



GOLD COAST
(INCLUDING TOGOLAND UNDER
UNITED KINGDOM TRUSTEESHIP)

REVISED EDITION, 1954

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of the Laws Ordinance, 1951.*

The
Forests
Ordinance
(Gold Coast)

CHAPTER 157

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* = see 1954 Amendment

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Cap 122.
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13 of 1927,
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38 of 1929,
10 of 1932,
30 of 1935,
19 of 1936,
32 of 1937,
21 of 1949.

CHAPTER 157.

FORESTS.
(Gold Coast.)AN ORDINANCE FOR THE PROTECTION OF FORESTS AND FOR
THE CONSTITUTION AND PROTECTION OF FOREST
RESERVES.

Date of
commence-
ment.

[30th March, 1927.]

Short title
and
application.

1. This Ordinance may be cited as the "Forests Ordinance," and shall apply to the Gold Coast. 30 of 1935, s. 2.)

Interpreta-
tion.

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

"Bye-laws" includes rules and regulations; (*Added by 21 of 1949, s. 2.*)

Cattle.

"Cattle" includes sheep, goats, horses, mules, donkeys, camels, and pigs;

Competent
Forest
Authority.

"Competent Forest Authority" includes the Chief Conservator of Forests and any Forest Officer acting within the scope of the functions assigned to him by the Chief Conservator of Forests;

Drift
timber.

"Drift timber" means timber, either afloat or stranded, bearing no marks of ownership, or timber obviously out of control;

Forest
Officer.

"Forest Officer" means any officer of the Forestry Department;

Forest
offence.

"Forest offence" means any offence punishable under this Ordinance;

Forest
produce.

"Forest produce" includes the following, if found in or brought from a Forest Reserve—

(1) Timber, charcoal, rubber, wood oil, resin, and natural varnish;

- (2) Trees and leaves, flowers and fruit, and all other parts and produce not herinbefore mentioned of trees;
- (3) Plants not being trees (including grass, creepers, reeds, and moss) and all parts and produce of such plants;
- (4) Wild animals and skins, tusks, horns, bones, silk, honey, and wax, and all parts and produce of wild animals; and
- (5) Peat, surface soil, and minerals, other than minerals within the meaning of any Ordinance regulating the working of minerals;
(Amended by 21 of 1949, s. 2.)

" Forest Reserve " means a Forest Reserve constituted under section 17; Forest Reserve.

* " Native Court " means, as the case may be, a Native Court or Native Tribunal constituted or established under the provisions of the Native Courts (Colony) Ordinance, the Native Courts (Ashanti) Ordinance, the Native Courts (Northern Territories) Ordinance, or the Native Courts (Southern Section of Togoland under United Kingdom Trusteeship) Ordinance; Cap. 98.
Cap. 99.
Cap. 104.
Cap. 106.
(Substituted by 21 of 1949, s. 2.)

" Private lands " means any land alienated from tribal or Stool lands and owned or held by any individual or group of individuals; Private lands.

" Property mark " means a mark placed on trees or timber to denote that, after all purchase money due on such trees or timber has been paid, the registered holder of the property mark has or will have a right in such trees or timber;
(Substituted by 21 of 1949, s. 2.)

" River " includes streams, canals, creeks, and other channels, natural and artificial; River.

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

" Tree " includes palms, bamboos, stumps, brushwood, and canes; Tree.

Tribal or
Stool lands.

“ Tribal or Stool lands ” means lands at the disposal of any native community or of any chief acting in accordance with native customary law.

Appoint-
ment of
Forest
Officers.

3. The Governor, or any officer empowered by the Governor in this behalf, may from time to time appoint Forest Officers by name or as holding an office, to carry out all or any of the purposes of this Ordinance, or to do anything required or allowed by this Ordinance to be done by a Forest Officer.

Power to
constitute
Forest
Reserves.

4. Subject as provided in section 34, it shall be lawful for the Governor to constitute as a Forest Reserve any of the following lands, namely—

- (1) Lands the property of the Government;
- (2) Tribal or Stool lands, at the request of the Native Authority;
- (3) Private lands, at the request of the owner;
- (4) Lands in respect of which the Governor in Council is, on the advice of the Chief Conservator of Forests, satisfied that the forests 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, or that forest growth should be established thereon, in order—
 - (a) to safeguard the water supply of the district; or
 - (b) to assist the well-being of the forest and agricultural crops grown on the said lands or in the vicinity thereof; or
 - (c) to secure the supply of forest produce to the inhabitants of villages situated on the said lands or in the vicinity thereof.

(Substituted by 31 of 1928, s. 2, and amended by 21 of 1949, s. 3.)

Notification
of intention
to create a
Forest
Reserve;
and

5. (1) When it is proposed to constitute any area of land a Forest Reserve, a notice shall be published in the *Gazette*—

- (a) Specifying as nearly as may be the situation and limits of the land;

- (b) Stating the reasons for constituting the Forest Reserve; and
- (c) Appointing a Reserve Settlement Commissioner.

appoint-
ment of
Reserve
Settlement
Commis-
sioner.

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

Where the Reserve Settlement Commissioner has, prior to such appointment, begun to hold, but has not completed, an enquiry under the provisions of section 9 of this Ordinance, the person appointed to act on his behalf or in succession to him shall not be obliged to begin the enquiry *de novo* but may, if he so thinks fit, and with the consent of all the parties thereto, continue and complete the enquiry so begun but not completed. (*Amended by 21 of 1949, s. 4.*)

6. During the interval between the publication of the notice referred to in section 5 (1) and the date of an Order made under section 17—

Restriction
on acqui-
sition of
rights
during
interim
period.

- (a) in the case of any Tribal or Stool land comprised in such notice no alienation of the same and no acquisition of rights in or over the same or any produce thereof shall take place;
- (b) in the case of any other land comprised in such notice, no right shall be acquired in or over the same or any produce thereof except by succession or with the consent in writing of the Reserve Settlement Commissioner (who may give or withhold such consent in his discretion) and under an instrument in writing approved by him and made by some person in whom the right to make such instrument was vested at the date of publication of the notice or by his successor in title;
- (c) no clearing, cutting or burning shall be made on any land comprised in such notice except with the permission of a Forest Officer not below the rank of an Assistant Conservator of Forests.

(*Substituted by 32 of 1937, s. 2, and amended by 21 of 1949, s. 5.*)

Notice of enquiry.

7. Upon the publication of the said notice the Reserve Settlement Commissioner shall forthwith cause the particulars contained therein to be made known in the district or districts in which the land is situated by causing the same to be read and interpreted in the local native language or languages at a convenient session of the Magistrate's Court in the said district or districts, as the case may be, and by causing the notice to be posted outside such Court, and also by informing the Native Authority or Native Authorities concerned. The Reserve Settlement Commissioner shall also and in the manner aforesaid fix a period being not less than six months within which, and a place or places to or at which, any person or native community claiming any right affecting the land or rights over the land which 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 his or their alleged rights. (*Amended by 19 of 1936, s. 8, and by 21 of 1949, s. 6.*)

Power to make bye-laws before beginning of enquiry and consequent stay of proceedings.

8. Notwithstanding anything contained in any preceding section, the Native Authorities concerned may, at any time between the publication of a notice under section 5 and the beginning of the enquiry by the Reserve Settlement Commissioner under section 9, make bye-laws constituting the area of land specified in the notice aforesaid a Forest Reserve as if such notice had not been published, and from the date of the publication of such bye-laws all further proceedings for constituting the said area of land a Forest Reserve under this Ordinance shall be discontinued, subject always to the operation of subsection (3) of section 33. (*Added by 38 of 1929, s. 3 and amended by 21 of 1949 s. 7.*)

Enquiry.

9. (1) Save as is otherwise provided in this section, the Reserve Settlement Commissioner shall enquire into and determine the existence, nature and extent of the rights in respect of which he has received any claim under section 7 of this Ordinance, and for the purpose of such enquiry he may divide the proposed Forest Reserve into as many portions of land as he may deem expedient and make a separate enquiry and determination in respect of each such

portion. If in the course of any enquiry any other rights affecting the proposed Forest Reserve are alleged to exist or are brought to his notice, the Reserve Settlement Commissioner shall enquire into and determine their existence, nature and extent.

(2) If in the course of any enquiry made under subsection (1) of this section a dispute arises as to the ownership of any land which lies within the proposed Forest Reserve and such dispute is determinable by a Native Court, the Reserve Settlement Commissioner shall refer the dispute to an appropriate Native Court, and upon such reference it shall be deemed for all purposes to be a civil suit brought before such Native Court and, subject to the provisions of subsection (3) of this section, shall be tried and determined accordingly:

Provided that it shall not be necessary to refer any dispute which has already been decided by any Native Court or other Court.

(3) Where any dispute has been referred to a Native Court under the provisions of subsection (2) of this section and has not been tried and determined by such Court within six months after the date of such reference, the dispute may, on the application of the Reserve Settlement Commissioner, be transferred by an order of a Judge of the Supreme Court to the appropriate Division of the Supreme Court for trial and determination.

(4) Where any dispute arises as to the ownership of any land which lies within a proposed Forest Reserve, and such dispute is not within the jurisdiction of a Native Court, it shall on the application of the Reserve Settlement Commissioner be referred by an order of a Judge of the Supreme Court to the appropriate Division of the Supreme Court for trial and determination.

(5) Where any dispute is transferred or referred to the Supreme Court under the provisions of this section—

- (a) the dispute shall be deemed for all purposes to be a civil suit before the Court and shall be heard and determined accordingly;
- (b) the Court shall appoint a day for hearing and determining the dispute and shall give notice thereof to the parties interested, calling upon

them to appear ~~and~~ prove their claims to the ownership of the land in question, and such notice shall be served in the manner provided by the Rules of the Supreme Court for the service of a writ of summons or in such other manner as the Court may direct.

(6) The Reserve Settlement Commissioner shall accept and adopt the judgment of the Native Court or the Supreme Court, as the case may be, or, in the case of an appeal from such judgment, the judgment of the Appellate Court, for all the purposes of the enquiry and of his judgment under section 15 of this Ordinance.

(Substituted by 21 of 1949, s. 8.)

* 9.

Reserve Settlement Commissioner to be a Court.

10. (1) For the purpose of exercising the jurisdiction conferred upon him by section 9, the Reserve Settlement Commissioner shall be and form a Court. The Court so formed shall be called the Court of the Reserve Settlement Commissioner, and shall be a Court within the meaning of that term in the Courts Ordinance, and so far as is not inconsistent with the provisions of this Ordinance the proceedings therein shall be governed and regulated accordingly.

Cap. 4.

(2) Every enquiry in the Court of the Reserve Settlement Commissioner shall be entitled "In the Court of the Reserve Settlement Commissioner of the Gold Coast."
(Substituted by 30 of 1935, s. 2.)

Special power to exclude land from proposed Forest Reserve.

11. The Reserve Settlement Commissioner may, after consultation with a Forest Officer not below the rank of Assistant Conservator of Forests, exclude any land from the proposed Forest Reserve either by altering the external boundary thereof or by demarcating the land within such external boundary:

Provided that no such alteration or demarcation shall have the effect of increasing the area of the proposed Forest Reserve. (Substituted by 21 of 1949, s. 9.)

Commutation of rights.

12. (1) If, after consultation with a Forest Officer not below the rank of Assistant Conservator of Forests, the Reserve Settlement Commissioner finds it impossible, having

due regard to the establishment and maintenance of the proposed Forest Reserve, to permit wholly or in part the exercise of any established right within the Forest Reserve, he shall assess a lump sum amount by the payment of which to the holder of the right such right may be commuted.

(2) If any such assessment is increased by the Court on appeal under section 16 of this Ordinance, the Governor, if he deems it inexpedient that such increased assessment should be paid, may direct that the right in question shall not be commuted and that the exercise thereof shall be permitted.

(Substituted by 21 of 1949, s. 10.)

13. Notwithstanding anything in this Ordinance contained, no compensation shall be payable in respect of—

(a) any restriction upon the exercise of rights in Tribal or Stool lands which lie within a proposed Forest Reserve;

(b) any restriction, whether in whole or in part, upon the exercise of the rights of any person to collect forest produce, hunt, fish, set traps, obstruct the channel of any river, pasture cattle or light fires, where such restriction is for the protection and orderly management of the Forest Reserve.

(Added by 21 of 1949, s. 11.)

14. Every right in or over any land in respect of which no claim has been made under section 7, or of which no knowledge has been acquired at any enquiry, shall be extinguished unless the claimant shall have 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 7; in which event the Reserve Settlement Commissioner may defer his judgement until he has decided such claim. *(Amended by 38 of 1929, s. 7.)*

15. (1) Whenever the Reserve Settlement Commissioner holds an enquiry he shall deliver his judgment upon completion thereof,...

Restrictions
on payment
of
compensa-
tion.

Extinction
of rights.

Judgment
on comple-
tion of
enquiry.

- (2) Such judgment shall—
- (a) describe the limits of the land in respect of which the enquiry has been held;
 - (b) describe the limits of the land which the Reserve Settlement Commissioner recommends for reservation;
 - (c) specify, with all necessary particulars, the rights in respect of which the Reserve Settlement Commissioner has received claims under sections 7, 9 and 14 of this Ordinance and any other rights alleged to exist, or brought to his notice at, or after, the enquiry, in favour of any person or native community;
 - (d) specify those claims which the Reserve Settlement Commissioner considers not to have been established;
 - (e) admit or prohibit, in whole or in part, the exercise of all rights which he considers to have been established;
 - (f) specify any lump sum amount or amounts assessed under subsection (1) of section 12 of this Ordinance.
(*Substituted by 21 of 1949, s. 12.*)

Appeal
from
judgment
of Reserve
Settlement
Commis-
sioner.

16. Any person who has made a claim under section 7, 9 or 14 of this Ordinance, and the Chief Conservator of Forests, may within six months from the date of judgment delivered by the Reserve Settlement Commissioner under the provisions of section 15 of this Ordinance appeal from such judgment to the West African Court of appeal.
(*Substituted by 21 of 1949, s. 13.*)

Order con-
stituting
Forest
Reserve.

17. (1) As soon as the Reserve Settlement Commissioner shall have delivered his judgment under section 15 the Governor may make an order constituting the land in respect of which the Reserve Settlement Commissioner has in his judgment described the limits recommended for reservation a Forest Reserve. Such order shall set forth the limits and situation of the land which constitutes the Forest Reserve and all rights affecting the same as set forth in the judgment of the Reserve Settlement Commissioner; and such order

shall be published in the *Gazette*, and shall thereupon come into operation. (*Amended by 21 of 1949, s. 14.*)

(2) For the purposes of the aforesaid order and of this Ordinance the terms of the said judgment shall be treated as valid and effectual: Provided that, if such judgment is altered or varied on appeal, the terms thereof shall, as from the date of the delivery of the judgment of the Appeal Court, be deemed (save as provided in subsection (2) of section 12) to be altered or varied accordingly; and a notice of such alterations or variations and of any order by the Governor under the said subsection shall be published in the *Gazette*. (*Amended by 21 of 1949, s. 14.*)

18. (1) The ownership of land within a proposed Forest Reserve shall not be altered by its constitution as a Forest Reserve. (*Amended by 21 of 1949, s. 15.*)

Ownership
of land
within
Forest
Reserve.

(2) Every Forest Reserve shall be managed in one of the following ways—

Method of
management
of Forest
Reserve.

(a) By the owner or owners under the direction of the Forestry Department; or

(b) By the Government for the benefit of the owner or owners.

In the latter case there shall be paid to the owner or owners in such proportion as the Governor shall decide the whole of the gross yearly revenue of the Forest Reserve accruing under this Ordinance, subject to the deduction of such sum not exceeding one third of such gross revenue as may at the discretion of the Conservator of Forests be reserved for expenditure on the improvement of the forest in the interest of the owner or owners. If such deduction be made the Chief Conservator of Forests shall render an account of its expenditure to the owner or owners concerned.

(*Amended by 21 of 1949, s. 15.*)

(3) The method of management of a Forest Reserve shall be at the option of the Governor who shall have power at any time to vary the method of management if and whenever a variation appears to him necessary or desirable: Provided that the owners shall be at liberty to refuse to undertake the management under the method specified in subhead (a) of subsection (2).

Option as
to method
of manage-
ment.

Fetish trees
and groves.

(4) Where any recognised fetish grove or fetish tree is included in a Forest Reserve, the Forest Officers concerned shall not wilfully interfere therewith, and shall do their utmost to ensure that the fetish character thereof is respected. (Section amended by 38 of 1929, s. 10, and 10 of 1932, s. 2.)

Transfer of
rights in a
Forest
Reserve.

19. Rights in a Forest Reserve may not be alienated by sale, lease, mortgage, charge, or transfer, unless and until the right-holder shall have given a written notification of his intention to the Chief Conservator of Forests.

Power to
declare
forest no
longer
reserved.

20. When, in the opinion of the Governor in Council, there is no longer any need to maintain any particular land as a Forest Reserve, the Governor in Council may, by order published in the *Gazette*, direct that from a date to be fixed by such order any land or any portion thereof reserved under this Ordinance shall cease to be a Forest Reserve.

Power to
District
Commissioner to
stop ways
and water-
courses in
a Forest
Reserve.

21. A District Commissioner may, on the request of the Chief Conservator of Forests, stop any public or private way or water-course in a Forest Reserve, provided that a substitute for the way or water-course so stopped, which the District Commissioner deems to be reasonably convenient, already exists or has been provided or constructed by the Forestry Department in lieu thereof.

Offences
and
penalties.

22. Subject as in section 23 provided, any person who makes any clearing, cutting, or burning prohibited by section 6, or whoever in or from any Forest Reserve, except with the authority in writing of the competent forest authority—

Damaging
trees, etc.

(1) Fells, uproots, lops, girdles, taps, or injures by fire, or otherwise damages, any tree or timber;

Farming.

(2) Makes or cultivates any farm;

Fires and
smoking.

(3) Sets fire to any grass or herbage, or kindles a fire without taking due precaution to prevent its spreading;

(4) Smokes or lights a fire in any part of a Forest Reserve within which, or at any time when, smoking or lighting a fire is prohibited by an order of the Chief Conservator of Forests;

- | | |
|---|-------------------------|
| (5) Causes any damage by negligence in felling any tree or cutting or removing any timber; | Negligent felling, etc. |
| (6) Constructs any dam or weir across any river, or otherwise obstructs the channel of any river; | Obstructing river. |
| (7) Hunts, shoots, fishes, poisons water, or sets traps or snares; | Poaching. |
| (8) Resides, or erects any building; | Squatting. |
| (9) Subjects to any manufacturing process, collects, conveys, or removes any forest produce; | Taking forest produce. |
| (10) Pastures cattle or permits cattle to trespass; | Trespass by cattle. |

shall on summary conviction be liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months, and in addition to pay to the person whose rights have been infringed such compensation for damage, if any, done to the forest as the convicting Court may direct to be paid. (*Amended by 19 of 1936, s. 8.*)

23. Nothing in section 22 contained shall prohibit the exercise in a Forest Reserve by any person of any right which under this Ordinance for the time being is, or is treated as, an admitted right.

Section 22 not to prohibit exercise of admitted rights.

24. Whoever, with intent to cause damage or injury to the public or to any person or to cause wrongful gain—

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

Penalty for counterfeiting or defacing marks on trees or timber, and for altering boundary.

shall on summary conviction be liable to imprisonment with or without hard labour for any term not exceeding one year or to a fine not exceeding one hundred pounds, or to both.

Penalties for forest offences not specifically penalised.

25. Any person committing any act forbidden by this Ordinance or failing to perform any act enjoined by this Ordinance shall, where no other penalty is herein provided, be liable to imprisonment with or without hard labour for any term not exceeding one month or to a fine not exceeding ten pounds, or to both.

Prevention of offences.

26. Every District Commissioner and Forest Officer shall to the extent of his power prevent, and may interfere for the purpose of preventing, the commission of any forest offence.

Power to arrest without warrant.

27. It shall be lawful for any District Commissioner or Forest Officer to arrest without a warrant any person who may be reasonably suspected of having been concerned in any forest offence, if such person refuses to give his name and address or gives a name or address which is believed to be false, or if there is reason to believe that he will abscond : Provided that any person so arrested shall be taken before a Magistrate or to the nearest Police Station without any unnecessary delay. (*Amended by 31 of 1935, s. 2.*)

Power to seize forest produce.

28. (1) Whenever there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all instruments suspected to have been used in committing any such offence, may be seized by any District Commissioner or Forest Officer.

(2) Every officer seizing any article under this section shall place on such article a mark indicating that the same has been seized ; and any Forest Officer so seizing shall, as soon as possible, make a report of such seizure to the District Commissioner ; and any such seized article shall be disposed of as the Court may direct.

Persons bound to assist Forest Officers and District Commissioners.

29. Every person who exercises any right in a Forest Reserve or is permitted to take any forest produce from such Forest Reserve, and every person who is employed by any such person in any such Forest Reserve, and every person in any village or place near to such Forest Reserve who is employed by the Government or who receives emoluments from the Government for public services, shall be bound to furnish without any unnecessary delay to the nearest

District Commissioner or Forest Officer, any information he may possess respecting the commission of, or intention to commit, any forest offence, and shall assist any such officer—

- (1) in extinguishing any fire which may occur in any such Forest Reserve;
- (2) in preventing any fire that may occur in the vicinity of such Forest Reserve from spreading to such Forest Reserve;
- (3) in preventing the commission in such Forest Reserve of any forest offence; and
- (4) when there is reason to believe that any such offence has been committed in such Forest Reserve, in discovering and arresting the offender.

30. In addition to any fine or term of imprisonment imposed under this Ordinance, the Court may order that the forest produce, and the instrument or means in respect of which or by which the offence has been committed, shall be forfeited and disposed of as the Court may direct, and may order that any permit or property mark held under this Ordinance by the person convicted shall be forfeited.

Forfeiture
of
instruments
connected
with forest
offences

31. The burden of proof that any forest produce has not been taken in contravention of this Ordinance shall lie upon the person in whose possession the same is found.

Burden of
proof.

32. No action shall lie against any public officer or other person in respect of any act done by him in good faith in the execution or intended execution of his duties or powers under this Ordinance.

Indemnity
for acts
done in
good faith.

33. Nothing in this Ordinance contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Ordinance, or from being liable under such other law to any higher or other punishment or penalty: Provided that no person shall be punished twice for the same offence.

Operation
of other
laws not
barred.

Special provisions relating to Forest Reserves constituted by bye-laws.

34. (1) No proceedings shall be taken under this Ordinance to constitute as a Forest Reserve any area of land which shall have already been constituted a Forest Reserve by bye-laws made by the appropriate Native Authority, unless the Governor is satisfied that the administration of such Forest Reserve is not being effectively carried out under such bye-laws or that the interest of any right holder has been adversely affected by the reservation of such area of land under such bye-laws.

(2) Subject to the provisions of subsection (3) of this section, in the case of any area of land which has not already been constituted a Forest Reserve by bye-laws made by the appropriate Native Authority, no proceedings shall be taken to constitute such area of land, or part thereof, a Forest Reserve under this Ordinance until the Native Authority concerned has received six months notice in writing of the Governor's intention to take such proceedings. After such notice shall have been given, then until a notice made under section 5 is published the restrictions laid down in section 6 shall operate and have effect as if the intervening period were the interval of time mentioned in section 6. The Governor shall have power to appoint a Reserve Settlement Commissioner specially for the purpose of this subsection, read together with section 6 of this Ordinance.

(3) Where the Governor is satisfied that complaints are likely to arise as to ownership, compensation or hardship in respect of the constitution of any area of land as a Forest Reserve by bye-laws made by a Native Authority, he may constitute such area of land as a Forest Reserve under this Ordinance without giving the Native Authority concerned an opportunity of making bye-laws.

(4) Where proceedings have been taken under subsection (1) or (3) of this section to constitute an area of land as a Forest Reserve such area of land shall not be constituted a Forest Reserve under bye-laws made by a Native Authority and if already so constituted shall cease to exist as such and the bye-laws made in respect of such Forest Reserve shall be deemed to have been revoked and ceased to have effect from the date of the publication in the *Gazette* of the notice mentioned in section 5 (1) of this Ordinance.

(5) At any time after a Forest Reserve has been

constituted under the provisions of this Ordinance a Native Authority may with the consent of the Governor in Council on the recommendation of the Competent Forest Authority make bye-laws for the administration of such Reserve or any part thereof, and upon the publication of such bye-laws in the *Gazette*—

- (a) The area of land referred to in such bye-laws shall cease to be a Forest Reserve as defined in section 2 of this Ordinance and shall be deemed to be a Forest Reserve constituted under bye-laws made by the Native Authority:
- (b) Any compensation assessed by the Reserve Settlement Commissioner under section 12 of this Ordinance in respect of such Forest Reserve or part thereof, as the case may be, and paid out of the general revenue of the Gold Coast Government shall be deemed to be an advance made to the Native Authority by the Government and shall become a first charge on any revenue derived by the Native Authority from the management of the Forest Reserve constituted under the said bye-laws.

(Section substituted by 21 of 1949, s. 16.)

35. (1) It shall be lawful for the Governor in Council to make regulations for the further, better, or more convenient effectuation of any of the provisions or purposes of this Ordinance, and in particular (but without derogating from the generality of the provision last aforesaid) with respect to any or all of the following matters—

- (1) The prescription of fees for any purpose under this Ordinance; Regulations.
Fees.
- (2) Prescribing the conditions of sale of any forest produce taken from a Forest Reserve, and the manner of its collection; Forest
produce.
- (3) Providing for the protection of forest produce in a Forest Reserve, and prescribing the time at which and the manner and place in which rights which under this Ordinance for the time being are, or are treated as, admitted rights, may be exercised; Protection
of forest
produce.

- Leases and permits. (4) Prescribing the form of leases or permits dealing with forest produce, the conditions under which they may be granted, and providing for their issue, production, revocation, and return;
- Management, etc., of reserves.
Marks. (5) Providing for the management, utilisation, and the protection, of Forest Reserves;
- (6) Prescribing the marks which may be used by Forest Officers for the purpose of carrying out the provisions of this Ordinance;
- Officers. (7) Prescribing the powers and duties of Forest Officers, and providing for the maintenance of discipline;
- Rewards. (8) Prescribing the rewards to be paid to Government servants and informers out of the proceeds of fines and compensations;
- Survey. (9) Prescribing for the survey and demarcation of Forest Reserves or of any land the survey or demarcation of which is required for the purposes of this Ordinance;

(Subsection amended by 21 of 1949, s. 17.)

(2) All regulations made under subsection (1) shall be published in the *Gazette*, and shall thereupon have the like force and effect as if enacted herein, either immediately or on and from such later date as may therein or in that regard be provided.

(3) Any person who contravenes any regulation made under subsection (1) or the conditions of any permit issued thereunder for which no fine or term of imprisonment is expressly provided in the regulations, shall be liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.