

## CHAPTER 118.

## CROWN LANDS CONSERVANCY

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## SECTION.

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## CHAPTER 118.

## CROWN LANDS CONSERVANCY.

5 of 1902.  
8 of 1924.  
12 of 1928.  
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7 of 1934.

**An Ordinance to provide for the Conservancy of Crown Lands.**

[1ST JANUARY, 1903.]

Short title.

1. This Ordinance may be cited as the Crown Lands Conservancy Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—  
“licensee” means any person licensed to occupy and use Crown Lands or cut wood or fell and remove trees on Crown Lands under the provisions of this Ordinance.

3. All Crown Lands shall be under the control of the Surveys and Lands Department, and all licences for cutting wood or felling and removing trees on any such land, or for occupying or using the same shall be given in writing signed by the head of the Department or other officer approved by the Governor for that purpose.

Control of  
Crown Lands.

4. The licence to cut wood or fell or remove trees may be granted for any period not exceeding one year. Such licence shall commence on the day on which it is expressed to commence, and, unless previously forfeited or otherwise determined, shall expire on the date specified therein.

Licence  
to cut  
wood, etc.

5. The licence to occupy and use any Crown Land shall be for a period of four years commencing on the first of January and expiring on the thirty-first of December of the fourth year following:

Grant and  
revocation of  
licences to  
occupy and  
use.

Provided that the licensee shall have the right to harvest and remove any annual crops being on the land at any time within three months from the date of the expiration of his licence:

Provided also that it shall be lawful for the Governor, at any time, to revoke such licence, and for any person authorised by him to re-enter upon any part of such land in the name of the whole, on behalf of the Government, upon reasonable compensation being granted to the licensee; such compensation to be determined by the Governor in Council, whose decision shall be final.

Revocation  
of licence.

6. If substantially the whole of the land subject to the licence be not used in, or for the purpose of cultivation, within six months from the date of the issue of such licence, the licence shall be liable to be revoked.

Commence-  
ment of  
occupation.

7. The licence to cut wood or fell and remove trees or to occupy and use any Crown Land shall be subject to such conditions, to be set forth or endorsed on the licence, as the Licensing Authority shall consider necessary for preventing drought or the diminution of rainfall or the diminution or pollution of the water supply, or the destruction of wood and trees of commercial or economic value, or for limiting the quantity of wood which may be cut or the number of trees which may be felled.

Conditions  
of licence.

8. (1) For a licence to occupy and use land the licensee shall pay a fee of one shilling for each acre or part of an acre in respect of which the licence is granted.

Fees for  
licences.

(2) For a licence to cut wood and fell trees the licensee shall pay as a fee such sum, not being more than one pound or less than two shillings, as the Licensing Authority may think fair and reasonable.

(3) All fees received in respect of licences granted under this Ordinance shall be paid into the Treasury, and shall form part of the general revenue of the Colony.

Setting fire  
to  
Crown Lands.

9. Any person who shall set fire or cause the same to spread to any Crown Land, unless such person is a licensee to occupy and use the same or is acting under the lawful orders of such licensee, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty pounds or to imprisonment, with or without hard labour, not exceeding six months.

Licensee  
setting fire to  
Crown Lands.

10. Any licensee to occupy and use any Crown Land who shall allow any fire to spread from the land so occupied and used by him to any other land, whether such other land be Crown Land or private property, shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds.

Production  
of licence.

11. Any person who shall be found occupying or using any Crown Land or cutting wood or felling and removing trees thereon and who shall, upon demand being made by any police officer or other person appointed for that purpose, refuse or fail after reasonable time given for that purpose, to produce and show his licence shall be liable on conviction thereof to a penalty not exceeding ten pounds.

Power to  
arrest.

12. Every police officer or other person appointed for that purpose may arrest any person who is found cutting any wood or thing or felling trees on or occupying or using any Crown Land, unless such person holds a licence for that purpose under the Ordinance.

Proceeding  
by summons.

13. In every case under this Ordinance where a right of arrest is given it shall be lawful to proceed by summons instead of by arrest at the discretion of the complainant or officer.

Punishment  
of persons  
cutting  
trees, on  
Crown Lands.

14. Any person who cuts or takes any wood or thing from or off any Crown Land without having a licence for that purpose granted under this Ordinance, or in breach of any condition of such a licence, shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding ten pounds.

15. Any person who occupies or uses any Crown Land, unless he holds a licence for that purpose granted under this Ordinance, shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding five pounds:

Punishment of persons trespassing on Crown Lands.

Provided that no person shall be convicted under this section who proves to the satisfaction of the Court before whom he is brought that he, or those through whom he claims, occupied the land under a *bona fide* claim of right:

Claim of right.

Provided also that where any person is convicted for a first time under this section, he shall notwithstanding anything hereinbefore contained not be liable to imprisonment, whether in default of paying any penalty or otherwise, if he surrenders peaceable possession of the Crown Lands occupied by him.

First offenders.

16. If any holder of a licence to occupy and use any Crown Land purports to assign his right to occupy or use the whole or any part of such Crown Land, whether for the whole or any part of the period of his licence, his licence shall thereupon be deemed to be revoked and he shall be guilty of an offence. On conviction of such offence he shall be liable to a penalty not exceeding five pounds.

Assignment of right given by a licence to occupy Crown Land an offence.

17. Every licensee shall forfeit his licence if he shall be convicted of cutting any wood or thing or felling or removing any tree or of occupying or using any Crown Land other than that described in his licence.

Forfeiture of licence.

18. All penalties imposed by this Ordinance shall be recovered upon summary trial before a Magistrate.

Recovery of penalty.