

## CHAPTER 95.

### FORESTRY.

(27th December, 1956.)

21/1956  
9/1959

1. This Ordinance may be cited as the Forestry Ordinance. Short title.
  
2. In this Ordinance :— Interpretation.
  - “Board” means the Forestry Board constituted under this Ordinance;
  - “estate” means any plantation, property or land;
  - “Forest Officer” means any person appointed as such by the Administrator;
  - “livestock” includes cattle, horses, mules, asses, goats, sheep and swine;
  - “owner” includes lessee and the manager and attorney of such owner;
  - “timber” includes trees before and after they have fallen or been felled and all wood whether cut up or fashioned for any purpose or not, but does not include shrubs or trees growing on cultivated lands on any estate.
  
- PART I.
  
- THE FORESTRY BOARD.
  
3. (1) The Administrator may for the purpose of carrying into effect the provisions of this Ordinance appoint not less than five persons to form a Board to be styled the “Forestry Board”. Constitution of Board.
- (2) Every person so appointed shall hold office during the pleasure of the Administrator.
  
4. The Administrator may nominate one of the members of the Board to be Chairman. Chairman.

Appointment  
of acting  
member.

5. The Administrator may appoint any person to act as a member of the Board during the temporary absence from the Colony of any member.

Quorum.

6. Three members of the Board shall form a quorum and all questions arising for the decision of the Board shall be decided by a majority of the votes of the members present and voting, and when the votes are equal, the Chairman shall have a casting vote.

Appointment  
of Secretary.

7. (1) The Administrator may appoint some fit and proper person to be Secretary of the Board.

(2) The Secretary shall be the chief executive officer of the Board. He shall attend all meetings of the Board and keep the minutes of such meetings and perform such other duties as may be assigned to him by the Board.

Appointment  
of Forest  
Officers.

8. The Administrator may appoint such persons to be Forest Officers as may be deemed necessary for the carrying out of the provisions of this Ordinance.

## PART II.

### PREVENTION OF DEFORESTATION.

Declaration of  
Protected  
Forest.

9. (1) It shall be lawful for the Administrator upon the recommendation of the Board, by proclamation published in the *Gazette*, to declare any lands to be a Protected Forest.

(2) Upon any private lands being declared a Protected Forest, the Forest Officer shall cause the area to be defined.

Offences.

10. Any person who in any Protected Forest without permission in writing given by the Secretary of the Board—

(a) clears any land for cultivation, pasturage or any other purpose; or

(b) fells, cuts, girdles, barks, lops, taps, or bleeds any tree or injures by fire or otherwise any tree; or

(c) kindles, keeps or carries any fire; or

(d) depastures any livestock or permits any livestock to trespass,

shall be guilty of an offence against this Ordinance.

11. If, after the first publication of any proclamation declaring any lands to be a Protected Forest, any cultivation, cleared space or pasture land is found within such Protected Forest, the owner of the land where such cultivation, cleared space or pasture land is, shall be presumed to have cultivated or cleared such land in contravention of the provisions of this Ordinance, unless permission in writing to clear such land had previously been obtained from the Secretary of the Board :

Any cleared space in Protected Forest deemed to be cleared by owner.

Provided that such owner shall not be convicted if it is proved to the satisfaction of the Magistrate before whom he is charged with an offence against this Ordinance that the land in respect of which the charge is laid was not cultivated or cleared in consequence of any wilful act or culpable negligence by the owner of such land.

12. (1) Subject to the provisions of subsection (2), no compensation under this Ordinance shall be payable to any person who claims that he has suffered or is likely to suffer loss through the declaration of any lands to be a Protected Forest.

Compensation for loss.

(2) When the owner of any private land which is declared to be a Protected Forest claims that he ought to be pecuniarily compensated for loss suffered or likely to be suffered as a result of such declaration, he shall within three months of the making of the Order lodge at the Administrator's Office a statement of his claim with full particulars of his estimated loss.

(3) Within thirty days of such claim being lodged as aforesaid the Administrator shall appoint a Committee consisting of—

- (a) a Government officer chosen by him;
- (b) such person as the claimant may nominate; and
- (c) such other person, as may be agreed upon between the Administrator and the claimant who shall be Chairman of the Committee.

(4) The Committee shall hear the claimant and such persons as he may bring before the Committee and such Government officers as the Administrator may direct to appear before the Committee and shall make recommendations in accordance with the provisions of this section as to compensation, if any, to be paid to the claimant and shall forward their recommendations in the form of a report through the Administrator to the Administrator in Council.

---

(5) In making recommendations under subsection (4) the Committee shall—

- (a) not take into account—
  - (i) any remote, contingent or possible uses to which the land might in future be put, and
  - (ii) any loss suffered as a result of a change of system in cases where the effect of the declaration of the land to be a Protected Forest is to compel the owner to adopt a better system of husbandry than he had practised before, or when it may reasonably be expected that the declaration will have that effect;
- (b) have regard to—
  - (i) the actual use of the land at the date when the Order was made and during the three years immediately preceding that date, and
  - (ii) evidence adduced, if any, as to the progressive deterioration of the land through soil erosion or other causes which might reasonably be expected to be arrested by its declaration as a Protected Forest;

(c) assume, unless in any case the Forest Officer shall indicate to the Committee that the Forest cover on land ought, by reason of the steepness or otherwise of the said land, to be permanently left undisturbed, that the forest produce of the land will in the future accrue to the owner under a proper system of selective felling on permission in writing being given by the Secretary of the Board in accordance with the provisions of section 10.

(6) The Administrator in Council shall consider every report forwarded under the provisions of subsection (4) and shall decide what compensation, if any, shall be paid, and the decision of the Administrator in Council shall be final.

(7) It shall be lawful for the Administrator to direct the Treasurer to pay from the general revenue of the Colony as compensation to the owner of the land such sum of money as may be decided by the Administrator in Council under subsection (6).

(8) In this section, the word "owner" shall include a tenant whose contract of tenancy is for such a period as to give him the

right to occupy the land for five years or more from the date when the Order is made.

### PART III.

#### RESERVATION OF FORESTS.

**13.** (1) The Administrator in Council may by proclamation published in the *Gazette* declare any Protected Forest or any other area of land whether cultivated or not to be a Forest Reserve.

Declaration of  
Forest Reserve.

(2) A survey of every area of land declared to be a Forest Reserve shall be made and a map or plan thereof shall be deposited in the Registrar's Office and a copy thereof shall be posted at the Police Station nearest to the Forest Reserve.

**14.** All lands declared under the provisions of this Ordinance to be Forest Reserves shall be acquired by the Crown and the provisions of any Act in force in the Colony relating to the acquisition of land by the Crown shall apply.

Acquisition of  
land for Forest  
Reserve.

**15.** Except under the authority of any regulation made under this Ordinance, any person who in any Forest Reserve—

Offence

(a) fells, cuts, girdles, barks, lops, taps or bleeds or in any way injures any tree, or

(b) kindles, keeps or carries any fire or

(c) depastures any livestock or permits any livestock to trespass,

shall be guilty of an offence against this Ordinance.

### PART IV.

#### MISCELLANEOUS.

**16.** (1) Every Protected Forest and Forest Reserve shall be demarcated by stones, concrete pillars, iron pipes, notice board, or sign plates, or by distinctive trees or plants and such boundary stones or other boundary marks shall be maintained in such manner as to be clearly visible at all times.

Demarcation  
of  
Protected  
Forest and  
Forest  
Reserves.

(2) The boundary stones or other boundary marks of every Protected Forest and Forest Reserve shall be maintained at public expense.

Ord. 9/1959.

(3) Any person who alters, destroys or defaces any boundary stones or other boundary marks of any Protected Forest or Forest Reserve shall be guilty of an offence against this Ordinance.

Regulations.

17. The Administrator in Council may make regulations for any of the following purposes, that is to say—

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

(b) for the cutting, lopping and felling of timber within a Protected Forest and a Forest Reserve;

(c) for regulating the management and control of Protected Forests and Forest Reserves ;

(d) for regulating the sale of timber cut or felled within a Forest Reserve;

(e) providing for the seizure and disposal of any timber cut or felled contrary to the provisions of this Ordinance;

(f) for the planting of useful trees in place of un-economic forest trees;

(g) generally, for the better carrying out of the provisions of this Ordinance.

Seizure and  
destruction of  
livestock.

18. (1) Every Forest Officer and every member of the Police Force may seize and impound any livestock within a Protected Forest or Forest Reserve and may shoot and destroy sheep, goat, swine or feathered stock found therein and notice of such seizure or destruction shall be immediately given to the person known to be the owner thereof. In this section "feathered stock" means any cock, hen, capon, turkey, gander, goose, drake, duck, guinea-fowl, peacock, peahen or the young of the same.

(2) All livestock so seized and the carcasses of every sheep, goat, swine or feathered stock so destroyed, in a Protected Forest or Forest Reserve, shall be forfeited to the Crown, unless the owner thereof or some person authorized by him shall, in the case of such livestock within forty eight hours of such seizure, and in the case of such carcasses within twenty four hours of such destruction, claim such livestock or such carcasses.

(3) Any livestock so forfeited to the Crown shall be sold by public auction by the pound-keeper, acting on the authority of

---

the Forest Officer, and the proceeds, after deducting all expenses in connection with the impounding and sale of such livestock, shall be paid over to the Forest Officer who shall pay the same into the Treasury.

(4) The carcase of any sheep, goat, swine or feathered stock forfeited to the Crown, after inspection by the Veterinary Officer or Agricultural Officer, if deemed fit for human consumption shall be sold and if unfit shall be immediately buried.

(5) Any person making such claim as mentioned in subsection (2) may be charged with an offence against section 10(d) or section 15(c) as the case may be.

**19.** Any member of the Board, Forest Officer or Police Officer may enter upon and pass or repass over any land within the Colony on reasonable suspicion that the provisions of this Ordinance or of any regulations made thereunder are not being complied with or for any of the purposes of this Ordinance.

Power of entry.

**20.** Any person who assaults, obstructs or resists any member of the Board, Forest Officer or Police Officer in the execution of any duty imposed by the provisions of this Ordinance, or who aids, or incites any other person so to assault, obstruct or resist, shall be guilty of an offence against this Ordinance.

Assault, etc.

**21.** (1) Any person who is guilty of an offence against this Ordinance or the regulations made thereunder shall be liable on summary conviction to a fine not exceeding two hundred and forty dollars.

Penalties.

(2) When any person is convicted of an offence against this Ordinance or the regulations made thereunder the Magistrate before whom he is convicted may order that any crop grown on the land in respect of which the offence has been committed be forfeited.

(3) Any crop forfeited under the preceding subsection shall be sold or otherwise disposed of as the Administrator may by general or special order direct.

**22.** (1) Any member of the Board or Forest Officer or Police Officer, may, without warrant, arrest any person found within a Protected Forest or Forest Reserve who is reasonably suspected of having committed an offence against this Ordinance

Power to arrest without warrant.

---

or regulations made thereunder if such person refuses to give his name and address.

(2) Every person making an arrest under this section shall with all convenient despatch deliver the person so arrested over to the Police Officer in charge of the nearest Police Station.

Revocation,  
etc.  
of the  
proclamation.

23. Any proclamation made under this Ordinance may at any time be varied or revoked by the Administrator or the Administrator in Council, as the case may be.

Legal  
Proceedings.

24. Proceedings in respect of an offence against this Ordinance may be instituted by any member of the Board, Police Officer or Forest Officer.