CHAPTER 129.

GRENADA.

AN ORDINANCE TO MAKE PROVISION FOR THE CONSERVATION OF
THE FOREST, SOIL, WATER AND OTHER NATURAL RESOURCES
OF THE COLONY.

[1st August, 1949.]

Preliminary.

1. This Ordinance may be cited as the
FOREST, SOIL AND WATER CONSERVATION
ORDINANCE.

2. In this Ordinance, unless the context otherwise
requires—

"Crown land" includes—

(a) the waste or vacant land of the Crown within
the Colony; and

(b) all lands vested in Her Majesty, whether by
forfeiture, escheat, purchase or exchange;

"forest offence" means any offence punishable under
this Ordinance or under any rules made thereunder;

"Forest Officer" includes any person appointed to
discharge any function of a Forest Officer under this
Ordinance or under any rules made thereunder;

"forest produce" includes the following when
found in, or brought from, Crown land or protected
forests :

(a) trees and all parts or produce of such trees, and
(b) plants not being trees and all parts or produce of such plants, including charcoal;

"livestock" includes cattle, horses, mules, asses, goats, sheep, pigs and such other animals as the Governor in Council by notice in the Gazette may declare to be livestock;

"private land" means land other than Crown land;

"prohibited area" means an area on to which entry is forbidden, except to Forest Officers and to police officers in the execution of their duties and to other persons having the written permission of the Chief Forest Officer;

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

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

"timber lands" means lands whereon trees are growing and which are not under permanent agricultural cultivation;

"tree" includes palms, bamboos, stumps, brushwood and canes.

Establishment.

3. The Governor shall appoint a Chief Forest Officer who shall have the management of all lands belonging to the Crown and shall be charged with the duty and obligation of carrying out the provisions of this Ordinance. In the absence of any other appointment the Agricultural Superintendent shall be deemed to have been appointed as Chief Forest Officer.

4. 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 under the supervision of the
Chief Forest Officer, and may, by writing under his hand, 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 the provisions of this Ordinance.

5. The Agricultural Superintendent, all agricultural assistants, agricultural instructors, forest supervisors, forest rangers and forest guards shall be *ex officio* Forest Officers.

*Forest Reserves.*

6. (1) The Governor in Council shall have power to declare by proclamation published in the *Gazette* any area of Crown land to be forest reserve. Every forest reserve shall be surveyed and a description of the boundaries giving bearings and distances shall be published in the Gazette at the time of the proclamation of the reserve.

   (2) No land shall be granted, devised or sold within a forest reserve.

*Protected Forests.*

7. (1) It shall be lawful for the Governor in Council by order from time to time to declare any land other than Crown land to be a protected forest whenever in his opinion this appears to be necessary for any of the following purposes —

   (a) for protection against storms, winds, rolling stones, floods and landslides;

   (b) for the prevention of soil erosion and landslip, of the formation of ravines and torrents, and of the deposit of mud, stones and sand upon agricultural land;

   (c) for the prevention of wastage of resources of timber and for securing the proper management of timber lands;

   (d) for the maintenance of water supplies in springs, rivers, canals and reservoirs;
(e) for the protection of roads, bridges, airstrips, and other lines of communication; and

(f) for the preservation of health.

(2) Any order made under this section shall have no effect until approved by the Legislative Council.

8. (1) The Governor in Council may make rules to regulate or prohibit within any protected forest—

(a) the felling, cutting, lopping and burning of or any injury to any tree or timber;

(b) the breaking up or clearing of lands for cultivation;

(c) the pasturing or trespass of livestock;

(d) the setting of fire; and

(e) any other acts which appear to be prejudicial to the purposes set out in the preceding section.

(2) Any rules made under this section shall have no effect until approved by the Legislative Council.

9. (1) It shall be lawful for any Forest Officer or any person authorized by the Governor in writing for the purposes set out in section 7 of this Ordinance to enter any protected forest at any time without notice to inspect the area and to carry out such surveys or works as the Governor may direct.

(2) Upon the declaration of any private land as a protected forest the Chief Forest Officer shall cause the area to be marked out and kept defined and shall have right of access for this purpose as hereinbefore provided.

10. If and for so long as the owner of a protected forest complies with the rules made by the Governor he shall be entitled to a remission of any land tax for the time being in force in respect of the area declared to be protected forest.

11. (1) When the owner of any land declared to be a protected forest claims that he ought to be pecuniarily compensated by reason of the land having been declared to be

Power to make rules

Power to enter and carry out works.

Remission of taxation.

Compensation when lands declared
a protected forest, he shall within three months of the declaration lodge with the Ministry of Trade and Production a statement of his claim with full particulars of his estimated loss.

(2) On such claim being lodged as aforesaid the Governor shall appoint an Assessment Board consisting of—

(a) a Magistrate, or, if the claim for compensation exceeds two hundred and forty dollars, a Judge of the Supreme Court;

(b) such person as the claimant may nominate;
and

(c) such other person as the Governor in Council may appoint.

The Judge or Magistrate, as the case may be, shall be the Chairman of the Board.

(3) The Board shall inquire into the claim and shall hear the claimant and other persons in relation thereto, and make recommendations thereon to the Governor. If the Board is not satisfied that the claimant can be adequately compensated by the granting of special permits or by the making of special regulations with regard to the land declared to be a protected forest, they shall recommend a sum of money to be paid as compensation and it shall be lawful for the Governor to instruct the Accountant General to pay such sum of money from the general revenue of the Colony as compensation to the owner of the land.

(4) The decision of the majority of the members of the Board shall be deemed to be the decision of the Board. If all the members differ with respect to the amount of compensation to be paid, the mean between the amount decided upon by the Chairman and the one of the amounts decided upon by the two other members of the Board which approximates most nearly to the amount decided upon by the Chairman, shall be deemed to be the compensation awarded by the Board.

(5) No appeal shall lie against the decision of the Board.
12. (1) The owner of any land may, with a view to the formation or conservation of forest thereon or the conservation of natural resources, represent in writing to the Chief Forest Officer his desire—

(a) that such land be supervised or managed on his behalf by the Chief Forest Officer in such manner as may be agreed upon; and

(b) that any or all of the provisions of this Ordinance or of any rules made thereunder be applied to such land.

(2) In such case the Governor in Council may by order apply to such land such provisions of this Ordinance or of any rules made thereunder as he may consider suitable to the circumstances and as may be desired and agreed upon by the applicant.

13. It shall be lawful for the Governor in Council by order from time to time to declare any Crown land to be a prohibited area whenever in his opinion this appears to be necessary for any of the purposes set out in section 7 of this Ordinance.

Squatting on Crown Lands.

14. (1) It shall be lawful for any Magistrate, on information that any person is in possession, without any probable claim or pretence of title, of any Crown land, to issue a summons calling on such person to appear and answer to such information, and if such person, after being duly summoned, shall not appear, or appearing, shall fail to satisfy such Magistrate that he or those under whom he claims, has or had some probable claim or pretence of title to such land, such Magistrate shall make an order for putting the person in possession of such land out of possession of the same, and for the delivering of the possession thereof to the Governor within a period of not more than nine months from the date of such order.
(2) If on the hearing of such information the person against whom the same has been laid fails to satisfy the Magistrate that he was in possession of such land prior to the date of the coming into operation of this Ordinance, the Magistrate may make a further order that the person so informed against shall be imprisoned with hard labour for a term not exceeding six months.

(3) If the person against whom an order for delivery of possession of such land has been made under subsection (1) of this section fails to quit and deliver up possession of the same within the time prescribed in the order, the Magistrate may make a further order that such person may be imprisoned with hard labour for any term not exceeding six months in addition to any term of imprisonment imposed under subsection (2) of this section.

15. Every summons issuing upon any information under this Ordinance shall specify the time and place at which the person informed against is to appear, and every such summons shall be served at least eight days next before the day appointed for such appearance, by delivering the same to the person summoned in person, or by leaving the same at his usual place of abode, or if such abode is not known, then by affixing the same to some building upon, or in some open and conspicuous part of, the land mentioned in the information.

16. On the hearing of any information under this Ordinance, a copy of any petition to the Governor, and of any proceeding on such petition, which is certified under the hand of the Chief Forest Officer to be a true copy, shall be admissible in evidence of the fact of such petition having been filed and of the proceeding had thereon, without any further proof of the same.

17. The Forms contained in the Schedule to this Ordinance may be used with such modifications as circumstances may require in the cases to which they respectively apply.
18. If any person shall do any of the following acts on Crown land, namely —

   (a) fell, cut, girdle, mark, lop, tap, or bleed any tree or injure by fire or otherwise any tree or timber;

   (b) cause any damage by negligence in felling any tree or cutting or dragging any timber;

   (c) subject to any manufacturing process or convey or remove any forest produce;

   (d) kindle, keep or carry any fire;

   (e) pasture livestock or permit livestock to trespass;

   (f) clear, cultivate or break up any land for cultivation or for any other purpose;

   (g) enter a prohibited area,

he shall be liable to a fine of two hundred and forty dollars:

Provided that nothing in this section contained shall subject any person to any penalty thereunder for any act done in accordance with the rules made by the Governor in Council or with permission in writing given by a Forest Officer authorized to grant such permission or under any tenancy agreement made with the Chief Forest Officer.

19. (1) Any Forest Officer, rural constable, member of the police force or any person authorized by any of them may seize any livestock found trespassing on Crown land.

   (2) All such livestock shall be forfeited to the Crown unless the owner thereof or some person authorized by him shall within seven days of seizing such livestock, claim the same.

   (3) Any person claiming livestock so seized may be charged with a forest offence under section 18 (e) of this Ordinance.
20. Whosoever —

   (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

   (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, shall be liable to a fine of two hundred and forty dollars or to imprisonment for three months.

21. (1) Any Forest Officer, rural constable, or member of the police 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 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 of the Peace or the officer or non-commissioned officer in charge of the nearest police station to be dealt with according to law.

22. (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, rope, chains, boats, craft, carriages, carts and livestock used in the commission of such offence, may be seized by any Forest Officer or person authorized by him, or by any rural constable or member of the police force.

   (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 the Crown, 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 shall have been seized or the owner thereof or some person authorized by him shall, within fourteen days of the seizure of 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 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 ninety-six dollars, as the Magistrate may think 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 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.

23. (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 Magistrate

Compensation in addition to penalty.
may, in addition to any other punishment which he may award, order that person to pay to the Government such compensation, not exceeding four dollars and eighty cents, for each tree or log of timber with respect to which the offence was committed, as he deems just.

(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 such other person, instead of the person who committed the offence, to pay the compensation referred to in this section.

24. (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, craft, carts, carriages and livestock used in the commission of such offence, shall be liable by order of the convicting Magistrate, to be forfeited to the Crown or to be otherwise dealt with as to the Magistrate, 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) Anything or any livestock mentioned in this section shall, if forfeited to the Crown, 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.

25. 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.

26. (1) Any offence under this Ordinance may be prosecuted and any penalty incurred may be imposed or recovered summarily on the complaint of a Forest Officer or member of the police force.
(2) All such complaints may be made at any time within one year from the time when such matter of complaint arose.

(3) Where any Forest Officer makes a complaint against any person, any other Forest Officer may appear before the Magistrate who is trying or inquiring 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.

27. (1) Every Forest Officer, rural constable and member of the police force is hereby authorized to prevent the commission of any forest offence.

(2) Every person who assaults, molests, obstructs or resists any Forest Officer or any person authorized by him in the execution of his duty, or aids or incites any other person so to assault, molest, obstruct or resist any Forest Officer or any person authorized by him, or any person aiding or assisting such Forest Officer or any person authorized by him in the execution of his duty, shall be liable to a fine of one hundred and twenty dollars or to imprisonment for six months or to both such fine and imprisonment.

28. 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 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.

29. 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, or whether any land is Government land, such produce shall be presumed to be the
property of the Government, and such land shall be deemed to be Government land until the contrary is proved.

30. (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 20 of this Ordinance a sum of money not exceeding forty-eight 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, 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 by the Forest Officer under this section shall be paid into the Treasury by him as soon as possible, and in any event within seven days, after receipt thereof.

31. 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.

32. The Governor in Council may make 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) prescribing the duties of Forest Officers; and

(d) generally for carrying into effect the provisions of this Ordinance.

33. Any person who commits an offence against this Ordinance or against any rules passed thereunder, for which no specific penalty is provided, shall be liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months.

SCHEDULE.

FORMS.

No. 1. — Section 17.

Information against Person in Wrongful Possession of Crown Land.

GRENADA.

District.

BE IT REMEMBERED that on this day of 19 came before me, the undersigned Magistrate, (Name of Forest Officer), Forest Officer (or as the case may be), and informed me that one is without any probable claim or pretence of title, in possession of certain Lands belonging to Her Majesty the Queen, situate in (describe situation) and comprising (extent of lands).

Forest Officer.

Taken before me, the undersigned Magistrate this day of 19.

Magistrate  District
No. 2. — Section 15.

Summons to Person in Wrongful Possession of Crown Land.

GRENADA.

District.

To

WHEREAS information has been laid before me, the undersigned Magistrate by (name of Forest Officer) Forest Officer (or as the case may be) that you, the said

are without any probable claim or pretence of title, in possession of certain lands belonging to Her Majesty the Queen (describe situation and extent of lands, according to the Information): NOW I the said Magistrate do hereby summon you to attend before me at the Magistrate's Court at o'clock m., on the day of 19, then and there to answer touching the matter of the said Information; and in default of your so appearing, or if you shall fail to show to my satisfaction that you have some probable claim or pretence of title to such lands, then I, the said Magistrate, will forthwith make an order for putting you out of the possession of the said lands.

Dated this day of 19.

Magistrate District.

No. 3. — Section 14.

Order for Delivery of Possession of Lands.

GRENADA.

District.

To Police Constable, and to all other Constables.

WHEREAS an Information was, on the day of 19 laid before me, the undersigned Magistrate, by (name of Forest Officer), Forest Officer (or as the case may be) that is in possession of certain lands belonging to Her Majesty the Queen, situate in
(describe situation and extent of the lands, according to the Information), and I, the said Magistrate thereupon issued my summons to the said to appear before me at on the day of and answer touching the matter of the said Information; AND WHEREAS the said summons was on the day of , duly served on the said by delivering the same to him personally (or, by leaving the same at being his usual place of abode, or, by affixing a copy of such summons on being an open and conspicuous part of the lands mentioned in the said Information); AND WHEREAS the said failed to appear before me on the said day of (or, did appear before me, but failed to satisfy me that he had any probable claim or pretence of title to such lands): NOW I, the said Magistrate, do hereby order and require you, the said Constable, taking such force as may be required for the purpose to enter upon the said lands situate in and comprising being the lands mentioned in the said Information, or any part thereof in the name of the whole, and then and there to put the said out of possession of the said lands, and to deliver possession of the said lands, together with all buildings, if any, thereon, and all crops growing thereon, to the said Forest Officer on behalf of Her Majesty.

Dated this day of .

Magistrate District.