

JAMAICA

No. 17-1996

I assent.

[L.S.]

H. F. COOKE,
Governor-General

14th day of October, 1996.

AN ACT to Repeal and replace the Forest Act.

[15th October, 1996]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and House
of Representatives of Jamaica, and by the authority of the
same as follows:—

PART I. *Preliminary*

1. This Act may be cited as the Forest Act, 1996.

Short title.

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

Interpreta-
tion.

“allowable annual cut” means a rate of timber harvest-
ing specified for an area of land;

“authorized officer” means a forest officer, a member
of the Jamaica Constabulary Force or any other
person designated as such by the Minister;

"cattle" includes horses, mules, asses, goats, sheep and swine;

"Conservator" means the Conservator of Forests;

"Crown land" includes all waste or vacant land in the Island vested in the Commissioner of Lands in trust for the Government of Jamaica, and all land leased by the Commissioner of Lands on behalf of the Government of Jamaica as forest reserves;

"Forest Management and Conservation plan" means the national Forest Management and Conservation plan prepared under section 16;

"forest management area" means any area of land declared under this Act to be a forest management area;

"forest officer" means the Conservator and any other person appointed to be a forest officer;

"forest produce" includes—

(a) trees, plants, fauna, stones, sand and soil existing in or taken from a forest reserve, Crown land or forest management area; or

(b) all parts and produce of such trees and plants;

"forest reserve" means any area of land declared by or under this Act to be a forest reserve;

"functions" includes duties and powers;

"private land" means land that is not Crown land;

"protected area" means any area of land declared by the Minister pursuant to section 23 to be a protected area;

"timber" means—

(a) trees, whether standing, fallen, living, dead, limbed, bucked or peeled; and

(b) logs;

"tree" includes shrubs and bushes of all kinds, seedlings, saplings and reshoots of all ages, and any part of a tree.

PART II. *Forest Administration*

3.—(1) There is hereby established a department of Government to be called the Forestry Department, hereinafter referred to as the Department.

Establishment of Forestry Department.

(2) For the due administration of the Department, the Governor-General may appoint—

(a) a Conservator of Forests;

(b) such other officers and employees as may be necessary for the efficient operation of the department.

(3) On the application of a person who is engaged in the establishment or conservation of a forest in a forest management area or on land leased from the Commissioner of Lands, the Conservator may, by instrument in writing, designate as a special forest officer, any person whom the applicant wishes to exercise the powers of a forest officer under this Act in relation to the applicant's forest.

(4) A person who makes an application referred to in subsection (3) may make a written request to the Conservator for revocation of the designation referred to in that subsection.

(5) A special forest officer—

(a) may exercise the powers of an authorized officer under sections 27 and 29 and any other powers conferred on special forest officers by regulations relating to forest management areas or lands leased from the Commissioner of Lands;

- (b) shall not, by reason only of his designation as a special forest officer, be subject to the control of the Conservator or be entitled to receive any remuneration from the Government;
- (c) shall cease to be a special forest officer when the Conservator withdraws the designation, whether or not upon a request made under subsection (4).

**Functions
of the
Depart-
ment.**

4. The functions of the Department shall include—

- (a) sustainable management of forests in Crown lands or in forest reserves and the effective conservation of those forests;
- (b) directing and controlling the exploitation, in a rational manner, of forest resources by the introduction of adequate systems for renewal of those resources;
- (c) preparing and implementing a national forest management and conservation plan;
- (d) promoting the development of forests on private lands;
- (e) promoting, establishing and maintaining a forest research programme with a view to—
 - (i) enhancing forest management and development;
 - (ii) identifying and obtaining silvicultural data to be used in improving financial yields of species important to the national economy;
 - (iii) ensuring reafforestation of suitable lands;
- (f) establishing and promoting public education programmes to improve understanding of the contribution of forests to national well-being and national development;

- (g) establishing and maintaining recreational facilities in such forest conservation areas and forest management areas as may be designated for that purpose;
- (h) promoting agroforestry and social forestry programmes for the benefit of farmers, schools and any other interested persons, or groups of persons;
- (i) determining, with the approval of the Minister, fees for licences or permits granted under this Act or any services rendered by the Department;
- (j) preparation of forest inventories and the demarcation and maintenance of forest boundaries;
- (k) control and supervision of the cutting, harvesting, milling and sale of timber and other forest produce;
- (l) granting of licences and permits under this Act;
- (m) compiling information and statistics concerning the use of timber and other forest produce;
- (n) protection and preservation of watersheds in forest reserves, protected areas and forest management areas;
- (o) developing programmes for proper soil conservation;
- (p) taking steps to enforce compliance with the provisions of this Act; and for this purpose the Conservator and other forest officers shall have the powers of a Constable under the Constabulary Force Act;
- (q) such other functions as may be assigned under this Act or any other enactment.

PART III. *Forest Management*

Declaration
of forest
reserve.

5. Subject to section 10, the Minister may by order, subject to affirmative resolution, declare to be forest reserves—

- (a) any Crown lands; or
- (b) any private land if the owner thereof applies in writing for such a declaration.

Purpose
of forest
reserve.

6.—(1) Forest reserves shall be used primarily for the following purposes—

- (a) the conservation of forests existing naturally in the area of those forest reserves;
- (b) the provision of land for the development of forest resources, including the establishment of forest plantations;
- (c) the generation of forest products;
- (d) the conservation of soil and water resources;
- (e) the provision of parks and other recreational amenities; and
- (f) the protection and conservation of endemic flora and fauna.

(2) A lease of any parcel of land in a forest reserve shall be regulated by the following conditions—

- (a) the land may only be used for purposes compatible with subsection (1); and
- (b) if the parcel of land includes any Crown lands, the Commissioner of Lands shall not grant lease without the approval in writing of the Conservator.

Declaration
of forest
manage-
ment areas.

7.—(1) The Minister may, by order, declare to be forest management areas—

- (a) any Crown lands not in a forest reserve;

- (b) any private lands, if he is satisfied that the use of the land should be controlled for the protection of the national interest.

(2) Forest management areas shall be used primarily for the purposes specified in section 6 (1) in relation to forest reserves.

8.—(1) The Conservator shall, every five years, prepare and submit to the Minister for his approval a forest management plan for each forest reserve and each forest management area. Forest management plans.

(2) Every forest management plan shall contain such particulars and proposals as shall be prescribed in relation to—

- (a) the land to which the plan relates;
- (b) the forests and other natural resources on that land;
- (c) the determination of an allowable annual cut and the production of other forest products in relation to the forests mentioned in paragraph (b);
- (d) forest plantations proposed to be established and other silvicultural practices to be carried out;
- (e) a conservation and protection programme;
- (f) portions of the land proposed to be leased, the purposes for which the leased areas are to be used and the terms and conditions of the lease;
- (g) the role of the Department and other government agencies or statutory authorities in the implementation of the plan.

(3) Where the Minister has approved a forest management plan, the Director shall ensure that the forest reserve and forest management area to which it relates are managed in accordance with the plan.

Compulsory acquisition of land for forest reserve.

9. Where, on the recommendation in writing of the Conservator, the Minister is satisfied that it is necessary to acquire any private land for the purposes of forest reserves, the Minister may proceed to acquire that land in the manner prescribed in the Land Acquisition Act.

Notice of proposed declaration of forest reserve.

10.—(1) The Minister shall, at least ninety days before the making of an order under section 5—

- (a) publish in the *Gazette* and in such other medium as the Minister thinks fit, a notice of his intention to make the order;
- (b) invite, in such manner as he thinks fit, comments from members of the public in relation to the proposed order.

(2) The Minister shall take into account any comments received before making an order under section 5.

(3) Whenever the Minister proposes to amend or revoke an order under section 5 he shall give public notice of his intention and provide an opportunity for public comment as mentioned in subsection (1) (b).

Interim protection measures for forest reserves and management areas.

11.—(1) The Minister may, in respect of a forest reserve or a forest management area or proposed forest reserve or forest management area, provide such interim measures as may, in his opinion, be necessary to protect such reserve or management area or proposed reserve or management area.

(2) Any measures provided for pursuant to this section shall remain in force for no longer than six months.

Appointment of local forest management committees.

12.—(1) For the purposes of this Part the Minister may, after consultation with the Conservator, appoint a forest management committee for the whole or any part of a forest reserve, forest management area or protected area.

(2) Whenever possible, each forest management committee shall include at least two members having local knowledge of the area, or part thereof, in which the forest reserve, forest management area or protected area is located.

(3) The Conservator shall, from time to time, make available to any forest management committee such technical advice and assistance as may be necessary to assist the committee in its functions.

13. The functions of a forest management committee shall include—

Functions
of forest
manage-
ment com-
mittee.

- (a) monitoring of the condition of natural resources in the relevant forest reserve, forest management area or protected area;
- (b) holding of discussions, public meetings and like activities relating to such natural resources;
- (c) advising the Conservator on matters relating to the development of the forest management plan and the making of regulations;
- (d) proposing incentives for conservation practices in the area in which the relevant forest reserve, forest management area or protected area is located;
- (e) assisting in the design and execution of conservation projects in that area; and
- (f) such other functions as may be provided by or under this Act.

14.—(1) For the purpose of this Act and regulations made under section 37, the Conservator shall determine the allowable annual cut for—

Determina-
tion of
allowable
annual cut.

- (a) any forest reserve;
- (b) any area within a forest reserve and shall designate the boundaries of any area referred to in this paragraph; or

- (c) any forest management area.

(2) In determining an allowable annual cut under subsection (1) the Conservator shall consider—

- (a) the rate of timber production that may be sustained on the area of a forest reserve or any part of that area, taking into account—
- (i) the composition of the forest and its expected rate of growth;
 - (ii) the expected time that it will take the forest to become re-established following denudation;
 - (iii) silvicultural treatments to be applied in the area;
 - (iv) the standard of timber utilization and the allowance for decay, waste and breakage expected to be applied with respect to timber harvesting;
 - (v) any other information that, in his opinion, relates to the capacity of the area to produce timber;
- (b) the short and long term implications to Jamaica of alternative rates of timber harvesting from the area;
- (c) the economic and social objectives of the Government for the area, the general region and Jamaica;
- (d) abnormal infestations in, devastations of, and major salvage programmes planned for, timber on the area.

Inventory
and
classifica-
tion of
forests and
forest lands.

15.—(1) The Conservator shall develop and maintain an inventory of forest and land suitable for the development of forests in Jamaica.

(2) The Conservator shall make an assessment of the land referred to in subsection (1) in order to determine its potential for—

- (a) growing trees continuously;
- (b) the protection and enhancement of water and soil resources;
- (c) providing forest oriented recreation;
- (d) producing forage for livestock and wildlife;
- (e) forest conservation purposes;
- (f) maintaining and enhancing the biodiversity of Jamaica's flora and fauna;
- (g) accommodating other forest uses.

16.—(1) Within two years of the commencement of this Act, the Conservator shall prepare a draft national Forest Management and Conservation plan.

National
Forest
Management and
Conservation
plan.

(2) The draft plan shall contain—

- (a) a statement of the forest resource management and conservation policy;
- (b) an inventory and description of forest lands;
- (c) provision for the protection, conservation and production of forest resources;
- ✱ (d) proposals for the protection of watersheds, soil, water, wildlife and other forest resources;
- (e) an outline of the economic objectives for the sustainable development of wood-based industries in Jamaica;
- (f) programmes for social forestry, community development and forest related education;
- (g) proposals for implementation of the plan.

(3) In preparing the draft plan, the Conservator shall consult with such statutory authorities, government departments or agencies and private conservation organizations as, in the opinion of the Conservator, may be relevant, having regard to the contents of the draft plan.

(4) The draft plan shall, in such manner as the Conservator thinks appropriate, be made available for public comment.

Revision
and
approval of
draft plan.

17.—(1) The Conservator may revise the draft plan in such manner as he thinks fit, having regard to any comments received from members of the public.

(2) The Conservator shall submit the draft plan, including where relevant, any revisions made thereto, to the Minister for his approval.

(3) Where the Minister is satisfied that the implementation of the draft plan is likely to be in the public interest he shall approve it with or without modification and shall cause the plan as so approved (hereinafter referred to as the "Forest Plan") to be laid on the table of both Houses of Parliament.

Periodic
review of
plan.

18.—(1) The Conservator shall at intervals of not more than five years, review the provisions of the Forest Plan and, if he thinks necessary, prepare amendments thereto.

(2) The provisions of subsections (3) and (4) of section 16 and section 17 shall apply in relation to amendments proposed under this section in like manner as they apply to a draft plan.

Develop-
ment of
forests.

19. It shall be the duty of the Conservator to develop and implement programmes for the establishment of nurseries, the provision of seedlings and other planting material, re-forestation and such other facilities as he considers neces-

sary for the establishment and maintenance of trees and other forest crops.

20.—(1) The Conservator may establish recreational facilities in such forest reserves or forest management areas as he considers appropriate and such facilities may include—

Recreational facilities in certain forests.

- (a) parks;
- (b) roads and trails;
- (c) camp grounds;
- (d) picnic sites;
- (e) such other facilities as the Conservator may determine.

(2) Regulations made under section 37 may prescribe fees to be paid for the use of facilities provided pursuant to subsection (1).

21. The Conservator may formulate and implement public education programmes with a view to increasing public awareness of the importance of forestry to the national interest.

Public education programme.

22.—(1) The Conservator may designate areas of land in a forest reserve for the purpose of research with a view to—

Forest research.

- (a) improving knowledge of Jamaica's forests and trees;
- (b) increasing the yields of forest crops;
- (c) encouraging good forest practices.

(2) The Conservator shall prepare and submit to the Minister an annual report of all activities and expenditure relating to research undertaken or sponsored by the Department.

PART IV. *Forest Protection*Declaration
of protected
area.

23.—(1) The Minister may declare any Crown land to be a protected area if it appears to him to be desirable for the following purposes—

- (a) protection against storms, winds, rolling stones, floods and landslides;
- (b) preservation of soil on the ridges and slopes and in the valleys of hilly tracts;
- (c) prevention of the formation of ravines and torrents;
- (d) protection against erosion or deposits of sand, stones or gravel;
- (e) maintenance of water supply in springs, rivers, canals and tanks;
- (f) protection of roads, bridges, railways and other lines of communication;
- (g) protection against forest fire;
- (h) preservation of public health;
- (i) protection of national amenities, flora and fauna.

(2) The Minister may—

- (a) on the application of any owner of private land;
and
- (b) on the recommendation of the Conservator,

declare such land to be a protected area for the purposes specified in subsection (1).

(3) The Minister may by regulations prohibit or regulate in any protected area—

- (a) the breaking up or clearing of lands for cultivation;
- (b) the depasturing of cattle; and
- (c) the burning or clearing of vegetation.

(4) Where a declaration is made under subsection (1) notice thereof shall be published in the *Gazette* and in such other medium as the Minister thinks fit.

24. It shall be lawful for a forest officer or any person authorized in writing by the Conservator, to enter upon— Power of entry, etc.

- (a) any lands in a protected area, forest reserve or forest management area; or
- (b) any lands which, in the opinion of the Conservator, may need to be declared a protected area or forest reserve or forest management area,

and to carry out surveys and inspect the same.

25. If, and for so long as, the owner of private land in a protected area or forest management area declared forest reserve complies with the regulations or directions under this Act in relation to that land— Remission of property tax.

- (a) he shall in each financial year, on application to the Conservator, be granted a certificate to that effect; and
- (b) be entitled to remission of property tax in respect of that land in that financial year.

26.—(1) Where the owner of private land in a protected area fails to comply with regulations or directions under this Act relating to that land, the Conservator may assume control of the said land or lease from the owner for such term as the Conservator may deem necessary to retain the land under the Conservators control. Acquisition of lease.

(2) If the owner of the land agrees to the grant of a lease pursuant to subsection (1), the amount of annual rent to be reserved and all other questions arising between the owner (or persons claiming to be the owner) shall be determined by agreement between the Conservator and the owner

(3) In default of an agreement pursuant to subsections (1) and (2), the Conservator may take steps to have the land acquired for public purposes by the Government in accordance with the Land Acquisition Act.

PART V. *Enforcement*

Power of
authorized
officers.

27.—(1) An authorized officer may at any reasonable time—

- (a) enter any premises within a forest reserve, protected area or forest management area for the purpose of ensuring compliance with this or any other enactment pertaining to the protection of forests;
- (b) enter any premises on which the authorized officer has reasonable cause to believe that any unlawful forest produce is stored or generated,

and shall, if required to do so by the person in charge of the premises, produce to such person his authority for so entering.

(2) Any person who assaults or obstructs an authorized officer acting in the execution of his duty under subsection (1) commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding twelve months.

Licences
and permits.

28. Subject to this Act and the regulations, the Conservator may grant such licences and permits as may be prescribed, in relation to the following—

- (a) harvesting of timber on Crown lands;
- (b) processing of timber and other forest products;
- (c) sale of timber;
- (d) sawmilling activities;

- (e) removal of dead or damaged timber;
- (f) research activities;
- (g) recreational facilities established under section 20;
- (h) any other purposes approved by the Conservator.

29.—(1) Subject to subsection (2), an authorized officer may at any reasonable time—

Power of inspection of land.

- (a) enter upon any land within a forest reserve, protected area or forest management area for the purpose of—
 - (i) inspecting the condition of the land and of any work which is being, or has been done thereon;
 - (ii) ascertaining what plants are cultivated or are most suitable to be cultivated on the land and the conditions under which those plants are or should be so cultivated;
- (b) on any such land as aforesaid take such angles, bearings or measurements and such samples of the soil as may be necessary for determining the purpose for which the land may be used.

(2) A person shall not enter upon any private land pursuant to subsection (1)—

- (a) except with the consent of the owner of the land; or
- (b) unless he has given to the occupier not less than three days notice of his intention to enter on the land; or
- (c) if the name or address of the occupier is not known to and cannot reasonably be ascertained by him and a period of not less than three days has elapsed since he posted on or near to the land, a notice of his intention to enter upon that land.

Prohibition
on cutting
of trees in
forest
reserve.

30.—(1) Subject to subsection (3), no person shall cut a tree in a forest reserve unless he is the holder of a licence or permit issued by the Conservator for that purpose.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) The provisions of this section shall not apply in relation to private lands unless the owner of that land has entered into a special agreement with the Conservator for the application of that section to that land.

Offences.

31.—(1) Subject to the provisions of subsection (3), any person who, in any forest reserve, protected area or forest management area—

- (a) fells, cuts, girdles, marks, tops, taps, uproots or burns any tree, or strips off the bark or leaves from or otherwise damages any tree;
- (b) wilfully or by gross negligence causes any damage in felling any tree or cutting or dragging any timber;
- (c) kindles, keeps or carries any fire;
- (d) without reasonable cause lights or throws down or drops any match or other lighted inflammable material;
- (e) clears, cultivates or breaks up any land for cultivation or for any other purpose;
- (f) establishes or carries on any forest industry;
- (g) carries any saw, axe, adze, auger or cutlass;
- (h) removes soil, sand or gravel;

(i) kills, wounds or captures any wild birds or animals, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars and in default of payment to imprisonment for a term not exceeding two years.

(2) Any person who, in any forest reserve, protected area or forest management area—

- (a) except in the circumstances mentioned in subsection (3), erects any building or shelter, or removes any forest produce, or carries a firearm;
- (b) knowingly counterfeits on any tree or timber, or has in his possession any implement for counterfeiting a mark used by forest officers to indicate that any tree or timber is the property of Government or of some person or may be lawfully felled or removed by some person;
- (c) unlawfully or fraudulently affixes to any tree or timber a mark used by forest officers;
- (d) alters, defaces or obliterates any mark placed on any tree or timber by or under the authority of a forest officer;
- (e) pastures cattle or permits cattle to trespass;
- (f) damages, alters or removes any notice-board, landmark, wall, fence, ditch, embankment, hedge or railing;
- (g) assaults or obstructs a forest officer, a constable or any other person acting in the execution of his duty under this Act,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months.

(3) Nothing in this section shall be construed as prohibiting or rendering punishable any act done—

- (a) in accordance with the permission in writing of the Conservator or a forest officer; or
- (b) by or in accordance with the permission of the owner or lessee of the land on which the act is done; or
- (c) pursuant to and in accordance with any licence or permit granted under this Act.

Power of
arrest.

32. Any forest officer or any constable may arrest without a warrant any person who has committed, or attempted to commit, or is reasonably suspected by that forest officer or constable of having committed or attempted to commit, an offence against this Act, if he has reasonable grounds for believing that that person will abscond unless arrested or if the name and address of that person are unknown to and cannot reasonably be ascertained by him.

Seizure and
forfeiture
of convey-
ance.

33.—(1) If any forest officer or any constable has reasonable cause to suspect that any conveyance is being used or has been used for the commission of an offence against this Act, he may without a warrant search that conveyance and, if the search reveals that the conveyance is being used or has been used for the commission of an offence against this Act, seize and detain it.

(2) If any forest officer or any constable has reasonable cause to suspect that an offence against this Act has been committed in respect of any forest produce, he may seize and detain that forest produce and any tools, ropes, chains and cattle used or suspected to be used in committing the offence.

(3) On the conviction of any person for an offence against this Act, the court shall, upon the application of the

prosecution, order the forfeiture of any conveyance, forest produce or any other thing seized pursuant to this section, if the court is satisfied that—

- (a) the person so convicted owns that conveyance or other thing, or the owner thereof permitted it to be used for the commission of the offence; or
- (b) the circumstances are otherwise such that it is just to order the forfeiture.

(4) If, upon the application of any person prejudiced by an order made by the court under subsection (3), the court is satisfied that it is just to revoke the order, the court may revoke the order upon such terms and conditions (if any) as it thinks fit.

(5) Any application to the court under subsection (4) for the revocation of an order shall be made within three months of the date of the order unless the court extends that period (whether it has expired or not) upon being satisfied by the applicant that, in the special circumstances of the case, it was not reasonably practicable for him to make the application within that period.

PART VI. *General*

34.—(1) There is hereby established an Appeal Tribunal for the purposes of this Act and the provisions of the Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

Appeal
Tribunal.
Schedule.

(2) The Tribunal shall hear appeals made to it under this Act and in respect to any such appeal the Tribunal may, subject to this section, make such order as it thinks fit.

(3) Before determining an appeal the Tribunal shall give the appellant, who may be represented by an attorney-at-law or any other person, the opportunity of being heard by the Tribunal.

(4) A decision of the Tribunal shall be final.

Appeal.

35.—(1) An aggrieved person may appeal to the Tribunal against a decision of the Conservator in relation to a permit or licence and the appeal shall be made in writing within twenty-eight days or within such further period as the Tribunal may in any special circumstances allow.

(2) For the purpose of this section an aggrieved person is a person—

- (a) who has been refused a permit or licence or who objects to the terms and conditions subject to which a permit or licence is granted;
- (b) who is the holder of a licence or permit and who objects to a decision of the Conservator in respect of such permit or licence.

Effect of lodging an appeal.

36. Where an appeal is made under section 35, the lodging of the appeal shall not, unless the Tribunal otherwise directs, operate as a stay of execution of the decision which is the subject matter of the appeal.

Regulations.

37.—(1) The Minister may make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular, but without prejudice to the generality of the foregoing, may make regulations—

- (a) providing for the grant of licences and permits for the exploitation and taking of forest produce in forest reserves and other Crown land, the terms and conditions applicable to those licences and permits, the making of reports and returns by the holders of licences and permits and the fees and royalties payable for licences and permits;
- (b) prohibiting or regulating in forest reserves, protected areas and forest management areas the felling, collection, removal and transport of timber and other forest produce;

- (c) regulating the practice of forestry on lands in forest management areas;
- (d) providing for the marking of timber and the manufacture, use and possession of marking instruments;
- (e) regulating the granting of leases of land in forest reserves, the contents of leases and the conditions subject to which leases shall be granted;
- (f) providing for the seizing and impounding of cattle found trespassing in forest reserves, protected areas and forest management areas;
- (g) providing for the preservation of endemic or endangered species of trees or trees remarkable for size, variety or beauty whether on Crown land or private land;
- (h) providing for the recreational use of land in forest reserves;
- (i) providing that areas of land defined in the regulations shall be treated as areas of particular ecological or scientific interest and providing for the conservation of those areas;
- (j) prescribing any other matter or anything which may be, or is required by this Act to be prescribed.

(2) Notwithstanding anything contained in the Interpretation Act, regulations made under this Act may provide in respect of any breach of the provisions of those regulations that the offender shall be liable on summary conviction thereof before a Resident Magistrate to such fine not exceeding fifty thousand dollars or to such term of imprisonment not exceeding twelve months as may be prescribed therein.

38. All prosecutions for offences against this Act or any regulations hereunder shall be commenced within twelve months next after the commission of such offence or, if the

Prosecution
to be com-
menced
within
twelve
months.

Court is satisfied that an authorized officer with due diligence could not have been aware within that period that the offence had been committed, within such further period as the Court may allow.

Repeal. 39. The Forest Act and the Bark of Trees (Sale Prevention) Act are hereby repealed.

Transitional. 40. Notwithstanding the repeal of the Forest Act, any permits, licences, agreements or other authorization issued pursuant to that Act and in force immediately before the commencement of this Act, shall continue in force until other provision is made pursuant to this Act.

SCHEDULE (Sections 34, 35 and 36)

The Tribunal

Constitution of Tribunal. 1. The Tribunal shall, subject to paragraph 2, consist of three members appointed by the Minister one of whom shall be appointed chairman.

Power of one member to sit alone. 2. For the hearing of any appeal under this Act the Tribunal may consist of one member sitting alone if the parties to the appeal agree.

Tenure of office. 3. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding two years as the Minister may determine and shall be eligible for reappointment.

Acting appointments. 4. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member.

Resignations. 5.—(1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument that member shall cease to be a member of the Tribunal.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect from the date of receipt by the Minister of that instrument.

Revocation of appointments. 6. The Minister may at any time revoke the appointment of any member of the Tribunal if he thinks it expedient so to do.

7. If any vacancy occurs in the membership of the Tribunal such vacancies shall be filled by the appointment of another member. Filling of vacancies.
8. The names of all members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.
9. There shall be paid to the chairman and other members of the Tribunal, in respect of each appeal, such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine. Remuneration of members.
10. Subject to paragraph 2, the decision of the Tribunal shall be by a majority of votes of the members, and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal. Voting.
11. Subject to the provisions of this Act, the Tribunal shall regulate its own proceedings. Powers to regulate proceedings.
12. The office of the chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica. Chairman, etc., not public office under Constitution of Jamaica.