

LAWS OF TRINIDAD AND TOBAGO

FORESTS ACT

CHAPTER 66:01

Act
42 of 1915
Amended by
4 of 1922
29 of 1925
5 of 1933
37 of 1933
148/1955

Current Authorised Pages

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of
Subsidiary Legislation

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Note
on
Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to L.N. 51/1980 (the Legal Notice by which the President's approval was signified).

2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by L.N. 52/1980 and 120/1980 but no marginal reference is made to these Notices where any such amendment is made in the text.

CHAPTER 66:01**FORESTS ACT**

ARRANGEMENT OF SECTIONS

SECTION

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FIRST SCHEDULE.

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CHAPTER 66:01

FORESTS ACT

An Act relating to Forests and Forest Produce.

1950 Ed.
Ch. 24 No. 1.

42 of 1915.

Commencement.

[15TH MAY 1916]

Short title.

1. This Act may be cited as the Forests Act.

Interpretation.

2. In this Act—

“authorised officer” in relation to any of the purposes of this Act, means a public officer designated in writing for the purpose by the Minister;

“cattle” includes horses, mules, asses, goats and swine;

“classification mark” means a mark placed on timber that already bears a property mark to denote its origin or the agency by which it has been handled;

“forest offence” means any offence punishable under this Act or under any rule made thereunder;

“Forest Officer” includes any person appointed to discharge any function of a Forest Officer under this Act or any rule made thereunder;

“forest produce” includes the following when found in or brought from State land:

(a) trees and all parts or produce of such trees;

(b) plants not being trees, and all parts of produce of such plants;

“Forest Reserve” means and includes a forest and every part of a forest declared to be a Forest Reserve under the Land Regulations for the time being in force;

“private land” means land other than State land;

“prohibited area” means a specified area, being part of a Forest Reserve or State lands declared by the Minister by Order to be a prohibited area;

“property mark” means a mark placed on timber to denote that after all purchase money or royalties due to the Government have been paid, the owner has or will have a right of property in the timber;

“State land” includes—

- (a) the waste or vacant land of the State within Trinidad and Tobago; and
- (b) all lands vested in the State, whether by forfeiture, escheat, purchase or exchange, and not dedicated to the public;

“timber” includes trees when they have fallen or been felled, and all wood whether cut up or fashioned for any purpose or not;

“tree” includes palms, bamboos, stumps, brushwood and canes.

3. The Minister shall appoint such number of public officers to be Forest Officers as may be necessary to carry out the provisions of this Act, and may by Notification confer upon any such officer power or authority either generally or in a specific case, to do any act or grant any permission for which power or authority is required under this Act.

Appointment of
Forest Officers.

BALATA GUM

4. (1) No person shall extract gum from, or cut for the purpose of extracting gum, any Balata trees growing on State lands.

Balata gum
from State
lands.

(2) No person shall extract gum from, or cut for the purpose of extracting gum, any Balata tree growing on private land, without the licence in writing of the authorised officer of the district in which such land is situated. Such licence shall be in such form and subject to such conditions as the Minister may from time to time determine.

Balata gum
from private
lands.

(3) Any person who contravenes this section or any condition contained in or endorsed on any licence issued to him is liable to a fine of two thousand dollars.

5. (1) No person shall transport or remove Balata gum except under a written permit from the authorised officer of the district. Every such permit shall be in the form set out in the First Schedule and shall only be granted on the authorised officer being satisfied that the Balata gum in respect of which the permit is applied for has been obtained from trees growing on private land with the consent of the owner of such land, and such licence shall be valid only for the period therein mentioned.

Permit for
removal of
gum.
First Schedule.

(2) Any person who contravenes this section is liable to a fine of two thousand dollars.

Removing gum
without permit.

Export of
Balata gum.

6. (1) No person shall export from Trinidad and Tobago any Balata gum unless, in the case of local produce, the shipping bill presented to the Comptroller of Customs and Excise is accompanied by an authorised officer's permit under section 5 or, in the case of imported gum, by a certificate of its landing signed by an officer of Customs.

Unlawfully
exporting
Balata gum.

(2) Any person who exports or attempts to export from Trinidad and Tobago any Balata gum in contravention of the provisions of this section is liable to a fine of two thousand dollars.

REMOVAL OF TIMBER

Permit to move
timber.

7. (1) Any person who within a declared district transports or moves any timber, the produce of Trinidad and Tobago, along any highway, or by railway or water, except under a written permit from an officer authorised to issue it, is liable to a fine of one thousand dollars.

Second
Schedule.

(2) In this section, "timber" means timber cut from trees mentioned in the Second Schedule. The Minister may from time to time, by Order, add to the list of trees specified in that Schedule, and may remove from such Schedule the name of any tree included therein.

(3) A "declared district" means any part of Trinidad and Tobago to which the Minister, by Order, declares that the provisions of this Act with regard to the removal of timber applies.

OFFENCES AND PROCEDURE

Forests
offences.

8. Any person who—

- (a) pastures cattle or permits cattle to trespass;
- (b) fells, cuts, girdles, marks, lops, taps or bleeds any tree or injures by fire or otherwise any tree or timber;
- (c) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (d) kindles, keeps or carries any fire except at such seasons and in such manner as the Minister may from time to time notify;

- (e) subjects to any manufacturing process or transports or removes any forest produce; or
- (f) enters a prohibited area,

is liable to a fine of two thousand dollars if the act was committed in a Forest Reserve, and to a fine of one thousand dollars if the act was committed on State land not included in a Forest Reserve. Nothing contained in this section shall subject any person to any penalty for any act done in accordance with the rules made by the Minister or with permission in writing given by a Forest Officer empowered or authorised to grant such permission.

9. Any Forest Officer, or any person authorised by him and any rural constable or police officer, may seize any cattle found trespassing on a Forest Reserve and deal with the same under the Pounds Act.

Cattle trespassing.

Ch. 67:03.

10. Any person who—

- (a) knowingly counterfeits upon any tree or timber, or has in his possession any implement for counterfeiting, a mark used by Forest Officers to indicate that such tree or timber is the property of the Government, or of some person, or that it may lawfully be felled or removed by some person;
- (b) unlawfully or fraudulently affixes to any tree or timber a mark used by Forest Officers; or
- (c) alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of a Forest Officer,

Offences with intent to cause damage or wrongful gain.

is liable to a fine of two thousand dollars or to imprisonment for three months.

11. (1) Any Forest Officer, or any person authorised by him, any rural constable, or police officer, may in any highway or place stop any person transporting or removing, or whom he may have cause to suspect is transporting or removing, Balata gum or timber, the produce of Trinidad and Tobago, and may demand the production of the permit for such removal or transporting, and if such person is transporting or removing such Balata gum or timber and fails to produce such permit or to account satisfactorily for its absence, the Forest Officer, or person authorised by him, any rural constable or police officer may arrest such person and take him and such gum or timber before a Magistrate or Justice or the police officer in charge of the nearest Police Station

Power to demand production of permit for Balata gum or timber.

to be dealt with according to law. In the case of timber, the powers conferred by this section shall only be exercised in respect of timber as defined in section 7 and within a declared district as also therein defined.

(2) In this section, the expression "timber" means timber cut from trees mentioned in the Second Schedule.

Second
Schedule.

Power of arrest.

12. (1) Any Forest Officer, rural constable or police officer may, without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence if such person refuses to give his name or residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every person making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate or Justice or the police officer in charge of the nearest Police Station to be dealt with according to law.

Power to seize
produce, carts,
etc., and
condemn.

13. (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, ropes, chains, boats, crafts, carriages, carts and cattle used in the commission of the offence, may be seized by any Forest Officer, or person authorised by him, or by any rural constable or police officer.

(2) Every person seizing any property under this section shall, as soon as may be, make a report of such seizure to a Magistrate. When the forest produce with respect to which such offence is believed to have been committed is the property of the State and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

(3) All such property shall be forfeited to the State, and shall be taken to be condemned, and may be sold by the Forest Officer of the district in which the seizure took place, unless the person from whom the same had been seized or the owner thereof or some person authorised by him, within fourteen days of such seizure, claims the same, and, within the said term of fourteen days, or such further term as a Magistrate may allow, proves to the satisfaction of such Magistrate that such forest produce was not obtained from State land, or that such person had some sufficient licence or authority in that behalf.

(4) In lieu of the forfeiture of any of the things other than forest produce mentioned in this section, the Magistrate may

order the owner thereof to pay such penalty, not exceeding seven hundred and fifty dollars, as the Magistrate thinks fit, and on payment of such penalty such things shall be returned to the owner.

(5) Whoever seizes any forest produce or any property under this section shall place on such forest produce or property, or the receptacle, if any, in which it is contained, a mark indicating that the same has been seized.

(6) Notwithstanding anything contained in this section, a Forest Officer may direct at any time the immediate release of any property seized under this section which is not the property of the State, and the withdrawal of any charge made in respect of such property.

14. (1) When any person is convicted of felling, cutting, removing, girdling, marking, lopping, tapping or bleeding trees or timber, or of injuring them by fire or otherwise, in contravention of this Act, the convicting Magistrate may, in addition to any other punishment which he may award, order that person to pay to the State such compensation, not exceeding forty dollars for each tree or log of timber with respect to which the offence was committed, as he considers just.

Compensation
in addition to
penalty.

(2) If the person convicted of the offence committed is the agent or servant of another person, the convicting Magistrate may, unless, after hearing that other person, he is satisfied that the commission of the offence was not a consequence of such other person's instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in this section.

15. (1) When any person is convicted of a forest offence, all forest produce in respect of which such offence has been committed, and all tools, ropes, chains, boats, crafts, carts, carriages and cattle used in the commission of such offence, are liable by order of the convicting Magistrate to be forfeited to the State or to be otherwise dealt with as the Magistrate, in the particular circumstances of the case, thinks just. Such forfeiture may be in addition to any other penalty or compensation prescribed for such offence.

Produce, carts,
etc., liable to
forfeiture.

(2) Any thing or any cattle mentioned in this section shall, if forfeited to the State, be taken possession of by a Forest Officer empowered in this behalf, and in any other case may be disposed of in such manner as the Magistrate may order.

Disposal of
produce after
trial.

Sale of perishable goods.

16. The Magistrate may, notwithstanding anything contained in this Act, direct the sale of any property seized under this Act and subject to speedy or natural decay, and may deal with the proceeds as he might have dealt with such property, if it had not been sold.

Recovery of penalties.

Ch. 4:20.

17. (1) Any offence under this Act may be prosecuted and any penalty incurred may be imposed or recovered, in the manner provided by the Summary Courts Act, on the complaint of a Forest Officer or police officer.

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

Right of Forest Officer to conduct case.

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

Prevention of offences.

18. (1) Every Forest Officer, rural constable and police officer is hereby authorised to prevent the commission of any forest offence.

Penalty for assaulting or obstructing Forest Officer.

(2) Any person who assaults, obstructs or resists any Forest Officer, or any person authorised by him, in the execution of his duty, or aids or incites any other person so to assault, obstruct or resist any Forest Officer, or any person authorised by him, or any person aiding or assisting such Forest Officer, or any person authorised by him, in the execution of his duty, is liable to a fine of one thousand dollars or to imprisonment for six months.

Protection of persons acting under Act.

19. In any action brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Act or by any rules made thereunder, it shall be expressly alleged that the defendant acted maliciously and without reasonable and probable cause, and if at the trial the plaintiff fails to prove such allegation, judgment shall be given for the defendant.

Presumption as to ownership of produce.

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 forest produce is the property of the State, such

produce shall be presumed to be the property of the State until the contrary is proved.

21. (1) The Minister may, by writing under his hand, empower a Forest Officer—

Compounding
of forest
offences.

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in section 10, a sum of money not exceeding four hundred dollars by way of compensation for the offence which such person is suspected to have committed; and

(b) 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.

(2) On payment of such sum of money or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property seized, if any, shall be released, and no further proceedings shall be taken against such person or property in respect of such suspected offence.

(3) All moneys received under this section shall be paid into public funds.

22. The Minister may order such rewards as he thinks fit to be paid in respect of any seizure made under this Act to the person making such seizure or through whose information or means such seizure was made.

Rewards.

23. The Minister may, subject to affirmative resolution of Parliament, make rules—

Rules.

(a) prescribing the form of permits and providing for their issue, production and return;

(b) regulating the issue of property marks and classification marks for timber and the registration of such marks, and declaring the circumstances in which the registration of any property mark or classification mark may be refused or cancelled; prescribing the time for which such registration shall hold good; limiting the number of such marks that may be registered by any one person, and providing for the levy of fees for such registration;

(c) providing for the preservation of trees remarkable for size, rarity or beauty, whether generally or in individual cases, and for obtaining permission to lop or fell the same.

Section 5.

FIRST SCHEDULE

THE FORESTS ACT

Permission is hereby granted toto remove fromtopiece of Balata Gum weighing

This permit shall hold good for the period ofdays from the date thereof.

.....
Forest Officer

Section 7.
[153/1950
148/1955].

SECOND SCHEDULE

Local Name	Botanical Name
Cedar	Cedrela odorata, L.
Poui	Tecoma serratifolia, Don.
Balata	Mimusops globosa, Gaertn.
Locust	Hymenoea courbaril, L.
Cyp	Cordia gerascanthus, Jacq.
Balsam	Copaifera officinalis, L.
Teak	Tactona grandis, L.
Ryania	Ryania Speciosa

SUBSIDIARY LEGISLATION

FOREST (PROHIBITED AREAS) ORDER

made under section 2

The following areas are declared prohibited areas:

(1) As from 16th July 1953—

125/1953.

All Forest Reserves and Estate Lands on that portion of the Mount Hope Estate comprising 209 acres (approximately) and bounded on the—

North—by Private Lands
South—by Mt. Hope Estate
East—by Woodbrook Estate
West—by Private Lands.

(2) As from 1st November 1954—

156/1954.

All those two areas of State Land forming part of the Caroni Swamp comprising approximately 337 acres and 100 acres and hereunder described as the Northern and Southern Areas respectively and bounded as follows:

Northern Area

North—By the southern bank of the Blue River from the western bank of No. 2 (North and South) drain to the western bank of No. 4 (North and South) drain.

South—By a line demarcated by stakes running from the western bank of No. 4 (North and South) drain to the western bank of No. 2 (North and South) drain.

East—By the western bank of No. 2 (North and South) drain.

West—By the western bank of No. 4 (North and South) drain.

Southern Area

North—By a cut line running westwards from the point on the Madame Espagnol River, West of the north-western corner of that parcel of land comprising 52 acres 3 roods 5 perches owned by the Woodford Lodge Estates Limited to the sea.

South and East—By the Madame Espagnol River.

West—By the sea.

(3) As from 1st September 1958—

145/1958.

North Sanctuary No. 2

All that area of State Land forming part of the Caroni Swamp comprising approximately 50 acres and hereunder described as North Sanctuary No. 2 and bounded as follows:

West—By a line demarcated by a stake running South-West for approximately 13 chains, from a point on the South bank of a natural channel (located at a bearing and distance of $192^{\circ}00'$ —25 chains from the South-West corner of North Sanctuary No. 1);

South—By a line demarcated by stakes running South-East for approximately 21 chains from the Western Sanctuary.

East—By a line demarcated by stakes running North-East for approximately 25 chains from the southern boundary to the South bank of the channel.

North—By the South bank of the channel running North-West to the western boundary.

136/1959.

(4) As from 8th October 1959—

North Sanctuary No. 3

All that area of State Land forming part of the Caroni Swamp, comprising approximately 72 acres and bounded as follows:

North—By the prohibited area described in Proclamation No. 28 of 1954 (Government Notice No. 156 of 1954) as the Northern Area and commonly known, and referred to in Proclamation No. 17 of 1958 (Government Notice No. 145 of 1958), as North Sanctuary No. 1;

West—By a line demarcated by stakes running from the western end of the southern boundary of North Sanctuary No. 1 to the western end of the northern boundary of the prohibited area known, and described in Proclamation No. 17 of 1958, as North Sanctuary No. 2;

South—By North Sanctuary No. 2; and

East—By a line demarcated by stakes running due North from the eastern end of the northern boundary of North Sanctuary No. 2, to its junction with the southern boundary of North Sanctuary No. 1.

122/1960.

(5) As from 10th November 1960—

All that area of State Land forming part of the Caroni Swamp comprising approximately 35 acres, known or described as North Sanctuary No. 4 and bounded as follows:

(i) on the South by a line demarcated by stakes running eastwards from the south-eastern corner of the area described as the Northern Area (No. 1) in Government Notice No. 156 of 1954 (hereinafter called the Northern Area) for a distance of approximately 1,000 feet; and

(ii) thence on the East by a line demarcated by stakes running northwards for a distance of approximately 800 feet; and

- (iii) thence on the North by a line demarcated by stakes running at a bearing of 326 degrees for a distance of approximately 1,800 feet until it meets the eastern boundary of the Northern Area; and
- (iv) thence on the West by the eastern boundary of the Northern Area running southwards to the south-eastern corner of the Northern Area.

(6) As from 6th October 1966—

129/1966.

All that area of the Caroni Swamp Forest comprising approximately two hundred and seven and one-half acres bounded as follows:

- (i) on the East from a point on the western bank of the main drainage canal opposite the entry of No. 2 drain southwards along that bank for a distance of approximately 41½ chains; and
- (ii) thence on the South by a cut and staked line running westwards for a distance of approximately 50 chains; and
- (iii) thence on the West by a cut and staked line running northwards for a distance of approximately 41½ chains; and
- (iv) thence on the North by a cut and staked line running eastwards for a distance of approximately 50 chains to the point of starting.

(7) As from 9th April 1968—

66/1968.

Marble Island, London Bridge Rock and all the other adjacent islets and rocks belonging to the State and comprising St. Giles Islands.

FOREST OFFICERS NOTIFICATION

made under section 3

The persons for the time being holding the following offices are appointed Forest Officers:

Conservator of Forests
Deputy Conservator of Forests
Assistant Conservator of Forests
Forest Supervisor
Forester
Forest Ranger
Temporary Forest Ranger
Game Warden II
Game Warden I
Statistical Assistant, Forest Department
Assistant Forest Surveyor
Utilisation Officer.

CONFERMENT OF POWERS NOTIFICATION

made under section 3

The powers referred to in sections 15(2) and 21 are conferred on the following Forest Officers:

Conservator of Forests
Deputy Conservator of Forests
Assistant Conservator of Forests
Senior Forest Supervisors
Forest Supervisors

DECLARED DISTRICTS ORDER

made under section 7

The following parts of Trinidad and Tobago are declared districts to which the provisions of the Act with regard to the removal of timber apply:

- | | |
|---|-------------------------------------|
| (1) the Counties of St. George, St. David, St. Andrew, Victoria, St. Patrick, Nariva, Mayaro and the Wards of Chaguanas, San Rafael and Montserrat in the County of Caroni. | Proc. 15 of 1919.
(G. 13/3/19). |
| (2) the Ward of Tobago. | Proc. 56 of 1919.
(G. 30/10/19). |

REMOVAL OF TIMBER (PERMITS) RULES

G. 18.4.18.
[13.3.19
30.10.19].

made under section 23

ARRANGEMENT OF RULES**RULE**

1. Citation.
2. Form of permit.
3. Authority to issue permit.
4. Pre-conditions of issue.
5. Return of permit.
6. Failure to return.

1. These Rules may be cited as the Removal of Timber (Permits) Rules. Citation.

2. A permit to convey or move timber shall be as in the Form in the Schedule to these Rules. Form of permit.
Schedule.

3. Such permits shall be issued by the authorised officers of "Proclaimed Districts" and by such persons as the Conservator of Forests may from time to time by writing under his hand authorise to issue them within "Proclaimed Districts." Authority to
issue permit.

4. Any authorised officer of a "Proclaimed District" or other authorised person may refuse to issue such permit until he has been satisfied that the "timber" to be conveyed or moved is *bona* Pre-conditions
of issue.

fide private property and has come from "Private Land" with the consent of the owner of such land, or has been brought from State Land under a licence granted under the State Lands Forest Produce Rules for the time being in force.

Return of permit.

5. Every permit must be returned to the person issuing the same within fifteen days of the date of expiry of such permit or within such further period as the person issuing the same may cause to be endorsed on the said permit and any person acting in contravention of these Rules is liable to a fine of four hundred dollars.

Failure to return.

6. Any authorised person may refuse to issue a further permit to any person who fails to return a permit previously issued by him, if such person does not account for his failure to return such permit.

SCHEDULE

COUNTERFOIL	DUPLICATE	ORIGINAL
TRINIDAD AND TOBAGO	TRINIDAD AND TOBAGO	TRINIDAD AND TOBAGO
No.	No.	No.
Removal Permit	Removal Permit	Removal Permit
Forests Act (section 7)	Forests Act (section 7)	Forests Act (section 7)
		Permission is hereby granted to
Name of Owner	Name of Owner
Kind of timber	Kind of timber	ofto remove
From	From	From
To	To	To
Marks	Marks	the following timber
No. of pieces and dimensions*	No. of pieces and dimensions*	Kind of Timber (Species)
.....	No. and dimensions*
Inspected by	Inspected by	Marks
Date of Issue	Date of Issue	Inspected by
Date of Expiry	Date of Expiry	Date of Issue
.....	Date of Expiry
<i>Signature</i>	<i>Signature</i>	<i>Signature of Officer authorised to issue Permit</i>

*See back of Permit

*See back of Permit

*Information to be recorded at back if space is not sufficient.