

BULLETIN

Forestry Act, 2010

Introduced to provide for the conservation and control of forests, the Forestry Act, 2010 ("the Act") was assented to by Parliament on July 1st, 2010 with power to repeal particular parts and sections of the Conservation & Protection of the Physical Landscape of the Bahamas Act, the Penal Code and the Bahamas National Trust Act.

The Act however, is not yet in effect but will be, upon the date appointed by the Minister responsible for Forestry as published in the Gazette.

In anticipation of the Minister's effective appointment date, a summary of key sections and definitions under the Act follow:

1. Definitions of Mention

"Conservation Forest" means an area of land declared to be a conservation forest by or under the Act.

"Crown Land" includes all vacant land in The Bahamas vested to Her Majesty as the property of the Crown for the beneficial interest of The Bahamas, whether by forfeiture, escheat, purchase or exchange.

"Forest" means any area consisting mainly of trees including forest cover, all other vegetation, wetlands, soil and ground beneath it.

"Forest Industry" includes any activity involving the economic utilization of forest produce.

"Forest Management Plan" means a plan approved by the Minister under the provisions of section 9 of the Act.

"Forest Reserve" means an area of land declared to be a forest reserve by or under the Act to be managed as permanent

forest estate for the sustained yield of timber and other forest produce.

"Protected Forest" means an area of land declared to be a protected forest by or under this Act to be managed in the same manner as a forest reserve, until the land is required for agriculture, industry, residential purposes or other development.

2. Structure and Administration

A Government agency to be known as the Forestry Unit shall be headed by a Director of Forestry who shall, subject to the directions of the Minister bear responsibility for various aspects of administration under the Act, in particular:-

- the Forestry Unit which shall see to the efficient operation of the purposes of the Act;
- the setting of royalty fees, permits, leases and licence fees for utilization of forest produce and non-timber forest produce from the forest estate;
- the processing of applications for licences and leases and issuing permits for the utilization of forest produce and non-timber forest produce and other activities in Forest Reserves, Protected Forests and Conservation Forests;
- the supervising of any cutting, harvesting, transporting, milling or selling of forest produce by the Government or private sector forestry activities;
- the preparing of national forest plans every five years or such other periods

as the Minister may specify, which shall include; goals and objectives, financial estimates of supply and demand, economic potential contributions, estimated growing stock, and the contribution of forests to the national economy including water production;

- the preparing of forest management plans every five years or such other periods as the Minister may specify, which shall contain; a description of the area and its timber and forest produce, management objectives and monitoring strategies, descriptions of areas which are or proposed to be subject to permits, licences or leases, and proposals for the construction of roads and other facilities.

In addition to the Director of Forestry, there shall be such other officers being public officers or persons recognized as authorized officers for the purposes of the Act who may without warrant exercise powers of arrest over anyone suspected of an offence against the Act. Such officers shall also have powers to inspect and seize all items used or acquired by such suspected offender in connection with an offence against the Act and with the authority of the Attorney-General, to institute and prosecute or conduct such proceedings.

3. Forest Reserves / Protected Forests / Conservation Forests

With the approved resolution of both Houses of Parliament, the Minister may by Order, declare any Crown Land to be Forest Reserve or any Crown Land to be Conservation Forest.

The Minister may by Order and without resolution of both Houses of Parliament declare any Crown Land to be a Protected Forest whose status is less permanent than a Forest Reserve or Conservation Forest and can be later transferred to a Forest Reserve or Conservation Forest or even release the Protected Forest area to another form of land use, other than forestry.

4. Leases / Licenses / Permits

The Minister may, consistent with the applicable forest management plan issue leases, licenses and permits in respect to Crown Land within a Forest Reserve, Protected Forest or Conservation Forest; for the extraction and collection of ground water, for any public purpose, touristic or recreational activities, large-scale operations (or authorize the Director to issue permits for small-scale operations) to fell, take, extract or remove timber and other forest produce and minerals.

Leases for the collection of water are restricted to The Bahamas Water and Sewerage Corporation and other approved concessionaires.

A lease, licence or permit shall be subject to such conditions and procedures, payment of such fees, rents or royalties as may be prescribed therein. Any such issued lease, licence or permit is non-transferable without the written permission of the Minister and where the licensee is a Company, a transfer of the majority shareholding in such Company shall render the licence of no further effect unless the Minister has given his prior written approval.

A permit shall not be valid for more than one year, a licence for not more than five years and a lease for not more than ninety-nine years.

5. Forestry on Private Land

The Director shall, on request, provide technical assistance to owners of private forest land and shall charge the applicable fees for such service. There shall be no harvesting of any trees from the private forest, for commercial purposes, unless a plan submitted for the management of the forest has been approved by the Director of Forestry.

6. Regulations

In addition to the provisions of the Act the Minister may make regulations generally for the carrying into effect of such provisions and matters relative thereto.