

CHAPTER 67:01

FORESTS ACT

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SCHEDULE

CHAPTER 67:01

FORESTS ACT

1953 Ed.
c. 240

An Act to consolidate and amend the law relating to forests.

15 of 1953

[2ND MAY, 1953]

1. This Act may be cited as the Forests Act.

Short title.

2. In this Act—

“cattle” includes horses, mules, asses, sheep, goats and swine;

Interpretation.
[2 of 1979
4 of 1982
15 of 1997]

“Commission” means the Guyana Forestry Commission;

“Commissioner” means the person holding the office of Commissioner of Forests;

“constable” means any member of the police force;

“exploration of State forests” means exploration for the purposes of discovering and evaluating forest produce and includes forest inventories, social and environmental impact assessments and topographic surveys;

“exploratory area” means the area in relation to which an exploratory permit has been granted under this Act;

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“exploratory operations” means operations carried out for or in connection with the exploration of state forests;

“exploratory permit” means a permit issued under section 6 to occupy State forests for the purpose of exploratory operations;

“firewood” includes parts of trees made up into bundles or loads, or cut up in the manner in which it is usual to cut wood for burning, and all refuse wood generally, but does not include sound straight timber logs or poles of any kind;

“forest officer” means anyone appointed, whether by name or as holding an office, to carry out all or any of the purposes of this Act, or to do anything thereby required to be done by a forest officer;

“forest produce” includes—

- (a) timber, trees, charcoal and firewood;
- (b) the following when found in or brought from a state forest— plants, and all parts and produce of plants, latex, resins, gums, soil and peat; and
- (c) such other things as the Commission may, by notice in the *Gazette*, declare to be forest produce;

“river” includes streams, canals, creeks, reservoirs, lakes, ponds, and other channels natural and artificial;

“sawmill” includes—

- (a) any sawpit; or
- (b) any premises where timber is stored or kept for the purposes of a sawmill;

“timber” includes a tree or any ligneous part of a tree whether standing, fallen or felled, and all wood, whether or not sawn, split, hewn or otherwise cut up or fashioned but does not include firewood.

STATE FORESTS

3. (1) The Minister may by order declare any area of State land to be a State forest and may, from time to time, vary or revoke such order. Declaration of State forests.

(2) Each order declaring any area of State land to be a State forest shall exclude all land owned by any person in such area.

4. Unless expressly provided to the contrary by this Act, the Lands Department Act and the State Lands Act shall not apply to State forests. Certain Acts not to apply. c. 59:01 c. 62:01

5. (1) The President may exercise in respect of State forests any of the powers conferred on him in respect of State lands by section 3(a) and (b) of the State Lands Act: Grants or leases. [4 of 1972 2 of 1979 4 of 1982] c. 62:01

Provided that—

(a) the President shall exercise the powers conferred on him by this subsection only after consultation with the Minister;

(b) any grant or lease made by the President under this section shall be subject to any interest in the same land previously conveyed by the Commission under section 7 or by him under section 8 or 9 or any interest existing at the time of the declaration of the State forest or at the commencement of this Act and having effect by virtue of section 11.

(2) (a) A lease granted under this section shall give to the lessee the right to use forest produce therefrom for domestic and estate purposes within the boundaries of the area leased;

(b) the sale of forest produce obtained from the area leased and its removal to places outside the boundaries thereof shall be subject to this Act, and royalty shall be payable on all forest produce so removed at the rates prescribed by this Act.

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EXPLORATORY PERMITS

Exploratory
permits.
[15 of 1997]

6. (1) Subject to this Act, the Minister may authorise the Commissioner to grant a permit to any person to occupy any area of State forest for the purpose of exploratory operations without giving such person any exclusive right to occupy the whole or any specified part thereof.

(2) No exploratory permit with respect to any forest produce shall be granted to an applicant unless the Commission is satisfied that the applicant's—

- (a) financial resources, technical competence and experience to carry on effective exploratory operations are adequate;
- (b) programme of exploratory operations is adequate;
- (c) proposals for the employment and training of Guyanese are satisfactory; and
- (d) objectives are compatible with national development objectives.

(3) No exploratory permit shall be granted to an individual unless he is a citizen of Guyana and an adult.

(4) No exploratory permit shall be granted to a body of persons unless it is—

c. 88:01

- (a) a company within the meaning of the Companies Act;
- (b) a public corporation;
- (c) a co-operative society registered under the Co-operative Societies Act;
- (d) any other corporate body incorporated in or outside Guyana;
- (e) any organisation established by the Government or by or under any written law capable of carrying on exploration of State forests:

Provided that where a permit is granted to two or more persons, the obligations to be observed and performed by the holder of the permit under the Act shall be joint and several, but without prejudice to any right of contribution which may exist between any or all of them, a permit may be granted to two or more such persons associated together in any form of joint arrangement.

(5) A person may make an application in the form set out in the Schedule for an exploratory permit.

Schedule.

(6) Without prejudice to the provisions of subsection (5), the Commission may, by notice published in the *Gazette* and in at least one daily newspaper in Guyana invite applications for the grant of an exploratory permit in respect of any area of State forest specified in the notice, specifying in the notice the period within which the application may be made and the conditions subject to which the application may be made.

(7) An exploratory permit shall be in such form and subject to such general conditions as may be prescribed and to such special conditions as the Commission may deem necessary in the particular case.

(8) An exploratory permit may not confer exclusive rights on the holder of the exploratory permit and such permit may be issued to different persons in relation to the whole or part of the same area.

(9) The Commissioner may require an applicant for an exploratory permit to execute a bond satisfactory to the Commission for the performance and observance by the applicant of the conditions of the permit, upon the issue or renewal thereof, or to make arrangements satisfactory to the Commission for the execution of such bond or to replenish the bond from time to time where it, or any part of it, has been forfeited to pay penalties, fines or compensation, or to remedy damages.

(10) Where there is a breach of this Act or any regulation made thereunder, or where any condition of an exploratory permit is not fulfilled, or any bond has been exhausted, the Commissioner may by

notice to the holder of the permit suspend the permit, whereupon it shall cease to be lawful for the holder of the permit to carry out any exploratory operations within the exploratory area.

(11) An exploratory permit shall not be transferred by the holder, being a person, to any other person without the prior consent in writing of the Commission.

(12) A body corporate shall not without the prior consent in writing of the Commission—

- (a) register the transfer of any equity share or shares in the body corporate to any person or his nominee; or
- (b) enter into any agreement, arrangement or understanding (whether or not having legal or equitable force) with any person,

if the effect of doing so would be to give control of the body corporate to that person or where any such transfer or agreement, arrangement or understanding mentioned in paragraph (a) or (b) is made without the prior consent in writing of the Commission, it shall be void and the Commissioner may by notice to the holder of the permit suspend the permit upon giving the holder of the permit an opportunity to state his case.

(13) Upon taking action to suspend the permit under subsection (10), the Commissioner shall forthwith make a full report to the President of the circumstances of the suspension of the permit, whereupon the President may order—

- (a) the cancellation of the permit;
- (b) the confirmation of the suspension of the permit for such time he may determine; or
- (c) the withdrawal of the notice of suspension given by the Commissioner:

Provided that no order under paragraph (a) or (b) shall be made without affording any person whose rights under the exploratory permit may thereby be affected an opportunity of stating his case.

(14) In the exercise of his powers under this section, the Minister shall consult with the Commission.

(15) For the avoidance of doubt it is hereby declared that the provisions of this section do not apply to permission to explore for petroleum or to prospect for minerals in State forests and matters connected therewith, in respect of which provision has been made by the Petroleum (Exploration and Production) Act and the Mining Act.

CONTRACTS, LEASES, TIMBER SALES AGREEMENTS AND
PERMITS FOR FOREST PRODUCE

7. The Commission or forest officers authorised by the Commission may authorise the sale of forest produce from State forests by auction or tender or on the payment of the prescribed fees, if any, or may issue permissions to occupy any State forest for the purpose of taking or obtaining forest produce or any specified kind of forest produce therefrom, subject to such general conditions as may be prescribed and to such special conditions as the Commission or forest officers so authorised may deem necessary in the particular case.

Sale of forest
produce.
[4 of 1972
2 of 1979]

8. (1) The President or forest officers authorised by the President may grant leases giving to holders thereof the right to obtain forest produce or any specified kind of forest produce from State forests. Such leases may be for the grant of exclusive rights to the holder thereof.

Leases.

(2) Such leases shall be issued subject to such general conditions as may be prescribed and to such special conditions as the President may deem necessary in particular cases.

9. (1) The President or any forest officer authorised by the President may grant timber sales agreements giving to the grantees thereof the right to obtain forest produce or any specified kind of forest produce from State forests. Such agreements may be for the grant of exclusive rights to the grantees thereof.

Timber Sales
Agreements.
[4 of 1982]

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(2) Such agreements shall be granted subject to such general conditions as may be prescribed and to such special conditions as the President may deem necessary in particular cases.

No right to issue of grant. [2 of 1979 4 of 1982]

10. In no case whatsoever shall it be compulsory on the President, the Minister, the Commission, the Commissioner or any forest officer to sell, lease, grant timber sales agreements in respect of or dispose of any forest produce or of any portion of the State forests of Guyana, or to issue any permission under this Act.

No right acquired over State forest except as herein provided. [4 of 1972 4 of 1982] c. 62:01

11. No right of any description shall be acquired in or over a State forest except by succession, or under a grant or under a contract or lease or timber sales agreement in writing made under this Act, or of someone in whom the right was vested at the time of the declaration of the State forest:

Provided that such existing leases, licences and other interests in land as shall have been granted under the State Lands Act and in force at the time of the commencement of this Act shall take effect in State forest as if they had been granted under sections 5, 7 and 8.

Grants under Cap. 65:01

12. A lease, licence or concession in State forest granted under the Mining Act, shall be subject to this Act except when such lease, licence or concession contains any express condition to the contrary.

Suspension and cancellation of leases and timber sales agreements. [4 of 1982]

13. (1) Where any condition of any lease made under section 8 or timber sales agreement granted under section 9 is not fulfilled, or where any regulation is not observed, the Minister may by notice to the lessee or grantee of the agreement suspend the lease or agreement whereupon it shall cease to be lawful for the said lessee or grantee of the agreement to carry out any operations on the land subject to the lease or agreement.

(2) Upon taking such action under subsection (1), the Minister shall forthwith make a full report to the President of the circumstances of the suspension of the lease or the timber sales agreement, as the case may be, whereupon the President may order—

(a) the cancellation of the lease or agreement;

- (b) the suspension of the lease or agreement for such time as he may determine; or
- (c) the withdrawal of the notice of suspension given by the Minister:

Provided that no order under paragraph (a) or (b) shall be made without affording any person whose rights under the lease or agreement may thereby be affected an opportunity of stating his case.

(3) In the exercise of his powers under this section, the Minister shall consult with the Commission.

OWNERSHIP OF FOREST PRODUCE

14. (1) All forest produce from State forests shall remain the property of the State until the prescribed royalty thereon has been paid.

Ownership of forest produce. [4 of 1972 2 of 1979]

(2) Royalty shall become payable on forest produce from State forests and may lawfully be demanded as soon as such produce is cut, felled or otherwise severed from the ground.

(3) Where the person in possession of forest produce from State forests declines or is unable to pay the prescribed royalty thereon after the same has been lawfully demanded from him, the Commission or any person authorised by the Commission may sell such of the forest produce as may be sufficient to pay the prescribed royalty and shall pay into revenue the proceeds of such sale.

15. When in any proceedings under this Act a question arises as to whether any forest produce belongs to the State or any land is State forest, such forest produce shall be presumed to belong to the State or such land shall be presumed to be State forest until the contrary is proved.

Presumption that forest produce and land belong to the State.

16. All timber found adrift, beached, stranded or sunk, and all timber which has not been correctly marked in accordance with this Act shall be deemed to be the property of the State until the contrary is proved.

Timber found adrift or not correctly marked.

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THE PROTECTION OF FORESTS

Precautions
against fire.
[6 of 1997]

17. (1) No person shall in any State forest negligently light or throw down any match or other lighted or inflammable material, or light or leave any fire without taking due precautions against the fire spreading or causing injury, or do anything in consequence of which any forest produce may be burnt or injured, or may be in danger of being burnt or injured:

Provided that it shall not be a breach of this section for a forest officer to burn, or empower other persons to burn, such fire-lines or grass or other inflammable material as may in his opinion be necessary for the better protection or better management of any part of a State forest.

(2) Any person who contravenes any of the provisions of subsection (1) shall be liable on summary conviction to a fine of thirteen thousand dollars.

Public to assist
in extinguish-
ing fires.
[4 of 1972
2 of 1979
6 of 1997]

18. (1) It shall be lawful for any member of the Commission, forest officer, constable, officer of the Lands Department or district commissioner, to require any person who is within a reasonable distance of any State forest to assist in averting, or extinguishing any fire in such forest or in securing any property within the forest from loss or damage arising from fire or other natural causes.

(2) Such person shall be entitled to pay or compensation for any work he is required to do under subsection (1). Pay shall be determined by the Minister and be met out of moneys provided by the Commission.

(3) Where any person so assisting sustains bodily injury in the circumstances specified in subsection (1), and is permanently disabled (either totally or partially) as a result thereof, or dies as a result of the aforesaid bodily injury, the person shall be deemed to be an insured person and the injury shall be deemed to have been caused by an accident arising out of and in the course of his insurable employment for the purposes of the National Insurance and Social Security Act.

c. 36:01

(4) Any person who fails to assist in averting or extinguishing any fire or in securing any property from loss or damage when required to do so under subsection (1) shall be liable on summary conviction to a fine of six thousand five hundred dollars.

19. (1) Any person lawfully cutting or removing forest produce from any State forest shall take all necessary precautions to prevent damage to other forest produce.

Damage to forest produce.
[6 of 1997]

(2) Any person unnecessarily damaging other forest produce when lawfully cutting or removing forest produce from any State forest shall be liable on summary conviction to a fine of six thousand five hundred dollars.

OFFENCES AND LEGAL PROCEEDINGS

20. (1) Everyone who trespasses on or unlawfully occupies any State forest shall be liable to a fine of four thousand five hundred dollars or to imprisonment for four months:

Trespass on State Forest.
[4 of 1972
2 of 1979
24 of 1990
6 of 1997]

Provided that—

(a) no one shall be deemed a trespasser on, or to have unlawfully occupied, any State forest under this section who proves, to the satisfaction of the magistrate before whom he is brought—

(i) that he was travelling and reasonably occupied or used the forest for the purpose of his journey; or

(ii) that he was authorised to occupy or use the forest by the Minister or the Commission or by any other person having authority under this Act or any other written law; or

(iii) that he, or those through whom he claims, occupied the forest under a bona fide claim of right; and

(b) where anyone is convicted for a first time under this section he shall not be liable to imprisonment whether in default of paying any penalty or otherwise if he thereupon surrenders peaceable possession of the State forest occupied

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by him with all the forest produce thereon, and all buildings and erections thereupon or affixed thereto; and a person so convicted shall be warned against committing such offence a second or subsequent time and of the penalties prescribed in subsection (2) where a person is so convicted.

(2) Where anyone is convicted for a second or subsequent time under this section he shall (whether or not he was warned under subsection (1)) be liable to a fine of six thousand dollars together with imprisonment for six months, and where he is in occupation of any State forest, he shall be ordered to surrender possession of the State forest with all the forest produce thereon and all the buildings and erections thereon or affixed thereto.

Penalty.
[4 of 1982
6 of 1997
15 of 1997]
c. 62:01
c. 65:01

21. Any person who in any State forest, except in accordance with the terms of a permit granted, contract or lease granted under this Act or of the State Lands Act or of the Mining Act or a timber sales agreement granted under this Act—

- (a) cuts, fells, lops, damages or removes forest produce;
- (b) grazes or pastures cattle;
- (c) cleans, cultivates, cuts, digs or turns the soil,

shall be liable on summary conviction to a fine of thirteen thousand dollars.

Contraven-
tions.
[4 of 1982
6 of 1997
15 of 1997]

22. (1) Any person who contravenes any of the regulations made under this Act or any of the terms or conditions of a contract made or exploratory permit, lease or timber sales agreement granted under this Act or who knowingly receives any forest produce which has been cut, felled, lopped, damaged or removed in contravention of this Act or of any of the terms or conditions of a contract made or exploratory permit, lease or timber sales agreement granted under this Act shall be liable on summary conviction to a fine of thirteen thousand dollars:

Provided that a holder of an exploratory permit, lessee of State forest or a grantee of a timber sales agreement shall be liable for any such contravention within the premises of his exploratory permit, lease

or timber sales agreement unless he can prove to the satisfaction of the magistrate that such contravention was not committed by or on the authority of himself, his agents or servants.

(2) The burden of proof that forest produce has not been taken in contravention of this Act shall rest upon the person in whose possession such produce is found:

Burden of proof.

Provided that such person shall not be deemed to have discharged this burden of proof unless he also shows that the forest produce was lawfully obtained.

23. Anyone who removes or receives, or is found in possession of, any forest produce with respect to which a forest offence has been committed shall, unless he can account for the possession or show that he removed or came by that produce innocently and without knowledge of the offence, be liable on summary conviction to a fine of thirteen thousand dollars and to imprisonment for six months, and the forest produce shall be liable to forfeiture.

Unlawful possession of forest produce. [6 of 1997]

24. Any person who—

(a) counterfeits or fraudulently without due authority uses upon forest produce any registered mark or any mark used by forest officers;

(b) counterfeits or issues without due authority any lease or timber sales agreement in respect of State forests or any permission, or removal permit or other contract in respect of forest produce;

(c) counterfeits, alters, obliterates, defaces or removes any stamp, mark, sign, licence, permit or forest fee receipt used or issued under this Act or any regulations made thereunder;

(d) without due authority alters, moves, destroys or defaces any boundary mark of a State forest,

Counterfeiting and similar offences. [4 of 1972
4 of 1982
6 of 1997]

shall be liable on summary conviction to a fine of sixty-five thousand dollars or to imprisonment for six months.

Power of court to confiscate produce and order restitution.
[2 of 1979]

25. (1) When any person is convicted of an offence under this Act, all forest produce in respect of which such offence has been committed, and all livestock, tools, boats, vehicles, machinery and other implements used in committing such offence shall be liable to be forfeited by order of the court. Such forfeiture shall be in addition to any other punishment that may be awarded.

(2) Any forest produce forfeited under subsection (1) shall, unless otherwise ordered by the court, be sold or otherwise disposed of as the Minister or the Commission may, by general or special order, direct.

(3) When any person is convicted of an offence under this Act, the court may, in addition to any other punishment that it may award, order the convicted person to restore to the owner any forest produce that such person has obtained in contravention of this Act or pay to the owner compensation for the loss he has sustained by such contravention.

Penalty for erection of unauthorised buildings and enclosures.
[4 of 1972
2 of 1979
6 of 1997]

26. (1) Any person who erects any building or enclosure shed or structure or any part thereof or plants any crop in a State forest without the permission of the Commission first had and obtained, shall be liable on summary conviction to a fine of thirteen thousand dollars.

(2) When any person is convicted of erecting any unauthorised buildings or enclosures or of planting any unauthorised crops in a State forest the court shall in addition to any penalty it may impose fix a period in which such buildings or enclosures or crops shall be removed and the land restored to its previous condition.

(3) Any person failing to obey an order made under subsection (2) within the time fixed shall, unless he satisfies the court that he has used all diligence to carry out such order, be liable to a fine of six hundred and fifty dollars for every day during which the default continues.

(4) Notwithstanding subsection (3), where an order has been made under subsection (2), in the event of such order not being carried out within the time fixed, the Commission may cause the buildings,

enclosures or crops in respect of which the order was made to be removed or destroyed, and may recover the expenses of such removal or destruction from the person convicted.

27. A forest officer, district commissioner, justice of the peace or constable may arrest without warrant any person whom he reasonably suspects has committed an offence under this Act and who, on demand of such officer, district commissioner or justice of the peace or constable, refuses or fails to give his name and address or who gives a name and address which such officer or constable believes to be false, or who such officer or constable has good reason to believe will abscond.

Arrest without warrant.

28. Whenever a forest officer, district commissioner, justice of the peace, constable or an officer of the Lands Department suspects that any person has been guilty of an offence under this Act or is in possession of any forest produce unlawfully obtained, he may search such person or any baggage, package, parcel, conveyance, tent or building under the control of such person.

Power to search for forest produce.

29. (1) A forest officer, district commissioner, justice of the peace, constable or an officer of the Lands Department may seize or detain any forest produce, livestock, tools, boats, vehicles, machinery, or other implements which he reasonably suspects are liable to be forfeited under this Act.

Power to seize and detain.
[4 of 1972
2 of 1979
4 of 1982
6 of 1997]

(2) Every officer and every constable seizing or detaining any property under this section shall place on such property a mark indicating that the same has been so seized or detained, and shall as soon as may be make a report of such seizure or detention to the magistrate having jurisdiction to try the offence on account of which the seizure was made:

Provided that where the forest produce is the property of the State and the offender is unknown, it shall be sufficient if the officer or constable makes a report as soon as possible to the Commissioner.

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(3) If the officer seizing anything under subsection (1) is of the opinion that such thing is subject to speedy and natural decay he may, with the approval of a forest officer not below the rank of Assistant Commissioner of Forests, sell such thing, and the proceeds of such sale shall be paid by the officer to the Commission.

(4) An officer seizing or detaining anything under subsection (1) shall commence proceedings in respect of which such thing has been seized without delay and in the event of such proceedings not being commenced within three months of the seizure he shall return the thing seized to the person from whom it was seized.

(5) Any person who unlawfully removes or attempts to remove any property seized under this section shall be liable on summary conviction to a fine of sixty-five thousand dollars.

(6) A court convicting any person of an offence under this Act may order the person convicted to pay, in addition to any penalty it may impose, the expenses of seizure and detention of any thing seized in connection with such offence under subsection (1).

(7) No action shall be maintainable against the State or any forest officer for the loss or deterioration of any forest produce or thing seized or detained in the bona fide exercise of powers under this Act.

Penalty for vexatious seizure of property. [6 of 1997]

30. Any forest officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be liable on summary conviction to a fine of sixty-five thousand dollars and to imprisonment for six months.

Power to accept compensation for offences. [4 of 1972
2 of 1979
4 of 1982]

31. Notwithstanding any other provisions of this Act the Minister or a member of the Commission or any forest officer authorised by him, not being below the rank of Assistant Commissioner of Forests may, in any case he deems proper and in substitution for any proceedings, accept on behalf of the State a sum of money by way of compensation from any person reasonably suspected of a contravention of this Act not being an offence under section 24:

Provided that—

(a) such compensation shall be accepted only where the person reasonably suspected of such contravention has expressed his willingness in the prescribed form that the contravention as aforesaid shall be so dealt with, and where the prescribed royalty value of the forest produce or thing in respect of which contravention has taken place does not exceed two hundred and fifty dollars if the person accepting the compensation is a forest officer other than the Commissioner or seven hundred and fifty dollars where such person is the Minister or a member of the Commission or the Commissioner;

(b) such compensation shall not exceed five times the market value or alternatively, where the value of the forest produce or thing cannot be estimated, the sum of one hundred dollars.

32. When anyone, in accordance with any provision of this Act or in compliance with any regulation hereunder, binds himself by bond or instrument to perform any duty or act, or to abstain from any act, the whole sum mentioned in the bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, in case of the breach and notwithstanding any enactment to the contrary, be recovered from him or from his surety or sureties.

Recovery of sums due under bond.

33. Nothing in this Act shall be deemed to prevent anyone from being prosecuted under any other law for an act or omission which constitutes a forest offence, or from being liable under that other law to any higher punishment or penalty than is provided by this Act, but no one shall be punished twice for the same offence.

Penalties under Act not substituted for others, but no conviction twice for the same offence.

34. Any person who obstructs any forest officer or person acting under the provisions of this Act shall be liable on summary conviction to a fine of thirteen thousand dollars.

Penalty for obstructing officer.
[6 of 1997]

35. (1) If any officer authorised by this Act to seize an article makes a collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize, an article liable to forfeiture, or takes a bribe, gratuity, recompense, or reward, for neglect or non-performance of his duty, the

Collusive seizure or non-seizure or abandonment of seizure.

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[6 of 1997] officer shall for each offence be liable on summary conviction to a fine of sixty-five thousand dollars, and be rendered incapable of serving the State in any office whatever.

Bribing officer. (2) Everyone who gives or offers, or procures to be given or offered, any bribe, recompense, or reward to, or makes any collusive agreement with, any officer aforesaid to induce him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of this Act may be evaded, shall be guilty of an offence and shall be liable on summary conviction to a fine of sixty-five thousand dollars.

Impeding navigation of river and creek in State forests.
c. 62:01 **36.** The provisions of section 22 of the State Lands Act shall apply to State forests.

MISCELLANEOUS

Power of exemption. **37.** The Minister, by notice in the *Gazette*, may exempt any person or class of persons or any land or class of land from any or all of the provisions of this Act.

Acts done in good faith. **38.** No suit shall lie against any public officer or other person for anything done by him in good faith in the execution or intended execution of his duties or powers under this Act.

Protection of rights of Amerindians. **39.** Nothing in this Act shall be construed to prejudice, alter, or affect any right or privilege heretofore legally possessed, exercised, or enjoyed by any Amerindian in Guyana:

Provided that the Minister from time to time by publication in the *Gazette* may make any regulations to him seeming meet defining the privileges and rights to be enjoyed by Amerindians in relation to the State forests.

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40. Nothing contained in this Act shall take away or interfere with the right of the State or of anyone to sue for and recover at common law or otherwise compensation for or in respect of damage or injury caused by an offence under this Act.

Civil remedy reserved.

41. All penalties, fines, and costs may be imposed, sued for, prosecuted, realised and recovered in the manner provided by the Summary Jurisdiction Acts.

Penalties, fines, costs, etc., enforceable under the Summary Jurisdiction Acts.

42. (1) Any officer of the Lands Department, any forest officer under this Act, and any district commissioner, by himself or with any servants and assistants he desires may enter any State forest held under a grant which has been issued subject to any conditions, and may inspect the lands.

Powers of entry given to certain officers. [2 of 1979 4 of 1982]

(2) The Minister, any member of the Commission or the Commissioner may authorise in writing any public officer to exercise all or any of the powers conferred on an officer under subsection (1).

(3) Any officer of the Lands Department may enter any State forest held under a grant which has been issued subject to any conditions and may survey, demarcate and make a map thereof.

43. (1) Wherever labour is employed on State forests which are subject to a lease, timber sales agreement, licence or permission, any person on producing proof to the holder of the lease, timber sales agreement, licence or permission, or to his agent, that he is representative of a trade union registered under the Trade Union Act, or an official of an organisation approved by order of the Minister responsible for labour for the purpose of this section, may enter at any reasonable time any such State forests for the purpose of—

Representatives of trade unions and officials of approved organisations may enter State Forests. [9 of 1977 4 of 1982 6 of 1997] c. 98:03

(a) holding discussions with persons employed thereon on the conditions of their employment;

(b) making representations to the employer on behalf of the persons so employed; or

(c) recruiting persons so employed as members of the trade union or organisation, as the case may be.

(2) The requirement to permit an entry authorised by subsection (1) shall be deemed a condition of every lease, timber sales agreement, licence or permission to which that subsection applies and a breach of that condition on more than one occasion shall render the lease, timber sales agreement, licence or permission liable to be suspended, cancelled or revoked, as the case may be, in like manner as provided for breaches of other conditions under this Act.

(3) Any person who hinders or obstructs a representative or official referred to in subsection (1) in the exercise of his powers of entry under that subsection or in the carrying out of the purposes thereof shall be liable on summary conviction to a fine of eight thousand two hundred and fifty dollars and to imprisonment for three months.

(4) Any person who falsely holds himself out as a person authorised to enter upon State forests by virtue of this section (the burden of proof that he is so authorised being upon him) shall be liable on summary conviction to a fine of twenty-seven thousand five hundred dollars and to imprisonment for six months.

(5) The provisions of subsections (1) to (4) inclusive shall in so far as they apply to a representative of a trade union or an official apply *mutatis mutandis* to a Member of the National Assembly for the purposes of the exercise by him of the privileges and powers conferred by subsection 1 (a) upon such a representative or official.

Powers of
forest officers.

44. (1) The Minister, by order, may from time to time empower a forest officer by name or as holding an office to hold an inquiry into forest offences and, in the course of the inquiry, to receive and record evidence.

(2) Any evidence recorded under subsection (1) shall be admissible in any subsequent trial before a magistrate if it has been taken in the presence of the accused person.

45. The Minister, after consultation with the Commission, may make regulations—

Regulations.
[4 of 1972
2 of 1979
4 of 1982
15 of 1997]

(a) prescribing forest produce in State forests which may be cut or removed, the seasons for cutting or removing such produce, the quantity of such produce that may be cut or removed, and the manner in which such produce may be removed or cut;

(b) prohibiting the carrying of materials likely to cause fire or other danger to forest produce in State forests and prohibiting or regulating the lighting of fires;

(c) prohibiting or regulating the export of forest produce from State forests;

(d) prohibiting or regulating the quarrying of stone, kiln burning, or the collecting or manufacturing of forest produce, in State forests;

(e) prohibiting or regulating the transport, by land or water, of timber whether obtained from State forest, State land, or private property;

(f) prescribing standards for forest produce from State forests;

(g) providing for the grading of forest produce from State forests and prohibiting or regulating the sale of forest produce falling below prescribed standards;

(h) prescribing the fees, if any, to be paid for, the manner of application for, and the conditions subject to which, any lease or exploratory permit may be issued or any timber sales agreement may be granted under this Act;

(i) prescribing the fees and royalty to be paid for cutting or removal of forest produce either generally or in respect of any particular produce or area, or prescribing the maximum and minimum fees and royalty that may be charged for such cutting or removal either generally or in respect of any particular produce or area;

(j) prohibiting or regulating the construction, erection or operation of sawmills and the importation of sawmilling machinery;

(k) the registration of premises wherein timber is stored or kept for the purposes of a sawmill;

(l) the keeping and inspection of books and records in connection with sawmills and the returns to be submitted in connection therewith to such persons as may be specified in the regulations;

(m) the submission of returns showing the number and categories of all persons employed on wood cutting grants, or in sawmills, and in all operations incidental thereto;

(n) the provision of medical attention on woodcutting grants and sawmills;

(o) prescribing the records and documents which shall be kept by persons felling, manufacturing, transporting, sawing or dealing with timber and forest produce and providing for the disposal of such records and documents;

(p) prescribing the general conditions under which forest officers may sell forest produce;

(q) regulating the marking of timber and requiring and regulating the registration, possession and use of property marks;

(r) defining the rights and privileges of Amerindians and regulating the exercise of such rights in State forests;

(s) providing for the transfer of titles in State forests;

(t) regulating the manner of the exercise of the rights to which the holder of an exploratory permit is entitled;

(u) providing for the better carrying out of the provisions of this Act.

SCHEDULE

FORM OF APPLICATION FOR
STATE FOREST EXPLORATORY PERMIT

s. 6
[15 of 1997]

Application No:

(1) Name of Applicant

(2) If application is made by an individual or individuals—

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- (a) Residential Address
- (b) Postal Address (if different)
- (c) Nationality
- (d) Occupation
- (e) Financial Status (Applicants are required to provide bankers references and proof of Income Tax registration and payment for the previous five (5) years.)

(3) If application is made by a body corporate—

- (a) Address of Registered Office.....
- (b) Date and place of incorporation (Applicants are required to provide a copy of Certificate of Incorporation or equivalent)
- (c) Nature of business (Applicants are required to provide copies of Memoranda and Articles of Association or equivalent)
- (d) Name, addresses and nationality of directors or equivalent officers—

Name	Address	Nationality
.....
.....
.....

(e) Name, address, nationality and total equity of all shareholders who are beneficial owners of more than five (5) per centum of the issued share capital of the corporation—

Name	Address	Nationality	%Shareholding
.....
.....
.....

(f) Names and place of registration of all affiliated companies or other business entities, where parent or subsidiary operations—

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Name	Place of Registration	Relationship
.....
.....
.....

(g) Financial Status (Applicants are required to provide audited accounts for the previous five (5) years of operation and, in the case of companies incorporated in Guyana proof of Corporation Tax, registration and payment over the five (5) years).

(4) Identify the exploratory area in respect of which application is made (map or plan to be attached unless the area is bounded by creeks, or otherwise well-defined boundaries, or the boundaries of which are otherwise well marked).
.....

(5) Date from which permit is sought

(6) Full particulars of technical competence and previous experience in forest exploration and production operations. (Applicants are required to provide a detailed record of their exploration and production experience in Guyana and elsewhere).
.....

(7) Names and qualifications of technical experts, consultants and/or advisors
.....

(8) State amount of capital (funds, equipment, etc.) for proposed exploratory operations—

(a) Capital available at present

(b) Additional capital which is available and the source of this capital

(9) Application shall be accompanied by a fee of US \$20,000 and the following information—

- (a) details of the type of forest investment in which the applicant is interested, including identification of the forest produce to be harvested, scale of harvesting operations, scale and location of primary, secondary and tertiary processing activities and marketing proposals;
- (b) details of the research carried out by the company in relation to the proposed investment based on available data of published information;
- (c) particulars of work and minimum expenditure proposed to be carried out or expended in respect of the exploration area for which the exploratory permit is sought;
- (d) a statement of the applicant's recruitment, human resource development and severance policies and practices and the applicant's proposals for employing and training citizens of Guyana;
- (e) particulars of the applicant's social policy, environmental policy and policy towards nationals;
- (f) any other particulars required by the Forest Regulations;
- (g) any other matters which the applicant wishes the Commission to consider.

I/WE DECLARE that the foregoing particulars and accompanying information are true and correct—

Signed

Date..... Signed

(If the applicant is a body corporate state name of signatory or signatories, capacity in which form is signed and affix company seal is required).
