretion to renew its registration from time to time.

10. A registered proprietor shall use no other mark but his registered mark or design on his scheduled timber, so long as the registration of his mark or design is in force.

11. The Conservator of Forests may, after due notice to a registered proprietor, enquire into any charge or charges relating to a registered trade mark or the use thereof and if he is satisfied that it is desirable to do so the Conservator of Forests may order the can-

cellation of a registered design or mark. After a registered mark or design has been cancelled it shall be unlawful for anyone to use that mark or a colourable imitation thereof. The Conservator of Forests may, in his discretion, subsequently grant a renewal of registration in respect of a cancelled mark or design.

12. The design of a registered property mark may be borne by one or more hammers. When the design of such property mark is borne by more than one hammer, each hammer after the first shall bear, in addition to the registered mark, a serial number beginning with two, to denote that it forms one of a series of hammers registered as the same mark.

13. Every renewal of the registration of a property mark shall commence from the date of expiry of the original registration or of the last subsequent renewal of such registration.

14. The Conservator of Forests on registering a property mark shall grant to the owner thereof a certificate in the form set out in the Third Schedule. A copy of such certificate of registration shall be published in the *Gazette*.

Third
Schedule.

15. Any person who—

- (a) marks any standing tree or any timber on Crown land with a marking hammer or other implement for impressing marks on timber other than a property mark duly registered under these Regulations, the registration of which has not expired; or
- (b) impresses any property mark on any tree or timber on Crown land save under the authority in writing of a duly authorized forest officer,

shall be guilty of an offence under these Regulations.

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<u>Local name</u>	FIRST SCHEDULE	(Regulation 2)
	<u>Botanical name</u>	
Braziletto	Peltophorum Brasiliense	
Broadleaf	Terminalia latifolia	
Bitter Damsel	Simaruba glauca	
Bulletwood	Dipholis spp.	
	Mimusops spp.	
Cedar	Cedrela Odorata	
Cashaw	Prosopis juliflora	
Dogwood	Piscidia erythrina	
Fiddlewood	Petitia domingensis	
Gold Spoon	Antirrhoea jamaicensis	
Greenheart	Sloanea jamaicensis	
Ironwood	Turpentina occidentalis	
Juniper	Juniperus Barbadensis	
Lancewood	Oxandra lanceolata	
	Oxandra laurifolia	
Mahoe	Hibiscus elatus	
Mahogany	Swietenia Mahogani	
Mountain Guava	Psidium montanum	
Rosewood	Zanthoxylum thodoxylon	
Sandalwood	Amyris Balsamifera	
Santa Maria	Galophyllum jacquinii	
Sapadilla	Mimusops excisa	
Satinwood	Zanthoxylum flavum	
Shadbark	Pithecolobium alexandrii	
Spanish Elm	Cordia gerascanthoides	
Wild Prune	Prunus occidentalis	
Wild Tamarind	Pithecolobium arboreum	
Yacca	Podocarpus urbanii	
Yellow Sanders	Buehenavia capitata	
Yokewood	Catalpa longissima	

SECOND SCHEDULE
REMOVAL PERMIT (Regulation 5)

No.

Permission is hereby granted to
of to remove from Crown lands at
Forest Reserve
..... to
the following timber—

Reference.	Species
Licence No.	Marks
Serial No. of trees—	No. of pieces and dimensions
.....
.....
Inspected by—
.....
Date of issue
Date of expiry
.....

Signature of officer authorized to issue permit

Information to be recorded at back if space is insufficient.
N.B. This permit must be returned to the office of issue within seven days
of the date of expiry.

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THIRD SCHEDULE

(Regulation 14)

CERTIFICATE OF REGISTRATION OF A PROPERTY MARK UNDER THE FOREST ACT

I certify that I have on this _____ day of
19 _____ registered the property mark of
of _____

the design of which is shown on the back hereof.

The registration of the property mark expires on the
day of _____ 19 _____ .

Forests Department.
19 _____ .

Conservator of Forests.