

A.F.R.C.D. 47

ECONOMIC PLANTS PROTECTION ACT, 1979

AN ACT to provide for the prohibition of the destruction of specified plants of economic value and for related matters.

1. Destruction of specified plants prohibited

A person who,

- (a) without the written authority of the Minister, or
- (b) for purposes other than for horticultural husbandry,

intentionally destroys or causes the destruction of a specified plant commits an offence.

2. Payment of compensation

(1) Where a Court convicts a person of an offence under section 1, the Court shall order that person to pay compensation in respect of every specified plant destroyed, in addition to the punishment imposed under section 5.

(2) The Minister may give written authority under section 1 (a) on condition that compensation shall be paid in respect of each specified plant destroyed.

(3) The compensation shall be paid, in the case of a court order, within seven days of the order, and in the case of a written authority given by the Minister, within the period specified by the Minister.

(4) A person who fails without reasonable excuse, the proof of which lies on that person to comply with the provisions of this section, commits an offence.

3. Minister to prescribe values and rates of compensation

(1) The Minister, after consulting the Minister responsible for Lands and Natural Resources, may by executive instrument prescribe fixed values for every specified plant according to the age of each such plant.

(2) The values prescribed by the Minister under subsection (1) shall be the rates at which compensation under section 2 shall be paid.

4. Grant of felling rights prohibited

(1) A felling right in respect of timber trees shall not be granted where the timber trees stand in farms where specified plants are cultivated.

(2) Where immediately before the publication of this Act in the Gazette there existed felling rights in respect of timber trees standing in farms where specified plants are cultivated, the rights for the purposes of this Act shall forthwith cease to have any effect.

(3) A person who grants or purports to grant or acts or purports to act in pursuance of felling rights in contravention of the provision of this section commits an offence.

5. Penalties

A person who commits an offence under this Act is liable, on summary conviction for every offence to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding three months, or to both the fine and the imprisonment.

6. Amendment of Schedule

The Minister may, by executive instrument, amend the Schedule to this Act.

7. Interpretation

In this Act, unless the context otherwise requires,

“Minister” means the Minister responsible for matters relating to Cocoa;

“specified plant” means a plant specified in the Schedule.