
F O R E S T S O R D I N A N C E 2 0 1 4

CONTENTS

PART 1

Interpretation and Application

1. Short title and commencement
2. Interpretation
3. Purpose
4. Crown application

PART 2

State Forests

5. Declaration of state forests
6. Ownership of state forests
7. Immovable property acquired by the Crown
8. Power of Administrator to grant leases etc. in state forests

PART 3

Nature Reserves, National Forest of the Areas etc.

9. Declaration of nature reserves, national forest of the Areas, protective forest and forest park
10. Declaration of forest monuments and natural micro-reserves
11. Declaration of state forest as a public road

PART 4

Licences

12. Licences for a state forest
13. Licences for felling, transporting etc. trees outside a state forest
14. Appeal
15. Prospecting permits, quarry licences and mining leases in a state forest

PART 5

Community Forests

16. Declaration of community forest
17. Agreement for the management of community forest
18. Rules for community forest
19. Proceeds from an agreement

PART 6 Appointments and Delegations

20. Appointment of forest officers and delegation of functions
21. Delegation of functions of fire officers
22. Delegation of functions of an Area Officer
23. Delegation of functions of the Chief Officer

PART 7 Enforcement

24. General powers of forest officers
25. Powers of forest officers and fire officers to investigate fires
26. Additional powers of police officers

PART 8 Offences

27. Offences in relation to fire
28. Offences in relation to trees and other flora and fauna
29. Offence in relation to possession of a forest product
30. Offence in relation to the sale or export of a forest product
31. Offences in relation to entry of animals
32. Other offences
33. Offence in relation to a vehicle or machine
34. Research into state forests
35. Offence in relation to interference with or destruction of a sampling surface or data
36. Offences in relation to damage, forgery etc. of signs or documents
37. Entry prohibited or restricted
38. Commercial activities prohibited
39. Obstructing a forest officer or a police officer

PART 9 Prevention and Management of Fire

40. Prevention of forest fire
41. Extinguishing of forest fires on private property
42. Entry into private residences for fire fighting
43. Requisition of vehicles for fire fighting

PART 10 Liability and Penalties

44. Burden of proof

- 45. Liability of officers of body corporate
- 46. Additional penalties
- 47. Compounding offences

PART 11
Miscellaneous

- 48. Consultation
- 49. Compensation of land owners
- 50. Register of forest businesses and merchants of forest products
- 51. Keeping of records
- 52. Amendment, revocation and suspension of licences
- 53. Secondary legislation
- 54. Transitionals and savings
- 55. Consequential amendment
- 56. Repeals

SCHEDULE 1

Tree Species

SCHEDULE 2

Repeals

F O R E S T S O R D I N A N C E 2 0 1 4

An Ordinance to preserve and protect the forests

R.J. CRIPWELL
ADMINISTRATOR

8 August 2014

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

PART 1

Interpretation and Application

Short title and commencement

- 1.—(1) This Ordinance may be cited as the Forests Ordinance 2014.
(2) This Ordinance comes into force on 1 September 2014.

Interpretation

2. In this Ordinance—

- “2007 Ordinance” means the Delegation of Functions to the Republic Ordinance 2007(a);
“Chief Fire Officer” means the officer in charge of DFRMO in the Areas;
“community forest” means an area of state forest declared as a community forest under section 16;

(a) Ordinance 17/2007.

“Christmas tree” is a tree of a species listed in Part 3 of Schedule 1 felled or uprooted and transported during November or December;

“corresponding Republican law” means Law Number 25(I)2012(a) (Forest Law 2012) and includes—

- (a) amendments to that law, whether made before or after the coming into force of this Ordinance;
- (b) any law substituting that law;
- (c) public instruments of the Republic made under that law or any law substituting the law, whether made before or after the coming into force of this Ordinance;

the “Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Majesty’s Administration of the Areas;

“DFRMO” means the Defence Fire Risk Management Organisation or its successor;

“fire officer” means a person employed as a fire-fighter by DFRMO, and includes the Chief Fire Officer;

“forest” means an area of more than 0.3 square hectares of which at least 90 per cent of the ground is forested with trees which when mature grow to at least 5 metres in height—

- (a) but also includes—
 - (i) roads within the forest, fire breaks and other small open areas located in the forest;
 - (ii) re-forested areas as well as burnt areas or other areas which temporarily have sparse vegetation due to human intervention or other causes;
- (b) but does not include gardens or urban parks;

“forest building” means a building, yard, stockyard, shed, water reservoir, seat or other construction within a state forest which has been constructed or acquired for the purpose of protecting, managing, developing or the lawful recreational use of the state forest;

“forest business” means a corporate body, an unincorporated association or a person which uses, for financial gain, a forest, a wooded area or a forest product;

“forest monument” means an area of state forest declared as a forest monument under section 10(a);

“forest officer” means a person appointed as a forest officer under section 20(1);

“forest park” means an area of state forest declared as a forest park under section 9(d);

“forest product” includes, when collected from a forest, round timber, branches, leaves, fruit, seeds, roots, barks, Christmas trees, grass, plants, moss, fungi, lichen, oil, resin, pitch, honey, wax, soil, sand, gravel, rocks, minerals, water or any imported product which has a certificate from the country of origin stating that it was produced in a forest;

“forest station” means premises located in a state forest in the Areas or in the Republic which is occupied or used by the Republic’s Forestry Department;

“forest telephone” means a communication system, including a telephone booth, pole, wire, radiotelephone, antenna or mast, which is installed for the protection, management or development of state forests and is not intended for general use by the public;

“immovable property” has the meaning given in section 2 of the Immoveable Property (Tenure, Registration and Valuation) Ordinance(b);

“local authority” means a community council or a municipal council;

(a) Published in Republic of Cyprus Gazette No. 4325 of 30 December 2012.

(b) Cap 224, Laws of Cyprus 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK S.I. 1369/1960). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation. This Ordinance has been amended but the amendments are not relevant.

“national forest of the Areas” means an area of state forest declared as a national forest of the Areas under section 9(b);

“natural micro-reserve” means an area of state forest declared as a natural micro-reserve under section 10(b);

“nature reserve” means an area of state forest declared as a nature reserve under section 9(a);

“protective forest” means an area of state forest declared as a protective forest under section 9(c);

“sampling surface” means a permanent or temporary surface placed on, in or above the ground which is used to collect data for forest protection or management purposes;

“state forest” means a forest or wooded area located in the Areas declared as a state forest under section 5(1);

“tree” includes a shrub;

“vehicle” includes a non-motorised vehicle such as a caravan or a trailer;

“wooded area” means an area of more than 0.3 square hectares where more than 10 per cent of the area is covered with trees.

Purpose

3. The purpose of this Ordinance is to—

- (a) conserve, protect, sustainably manage and develop the forests and wooded areas in the Areas;
- (b) establish a regulatory framework for the management of forests and wooded areas in the Areas; and
- (c) protect certain species of trees located outside state forests.

Crown application

4.—(1) Subject to subsection (2), this Ordinance applies to the Crown.

(2) Proceedings for a criminal offence may not be brought against—

- (a) the Crown;
- (b) an employee of the Crown acting in the course of employment by the Crown; or
- (c) a member of Her Majesty’s Forces acting in the course of service to the Crown.

PART 2

State Forests

Declaration of state forests

5.—(1) Subject to subsections (2) and (3), by order made as a public instrument, the Administrator may declare a forest or a wooded area to be a state forest.

(2) Before declaring any private immovable property to be a state forest, the Administrator must follow the procedure in section 7 (immovable property acquired by the Crown).

(3) A declaration must be made or amended in accordance with the procedure in section 48 (consultation) where—

- (a) the land covers an area larger than 100 square hectares; or
- (b) the Administrator anticipates that the effect of the declaration will—
 - (i) have a significant, detrimental impact on the living conditions of persons living in or in the vicinity of a state forest; or

- (ii) affect significantly biodiversity or the natural environment.

Ownership of state forests

6. All state forests are the property of the Crown.

Immovable property acquired by the Crown

7. The Administrator may acquire, by agreement or compulsorily, in accordance with the Land Acquisition Ordinance^(a), immovable property for public interest purposes, if the Administrator considers it expedient for—

- (a) the better protection or management of a state forest; or
- (b) the protection of species of forest flora or forest ecosystems of exceptional significance or rarity.

Power of Administrator to grant leases etc. in state forests

8.—(1) If the Administrator decides that it is in the public interest to do so, the Administrator may lease, dispose of, grant or exchange any immovable property in a state forest in accordance with any conditions which the Administrator may impose.

(2) The Administrator must publish a notice of the decision made under subsection (1) in the Gazette.

(3) A person may only hold or acquire title to immovable property in a state forest if obtained in accordance with this section.

PART 3

Nature Reserves, National Forest of the Areas etc.

Declaration of nature reserves, national forest of the Areas, protective forest and forest park

9. By order made as a public instrument and in accordance with the procedure laid down in section 48 (consultation), the Administrator may declare an area of state forest to be—

- (a) a nature reserve if—
 - (i) the forest maintains its natural state and has not undergone significant or permanent disturbance due to human intervention;
 - (ii) the forest contains 1 or more representative or important forest ecosystems, plant societies, animal communities or other natural elements;
 - (iii) the forest is managed for the purpose of scientific research, monitoring or for scientific reference; and
 - (iv) human presence and activity in the forest is limited in order to ensure the unobstructed function of natural procedures;
- (b) a national forest of the Areas if the forest maintains its natural state to a material degree because the forest—
 - (i) contains important elements of biodiversity, genetic resources, landscape or geomorphologic features;

(a) Cap 226, Statute Laws of Cyprus revised edition 1959. Amended by Ordinances 12/1963, 9/1964, 1/1986, 4/1987, 19/1988, 10/1993, 1/2001, 36/2010 and 20/2014. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK SI 1369/1960). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/2012) provides for the interpretation of such legislation.

- (ii) is managed for the purpose of protecting and maintaining the ecological processes and significant natural elements it contains; and
- (iii) provides the possibility for scientific, educational or recreational activities which are environmentally and culturally compatible;
- (c) a protective forest if the forest, due to its position, geological features or topography, acquires particular significance for the protection of water resources or human habitation in lower regions;
- (d) a forest park if the forest, due to its position in relation to urban areas, acquires significance for reasons of health, education or recreation.

Declaration of forest monuments and natural micro-reserves

10. By order made as a public instrument, the Administrator may declare an area of state forest to be—

- (a) a forest monument if the area contains 1 or more physical, cultural or geomorphologic elements of exceptional or unique value due to their character or due to their exceptional aesthetic or cultural elements;
- (b) a natural micro-reserve if the area contains 1 or more rare species of flora or fauna or another natural entity with national, regional or international interest.

Declaration of state forest as a public road

11.—(1) In exceptional circumstances, if the Administrator considers that it is in the public interest to do so, by order made as a public instrument, the Administrator may declare a part of a state forest to be used as a public road.

(2) The Streets and Buildings Regulation (Consolidation) Ordinance 1984(a) applies to the construction of the road.

PART 4

Licences

Licences for a state forest

12.—(1) Where a person makes a written application, an Area Officer may issue a licence for 1 or more of the following activities in a state forest —

- (a) uprooting, felling, cutting or transporting a tree or timber;
- (b) collecting, uprooting or cutting a species of flora;
- (c) subject to section 28(4), collecting or removing a forest product;
- (d) grafting or otherwise cutting a tree;
- (e) subject to the Game and Wild Birds Ordinance 2008(b), killing, catching or otherwise interfering with any species of wild fauna or damaging or destroying its habitat, nest or eggs;
- (f) subject to the Game and Wild Birds Ordinance 2008 and the Protection and Management of Wildlife and Nature Ordinance 2007(c), releasing non-native fauna or intentionally cultivating non-native flora;
- (g) the entry into or the grazing of an animal;

(a) Ordinance 7/1984 as amended by Ordinances 2/1987, 13/1987, 18/1988, 10/1996, 7/1999, 2/2000, 10/2000, 24/2004, 26/2007 and 27/2013.

(b) Ordinance 21/2008 as amended by Ordinances 3/2009, 17/2009, 29/2009, 34/2010, 8/2013 and 18/2014.

(c) Ordinance 26/2007 as amended by Ordinances 35/2007, 10/2008 and 26/2008.

- (h) clearing, digging, cultivating, planting, seeding, banking up or excavating land;
- (i) disposing of material of any kind;
- (j) erecting a building, fence, stockyard, furnace, sign, advertisement, poster or other permanent or temporary structure;
- (k) subject to the Water (Integrated Management of Water Resources) Ordinance 2014^(a) and the Supplies and Services (Transitional Powers) (Continuation) Ordinance^(b), digging a borehole, well or water ditch, laying pipes or constructing a dam or reservoir or supplying or using water stored in them;
- (l) occupying or otherwise using for any purpose immovable property, including a forest building;
- (m) driving a motor vehicle other than on the road;
- (n) leaving a vehicle or other machine for a period exceeding 10 days;
- (o) subject to the Game and Wild Birds Ordinance 2008 and the Protection and Management of Wildlife and Nature Ordinance 2007, for research purposes, sampling an element of the forest or carrying out an activity which damages an element of the forest;
- (p) establishing or using a vehicle, a kiosk or other structure for a commercial purpose.

(2) Where a person makes a written application, an Area Officer may issue a licence for lighting a fire within a state forest or within 2 kilometres of the boundary of a state forest.

(3) A licence issued under subsection (1) or (2) may impose conditions which the Area Officer considers are necessary.

(4) Subject to section 18(1), no right in a state forest or, for the purpose of subsection (2), within 2 kilometres of its boundary, may be exercised or acquired except in accordance with a licence issued by an Area Officer and in accordance with any conditions imposed.

Licences for felling, transporting etc. trees outside a state forest

13.—(1) Where a person makes a written application, an Area Officer may—

- (a) issue a licence—
 - (i) for a Christmas tree; or
 - (ii) to permit 1 or more of the activities listed in subsection (4) to be carried out in relation to a tree to which subsection (5) applies; and
- (b) impose conditions which the Area Officer considers are necessary.

(2) Outside a state forest, without a licence issued by the Area Officer under subsection (1)(a), a person must not—

- (a) carry out an activity listed in subsection (4) in relation to a tree to which subsection (5) applies; or
- (b) during November or December, fell or uproot and transport a Christmas tree.

(3) A person must comply with a condition imposed under subsection (1)(b).

(4) The activities are—

- (a) felling;
- (b) uprooting;
- (c) topping;
- (d) converting to timber;

(a) Ordinance 16/2014.

(b) Cap 175A, Statute Laws of Cyprus revised edition 1959. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK SI 1369/1960). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/2012) provides for the interpretation of such legislation.

- (e) transporting of trees or timber.
- (5) This subsection applies to—
- (a) a tree of a species listed in Part 1 of Schedule 1 that has a trunk diameter at a height of 130 centimetres from the ground of more than 15 centimetres;
 - (b) a tree of a species listed in Part 2 of Schedule 1 that has a trunk diameter at a height of 130 centimetres from the ground of more than 40 centimetres;
 - (c) a tree belonging to the olive species (*Olea europaea*) that has a trunk diameter at a height of 130 centimetres from the ground of more than 50 centimetres.
- (6) Where a person makes a written application, an Area Officer may—
- (a) issue a licence to permit 1 or more of the activities listed in subsection (9) to be carried out in relation to a tree to which subsection (10) applies; and
 - (b) impose conditions which the Area Officer considers are necessary.
- (7) Outside a state forest, without a licence issued by the Area Officer under subsection (6)(a), a person must not carry out an activity listed in subsection (9) in relation to a tree to which subsection (10) applies.
- (8) A person must comply with a condition imposed under subsection (6)(b).
- (9) The activities are—
- (a) cutting a branch or part of a branch if the branch is growing at a height of more than 2 metres from the ground and has a base diameter of more than 15 centimetres;
 - (b) digging a ditch which is more than 30 centimetres deep, if the ditch is less than 150 centimetres from the base of the trunk of the tree.
- (10) This subsection applies to a tree of a species listed in Schedule 1 that has a trunk diameter at a height of 130 centimetres from the ground of more than 50 centimetres.
- (11) Despite subsections (2) and (7), a person may prune a tree or remove the crown of a tree without a licence, if it is carried out to assist in the regeneration or maintenance of a tree of the following species—
- (a) carob (*Ceratonia siliquia*);
 - (b) eucalypt (*Eucalyptus*);
 - (c) mulberry (*Morus*);
 - (d) olive (*Olea europea*); and
 - (e) pseudoacacia (*Robinia psuedoacacia*).
- (12) Despite subsections (2) and (7), an employee of the Crown, a member of Her Majesty’s forces or a person authorised by the Crown may prune or cut a tree which is—
- (a) obstructing the vision of drivers by covering traffic lights, road signs or pedestrian crossings; or
 - (b) hindering the movement of vehicles or pedestrians.
- (13) A person who contravenes subsection (2), (3), (7) or (8) commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding €5,000 (or to both).
- (14) By way of an order made as a public instrument, the Chief Officer may amend Schedule 1 by adding or removing a species of tree.
- (15) In this section, “trunk” includes the bark of a tree on the trunk.

Appeal

14.—(1) If an Area Officer refuses an application for a licence made under this Ordinance or issues a licence but imposes conditions, within 15 days of being notified of the decision in writing or receiving the licence, the applicant may appeal in writing to the Chief Officer against the refusal or the conditions, as the case may be.

(2) Within 30 days of receiving the appeal, the Chief Officer must grant or refuse the appeal and notify the applicant of the decision in writing.

(3) If the Chief Officer refuses the appeal, the Chief Officer must provide the applicant with the reasons for the refusal in writing.

Prospecting permits, quarry licences and mining leases in a state forest

15.—(1) Subject to subsection (2), a person may be granted a prospecting permit, a quarry licence or a mining lease under the Mines and Quarries Ordinance 2012(a) in an area of state forest.

(2) The permit, licence or lease must only be granted if, in the reasonable opinion of the Administrator, it is in the public interest to do so.

PART 5

Community Forests

Declaration of community forest

16. By order made as a public instrument, the Administrator may declare an area of state forest as a community forest for the purpose of managing or developing the forest area affected for the benefit of the residents of the area, which may include the residents of 1 or more local authority areas.

Agreement for the management of community forest

17.—(1) If a local authority has within its area a community forest or part of a community forest, an Area Officer may require the local authority to enter an agreement in writing regarding the management of the community forest with 1 or both of the following—

- (a) the Area Officer;
- (b) where only part of the community forest is within its area, another local authority which also has within its area a part of the community forest.

(2) The agreement may include the following—

- (a) the rights and duties of the Area Officer and the local authority, including provision for the distribution of any financial or other benefits derived from the management of the forest by the local authority;
- (b) a management plan for the affected area;
- (c) the consequences of non-compliance with the agreement.

(3) If requested, an Area Officer may provide support to a local authority in order to assist the local authority to carry out its duties under the agreement.

(4) An Area Officer may monitor a local authority for the purpose of ensuring that the local authority is carrying out its duties under the agreement.

Rules for community forest

18.—(1) A local authority which has entered an agreement under section 17(1), depending on the terms of the agreement, may be permitted to make rules for 1 or more of the following purposes—

- (a) the issuing of a licence for the cutting, collecting or transporting of a forest product from the community forest or the part of the community forest within its area;
- (b) the conditions which may be imposed if a licence is issued;

(a) Ordinance 24/2012.

- (c) charging a fee for the licence;
- (d) the protection, sustainable management or development of the community forest.

(2) The local authority must post the rules in conspicuous locations in all the communities within the area of the community forest or which are adjacent to the community forest.

Proceeds from an agreement

19. If a local authority has entered into an agreement under section 17(1), it must use the proceeds from the agreement or any rules made under section 18(1) for the benefit of the affected communities.

PART 6

Appointments and Delegations

Appointment of forest officers and delegation of functions

20.—(1) The Chief Officer may appoint 1 or more forest officers.

(2) The functions of a forest officer in this Ordinance are general delegated functions for the purposes of the 2007 Ordinance.

(3) Whether or not a forest officer is appointed under subsection (1), the functions of the forest officer may be exercised by an officer of the Republic under the 2007 Ordinance.

Delegation of functions of fire officers

21.—(1) The functions of a fire officer in this Ordinance are modified general delegated functions for the purposes of the 2007 Ordinance.

(2) The modifications applicable to delegation under subsection (1) are that—

- (a) if a fire officer carries out a function under this Ordinance, section 13(2) to (4) of the 2007 Ordinance does not apply; but
- (b) subject to subsection (3), the carrying out of a delegated function by a fire officer does not deprive an officer of the Republic of the right to carry out that function, and the officers may carry out the function jointly.

(3) A fire officer may deprive an officer of the Republic of the right to carry out a delegated function for as long as, and in the respects in which, the fire officer carries it out, by informing the officer of the Republic to that effect.

(4) If an officer of the Republic is to carry out a delegated function under this section, any authorisation required by section 15 or 16 of the 2007 Ordinance may be given orally by the Chief Fire Officer, who may impose conditions or restrictions on the authorisation.

(5) Section 17 of the 2007 Ordinance does not apply in respect of a police officer of the Republic who is also a member of the fire service of the Republic.

Delegation of functions of an Area Officer

22. With the exception of the functions in sections 32(5), (6), (9) and (10) and 47, the functions of an Area Officer in this Ordinance are general delegated functions for the purposes of the 2007 Ordinance.

Delegation of functions of the Chief Officer

23. The functions of the Chief Officer in sections 14, 34(1) and 51(2) are general delegated functions for the purposes of the 2007 Ordinance.

PART 7

Enforcement

General powers of forest officers

24.—(1) A forest officer —

- (a) with the exception of a private residence where the owner’s consent or a court order is required, without prior notification, may enter any immovable property where—
 - (i) an activity which requires a licence under this Ordinance is being carried out; or
 - (ii) the officer reasonably suspects that an offence is or has been committed in breach of this Ordinance;
- (b) may stop and search a vehicle which the officer reasonably suspects is carrying forest products in breach of this Ordinance;
- (c) may take photographs and make measurements for research and inspection purposes;
- (d) may seize for a maximum period of 24 hours without a court order, for investigation purposes, if the officer reasonably suspects that it was taken, sold or possessed in breach of or used to commit an offence under this Ordinance, 1 or more of the following—
 - (i) a forest product;
 - (ii) a tool or other instrument;
 - (iii) piping;
 - (iv) a vehicle or other machine;
 - (v) an animal;
- (e) may interview a person who the officer reasonably suspects has committed or is committing an offence under this Ordinance;
- (f) may require a person who the officer reasonably suspects has committed or is committing an offence under this Ordinance to accompany the officer to a forest station or a police station.

(2) If exercising the power to search or seize, a forest officer (“A”) may be accompanied by a police officer if A suspects that A will be obstructed in carrying out A’s duties.

(3) A person who fails to comply with a reasonable instruction of a forest officer made pursuant to subsection (1) commits an offence and, on conviction, is liable to a fine not exceeding €1,000.

Powers of forest officers and fire officers to investigate fires

25. A fire officer or a forest officer may carry out an investigation for the purpose of establishing the cause of a fire.

Additional powers of police officers

26.—(1) A police officer —

- (a) with the exception of a private residence where the owner’s consent or a court order is required, without prior notification, may enter any immovable property where—
 - (i) an activity which requires a licence under this Ordinance is carried out; or
 - (ii) the officer reasonably suspects that an offence is being or has been committed in breach of this Ordinance;
- (b) may stop and search a vehicle which the officer reasonably suspects carries forest products in breach of this Ordinance.

(2) For a maximum period of 24 hours without a court order for this purpose, a police officer may seize 1 or more of the following, if the officer reasonably suspects that it was taken, sold or possessed in breach of or used to commit an offence under this Ordinance—

- (a) a forest product;
- (b) a tool or other instrument;
- (c) piping;
- (d) a vehicle or other machine;
- (e) an animal.

PART 8

Offences

Offences in relation to fire

27.—(1) Subject to subsection (2), in a state forest or within 2 kilometres of the boundary of a state forest, a person must not—

- (a) light a fire;
- (b) abandon an unextinguished fire which the person lit;
- (c) dispose of a lit match, a cigarette or other object which may cause a fire; or
- (d) otherwise cause a fire due to the person's negligent act or failure to take precautionary measures.

(2) Subsection (1)(a) does not apply to a person who lights a fire if the person—

- (a) has a licence issued under section 12(2);
- (b) has the written authorisation of an Area Officer or a forest officer and subject to any written conditions;
- (c) whilst using the forest for lawfully permitted recreational purposes, lights a fire solely for cooking food at a location designated specifically for this purpose by an Area Officer; or
- (d) is an occupier of a residence who lights a fire solely for cooking food within the boundaries of the occupier's immovable property in an area designated specifically for this purpose after the area has been inspected and approved by an Area Officer.

(3) A person must comply with a condition imposed under the licence or the authorisation.

(4) For the purpose of subsection (2)(d), an Area Officer or a forest officer may enter a private residence at reasonable hours of the day if the legal occupier or the occupier's representative consents and whilst the occupier or representative is present.

(5) A person who contravenes subsection (1) or (3) commits an offence and, on conviction, is liable to imprisonment for a term not exceeding 5 years or a fine not exceeding €25,000 (or to both).

Offences in relation to trees and other flora and fauna

28.—(1) Subject to subsections (2) and (4), in a state forest a person must not —

- (a) uproot, fell, cut, engrave or otherwise destroy or damage a tree or timber;
- (b) collect, uproot or cut any species of flora or destroy or damage its habitat;
- (c) collect or remove a forest product;
- (d) graft or otherwise damage a tree;
- (e) kill, catch or otherwise interfere with any species of wild fauna or damage or destroy its habitat, its nest or eggs; or
- (f) release or cultivate intentionally or negligently non-native fauna or non-native flora.

(2) Subsection (1) does not apply if the person has a licence for the particular purpose.

(3) A person must comply with a condition imposed under the licence.

(4) If no rake or other tool is used to remove or rake away the leaf litter or topsoil and no other species of flora are destroyed, subsection (1)(c) does not apply to areas designated as nature reserves for the purpose of collecting fungi.

(5) Despite subsection (4), an Area Officer may prohibit or regulate the collecting of fungi in an area designated by the Area Officer in order to protect biodiversity or an ecosystem.

(6) A person who contravenes this section is guilty of an offence and, on conviction, is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding €5,000 (or to both).

Offence in relation to possession of a forest product

29.—(1) Subject to subsection (2), a person must not possess a forest product which has been uprooted, felled, cut, taken, extracted, collected or removed in breach of this Ordinance.

(2) Subsection (1) does not apply if the person has a licence for the particular purpose.

(3) A person must comply with a condition imposed under the licence.

(4) A person who contravenes subsection (1) or (3) is guilty of an offence and, on conviction, is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding €5,000 (or to both).

Offence in relation to the sale or export of a forest product

30.—(1) Subject to subsection (2), a person must not sell or export a forest product which has been uprooted, felled, cut, taken, extracted, collected or removed in breach of this Ordinance.

(2) Subsection (1) does not apply if the person has a licence for the particular purpose.

(3) A person must comply with a condition imposed under the licence.

(4) A person who contravenes subsection (1) or (3) is guilty of an offence and, on conviction, is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding €10,000 (or to both).

Offences in relation to entry of animals

31.—(1) Subject to subsection (2), in a state forest the owner or a person in control of an animal must not permit or unreasonably fail to prevent—

(a) its entry; or

(b) the animal from grazing.

(2) Subsection (1) does not apply if the person has a licence for the particular purpose.

(3) A person must comply with a condition imposed under the licence.

(4) A person who contravenes subsection (1) or (3) is guilty of an offence and, on conviction, is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding €5,000 (or to both).

Other offences

32.—(1) Subject to subsection (2), in a state forest a person must not—

(a) clear, dig, cultivate, plant, seed, bank up or excavate land;

(b) dispose of any material for any purpose;

(c) erect a building, fence, stockyard, furnace, sign, advertisement, poster or any other permanent or temporary structure;

(d) dig a borehole, well or water ditch or lay pipes;

(e) construct a dam or reservoir, or supply or use water stored in them;

(f) occupy or use for any purpose immovable property including a forest building;

(g) interfere with, destroy or otherwise cause damage to a forest building;

(h) interfere with, cut, destroy or otherwise cause damage to a forest telephone;

- (i) interfere with, destroy, cause damage or obstruct traffic on a road in the forest;
- (j) dispose of, leave or accumulate rubbish, sewage or other toxic fuel or substance;
- (k) drive any type of motor vehicle not on a road which causes damage; or
- (l) intentionally or negligently cause damage or degradation to any part of the forest.

(2) Subsection (1)(a) to (f) and (k) does not apply if the person has a licence for the particular purpose.

(3) A person must comply with a condition imposed under the licence.

(4) A person who contravenes subsection (1) or (3) commits an offence and, on conviction, is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding €5,000 (or to both).

(5) If there has been a contravention of subsection (1) or (3), by notice in writing, an Area Officer may require a person to remove, demolish or dismantle a structure, or remove a vehicle, machine or any other object within a reasonable period of time after receiving the notice.

(6) If a person in receipt of a notice under subsection (5) fails to comply with the terms of the notice, an Area Officer or a person on behalf of an Area Officer may carry out the necessary work and require the person to pay the cost of the work within a specified period.

(7) Costs required to be paid under subsection (6) are recoverable as a civil debt.

(8) In addition to or instead of a penalty imposed by the court, the court may order 1 or more of the following—

- (a) reinstatement, at the person's expense, of any part of a state forest to its former state;
- (b) removal, at the person's expense, of any building or structure, piping or other materials, borehole or ditch;
- (c) payment to the Crown of all expenses incurred in connection with the removal or the reinstatement;
- (d) termination of the activity either immediately or within a specified period.

(9) If a person fails to comply with an order made under subsection (8), without prejudice to the powers to make an order for contempt, if an Area Officer or a person on behalf of an Area Officer carries out the order, the costs of doing so are recovered as a penalty under the Criminal Procedure Ordinance^(a).

(10) Where an order made under subsection (8) does not specify a period of time for compliance, if the person does not comply with the order within 2 months of it being made, an Area Officer or a person on behalf of an Area Officer may carry out the order and the costs penalty applies in accordance with subsection (9).

Offence in relation to a vehicle or machine

33.—(1) Subject to subsection (2), a person must not leave a vehicle or other machine in a state forest for a period exceeding 10 days.

(2) Subsection (1) does not apply if the person has a licence for the particular purpose.

(3) A person must comply with a condition imposed under the licence.

(4) A person who contravenes subsection (1) or (3) is guilty of an offence and, on conviction, is liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding €2,500 (or to both).

(a) Cap 155, Statute Laws of Cyprus revised edition 1959. Amended by Ordinances 4/1960, 19/1963, 1/1966, 2/1972, 2/1973, 10/1975, 4/1978, 11/1979, 22/1987, 4/1992, 8/1996, 1/1997, 27/1999, 17/2003, 43/2003, 34/2004, 3/2007, 16/2007, 12/2010, 18/3012 and 2/2013. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK SI 1369/1960). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/2012) provides for the interpretation of such legislation.

Research into state forests

34.—(1) The Chief Officer may authorise research to be undertaken in respect of any matter relating to state forests.

(2) A person must not carry out research in a state forest if the research involves sampling or damages any element of the forest.

(3) Subject to the Game and Wild Birds Ordinance 2008 and the Protection and Management of Wildlife and Nature Ordinance 2007, subsection (2) does not apply if the person has a licence for the particular purpose.

(4) A person must comply with a condition imposed under the licence.

(5) A person who contravenes subsection (2) or (4) is guilty of an offence and, on conviction, is liable to a fine not exceeding €1,000 (or to both).

Offence in relation to interference with or destruction of a sampling surface or data

35.—(1) A person must not—

- (a) interfere with, hide, destroy or otherwise cause damage to any sampling surface or data;
- (b) interfere with, destroy or otherwise cause damage to an instrument used to measure a sampling surface;
- (c) interfere with, destroy or otherwise cause damage to data or buildings or other structures used for sampling;
- (d) knowingly give incorrect information to a forest officer;
- (e) except with written authorisation from an Area Officer or a forest officer permitting entry, enter a fenced area or an area signposted “no entry” in English, Greek or Turkish, unless the person is a police officer, a forest officer, a fire officer, a member of the Environment Department or a member of the Republican Game Fund and the person reasonably suspects that an offence is being or has been committed in breach of this Ordinance.

(2) A person must comply with a condition imposed under the authorisation.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and, on conviction, is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding €5,000 (or to both).

Offences in relation to damage, forgery etc. of signs or documents

36.—(1) A person must not—

- (a) remove, distort or cause damage to a boundary or land surveying sign or mark made or erected by an Area Officer or on behalf of an Area Officer;
- (b) make a mark on a tree, timber or other forest product which indicates that it—
 - (i) is owned by the Crown;
 - (ii) may be cut;
 - (iii) may be transported; or
 - (iv) has been classified by a forest officer;
- (c) forge or, without authorisation, issue a licence purportedly under this Ordinance; or
- (d) alter or deface a seal, sign, mark or licence issued by an Area Officer or on behalf of an Area Officer.

(2) A person who contravenes subsection (1) is guilty of an offence and, on conviction, is liable to imprisonment for a term not exceeding 1 year or a fine not exceeding €5,000 (or to both).

Entry prohibited or restricted

37.—(1) By order made as a public instrument, the Administrator may prohibit or restrict entry to—

- (a) a designated area of a state forest where the entry of a person may endanger the preservation of the area or its biodiversity; or
 - (b) a sampling surface.
- (2) The order must specify—
- (a) the period of time that the prohibition or restriction is in place; and
 - (b) if there are residences affected by the prohibition or restriction, demarcate at least 1 access road.
- (3) A person must not enter an area prohibited under subsection (1) and must comply with a restriction.
- (4) A person who contravenes subsection (3) commits an offence and, on conviction, is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding €5,000 (or to both).

Commercial activities prohibited

- 38.**—(1) Subject to subsection (2), a person must not use a vehicle, kiosk or other structure for a commercial purpose in a state forest.
- (2) Subsection (1) does not apply if the person has a licence for the particular purpose.
- (3) A person must comply with a condition imposed under the licence.
- (4) A person who contravenes subsection (1) or (3) commits an offence and, on conviction, is liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding €2,500 (or to both).

Obstructing a forest officer or a police officer

- 39.**—(1) A person must not obstruct a forest officer, a police officer or a person who is assisting a forest officer to carry out duties under this Ordinance.
- (2) A person who contravenes subsection (1) commits an offence and, on conviction, is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding €10,000 (or to both).

PART 9

Prevention and Management of Fire

Prevention of forest fire

- 40.**—(1) Taking into account the potential effect on a forest and in particular its biodiversity and landscape, the Chief Officer must take such measures as the Chief Officer considers necessary for preventing and extinguishing fires.
- (2) The function placed on the Chief Officer under subsection (1) is a modified qualified delegated function for the purposes of the 2007 Ordinance.
- (3) The modifications applicable to delegation under subsection (2) are that—
- (a) if the Chief Officer carries out a function under subsection (1), sections 13(2) to 13(4) of the 2007 Ordinance do not apply; but
 - (b) subject to subsection (4), the carrying out of a delegated function by the Chief Officer does not deprive an officer of the Republic on whom the function under subsection (1) is delegated of the right to carry out that function, and the Chief Officer and the officer of the Republic may carry out the function jointly.
- (4) The Chief Officer may deprive an officer of the Republic of the right to carry out a delegated function for as long as, and in the respects in which, the Chief Officer carries it out, by informing the officer of the Republic to that effect.

(5) If an officer of the Republic is to carry out a delegated function under this section, any authorisation required by section 15 or 16 of the 2007 Ordinance may be given orally by the Chief Officer, who may impose conditions or restrictions on the authorisation.

Extinguishing of forest fires on private property

41.—(1) Without prior notification of the owner or occupier, an Area Officer, a fire officer or a police officer (the “authorising officer”) may authorise the extinguishing of a fire on private immovable property if the authorising officer considers that the fire poses a risk to a state forest and intervention is required.

(2) If an intervention is carried out under subsection (1), the authorising officer must inform the owner or occupier of the action taken as soon as is reasonably practicable.

(3) Where the fire was caused by the negligence of the owner, the occupier or an employee or other representative of the owner or occupier, the owner or occupier is liable to pay the cost of the intervention taken under subsection (1).

(4) The costs under subsection (3) are recoverable as a civil debt.

Entry into private residences for fire fighting

42.—(1) If a fire breaks out in a state forest, without prior notification of the owner or occupier, an Area Officer, a fire officer or a police officer may enter private immovable property (including a building) to obtain water to assist with fighting the fire.

(2) If the water used is paid for by the owner, occupier or other person, an Area Officer must pay to the person the value of the water used in fighting the fire.

Requisition of vehicles for fire fighting

43.—(1) If a fire breaks out in a state forest, an Area Officer, a fire officer or a police officer may require that the person responsible for a vehicle provides the use of the motor vehicle to assist with fighting the fire.

(2) A person who provides the vehicle used for the purpose of subsection (1) is entitled to claim reasonable expenses for its use.

(3) A person who fails, without reasonable excuse, to comply with subsection (1) is guilty of an offence and, on conviction, is liable to a fine not exceeding €1,000.

PART 10

Liability and Penalties

Burden of proof

44. In any criminal proceedings, the person in possession of the forest product (“A”) obtained in breach of a provision of this Ordinance, must prove that A reasonably believed that the forest product came into A’s possession lawfully.

Liability of officers of body corporate

45. If an offence committed by a body corporate is committed with the consent of, or is attributable to the negligence of, an officer of the body corporate, the officer also commits the offence.

Additional penalties

46. In addition to or instead of a custodial sentence or a fine imposed under this Ordinance, a court may order 1 or more of the following—

- (a) a person who has been convicted of an offence under this Ordinance to pay compensation to the Crown for damage caused to a state forest when committing an offence;
- (b) seizure of 1 or more of the following obtained in breach of this Ordinance;
 - (i) a forest product;
 - (ii) a tool or other instrument
 - (iii) piping;
 - (iv) a vehicle;
 - (v) a machine;
 - (vi) an animal;
- (c) removal of any building, construction or other materials relating to the offence;
- (d) termination of the illegal activity immediately or within the period specified;
- (e) reinstatement of the forest to its former state;
- (f) payment of the cost of its reinstatement.

Compounding offences

47.—(1) Subject to subsection (4), an Area Officer may compound an offence under this Ordinance on such terms as the Area Officer thinks appropriate.

(2) The terms may, in particular, require a person to do 1 or both of the following—

- (a) pay a sum not exceeding the maximum fine for the offence referred to in the Schedule to the corresponding Republican law for the corresponding offence in that law;
- (b) surrender 1 or more items referred to in section 46(b) to the Area Officer.

(3) An Area Officer may sell, destroy or otherwise dispose of an object surrendered under subsection (2)(b) and any proceeds from the sale or the disposal may be used in such a manner as the Administrator thinks fit.

(4) An offence under section 27 (offences in relation to fire) or section 39 (obstructing a forest officer or a police officer) may not be compounded.

PART 11

Miscellaneous

Consultation

48.—(1) The Chief Officer must publish a notice in the Gazette and in at least 2 daily newspapers widely distributed in the Areas and in the Republic if the Administrator intends to declare—

- (a) a state forest where section 5(3) applies;
- (b) a nature reserve, national forest of the Areas, protective forest or forest park;
- (c) a community forest.

(2) The notice must include—

- (a) a description of the affected area including its size and boundaries;
- (b) the reasons for the declaration; and
- (c) an invitation to all interested parties to submit written representations within a reasonable period, not exceeding 2 months from the date of publication.

(3) The Chief Officer must take account of all written representations made within the specified period of time and may amend the proposed declaration.

(4) The Chief Officer must submit the proposal to the Administrator.

(5) The Administrator must assess the proposal and may make any amendments to the proposed declaration which the Administrator considers appropriate before making the declaration as an order made as a public instrument.

Compensation of land owners

49. In respect of private immovable property, the Chief Officer may direct that a sampling surface or an instrument is installed—

- (a) with the agreement of the owner of the immovable property as to its installation and the amount of compensation payable; or
- (b) by compulsory acquisition, in accordance with the Land Acquisition Ordinance, if the owner disagrees with the installation or the amount of compensation offered.

Register of forest businesses and merchants of forest products

50.—(1) If a register of forest businesses and merchants of forest products is kept by the Republic, an owner of a forest business or merchant of forest products must enrol on the register in accordance with the corresponding Republican law.

(2) A person who contravenes subsection (1) commits an offence and, on conviction, is liable to a fine not exceeding €1,000.

Keeping of records

51.—(1) An owner of a forest business or a merchant of forest products who has enrolled on the register under section 50(1) must record in printed or electronic form—

- (a) all sales and purchases of forest products and must retain these records for a period of 2 years ending with the last recorded commercial transaction; and
- (b) the size of the areas of state forest and other forest in the Areas used for production of forest products.

(2) On request, a person enrolled under section 50(1) must submit to the Chief Officer the information recorded in accordance with this section.

(3) A person who contravenes subsection (1) or (2) commits an offence and, on conviction, is liable to a fine not exceeding €1,000.

Amendment, revocation and suspension of licences

52.—(1) An Area Officer may amend, suspend or revoke a licence or an authorisation made under this Ordinance, without prior notice.

(2) Where a local authority issues a licence under this Ordinance, the local authority may amend, suspend or revoke the licence, without prior notice.

(3) Where a forest officer grants an authorisation under this Ordinance, the forest officer may amend, suspend or revoke the authorisation, without prior notice.

Secondary legislation

53.—(1) The Administrator may make regulations, orders or notices as public instruments for the purposes of this Ordinance, which may include provision for offences and penalties.

(2) Without prejudice to subsection (1), by way of a public instrument, the Administrator may make regulations for the purposes of protecting, conserving or managing state forest or other areas of forest or trees taken from any part of the Areas.

(3) Regulations made under this section may impose terms of imprisonment not exceeding 1 year or fines not exceeding €5,000 (or both).

Transitionals and savings

54.—(1) An area declared to be a main or a minor state forest under section 3(1) of the 1980 Ordinance is considered to be a state forest for the purposes of this Ordinance and is subject to the provisions of this Ordinance.

(2) An area declared to be a permanent forest reserve under section 5(a) of the 1980 Ordinance is considered to a nature reserve for the purposes of this Ordinance and is subject to the provisions of this Ordinance.

(3) An area declared to be a national forest park under section 5(b) of the 1980 Ordinance is considered to a national forest of the Areas for the purposes of this Ordinance and is subject to the provisions of this Ordinance.

(4) An area declared to be a nature reserve under section 5(c) of the 1980 Ordinance is considered to a nature reserve for the purposes of this Ordinance and is subject to the provisions of this Ordinance.

(5) A licence granted under the 1980 Ordinance which is valid on the day immediately before this Ordinance comes into force remains valid until the date of its expiry and is subject to the provisions of this Ordinance.

(6) Public instruments made under the 1980 Ordinance, continue to have effect and, until revoked, may be amended in accordance with section 53 of this Ordinance.

(7) In this section, the “1980 Ordinance” means the Forest Ordinance 1980(**a**).

Consequential amendment

55. The definition of “open country” in section 2 of the Prevention of Fire in Open Country Ordinance 1989(**b**) is amended by omitting “one kilometre of the demarcation line” in paragraph (b) of the definition and substituting it with “2 kilometres of the boundary”.

Repeals

56. The Ordinances set out in Schedule 2 are repealed.

(a) Ordinance 14/1980 which is amended but the amendments are not relevant for the purposes of this section.

(b) Ordinance 13/1989 in which the definition of “open country” in section 2 is amended by Ordinance 10/2010.

SCHEDULE 1

Tree Species

(Section 13)

PART 1

ITEM	COMMON NAME	LATIN NAME
1.	Black Poplar	<i>Populus nigra var. thevestina</i>
2.	Carob Tree	<i>Ceratonia siliqua</i>
3.	Cedar	<i>Cedrus spp.</i>
4.	Common Myrtle	<i>Myrtus communis</i>
5.	Cypress	<i>Cupressus spp.</i>
6.	Eucalypt	<i>Eucalyptus spp.</i>
7.	Golden Oak	<i>Quercus alnifolia</i>
8.	Hawthorn	<i>Crataegus spp.</i>
9.	Juniper	<i>Juniperus spp.</i>
10.	Kermes Oak, Holly Oak	<i>Quercus coccifera</i>
11.	Laurel, Sweet Bay, Bay Tree	<i>Laurus nobilis</i>
12.	Lotus Tree, Wild Jujube, Lotus Jujube	<i>Zizyphus lotus</i>
13.	Maple	<i>Acer obtusifolium</i>
14.	Mastic Tree, Lentisk	<i>Pistacia lentiscus</i>
15.	Mediterranean Elm	<i>Ulmus canescens</i>
16.	Mulberry	<i>Morus spp.</i>
17.	Nettle-Tree	<i>Celtis spp.</i>
18.	Oak	<i>Quercus infectoria</i>
19.	Oriental Alder	<i>Alnus orientalis</i>
20.	Oriental Plane	<i>Platanus orientalis</i>
21.	Pine	<i>Pinus spp.</i>
22.	Storax	<i>Styrax officinalis</i>
23.	Strawberry Tree	<i>Arbutus spp.</i>
24.	Tamarisk	<i>Tamarix spp.</i>
25.	Terebinth	<i>Pistacia terebinthus</i>
26.	Terebinth Tree	<i>Pistacia atlantica</i>
27.	White Beam	<i>Sorbus aria</i>
28.	White Willow	<i>Salix alba</i>

PART 2

ITEM	COMMON NAME	LATIN NAME
1.	Bottle Tree, Kurrajong	<i>Brachychiton diversifolius</i>

2.	Bottlebrush	<i>Callistemon spp.</i>
3.	Camel's Foot	<i>Bauhinia spp.</i>
4.	Coastal Redwood	<i>Sequoia sempervirens</i>
5.	Elms	<i>Ulmus spp. – all species, except Ulmus canescens</i>
6.	Fir	<i>Abies spp.</i>
7.	Flame of the Forest	<i>Delonix regia</i>
8.	Japanese Pagoda Tree	<i>Sophora japonica</i>
9.	Judas Tree, Red Bud	<i>Cercis siliquastrum</i>
10.	Locust, False Acacia	<i>Robinia pseudoacacia</i>
11.	Norfolk Island Pine	<i>Araucaria spp.</i>
12.	Oak	<i>Casuarina pp.</i>
13.	Oak	<i>Quercus spp. – all species except Quercus alnifolia, Quercus coccifera</i>
14.	Oleaster	<i>Eleagnus angustifolia</i>
15.	Palm	<i>Phoenix dactylifera L, Washingtonia filifera</i>
16.	Pepper Tree, Brazilian Pepper Tree, Christmas-Berry Tree	<i>Schinus spp.</i>
17.	Poplar	<i>Populus spp. – all species except Populus nigra</i>
18.	Rosewood, Pride of Bolivia	<i>Tipuana tipu</i>
19.	Sharpleaf Jacaranda	<i>Jacaranda mimosifolia</i>
20.	Silk Tree, Silk Rose	<i>Albizzia spp.</i>
21.	Silky Oak	<i>Grevillea robusta</i>
22.	Sweet Chestnut, Spanish Chestnut	<i>Castanea sativa</i>
23.	Sweet Gum	<i>Liquidambar styraciflua</i>
24.	Sycamore Fig	<i>Ficus sycomorus</i>
25.	Wellingtonia, Giant Sequoia	<i>Sequoiadendron giganteum</i>
26.	Willow	<i>Salix spp. – all species except Salix alba</i>

PART 3

ITEM	COMMON NAME	LATIN NAME
1.	Cedar	<i>Cedrus spp.</i>
2.	Cypress	<i>Cupressus spp.</i>
3.	Fir	<i>Abies spp.</i>
4.	Pine	<i>Pinus spp.</i>
5.	Sequoia	<i>Sequoia spp.</i>
6.	Sequoiadendron	<i>Sequoiadendron spp.</i>

SCHEDULE 2

Repeals

(section 55)

REPEAL

Item	Title of Ordinance	Ordinance number
1.	Forest Ordinance 1980	14/80
2.	Forest (Amendment) Ordinance 1987	16/87
3.	Forest (Amendment) Ordinance 1988	20/88
4.	Forest (Amendment) Ordinance 1991	12/91
5.	Forest (Amendment) Ordinance 1994	7/94
6.	Forest (Amendment) Ordinance 1998	5/98
7.	Forest (Amendment) Ordinance 1999	20/99
8.	Forest (Amendment) Ordinance 2002	33/02
9.	Forest (Amendment) Ordinance 2009	14/09
10.	Forest (Amendment) Ordinance 2011	3/11
11.	Forest (Amendment) (No. 2) Ordinance 2011	14/11

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Forests Ordinance 2014. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance. The Ordinance reflects, as far as possible, the provisions of the Republic's Forest Law 2012 (25(I)/2012).
2. This note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So, when a section or part of a section does not seem to require an explanation or comment, none is given.
3. Section 3 sets out the purpose of the Ordinance. It aims to protect the state forests and wooded areas within the Areas and to manage their development. It also aims to protect certain species of trees located outside state forests.
4. The Ordinance applies to the Crown. However Crown employees and service personnel cannot be prosecuted for a breach of the Ordinance if they are acting in the course of their duties.
5. Part 2, which contains sections 5 to 8, provides that state forest is owned by the Crown; how land can be acquired for state forest and the limited basis on which state forest may be owned or used by private individuals. Under section 5, the Administrator may make an order declaring a forest or wooded area to be a state forest. Before doing so, a consultation procedure, as set out in section 48, must be followed if the area is greater than 100 square hectares or it will have a significant impact on people or the environment.
6. If the section 48 consultation process is completed, under section 9, the Administrator may declare areas of state forest to be nature reserves, national forest of the Areas, protective forest or forest parks if the specified characteristics and requirements are met. Section 10 gives the Administrator the power to declare areas of state forest as forest monuments or natural micro-reserves in the specified circumstances, but without the requirement for consultation. Section 11 enables the Administrator, exceptionally, if in the public interest, to declare a part of state forest to be used as a public road.
7. Part 4 of the Ordinance deals with licences. Before one of the listed activities (which would otherwise constitute an offence under this Ordinance) may be carried out in a state forest, a licence for that activity must be obtained. As the issuing of licences (and most of the other functions placed on Area Officers in this Ordinance) are subject to general delegation under the Delegation of Functions to the Republic Ordinance 2007, in respect of land which is neither owned nor controlled by the Ministry of Defence, an officer of the Republic will, in practice, consider the application and, if accepted, issue the licence.
8. Outside state forests, section 13 prohibits felling and other specified activities in relation to those trees of the species listed in Parts 1 or 2 of Schedule 1 of a minimum specified size or Christmas trees in November or December, unless an individual has obtained a licence for the particular activity from an Area Officer. Again, because the function is delegated, the issuing of these licences is undertaken by the Republic. There are exceptions, for example, military and other Crown personnel or authorised contractors may prune or cut trees which are obstructing road signs or hindering the movement of vehicles or pedestrians.

9. If the application for a licence is refused, section 14 provides for an appeal to the Chief Officer to reconsider the decision. Again, the Chief Officer's function generally is delegated to a Republican counterpart.
10. Sections 16 to 19 (part 5) of the Ordinance enables an area of state forest to be declared a community forest for the benefit of the local communities; for the management of the area by the communities and for financial or other benefits derived from the forest to benefit these communities.
11. Part 6 addresses delegation of functions. Section 20 provides for forest officers to be appointed and their functions to be delegated. The section is drafted to enable the Republic's forest officers to carry out the duties in the Areas even if no forest officers are appointed by the Chief Officer.
12. Section 21 delegates the functions of fire officers but the modifications to the delegation, adopted from the Fire Service Ordinance 2010, enable fire officers to work along side fire officers from the Republic.
13. Part 7 deals with investigations of suspected offences and enforcement. Under section 24, a forest officer has fairly wide-ranging powers, including the power of entry onto property (but with limitations placed on entry as regards private residences) where an activity licensed under the Ordinance is being carried out or where the forest officer suspects a breach of the Ordinance is taking place. A forest officer also may stop and search vehicles which the officer suspects are carrying forest products. Section 25 gives a forest officer, as well as a fire officer, the power to investigate the cause of a fire.
14. The usual general powers of police officers to investigate suspected offences are set out in other legislation including the Criminal Procedure Ordinance (Cap 155). However, section 26 gives police officers additional powers which specifically address suspected offences under this Ordinance.
15. Although some specific offences are set out elsewhere in the Ordinance, part 8 contains most of the offences. Section 27 regulates activities which might cause fire within a state forest and within 2 kilometres of its boundary more strictly than does the Prevention of Fire in Open Countries Ordinance 1989 (which does not apply to forests). For example, it is an offence for a person visiting the forest to light a fire outside in a state forest, without a licence or authorisation, except only if cooking food at a location which has been designated specifically for this purpose.
16. It is an offence under section 28 to carry out a listed activity regarding trees and other flora and fauna in a state forest without a licence issued under the Ordinance. In the specified circumstances, collecting fungi within a nature reserve, which would otherwise be within the scope of the offence of collecting or removing a forest product, is permitted without a licence.
17. Unless a person has a licence for the purpose, under section 29 it is an offence to possess forest products without a licence and under section 30 to sell or export a forest product which was removed in breach of this Ordinance. Under section 31 it is an offence to permit animals to enter or graze in a state forest.
18. Section 32 lists various activities (for example, disposal of rubbish) which are illegal within a state forest without a licence; and under section 33 it is an offence, without a licence, to abandon a vehicle or machinery in a state forest for more than 10 days.
19. Sections 34 to 37 provide for the further offences of carrying out or interfering with specified research activities, entering prohibited areas or removing or damaging signs, or forging licences or marks on trees or other vegetation.
20. In accordance with section 38, using a vehicle, a kiosk or some other structure for a business without a licence is unlawful.

21. It is also an offence under section 39 to obstruct a police officer or a forest officer when carrying out duties under this Ordinance.
22. Part 9 of the Ordinance deals with the prevention and management of fire. Section 40, addressing the need to manage forests to reduce the risk of fire, places a duty on the Chief Officer to take the necessary measures. In line with similar duties placed on the Chief Officer in the Fire Service Ordinance 2010, the delegation of this duty is subject to similar modifications.
23. Sections 41 to 43 give an Area Officer, a fire officer or a police officer the powers to enter private property, including entering residences if it is for the purpose of obtaining water, and requisitioning vehicles in order to suppress fires. The Fire Service Ordinance has a similar power to obtain water but the power in this Ordinance specifically stipulates the power of entry.
24. Part 10 deals with liability and penalties. Section 44 reverses the usual burden of proof in criminal proceedings for offences relating to possession of forest products. The suspect must prove reasonable belief that the product lawfully came into the person's possession. Section 45 provides that a director or other employee of a company may be found liable for an offence, as well as the company.
25. Section 46 permits the court to impose penalties other than fines and custodial sentences, such as reinstatement or the cost of reinstatement of the forest.
26. Under section 47 an Area Officer may compound an offence under this Ordinance.
27. Part 11 contains various provisions including section 49 which provides for compensation of private land owners whose land is used for research purposes.
28. Sections 50 and 51 require forest and merchants of forest products to enrol on the register if it is kept by the Republic and, on enrolment, to keep records of the sale and purchase of forest products and the area of forest used for production.
29. Part 11 also includes the power to amend or revoke licences or authorisations, make secondary legislation and the transitional provisions. It also amends the definition of "open country" in the Prevention of Fire in Open Country Ordinance 1989.