

FOREST PROTECTION DECREE, 1974

IN pursuance of the National Redemption Council (Establishment) Proclamation, 1972 this Decree is hereby made:

1. (1) Any person who in a Forest Reserve without the written ^{Forest} authority of the competent forest authority— ^{offences.}

- (a) fells, uproots, lops, girdles, taps, injures by fire or otherwise damages any tree or timber;
- (b) makes or cultivates any farm or erects any building;
- (c) sets fire to any grass or herbage, or kindles a fire without taking due precaution to prevent its spread;
- (d) makes or lights a fire contrary to any order of the Chief Conservator of Forests;
- (e) causes any damage by negligence in felling any tree or cutting or removing any timber;
- (f) in any way obstructs the channel of any river, stream, canal or creek;
- (g) hunts, shoots, fishes, poisons water or sets traps or snares;
- (h) subjects to any manufacturing process, collects, conveys or removes any forest produce;
- (i) pastures cattle or permits any cattle to trespass,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₦1,000.00 or to imprisonment not exceeding five years or to both:

Provided that for a second or subsequent offence under this section an offender shall be liable on summary conviction to a fine not exceeding ₦5,000.00 or to imprisonment not exceeding ten years or to both.

(2) A person convicted of an offence under subsection (1) (a) or (1) (h) of this section shall, in addition to any other punishment imposed under this section, be liable to pay to the Commissioner responsible for Lands twice the commercial value of each tree or of the timber or forest produce which is the subject-matter of the offence.

(3) A person convicted of an offence under this section shall, in addition to any other punishment imposed under this section, be liable to pay to the person whose rights have been infringed such compensation as the court may direct.

(4) Nothing contained in this section shall prohibit the exercise in a Forest Reserve by any person of any right which under the Forests Ordinance (Cap. 157) for the time being is, or is treated as, an admitted right.

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Offences relating to marks.

2. Any person who—

- (a) knowingly counterfeits or fraudulently uses upon any timber or standing tree a mark used by Forest Officers or any registered property mark to indicate that such timber or tree is the property of some person; or
- (b) without the written permission of a Forest Officer alters, defaces or obliterates any mark placed on a tree or on timber; or
- (c) alters, moves, destroys or defaces any boundary mark of any Forest Reserve.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.00 or to imprisonment not exceeding five years or to both:

Provided that for a second or subsequent offence under this section an offender shall be liable on summary conviction to a fine not exceeding £5,000.00 or to imprisonment not exceeding ten years or to both.

Persistent offenders to be banned.

3. (1) Any person who has been convicted three times of an offence under this Decree shall be deemed to be prohibited from owning, operating or participating in any timber business or timber concession, and all permits and property marks held by him under any enactment relating to forests, trees, or timber shall be deemed to be forfeited.

(2) Any person who contravenes a prohibition imposed on him by subsection (1) of this section shall be guilty of an offence and liable on conviction to imprisonment not exceeding ten years without the option of a fine.

Duties of Forest Officers.

4. (1) Every Forest Officer shall take all necessary steps to prevent the commission of an offence under this Decree.

(2) Where the Commissioner responsible for Lands is satisfied that any Forest Officer has aided, condoned or connived at the commission of any offence under this Decree, he may order that such Forest Officer be summarily dismissed.

Arrest and seizure.

5. (1) Any Forest Officer may arrest without warrant any person whom he reasonably suspects to have committed or to have been concerned in any offence under this Decree, if such person fails to give his name and address or gives a name or address which is believed to be false, or if there is reason to believe that he may abscond.

(2) A person arrested under this section shall within forty-eight hours be brought before a Magistrate, if not sooner released.

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(3) Where there is reason to believe that an offence has been committed under this Decree, any Forest Officer may seize all forest produce to which the offence relates together with all instruments, vehicles and other articles suspected to have been used in committing the offence.

(4) A Forest Officer who seizes anything under this section shall place thereon a mark indicating that it has been seized and shall report the seizure to the Commissioner responsible for Lands.

6. (1) A court which convicts any person of an offence under this Decree shall order that all forest produce, instruments, vehicles and other articles in respect of which or by means of which the offence was committed (including anything seized under section 5) shall be forfeited to the Republic. Forfeiture and disposal of articles.

(2) Any vehicle or other article which is seized under section 5 and whose owner cannot be ascertained shall, after the expiration of fourteen days from the date of seizure, be deemed to be forfeited to the Republic.

(3) A vehicle or other article which is seized under section 5 and whose owner has been ascertained shall, if no prosecution is brought under this Decree, be restored to its owner.

(4) Anything which is forfeited to the Republic under this section may be sold or otherwise disposed of by the Commissioner responsible for Lands, and the proceeds applied for forest rehabilitation:

Provided that where a vehicle is forfeited, and the Commissioner is satisfied that the owner was in no way implicated in the offence, the Commissioner may restore the vehicle to such owner.

7. The burden of proof that any forest produce has not been taken in contravention of this Decree shall lie upon the person in whose possession it is found. Burden of proof.

8. (1) Every person who exercises any right in or is permitted to take any forest produce from a Forest Reserve, and every person who is employed in a Forest Reserve, shall be bound to give to any Forest Officer without delay any information he may have regarding the commission or intended commission of any offence under this Decree, and shall assist any such officer— Persons bound to assist Forest Officers.

- (a) to extinguish any fire in the Reserve;
- (b) to prevent any fire occurring nearby from spreading to the Reserve;
- (c) to prevent the commission of any offence under this Decree, and to assist in discovering any offender.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding ₦50.00.

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Indemnity for acts done in good faith.

9. No action shall lie against any person in respect of any act done by him in good faith in the execution or intended execution of his powers or duties under this Decree.

Interpretation.

10. In this Decree, unless the context otherwise requires:

“cattle” includes cows, sheep, goats, pigs and horses;

“forest produce” includes the following, if found in or brought from a Forest Reserve:—

(a) timber, charcoal, rubber, wood, oil, resin and natural varnish;

(b) trees, plants, leaves, flowers and fruit, and all other parts and produce of trees and plants;

(c) wild animals and birds and their skins, and all other parts and produce of wild animals and birds;

(d) eggs, snails, crabs, fish, silk, honey and wax;

(e) peat, surface soil, and minerals other than minerals within the meaning of any enactment regulating the working of minerals;

“Forest Reserve” means a Forest Reserve constituted under section 17 of the Forests Ordinance (Cap. 157);

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

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

Repeals.

11. The following enactments are hereby repealed:—

Sections 22 to 33 of the Forests Ordinance (Cap. 157);

Forest Offences (Compounding of Fines) Act, 1959 (No. 83)

Forest Offences (Compounding of Fines) (Amendment) Act, 1962 (Act 99)

Section 16 (11) of the Concessions Act, 1962 (Act 124).

Made this 12th day of February, 1974.

COLONEL I. K. ACHEAMPONG
Chairman of the National Redemption Council

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