

TRINIDAD AND TOBAGO.

vide H.G. 1922 No. 42.—1915.

[L.S.]

I ASSENT,

S. W. KNAGGS,

Acting Governor.

31st December, 1915.

AN ORDINANCE to consolidate and amend the Law
relating to Forests and Forest Produce.

[On Proclamation.]

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows:—

1. This Ordinance may be cited as the Forests Ordinance, 1915. Short Title.

2. In this Ordinance, unless there is anything repugnant in the subject or context:— Interpretation of terms.

“Intendant” means the Governor as Intendant of Crown Lands.

“Forest Officer” includes any person appointed to discharge any function of a Forest Officer under this Ordinance or any rule made under it.

“Forest Offence” means any offence punishable under this Ordinance or under any rule made under it.

“Crown Land” includes:—

- (a.) The waste or vacant land of the Crown within the Colony; and
- (b.) All lands vested in His Majesty, whether by forfeiture, escheat, purchase or exchange, and not dedicated to the public.

“Private Land” means land other than Crown Land.

“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.

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

“Forest-produce” includes the following when found in or brought from Crown Land:—

- (1.) Trees and all parts or produce of such trees;
- (2.) Plants not being trees, and all parts or produce of such plants.

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

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

Note Ord: 4/1922

“Cattle” includes horses, mules, asses, goats, and swine.

Ord 4/1922

“Public road” has the meaning given to it by Section 2 of the Roads Ordinance, No. 200. 1917

“Ward Officer” includes an Assistant Ward Officer.

Establishment.

3. The Governor may appoint such and so many persons to be Forest Officers as may be necessary to carry out the provisions of this Ordinance, and may by writing under his hand confer upon any such Officer or upon any Warden 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 the provisions of this Ordinance.

Appointment
of Officers.

Balata Gum.

4.—(1.) If any person shall extract gum from, or cut for the purpose of extracting gum, any Balata trees growing on Crown lands he shall be liable to a penalty not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

Balata gum
from Crown
lands.

(2.)—(a.) It shall be unlawful for any person whomsoever to extract gum from, or to cut for the purpose of extracting gum, any Balata tree growing on Private Land without the licence in writing first had and obtained, of the Warden of the district in which such land is situated.

Balata gum
from private
lands.

(b.) Such licence shall be in such form and subject to such conditions as the Governor in Executive Council may from time to time determine.

(c.) Any person who commits any contravention of the provisions of this Sub-section or of any condition contained or endorsed on any licence issued to him by a Warden shall be liable to a penalty not exceeding Fifty pounds or, in default of payment, to imprisonment, with or without hard labour for a term not exceeding three months.

5.—(1.) It shall not be lawful for any person to convey or remove Balata gum except under a written permit from the Warden of the district. Every such permit shall be in the form in the First schedule hereto, shall only be granted on the Warden 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 shall only hold good for the period therein mentioned.

Permit for
removal of
gum.

Removing gum
without
permit.

(2.) Any person contravening the provisions of the preceding sub-section is liable on conviction before a Magistrate to a penalty not exceeding Fifty pounds or in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

Export of
Balata gum.

6.—(1.) It shall not be lawful for any person to export from this Colony any Balata gum unless in the case of local produce the shipping bill presented to the Collector of Customs is accompanied by a Warden'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.) Whoever exports or attempts to export from the Colony any Balata gum in contravention of the provisions of the preceding sub-section is liable to a penalty not exceeding Fifty pounds, or in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

Removal of Timber.

Permit to
move timber.

7.—(1.) It shall not be lawful for any person within a proclaimed district to convey or move any timber, the produce of the Colony, along any public road, or by railway or water except under a written permit from an officer authorized to issue the same, and any person acting in contravention of the provisions of this section is liable to a penalty not exceeding Twenty Pounds or in default of payment to imprisonment with or without hard labour for a term not exceeding one month.

(2.) "Timber" in this Section and in Section 11 hereof means timber cut from trees mentioned in the Second schedule to this Ordinance. The Governor in Executive Council may from time to time by Proclamation in the *Royal Gazette* add to or deduct from the trees from time to time specified in such schedule.

(3.) A "proclaimed district" means any part of the Colony as to which the Governor in Executive Council may from time to time, by proclamation in the *Royal Gazette* declare that the provisions of this Ordinance with regard to the removal of timber shall apply. Any such proclamation may be altered or revoked by the Governor in Executive Council

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(4.) The production of a copy of the *Royal Gazette* containing any proclamation shall be *prima facie* evidence in all Courts and for all purposes whatsoever of the due making and tenor of such proclamation.

Offences and Procedure.

8. If any person shall do any of the following acts:— Forest offences.
- (a.) Pasture cattle or permit cattle to trespass, or
 - (b.) Fell, cut, girdle, mark, lop, tap, or bleed any tree, or injure by fire or otherwise any tree or timber, or
 - (c.) Cause any damage by negligence in felling any tree, or cutting or dragging any timber, or
 - (d.) Kindle, keep or carry any fire except at such seasons and in such manner as the Intendant may from time to time notify, or
 - (e.) Subject to any manufacturing process or convey or remove any forest-produce,

he shall be liable to a penalty not exceeding £50 or in default of payment to imprisonment with or without hard labour for a term not exceeding three months if the act was committed in a Forest Reserve, and to a penalty not exceeding £20 or in default of payment to imprisonment with or without hard labour for a term not exceeding one month if the act was committed on Crown land not included in a Forest Reserve; provided always that nothing contained in this section shall subject any person to any penalty thereunder for any act done in accordance with the rules made by the Intendant or with permission in writing given by a Forest Officer or Warden empowered or authorized to grant such permission.

9. Whoever,

- (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; or

Offences with intent to cause damage or wrongful gain.

- (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 ;

is liable to a penalty not exceeding £50, or to imprisonment with or without hard labour for any term not exceeding three months.

Cattle trespassing.

10. Any Forest Officer, Warden, or any person authorised by either of them and any Ward Officer, Rural Constable or member of the Constabulary Force may seize any cattle found trespassing on a forest reserve and deal with the same under the provisions of the Pound Ordinance (No. 12) in the same way in all respects as poundable animals may be dealt with under the provisions of such last mentioned Ordinance.

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

11. It shall be lawful for a Forest Officer or Warden or for any person authorized by such Forest Officer or Warden, or for any Ward Officer, Rural Constable or member of the Constabulary Force, in any public road or place to stop any person conveying or removing or whom he may have cause to suspect is conveying or removing Balata gum or timber the produce of the Colony, and to demand the production of the permit for such removal or conveying, and if such person is conveying or removing such Balata gum or timber and fails to produce such permit or to account satisfactorily for its absence, such Forest Officer, Warden, authorized person, Ward Officer, Rural Constable or member of the Constabulary Force may arrest such person and take him and such gum or timber before a Magistrate or Justice or the Officer or Non-commissioned Officer in charge of the nearest Constabulary station to be dealt with according to law, provided always that in the case of timber the powers conferred by this Section shall only be exercised in respect of timber as defined in Section 7 of this Ordinance and within a proclaimed district as also therein defined.

Power of arrest.

12.—(1.) Any Forest Officer, Warden, Ward Officer, Rural Constable or member of the Constabulary force 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 and 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 the preceding sub-section shall without unnecessary delay, take or send the person arrested before a Magistrate or Justice or the Officer or Non-commissioned Officer in charge of the nearest Constabulary station to be dealt with according to law.

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 such offence, may be seized by any Forest Officer, Warden or person authorized by either of them, or by any Ward Officer, Rural Constable or member of the Constabulary force.

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

(2.) Every person seizing any property under this Section shall, as soon as may be, make a report of such seizure to a Magistrate.

Provided that when the Forest produce with respect to which such offence is believed to have been committed is the property of the Government 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 His Majesty and shall be taken to be condemned and may be sold by the Forest Officer or Warden of the district in which the seizure took place, unless the person from whom the same shall have been seized or the owner thereof or some person authorized by him shall within fourteen days of seizing the same, claim the same and shall within the said term of fourteen days, or such further term as a Magistrate may allow, prove to the satisfaction of such Magistrate that such forest-produce was not obtained from Crown land, or that such person had some sufficient license or authority in that behalf.

(4.) In lieu of the forfeiture of any of the things other than forest-produce mentioned in the preceding sub-section, the Magistrate may order the owner thereof to pay such

fine not exceeding £20 as the Magistrate may think fit, and on payment of such fine 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 in this Section contained, a Forest Officer may direct at any time the immediate release of any property seized under the provisions of this Section which is not the property of the Crown, and the withdrawal of any charge made in respect of such property.

Compensation
in addition to
penalty.

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 Ordinance, the convicting Court may, in addition to any other punishment which it may award, order that person to pay to the Government such compensation, not exceeding One Pound, for each tree or log of timber with respect to which the offence was committed, as it deems just.

(2.) If the person convicted of the offence committed is the agent or servant of another person, the convicting Court may, unless after hearing that other person it is satisfied that the commission of the offence was not a consequence of his 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 Sub-section (1) of this Section.

Produce, carts,
etc., liable to
forfeiture.

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, shall be liable by order of the convicting Court to be forfeited to His Majesty or to be otherwise dealt with as to the Court in the particular circumstances of the case seems just. Such forfeiture may be in addition to any other penalty or compensation prescribed for such offence.

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

Disposal of produce after trial.

16. The Magistrate may, notwithstanding anything in this Ordinance contained, direct the sale of any property seized under this Ordinance 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.

Sale of perishable goods.

17.—(1.) Any offence under this Ordinance may be prosecuted and any penalty recovered before any Magistrate in manner prescribed by the Summary Conviction Offences (Procedure) Ordinance No. 1 on the complaint of a Forest Officer, Warden, Ward Officer or member of the Constabulary Force.

Recovery of Penalties.

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

18. Every Forest Officer, Warden, Ward Officer, Rural Constable and member of the Constabulary force is hereby authorized to prevent the commission of any forest offence.

Prevention of offences.

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 Ordinance or by any regulations 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.

Protection of persons acting under Ordinance.

20. When in any proceedings taken under this Ordinance or in consequence of anything done under this Ordinance, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

Presumption as to ownership of produce.

Compounding
of Forest
Offences.

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

(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 9, a sum of money not exceeding Ten pounds 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, if any, seized 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 the Colonial Treasury.

Rewards.

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

Rules.

23. The Governor may make rules:—

Form of
permit.

(a.) Prescribing the form of permits and providing for their issue, production and return

Property
marks.

(b.) Regulating the issue of property-marks ^{and classification marks} for timber and the registration of such marks and declaring the circumstances ^{and classification marks} in which the registration of any property-marks 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.

24.—(1.) Subject to the provisions of this Ordinance, ^{Approval and publication of rules.} Rules made hereunder shall not have any force until they have been approved by the Legislative Council, and when so approved by resolution shall have the same force and effect as if they were contained in and formed part of this Ordinance.

(2.) All rules made under this Ordinance shall be published in the *Royal Gazette*.

25. The Forest Produce Ordinance No. 240, the Balata ^{Repeal.} Gum Ordinance 1905 (No. 37 of 1905) and the Balata Gum Ordinance 1906 (No. 22—1906) are hereby repealed.

X 26. This Ordinance shall commence on a day to be ^{Commence-ment.} proclaimed by the Governor. 15.5.1

Passed in Council this Seventeenth day of December, in the year of Our Lord one thousand nine hundred and fifteen. No. 29/1915

J. M. FARFAN,
Acting Clerk of the Council.

~~1. Proc. 15/12/15
To commence~~

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1 ...	Summary Conviction Offences Procedure.	Section 23 amended	... 24—1915.
100 ...	Probate ...	Section 2 amended	... 8—1915.
110 ...	Friendly Societies ...	Section 15 amended	... 12—1915.
182 ...	Wild Birds ...	Repealed 14—1915.
200 ..	Roads ...	Sub-sections 47 and 48—right to vote made effective.	11—1915.
204 ...	Land Taxes ...	Sections 6, 31 & 32 amended ...	11—1915.
210 ...	Municipal Corporations.	Sections 20 to 24, (both inclu- sive) 37 & 38 repealed.	16—1915.
210 ...	Municipal Corporations.	Section 80 repealed	... 5—1915.
223 ...	District Waterworks ...	Sections 19 and 37 repealed ...	33—1915.
233 ...	Public Accounts ...	Repealed 10—1915.
279 ..	Ganja ...	Repealed 9—1915.
280 ...	Ganja and Opium ...	Repealed as regards Ganja ...	9—1915.
299 ...	Foreign Marriage ...	Repealed 34—1915.
307 ...	Wild Birds ...	Repealed 14—1915.
4—1909 ...	Boilers ...	Repealed 13—1915.
14—1909 ..	Petroleum ...	Repealed 20—1915.
37—1909 ...	Mines ...	Section 3 amended, Section 18 of Ord. 13—1907 revised.	18—1915.
6—1910 ...	Agricultural Fires ...	Repealed 40—1915.
17—1910 ...	Quarantine ...	New article 3a added to Sche- dule I.	39—1915.

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19—1911 ...	Petroleum (pipe lines) ...	Amended—power to grant licenses to lay pipe lines.	27—1915.
5—1912 ...	Agricultural fires ...	Repealed ...	40—1915.
18—1914 ...	San Fernando Wharf dues.	Repealed ...	5—1915.
24—1914 ...	Port-of-Spain Corporation.	Sections 13, 48, 122, 137, 138, 253, 256, 257, 269, 271, 315, 340 and 424 amended; Sections 153, 155, 193, 195 to 203 (inclusive) 278, 279, 280, 281 and the Tenth Schedule repealed and re-enacted and the Twelfth Schedule repealed.	26—1915.
24—1914 ...	Port-of-Spain Corporation.	Section 88 amended and Sections 71—78 (both inclusive), 87, 89—95 (both inclusive), repealed.	16—1915.
27 and 28— 1914	Trading with the Enemy	Repealed ...	3—1915.
32—1914 ...	Friendly Societies ...	Sections 3, 8 & 10 amended ...	12—1915.
35—1914 ...	Summary Convictions (Offences)	Section 9 amended ...	1—1915.
37—1914 ...	Alien Enemies ...	Directions to wind up property and Rules confirmed.	6—1915.
38—1914 ...	War Censorship ...	Sections 6 and 10 amended...	25—1915.
40—1914 ...	Licensing of Vehicles ...	Sections, 5, 9 and Schedule I amended.	35—1915.
43—1914 ...	Petroleum (Excise) ...	Section 8 amended ...	14—1915.
6—1915 ...	Alien Enemies ...	Section 2 repealed ...	23—1915.