

Fourth Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 23 of 1999

[L.S.]

AN ACT to amend the Forests Act, Chap. 66:01

[Assented to 5th November, 1999]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Forests (Amendment) Short title
Act, 1999.

2. In this Act, a reference to “the Act” is a reference Interpretation
to the Forests Act.

Section 2 amended

3. Section 2 of the Act is amended by—

- (a) inserting after the word “2” at the commencement of this section the word “(1)”;
- (b) deleting the definition of the word “timber” and substituting the following definition:
 - “timber includes—
 - (a) all species of trees listed in the Second Schedule whether standing, fallen, living or dead;
 - (b) lumber, bucked or peeled;
 - (c) logs; and
 - (d) all wood whether cut up or fashioned for a purpose or not.”;
- (c) deleting the definition “tree” and substituting the following definition:
 - “tree includes—
 - (a) all species of trees listed in the Second Schedule; and
 - (b) bamboo, palms and brushwood found growing on State lands.”;
- (d) inserting the following subsection:
 - “ (2) In this Act, and in any other written law, a reference to the terms “Conservator” or “Conservator of Forests” shall be read and construed as a reference to the term “Director” or “Director of Forestry.”.

Section 3 amended

4. Section 3 of the Act is amended—

- (a) by inserting immediately after the word “3” at the commencement thereof, the word “(1)”;

(b) by inserting after subsection (1), the following new subsection:

“ (2) The Minister may, in consultation with the Minister with responsibility for National Security, designate the required number of officers of the Coast Guard as Forest Officers, and may by Notification published in the *Gazette*, authorise them to grant any permission required under this Act, in relation to the removal of forest produce along the coast of Trinidad or Tobago.”.

5. Section 7 of the Act is repealed and the following section is substituted: Section 7 repealed and replaced

“Prohibition
of the felling
of trees

7. (1) A person who fells any—
(a) tree listed in the Second Schedule;
or
(b) tree on a slope of over thirty degrees, within a minimum of one hectare of land,

without a Felling Permit granted in accordance with subsection (2), commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

(2) An owner or occupier of such land or a person authorised by the owner or occupier of land who desires to fell any tree listed in the Second Schedule shall apply to the authorised officer of the district for a permit to do so, and subject to section 7D, the authorised officer may grant such permit on such terms and conditions as may be necessary in all the circumstances.

(3) The Minister may by Order amend the Second Schedule.

Sections 7A to 7H
inserted

6. The Act is amended by inserting after section 7 the following sections:

"Removal
Permit

7A. (1) No person shall remove any timber from any land by any means whatever, without a Removal Permit granted in accordance with this section.

(2) An application for a permit shall be made by the owner or occupier of such lands.

(3) Where an application is being made to remove timber from private land and the applicant is the owner of such land, he shall make a declaration of ownership in the prescribed form.

(4) An applicant who is not himself the owner, shall make a declaration to the effect that the timber for which the permit is required is *bona fide* private property which has come from private land, with the consent of the owner of such land.

(5) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

Fine for false
declaration

7B. Where an application is made under section 7B(3) or (4) and the applicant makes a false declaration, he is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for two years.

Validity of
Permit

7C. (1) A permit to remove timber from private land shall be valid for a period of thirty days.

(2) Where a permit has been granted under this Act the holder of the permit may apply to the Director for an extension, prior to the expiry of such permit.

(3) The Director shall grant an extension of the permit for a period not exceeding two weeks and the fee payable shall be ten dollars per week.

Grounds for
refusal of
permit

7D. The grounds for the refusal of a permit shall be—

- (a) prior revocation of any permit granted under this Act;
- (b) conviction for a forest offence; or
- (c) any other ground prescribed by the Minister from time to time by way of Order.

Fees for
permit

7E. (1) A non-refundable/non-transferable fee of thirty dollars, shall be charged for any permit issued under this Act, but the fee for the Bulk Timber Removal Permit shall be fifty dollars.

(2) The Minister may by Order prescribe such fees for the grant of the Bulk Timber Removal Permit in relation to the quantity of timber to be removed as he may think fit.

Maximum
allowance for
Removal
Permit

7F. (1) Subject to this section, a maximum of fifteen cubic metres (416 hoppers cubic feet) of timber shall be released on each Removal Permit and a separate permit shall be required for every additional ten cubic metres of timber or any part thereof.

(2) A special Bulk Timber Removal Permit shall be required only in respect of removal of State owned timber of a single species.

(3) All timber to be removed under the Removal Permit and the Bulk Timber Removal Permit shall be stamped by the Conservator with the prescribed registered property and removal mark prior to the grant of such permit.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars.

Load limits

7G. Notwithstanding section 7F, a limit on the quantity of logs that may be carried at any time, to be referred to as a load limit, may be established by—

- (a) the Conservator of Forests in the case of access roads through a Forest Reserve and other state lands;
- (b) an officer designated by the Minister with responsibility for agriculture, in the case of agricultural access roads; or
- (c) the relevant Regional Corporation in the case of secondary roads.

Appeal to the
Minister

7H. (1) Where an application for any permit is refused by the Authorised Officer, the aggrieved applicant may appeal to the Minister for a review of the decision, not later than one month after the refusal of the application stating the grounds for the appeal.

(2) The Minister shall consider an application for review of the refusal, within a reasonable time after the receipt of the application.

(3) Nothing in this section shall be construed as restricting the right of an aggrieved person to apply to the High Court for redress in accordance with section 14 of the Constitution.”.

Chap. 1:01

7. Section 8 of the Act is amended by—

Section 8 amended

- (a) deleting the word “two” occurring in the line following paragraph “(f)” and substituting the word “twenty”;
- (b) including the words “or state lands” immediately after the words “Forest Reserve” in line fifteen and by deleting all the words commencing with the word “and” and ending with the words “Forest Reserve” in line sixteen.

8. Section 10 of the Act is amended by deleting the Section 10 amended
penultimate and last lines, and by substituting the following words “is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years”.

9. Section 14(1) of the Act is amended by—

Section 14 amended

- (a) deleting the words “felling” and “removing”; and
- (b) deleting the word “forty” in line six and substituting the words “five hundred”.

10. Section 18 of the Act is amended in subsection Section 18 amended
(2), by deleting the words “one” and “six months” in the last line and by substituting the words “one hundred” and “five years” respectively.

11. Section 21(1) of the Act is amended—

Section 21 amended

- (a) by deleting the words “a Forest Officer” and substituting the words “the Director of Forestry”; and
- (b) in paragraph (a), by deleting the words “not exceeding four hundred dollars” and substituting the words “not less than five hundred dollars but not more than twenty-five thousand dollars”.

Second Schedule
repealed and
replaced

12. The Act is amended by repealing the Second Schedule and substituting the following new Schedule:

SECOND SCHEDULE
SPECIES OF TREES

<i>Common Name</i>	<i>Botanical Name</i>
1. Acacia	<i>Acacia mangium</i>
2. Acoma	<i>Sideroxylon quadriloculare</i>
3. Acurel	<i>Trichilia smithii</i>
4. Angelin	<i>Andira inermis</i>
5. Balata	<i>Manilkara bidentata</i>
6. Balsam	<i>Copaifera officinalis</i>
7. Blackheart	<i>Clathrotropis brachypetala</i>
8. Black Mangrove	<i>Avicennia nitida</i>
9. Bloodwood	(a) <i>Pterocarpus rohrii</i> (b) <i>Croton gossypifolius</i>
10. Bois d'orme	<i>Guazuma ulmifolia</i>
11. Bois Lisette	<i>Mouriri marshallii</i>
12. Bois mulatre	<i>Pentachlethra macroloba</i>
13. Bosoo	<i>Zanthoxylum trinitense</i>
14. Cajuca	<i>Virola surinamensis</i>
15. Caribbean Pine	<i>Pinus caribaea</i>
16. Cedar	<i>Cedrela odorata</i>
17. Chenet	<i>Melicoccus bijugatus</i>
18. Crappo	<i>Carapa guianensis</i>
19. Cypre	<i>Cordia alliodora</i>
20. Fustic	<i>Chlorophora tinctoria</i>
21. Black Fiddlewood	<i>Vitex divaricata</i>
22. White Fiddlewood	<i>Vitex capitata</i>
23. Figuier	<i>Ficus yoponensis</i>
24. Galba	<i>Calophyllum lucidum</i>
25. Gommier	(a) <i>Protium insigne</i> (b) <i>Tapirira guianensis</i>
26. Guatecare	<i>Eschweilera subglandulosa</i>
27. Hogplum	<i>Spondias mombin</i>
28. Mahogany	(a) <i>Swietenia macrophylla</i> (b) <i>Swietenia mahogoni</i>

<i>Common Name</i>	<i>Botanical Name</i>
29. Immortelle	(a) <i>Erythrina poeppigiana</i> (b) <i>Erythrina glauca</i>
30. Jereton	<i>Didymopanax morototoni</i>
31. Jiggerwood	<i>Bravaisia integerrima</i>
32. Juniper	<i>Genipa americana</i>
33. Lagoon Cedar	<i>Licania</i> sp.
34. Laurier Cannelle	<i>Aniba firmula</i>
35. Laurier Cypre	<i>Ocotea oblonga</i>
36. Laurier Mattack	<i>Ocotea eggersiana</i>
37. Laurier Zaboca	<i>Ocotea glomerata</i>
38. L'Epinet	<i>Zanthoxylum martinicense</i>
39. Locust	<i>Hymenaea courbaril</i>
40. Mahoe	<i>Sterculia caribaea</i>
41. Marouba	<i>Simarouba amara</i>
42. Milkwood	<i>Sapium glandulosum</i>
43. Mora	<i>Mora excelsa</i>
44. Moussara	<i>Brosimum alicastrum</i>
45. Olivier Yellow (Yellow Sanders)	<i>Buchenavia capitata</i>
46. Olivier White	<i>Terminalia obovata</i>
47. Pink Poui	<i>Tabebuia rosea</i>
48. Pois doux	(a) <i>Inga laurina</i> (b) <i>Inga venosa</i>
49. Puni	<i>Pithecellobium jupunba</i>
50. Purpleheart	<i>Peltogyne porphyrocardia</i>
51. Red Mangrove	<i>Rhizophora mangle</i>
52. Redwood	<i>Guarea guara</i>
53. Roble	<i>Platymiscium trinitatis</i>
54. Ryania	<i>Ryania speciosa</i>
55. Samaan	<i>Samanea saman</i>
56. Sandbox	<i>Hura crepitans</i>
57. Sardine	(a) <i>Laetia procera</i> (b) <i>Zuelania guidonia</i>
58. Serrette	<i>Brysonima coriacea</i>
59. Silk Cotton	<i>Ceiba pentandra</i>
60. Tantakayo	<i>Albizzia caribaea</i>
61. Tapaná	<i>Hieronyma laxifolia</i>
62. Teak	<i>Tectona grandis</i>
63. Toporite	<i>Hernandia sonora</i>
64. White Mangrove	<i>Languncularia racemosa</i>
65. Yellow Mangue	<i>Symphonia globulifera</i>
66. Yellow Poui	<i>Tabebuia serratifolia</i>

Passed in the Senate this 17th day of November, 1998.

N. COX

Clerk of the Senate

Passed in the House of Representatives this 26th day of July, 1999.

J. SAMPSON-JACENT

Clerk of the House

House of Representatives amendments agreed to by the Senate this 10th day of August, 1999.

N. COX

Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 3rd day of September, 1999.

J. SAMPSON-JACENT

Clerk of the House