

## FORESTS.

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## 22 OF 1879.(1)

FOR AMENDING THE LAWS RELATING TO THE PROTECTION, CONTROL  
AND MANAGEMENT OF FORESTS.

G. J. WOLSELEY.]

[April 21, 1879.]

## PART 1.

*Preliminary.*

1. This Law may be cited as the Forest Law, 1879. Short title.
2. The Regulations and Instructions mentioned in Schedule A Repeal.  
are hereby repealed.
3. In this Law unless there is something repugnant in the subject Interpreta-  
tion.  
or context:—

“ Forest Officer ” means any person whom the High Commissioner may from time to time appoint by name or as holding an office, to carry out any of the purposes of this Law, or to do anything required by this Law;

“ Principal Forest Officer ” means any person whom the High Commissioner may appoint to the chief superintendence of the forests of the island;

“ Tree ” includes shrubs and brushwood;

“ Timber ” includes trees, fallen or felled, and all wood whether cut up or fashioned for any purpose or not;

“ Forest Produce ” includes the following when found in or brought from a forest, viz.:—minerals, stones, surface soil, trees, timber, grass, creepers, leaves, flowers, fruits, seeds, roots, bark, honey, gum, and resin;

“ Cattle ” includes bull, ox, cow, steer, heifer, horse, pony, 26. 1921; 2.  
mule, ass, camel, sheep, goat, pig, and the young of the same;

“ Offence ” means an offence punishable under this Law or under any rule made under this Law.

## PART 2.

*Of Forests under the management of Government.*

4. The High Commissioner in Council may by notification in the *Cyprus Gazette* declare the whole of any part of the forest land in Cyprus, exclusive of such as belongs to private individuals, to be under the protection, control and management of the Government. Power to  
declare  
forests  
under control  
of Govern-

(1) Ss. 18-38 were formerly ss. 20-40.

Bar to  
accrual of  
rights.

5. After the publication of such notification no right shall be acquired in or over any such land, except under a grant or contract made or entered into by or on behalf of the Government.

Acts pro-  
hibited in  
forests under  
control of  
Government.

6. Whoever on such lands declared to be under the protection, control and management of the Government by notification issued under section 4, except with the authority in writing of the Commissioner of the District or of the Principal Forest Officer;

- (a.) Removes sound timber lying in such forests, felled either before the issue of the notification or at any time by or on account of Government;
- (b.) Fells, cuts, lops, taps or burns any tree, strips off the bark or leaves from or otherwise damages any tree;
- (c.) Extracts or collects resin, gum, or other substance;
- (d.) Extracts or removes stones, minerals, leaves, cones or other products of the forest;
- (e.) Burns lime or manufactures charcoal, tar, or pitch;
- (f.) Sets fire to the forest or kindles a fire without taking due precautions to prevent its spreading;
- (g.) Leaves burning any fire kindled within or in the vicinity of the forest;
- (h.) Pastures cattle or permits cattle to trespass;
- (i.) Clears or breaks up land for cultivation or any other purpose;

shall be liable to a fine not exceeding fifty pounds or to be imprisoned for a term not exceeding six months, or to both; and may be charged in addition such compensation for damages done to the forest as the convicting court may direct to be paid.

Section 6 not  
to prohibit  
collection of  
firewood.

7. Nothing in section 6 shall prohibit the collection and removal of dead and dry wood, stools, roots and trunks of dead trees or brushwood to be used solely for firewood, for use of the inhabitants of villages who have been accustomed to supply their wants in this respect from the forests in the vicinity of their village, or shall prohibit the gathering of shinia for personal use or the cutting of myrtle for the purpose of constructing well ropes.

Persons  
bound to  
assist in ex-  
tinction of  
fires.

8. All persons having any right or privilege in a forest in which fire may have broken out, and the inhabitants of neighbouring villages, shall be bound to assist in its extinction; and any person refusing so to assist may be deprived of his right or privilege for a space of from one to five years.

9. Inhabitants of villages in the vicinity of forests who have been in the habit of supplying their wants from the neighbouring forests, and of obtaining timber for house building, domestic and agricultural purposes, shall apply for permission to fell and remove such timber in the manner hereinafter provided.

Villagers requiring timber to apply as provided.

10. Persons eligible for grants under section 9 and desirous of felling trees for their own use, for purposes specified in that section, shall submit in writing to the Commissioner of the District, either direct or through the Mukhtar of the village, an application supported by a declaration of the Mukhtar that such grant is necessary, stating:—

Manner of application for grants of timber.

- (a.) The use for which the timber is required;
- (b.) The girth, height, number and kind of trees required;
- (c.) The place where it is desired to fell the trees;
- (d.) And the period requisite to remove the trees.

11. After due enquiry and having regard to the maintenance of the forest, the Commissioner of the District, under the advice of the Principal Forest Officer, shall issue an order sanctioning or refusing the application in whole or in part.

Order on application.

12. In the case of sanction, the Commissioner of the District shall issue the permit contained in Schedule B. in a printed form in triplicate, two copies of which permit shall be forwarded to the Forest Officer in charge of the forest in which the felling is to take place, who shall, with as little delay as possible, proceed to the forest with the grantee and mark the trees specified in the permit, and shall deliver one copy of the permit to the grantee, retaining another for his own guidance and check, and the third copy shall remain with the issuing officer.

Permit in case of sanction.

13. It shall be the duty of the grantee to keep the permit constantly with him when working in the Forests and to produce it when required to do so. The non-production of the permit shall make the felling an infringement of section 6 (b).

Production of permit when required.

14. The use of the timber so granted for any other purpose than that specified in the permit shall entail its forfeiture.

Timber forfeited when used for other than specified purpose.

15. All trees felled and not removed within the period specified in the permit shall be forfeited, and any further action on the part of the grantee or any one in his employ in removing or felling the timber shall be deemed to be an infringement of section 6 (a) or (b) as the case may be. The issuing officer may at his discretion, on sufficient cause for delay being shown, extend the permit for such further time as he may deem proper.

Trees not removed before expiry of permit.

permits to office of issue. 16. Immediately after the date of the expiration of the permit, whether the total number of trees have been felled and removed or not, the copies held by the grantee and the Forest Officer shall be returned to the Office of issue. The Forest Officer shall enter on his copy the number of trees felled and removed.

Disposal of timber forfeited. 17. All timber forfeited under sections 14 and 15 shall be in charge of the Principal Forest Officer and may be sold or disposed of by him on account of Government at his discretion.

Extraction of resin. 18. The extraction and collection of resin from pine trees may be allowed at the discretion of the Commissioner of the District under the advice of the Principal Forest Officer with the sanction of the High Commissioner, from the following trees:—

- (a.) Such as have already been subjected to the process;
- (b.) Such as are destined to be felled within 6 or 10 years from the commencement of the extraction; and
- (c.) Such as have a girth of 6 feet or more at 4 feet from the ground.

Trees to be marked. 19. No gum or resin shall be extracted from any trees save those duly marked by the Forest Officer.

Operations to be according to rules made by Forest Officer. 20. Operations for the extraction and collection of gum or resin shall be carried out according to rules made by the Principal Forest Officer, and any contravention of such rules shall be deemed an infringement of section 6 (c) of this Law.

Erection of kilns. 21. Whenever the burning of lime, tar, pitch or charcoal within the forests has been permitted under section 6, the erection of kilns for such purposes shall not be proceeded with until spots upon which they may be established have been pointed out by the Forest Officer; and the establishment of kilns within the forests upon other than the specified spots shall be deemed an infringement of section 6 (e), whether firing has been commenced or not.

Spread of fire from kilns. 22. Whoever may have erected a kiln for any of the purposes specified in section 21, and shall not have taken due precautions against the spread of fire therefrom into the forests, either by clearing a space of ground around the kiln, or other effectual means, or by keeping men constantly on watch, shall, on fire so spreading, be deemed to have committed an offence under section 6 (f) of this Law.

Pasturage of cattle. 23. The pasturage of cattle prohibited under section 6 (h) of this Law, may be permitted when, with regard to the maintenance of the

forest, it is, in the opinion of the Principal Forest Officer admissible, on such conditions as the District Commissioner may determine.

24. Every year in the month of March, the Mukhtar of each village desiring to pasture its flocks under section 23, shall submit to the Commissioner of the District a statement in writing, showing the number and description of the cattle and the places in which it is desired to graze them; and, provided spots are available, the Commissioner of the District, with the advice of the Principal Forest Officer, shall designate the tracts to which the cattle may be admitted, and fix the period during which they may be grazed.

Designation  
of tracts for  
pasturage.

25. The cattle belonging to the inhabitants of each village granted the privilege of grazing shall be placed under the charge of a separate shepherd, who shall, whenever grazing cattle in the forests, carry with him the order authorizing the grazing and shall show it whenever required, and if he fail to do so the cattle so grazing shall be considered as trespassing under section 28.

Shepherds.

26. In case fire breaks out in the forest through the negligence of any shepherd, the permission to pasture accorded to the village to which the shepherd belongs shall be at once rescinded, and it shall be at the discretion of the Commissioner of the District to renew it thereafter or not.

Forfeiture of  
permit in  
case of fire.

27. Permission to cattle dealers and strangers to pasture their flocks in the forests may be granted or refused at the discretion of the Commissioner of the District, and on such conditions as he may determine.

Pasturing of  
strangers'  
cattle.

28. If any cattle be found in the forests declared by notification under section 4, as being under the protection, control and management of the Government, without the necessary permission, or not in the charge of a shepherd as specified, or having the necessary permission and found on other land than that designated in the permission, the owner shall be liable to a fine not exceeding three piastres, for each head of cattle so found, besides making compensation for any damage done.

Fine for  
having cattle  
in forest  
unlawfully.

29. The High Commissioner in Council may, from time to time, by notification in the *Cyprus Gazette*, alter, cancel or add to any of the provisions in this part of this Law.

Power to  
alter, cancel  
or add to  
provisions.

30. The High Commissioner in Council may, from time to time, by notification in the *Cyprus Gazette*, direct that from the date of such notification, any forest, or portion thereof, declared to be under the protection, control and management of the Government, by notification under section 4, shall cease to be under such control.

Power to  
declare forest  
no longer  
under  
Government  
control.

PART 3.

*Penalties and Procedure.*

Reward to  
informer.

31. The Court before which any charge of an offence under this Law is tried, may award any portion of any fine imposed not exceeding one half, to the person or persons upon whose information the conviction was obtained.

Seizure of  
property in  
respect of  
which an  
offence com-  
mitted.

32. Any forest produce in respect of which an offence has been committed, and all tools, carts and cattle used in committing any such offence, may be seized by any Forest Officer or Police Officer; and every officer seizing any property under this section shall report the seizure to the Commissioner of the District, and all such forest produce, tools, carts and cattle shall be liable to confiscation; such confiscation may be in addition to any other punishment prescribed for the offence.

Property,  
when to vest  
in Govern-  
ment.

33. When an order for the confiscation of any property has been made under section 32, and the period limited for an appeal from it has elapsed, and no appeal has been preferred, or when on an appeal being preferred, the Appellate Court confirms the order in respect of the whole or a portion of the property, the property or portion thereof, as the case may be, shall vest in the Government, free from all incumbrances.

Arrest with-  
out warrant.

34. Any Forest Officer or Police Officer may arrest without warrant any person found committing any act prohibited by this Law, or against whom there is reasonable suspicion of his having committed or having been concerned in any such act.

Punishment  
for wrongful  
seizure or  
arrest.

35. Any Forest Officer or Police Officer who unnecessarily and vexatiously seizes any property under section 32, or so arrests any person under section 34, shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding fifty pounds, or to both.

Power to  
prevent com-  
mission of  
offence.

36. Every Forest Officer or Police Officer shall prevent and may interfere for the purpose of preventing the commission of any offence under this Law.

Obstruction  
in execution  
of law.

37. Any person who obstructs, hinders or assaults any Forest Officer or Police Officer in the execution of this Law shall be deemed to have committed an offence, and shall be liable to a fine not exceeding fifty pounds or to be imprisoned for a term not exceeding six months, or to both.

Operation of  
other laws  
not barred.

38. Nothing in this Law shall prevent any person being prosecuted under any other law for any act which constitutes an offence against

this Law, or being liable under such other law to any higher punishment or penalty than that provided by this Law. Provided that no person shall be punished twice for the same offence.

SCHEDULE A. (S. 2.)

REGULATIONS AND INSTRUCTIONS REPEALED.

No. and date of Regulation or Instruction.	Title.
11 Chewal, 1286 .. (1st January, 1870).	Forest Regulation.
6 Chewal, 1286 ..	Regulations concerning the supply of Timber for the Marine and Artillery.
27 Safer, 1288 .. No. 15.	Instructions indicating the procedure to be followed in granting Wood free to Villagers.
26 Février, 1289 .. No. 18.	Instructions concerning the extraction of Resin.
23 Mouhareem, 1293 .. No. 19.	Instructions respecting titles to Forests.
15 Rébi-ul-ewel, 1291 .. No. 16.	Instructions regarding the tax to be paid on Wood and Charcoal.
17 Chewal, 1292 .. No. 14.	Instructions to Vilayets, in which the Woods and Forests have not been placed under a regular administration.
7 Avril, 1293.. .. No. 17.	Instructions regarding the kinds of Taxes to be levied on wood, &c., stamps, manner of collection, &c.

SCHEDULE B. (S. 12.)

PERMIT.

For the Extraction of Timber for Housebuilding, Agricultural and Domestic Purposes.

Name and Residence of Grantee.	Kind of Trees Granted.	Number and Dimensions of Trees Granted.	Place of Extraction.	Limit of Period for Felling and Removal.	Terms of Permit.	Remarks.

.....Commissioner.

Dated.....