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## CHAPTER 189.

## FORESTRY.

**An Ordinance to provide for the regulation of forest reserves and protected forests and the protection of trees.**

8 of 1912.  
 21 of 1921.  
 3 of 1924.  
 Sec. 29 of No.  
 44 of 1924.  
 16 of 1929.  
 26 of 1933.  
 7 of 1942.  
 17 of 1944.  
 118 of 1942.

[2ND AUGUST, 1912.]

1. This Ordinance may be cited as the Forestry Ordinance and shall apply to the Colony and Protectorate.

Short title.

2. In this Ordinance, and in any rules or orders contained therein or made thereunder, unless the context otherwise requires—

Interpretation.

“Chief Conservator” means the Chief Conservator of Forests;

“Paramount Chief,” “Chief” and “Native” means a paramount chief, chief or native as defined by the Protectorate Ordinance;

Cap. 60.

“District” means a judicial district as constituted by the Courts Ordinance;

Cap. 7.

“tree” includes palms, bamboos, stumps, brush-wood and canes;

“timber” includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose;

“forest produce” includes the following, when found in, or brought from, a forest reserve or Protected Forest that is to say—

(a) timber, charcoal, rubber, gutta percha, wood, oil, resin, natural varnish and bark lac;

(b) trees and leaves, flowers and fruits, and all other parts or produce, not hereinbefore mentioned, of trees;

(c) plants not being trees (including grass, creepers, reeds, and moss, and all parts or produce of such plants);

(d) peat, surface soil, and other substances other than minerals to which the Concessions Ordinance, or any Ordinance amending or substituted for the same, applies;

Cap. 121.

Cap. 61.

“ Native lands ” means any waste, forest or other lands over which a Tribal Authority exercises jurisdiction;

“ Tribal Authority ” means a Tribal Authority as defined by the Tribal Authorities Ordinance;

“ to take timber ” includes to fell trees and to carry away the timber from the lands upon which trees have fallen or been felled;

“ enquiry ” means any enquiry by a Reserve Settlement Commissioner under this Ordinance;

“ forest officer ” means any officer appointed by the Governor under section 3 of this Ordinance;

“ native community ” means any group of persons occupying any lands in accordance with, and subject to, native law, and subject to the control and authority of any chief or chiefs;

“ protected forest ” means an area constituted to be such under section 14 or this Ordinance;

“ protected tree ” means any tree so declared by an Order made under section 17 within any area specified in the Order.

Appointment  
of forest  
officers, etc.

3. The Governor may, from time to time, appoint such officers as he may think necessary for carrying out the provisions of this Ordinance, and any rules or Orders contained therein or made thereunder, into effect at such salaries and upon such conditions as he may think fit, and may revoke any such appointment.

#### FOREST RESERVES.

Creation  
of forest  
reserves.

4. (1) It shall be lawful for the Governor, by order, to constitute as a Forest Reserve any of the following lands namely:

(a) Crown lands in the Colony;

(b) Native lands at the request of the Tribal Authority;

(c) Lands in respect of which the Governor in Council, after consultation with the Tribal Authority concerned and the Chief Conservator of Forests, is satisfied that the forest growth thereon ought, in the public interest, to be protected from injury or destruction, or from any further injury or destruction, as the case may be, in order to ensure the conservation of water, soil, timber and other forest products.

(2) And it shall be lawful for the Governor to acquire such rights and powers as are necessary or expedient for the use and enjoyment of such lands for the purposes of this Ordinance, subject to such rights and reservations as are agreed upon for

the use or benefit of the owners of the lands or any other persons, and also to take timber and collect forest produce or any kinds thereof as shall be agreed upon, together with such additional rights and powers as may be necessary and advantageous for the exercise, enjoyment and continuance of the said rights by the Governor or his licensees and subject to such rights and reservations as are agreed upon for the use or benefit of the owners of the lands or any other persons.

5. (1) When it is proposed to constitute any lands a forest reserve, a notice shall be published in the *Gazette*—

Notification of intention to create reserve and appointment of Reserve Settlement Commissioner.

(a) specifying as nearly as may be the situation and limits of the lands;

(b) declaring that it is intended to constitute such lands a forest reserve, either for the general purposes of the Colonial Government within the Colony, or for the particular use and benefit of the native community within the Protectorate, within the limits of whose occupation the reserve is situated;

(c) appointing an officer, hereinafter referred to as the Reserve Settlement Commissioner, to enquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any persons or native communities, or brought to the knowledge of the said Commissioner affecting the lands, or the rights in or over the lands, which it is proposed to constitute a forest reserve.

(2) If owing to absence, illness or any other cause the Reserve Settlement Commissioner appointed under this section is unable to perform his duties, the Governor, by notice published in the *Gazette*, may appoint any person to act on his behalf or in succession to him.

(3) Any notice published under this section may be varied, amended or revoked.

6. Upon the publication of the notice aforesaid, the Reserve Settlement Commissioner shall immediately cause the particulars contained therein to be made known in the district or districts in which the lands are situated, by causing the same to be read and interpreted in the local native language at the next meeting of the Magistrate's Court in the said district or districts, and also by orally informing the Tribal Authority having jurisdiction over the lands aforesaid, and he shall also fix, and in the manner aforesaid, make, a period within which, and a place to or at which, any person or native community claiming any right affecting the lands, or the rights over the lands, which

Notice of enquiry.

it is proposed to constitute a forest reserve, shall either send in a written statement of his or their claim to the Reserve Settlement Commissioner or appear before him, and state orally the nature and extent of their alleged rights.

Enquiry.

7. (1) At the expiration of the period fixed by the Reserve Settlement Commissioner, he shall enquire into and determine the limits of the lands specified in the notice aforesaid, and the existence, nature and extent of the rights in respect of which he has received any claims under section 6 of this Ordinance and of any other rights alleged to exist or brought to his knowledge at the enquiry in favour of any persons or communities affecting the lands which it is proposed to constitute a forest reserve, or the rights acquired by the Governor over any lands under the provisions of this Ordinance.

(2) In holding an enquiry under this section relating to land situated in the Protectorate, the Reserve Settlement Commissioner shall be assisted by the Paramount Chief within whose jurisdiction the forest reserve is situated or by some person whom the Reserve Settlement Commissioner is satisfied has been appointed by such Paramount Chief to be present at such enquiry in his stead, and by two other Paramount Chiefs. The opinion of each chief shall be given orally and shall be recorded in writing by the Reserve Settlement Commissioner, but the decision shall be vested exclusively in the Reserve Settlement Commissioner.

(3) The Reserve Settlement Commissioner shall keep a record in writing of all claims made in respect of any rights aforesaid, and of any objection which may be made thereto, and also of any evidence given in support of, or in opposition to, any claim.

Powers of  
Reserve  
Settlement  
Commissioner  
at enquiry.  
Cap. 7.

8. For the purposes of the enquiry, the Reserve Settlement Commissioner shall have all the powers conferred upon the Magistrate's Court by the Courts Ordinance, or any Ordinance amending, or substituted for, the same.

Judgment on  
Completion of  
enquiry.

9. Upon completion of the enquiry, the Reserve Settlement Commissioner shall deliver his judgment, describing the limits of the lands specified in the notice aforesaid and setting forth, with all such particulars as may be necessary to define their nature, incidents and extent, the rights in respect of which he has received claims under section 6 of this Ordinance, and of any other rights alleged to exist or brought to his knowledge at the enquiry in favour of any persons or native communities, and admitting or rejecting the same wholly or in part.

10. (1) Any person who has made a claim may, in respect of lands situate in the Colony appeal from such judgment to the Supreme Court, and in respect of lands situate in the Protectorate to the Governor. Appeal from judgment.

(2) The procedure and practice for the time being in force relating to appeals from Magistrates' Courts to the Supreme Court shall apply to appeals from the Reserve Settlement Commissioner. Cap. 16.

11. (1) At the expiration of one month from the date of the judgment made under section 9 of this Ordinance or, if any appeal has been made under the last preceding section, upon the decision thereof, the Governor may make an order constituting the lands in respect of which the enquiry has been held a forest reserve. Such order shall set forth the limits and situation of the lands which constitute the reserve, and all rights affecting the same as set forth in the judgment of the Reserve Settlement Commissioner, or established by the decision upon any such appeal. Order constituting forest reserve.

(2) Such order shall be published in the *Gazette* and in the manner prescribed for making known the notice referred to in section 6 of this Ordinance.

(3) Any order made under this section may be revised or modified.

12. Every right in or over any lands in respect of which no claim has been made under section 6 of this Ordinance, or of which no knowledge has been acquired at the enquiry, shall be extinguished, unless the claimant has satisfied the Reserve Settlement Commissioner before the delivery of his judgment that he had good reason for not preferring his claim within the period fixed under section 6, in which event the Commissioner may defer judgment until he has decided such claim. Extinguishment of rights.

13. Where in the opinion of the Governor it is expedient that any right admitted by the Reserve Settlement Commissioner shall be acquired by the Colonial Government, the Governor may acquire the same paying such compensation as may be agreed upon; provided that in the event of failure to agree, the matter shall be submitted to arbitration in accordance with the Arbitration Ordinance. Acquisition of rights admitted by Reserve Settlement Commissioner.

Cap. 25.

#### PROTECTED FORESTS.

14. The Governor in Council may by Order constitute any Crown lands in the Colony and, at the request of any Tribal Constitution of protected forests.

Authority, any lands in the Protectorate, to be Protected Forests within which the taking and collection of timber, rubber and forest produce shall only be permitted under such conditions as the Governor in Council may by Order prescribe.

Power to declare lands no longer a Protected Forest.

15. The Governor in Council may by Order direct that from a date named in any such Order any lands or any part thereof constituted a protected forest under this Ordinance shall cease to be a protected forest, or a part of such protected forest, and thereupon from such date such lands or part thereof shall cease to be a protected forest or a part of such protected forest.

#### CLEARANCE LICENCES.

Power of Governor to grant a clearance licence.

16. (1) Notwithstanding anything in this Ordinance or any Order or Rules contained therein or made thereunder to the contrary, it shall be lawful for the Governor to grant a licence (in this section referred to as a clearance licence) to any person to clear any part of a forest reserve or restricted area where such clearance is required for the purposes of mining or prospecting, making or widening a road, surveying or securing a supply of water.

Discretion of Governor absolute.

(2) The Governor may grant or refuse to grant a clearance licence as he in his absolute discretion may think fit, and the Governor may refuse to grant such a licence without assigning any reason.

Conditions of clearance licence.

(3) A clearance licence may be granted for such period and subject to such exceptions and conditions as the Governor may think fit. On the licence holder failing to comply with any such condition the Governor may revoke such licence.

Fees and royalties.

(4) There shall be paid into the Treasury in respect of a clearance licence such fee or royalty, if any, as the Governor may think fit to exact. In any case where a fee or royalty is exacted in respect of any clearance licence authorising the clearance of any part of a forest reserve or protected forest on lands which are under the jurisdiction of a Tribal Authority the fee or royalty shall be paid by the Accountant General to the chiefdom treasury, or if part of the forest reserve or protected forest to be cleared is under the jurisdiction of more than one Tribal Authority the fee or royalty shall be paid to the several chiefdom treasuries in such proportions as the Chief Conservator of Forests may advise. Where any fee or royalty or part thereof is paid to a chiefdom treasury under this sub-section, the Tribal Authority shall, if any persons, other than the natives of the

chieftdom generally, have any rights which are affected by the clearance, pay to such persons out of such fee or royalty or part thereof such sum as shall compensate such persons for the detriment to such rights. Subject to the provisions of this sub-section all fees and royalties paid in respect of clearance licences shall form part of the general revenue.

(5) A clearance licence shall not be deemed to grant to the licence holder the trees felled or otherwise dealt with in pursuance of such licence, or to authorise the removal of such trees except for such distance as may be necessary having regard to the work in respect of which the clearance licence was granted.

Authority conferred by clearance licence.

(6) Where trees are felled or otherwise dealt with in pursuance of a clearance licence on a forest reserve or protected forest such trees shall—

Property in trees felled.

(a) if the forest reserve or protected forest is in the Colony, be deemed to belong to the Crown; and

(b) if the forest reserve or protected forest is in the Protectorate, be deemed to belong to the Tribal Authority having jurisdiction over the lands on which they were growing:

Provided that in so far as any persons, other than the natives of the chieftdom generally, would have had a right to fell such trees or to the produce thereof, such trees shall be deemed to belong to such persons:

Provided further that it shall be lawful—

(i) for the Governor to direct the appropriation of any other of such trees for the purpose of constructing or repairing bridges or other public works within the Tribal Authority's chieftdom; and

(ii) for a forest officer to destroy or permit the destruction of trees of no substantial economic value.

(7) In this section "trees" shall be deemed to include everything growing on or in the ground.

Definition.

#### PROTECTED TREES.

17. The Governor in Council may by Order declare trees of any specified species to be protected trees either throughout Sierra Leone or in any part thereof.

Protected trees.

## GENERAL PROVISIONS.

Prohibited  
acts.

18. The Governor in Council may from time to time by Order prohibit the following things, or any of them, namely—

(1) The taking and collection of timber, rubber and forest produce, or any kinds thereof specified in the Order, in any forest reserve or protected forest either generally or for the purpose stated in the Order, by any persons other than the holders of licences granted in accordance with rules contained in or made under this Ordinance, or by any other persons or by any classes of persons specified in the Order;

(2) The taking and collection of timber, rubber and forest produce, or any kinds thereof specified in the Order, in any forest reserve or protected forest during any period specified in the Order;

(3) The sale, offering for sale, purchase and export of timber, rubber and forest produce, or any kinds thereof specified in the Order, by any person other than the holders of licences granted in accordance with rules contained in or made under this Ordinance, or by any other persons or by any classes of persons specified in the Order;

(4) The sale, offering for sale, purchase, possession and export of timber, rubber and forest produce, or any kinds thereof specified in the Order, taken, collected or prepared in contravention of any Order or any rules contained in or made under this Ordinance;

(5) The sale, offering for sale, purchase, possession and export of timber, rubber and forest produce, or any kinds thereof specified in the Order, taken, collected, prepared, sold or purchased in any territories near, or adjacent to, the Colony or Protectorate in contravention of the law for the time being in force in such territories;

(6) The sale, offering for sale, purchase, possession and export of timber, rubber and forest produce, or any kinds thereof specified in the Order, during any period prescribed by the Order;

(7) The felling, cutting, taking, working, burning, injuring or removing of any protected tree;

(8) The erection of any building of any nature whatsoever in any forest reserve or protected forest.

Every Order made under this section may be subject to such limitations, exceptions and conditions as may be therein prescribed.

Any person who shall contravene any Order made under this section, shall be liable, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding twelve months.

19. The Governor in Council may, by Order subject to the approval of the House of Representatives, make provision for— Fees,  
royalties, etc.

- (1) The fees to be charged on the grant and issue of licences;
- (2) The royalties to be paid by the holders thereof;
- (3) Tolls on timber, rubber and forest produce conveyed on any river or creek opened or improved by the Colonial Government, and the cost of surveys and demarcations;
- (4) The collection, payment and disposal of fees, royalties, tolls and costs of surveys and demarcations.

20. The Governor in Council may by Order make provision with respect to the following things or any of them, namely— Matters to be  
provided for  
by Orders in  
Council.

- (1) Applications for grant and issue of licences—
  - (a) To take and collect timber, rubber and forest produce on forest reserves and protected forests;
  - (b) To sell, purchase and export timber, rubber and forest produce; and
  - (c) To fell, cut, take, work or remove protected trees;
- (2) Conditions on which licences may be granted and the forms of such licences;
- (3) Quantity of timber, rubber and forest produce which may be taken and collected by holders of licences;
- (4) Survey and demarcation of forest reserves and protected forests;
- (5) Marking of timber;
- (6) Use and possession of marking instruments;
- (7) Taking, collection and preparation of timber, rubber and forest produce within a forest reserve or protected forest;
- (8) Seizure, detention and disposal of timber, rubber or forest produce, taken, collected, prepared, sold, offered for sale, purchased, possessed, or not marked in contravention of any Order or rule contained in, or made under, this Ordinance;
- (9) Returns and accounts to be furnished by holders of licences;
- (10) Termination, revocation and forfeiture of licences;

- (11) Transit of timber by land and water;
- (12) Salving and disposal of drift timber;
- (13) Establishment and maintenance of nurseries;
- (14) Preservation and reproduction of timber, rubber and forest produce;
- (15) Introduction of new species of timber, rubber and forest produce;
- (16) Management, utilisation and protection of forest reserves and restricted areas and any roads, paths, channels of rivers and streams therein;
- (17) Duties and discipline of forest officers;
- (18) Generally any matter connected with the carrying of the purposes of this Ordinance into effect.

When making any Order under the provisions of this section the Governor in Council may impose a penalty not exceeding fifty pounds or imprisonment, with or without hard labour, for a term not exceeding six months for a breach of any such rule upon summary conviction thereof.

Jurisdiction  
of the Court.

**21.** Proceedings under this Ordinance may be taken in the Magistrate's Court, which shall have full jurisdiction to determine summarily all such proceedings:

Cap. 8.

Provided that, notwithstanding anything contained in section 7 of the Native Courts Ordinance, proceedings relating to any offence against the provisions of this Ordinance committed by any person subject to the jurisdiction of a Native Court in respect of any protected forest or protected tree may be taken in the Native Court established in the area within which the offence is committed.

Forfeiture.

**22.** In addition to any fine or term of imprisonment which any Court may impose under this Ordinance or any rule contained in or made thereunder, such Court may order the forfeiture, and give directions as to the disposal of, the timber, rubber, forest produce and protected tree, or the instrument or means in respect of which, or by which, the offence has been committed.

Proof of  
knowledge.

**23.** Where a person is charged with the breach of any Order prohibiting the sale, offering for sale, purchase, possession or export of timber, rubber, forest produce or protected tree, either taken, collected or prepared in contravention of any Order or rule contained in, or made under, this Ordinance, such person shall be liable to be convicted of such breach, unless he

shows to the satisfaction of the Court that he was unaware that such timber, rubber, forest produce or protected tree was taken, collected or prepared in contravention of any Order or rule aforesaid, or was taken, collected or prepared, sold or purchased in contravention of any law aforesaid, as the case may be.

**24.** Any forest officer may, without warrant, arrest any person reasonably suspected of having recently committed any offence under this Ordinance if such person refuses to give his name and address or gives a name or address which there is reason to believe is false or if there is reason to believe that he will abscond.

Powers of  
arrest.

Every person arrested under this section shall be taken before a magistrate or to the nearest police station or lock-up without unnecessary delay.

**25.** The Chief Conservator shall in the month of May in every year transmit to the Financial Secretary, to be laid before the House of Representatives, a return of the forest administration during the preceding year, showing in respect of each administrative district the number and value of licences issued, distinguishing the nature of such licences, the quantity, denomination and value of forest produce extracted, distinguishing the nature of such produce, the moneys received, costs of surveys and demarcations, and royalties and other fees paid under the provision of the Ordinance, and in respect of what forest produce.

Annual  
return to be  
made by  
Chief  
Conservator.