

N.R.C.D. 273**TREES AND TIMBER ACT, 1974**

ARRANGEMENT OF SECTIONS

Property Marks

SECTION

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Unprocessed Timber

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Processed Timber (Air-dried)

N.R.C.D. 273**TREES AND TIMBER ACT, 1974¹**

AN ACT to provide for the registration of locality marks, the felling for export and for related matters.

*Property Marks***1. Locality marks**

(1) The Chief Conservator of Forests shall divide Ghana into appropriate areas, and shall allot to each area a distinctive mark to be known as a locality mark.

(2) The Chief Conservator of Forests shall keep a record of each area and the locality marks allotted, which shall be open to public inspection without charge during office hours.

2. Felling of trees for export

A person shall not cut or fell a growing tree for export in log form or for conversion in a mill unless that person has first registered a property mark at the office of the Executive Director, Forests Division of the Forestry Commission, endorsed for the locality in which that person proposes to cut or fell.

3. Export of logs

A person shall not export a log unless it is marked with the cutter's property mark registered at the office of the Forestry Commission.

4. Registration of property marks

(1) An application to register a property mark shall be made in writing to the Forestry Commission stating the name and address of the applicant, the proposed property mark, the area within which the applicant proposes to cut trees for export or for conversion in a mill and the locality mark.

(2) The Forestry Commission on approving a proposed property mark, shall, on payment by the applicant of a registration fee of four hundred thousand cedis, register it in a register of property marks to be kept for the purpose.

(3) A registered property mark shall expire after a period of six months from the date of issue and is renewable after every six months.

(4) An application for renewal shall be made within one month after the expiration of the registration or renewal and on payment of the registration fee of two hundred thousand cedis.

(4A) Where a registered property mark is not renewed within the period specified in subsection (4) an application for registration shall be considered as the application for a new registration.²

1. The Act was issued as the Trees and Timber Decree, 1974 (N.R.C.D. 273) made on the 23rd day of August, 1974 and notified in the *Gazette* on 30th August, 1974.

2. Amended by section 1 of the Trees and Timber (Amendment) Act, 1994 (Act 493).

(5) On registering a property mark the Chief Conservator of Forests shall give the applicant a certificate of registration; and on renewal of registration shall issue to the applicant a new certificate endorsed with the renewal.

5. Refusal and cancellation of marks

(1) The Chief Conservator of Forests may refuse to register a property mark, or cancel the registration of a property mark.

(2) A person aggrieved by a refusal to register or a cancellation of the registration of a property mark may appeal in writing to the Minister within thirty days after the refusal or cancellation, and the Minister may direct the property mark to be registered or restored to the register.

6. Marking of stump and logs

(1) A person who cuts or fells a growing tree for export in log form or for conversion in a mill shall, as soon as possible, mark clearly with white waterproof paint or a deep-cutting scribe

- (a) the stump with the registered property mark and with the stump number;
- (b) each of the logs at both ends with the locality mark of the area in which the tree is situated, the registered property mark, the number of the tree, and the log number.

(2) Stump numbers shall run consecutively from number 1, number 1 being applicable to the first tree felled for export or for conversion in a mill by a person after the registration of the property mark.

(3) Log numbers shall run consecutively from number 1 upwards, the butt log being numbered 1.

(4) Letters and figures comprising marks made in pursuance of this section shall in all cases be not less than 2½ inches in height and, except in the case of scribed marks, not less than ½ inch in width.

7. Production of certificate

A person who fells or cuts a growing tree for export in log form or for conversion in a mill shall, on demand, produce the certificate of registration of the property mark to a police officer or forest officer.

8. Logs not duly marked

A person shall not buy, sell, export, or be in possession of a log which is not duly marked in accordance with this Act.

9. Transfer of property mark

A person shall not, without the written permission of the Chief Conservator of Forests, loan, borrow or otherwise transfer or obtain a registered property mark to the use of which that person is not entitled.

10. Stump to be shown

A person having a registered property mark shall on demand show to a police officer or forest officer the stump of a tree felled by that person for export in log form or for conversion in a mill or give the information that will enable that officer to find the stump without difficulty.

11. Offences

(1) A person who contravenes or fails to comply with a provision of this Act, commits an offence and is liable on summary conviction to a fine not exceeding one thousand penalty units or to a term of imprisonment not exceeding five years or to both the fine and the imprisonment.³

(2) Where a stump or log has been marked with a registered property mark, the onus of proof that it has been marked in accordance with this Act shall be on the registered holder of the property mark.

(3) Where a person is convicted of an offence under subsection (1) the Court may in addition to the punishment imposed, order that the whole or a part of the trees or timber in respect of which the offence was committed shall be forfeited and disposed of as the Court may direct, and may order that a licence or permit held under this Act or the Regulations by the person convicted shall be forfeited.

(4) Where a person is convicted of an offence under subsection (1), the Chief Conservator of Forests may cancel the registration of the relevant property mark.

*Protected Areas***12. Protected areas**

(1) To prevent the waste of trees or timber in an area outside a forest reserve, the Minister may, by executive instrument, declare an area which is not a forest reserve and which consists wholly or mainly of standing trees or timber to be a protected area with effect from a date four weeks after the publication of the instrument or a later date specified in the instrument.

(2) The Minister shall keep each protected area under review and if it appears that the control exercisable under this Act can conveniently be withdrawn from a part of a protected area the Minister shall revoke the instrument as respects that part of the protected area and that part shall accordingly cease to be a protected area.

13. Farming in protected areas

On the making of an instrument under section 12, a person engaged in farming in the protected area shall give written notice of that fact to the Minister, who if satisfied that the notice is correct shall grant a licence authorising that person to continue farming within the area specified in the notice subject to the conditions imposed by the Minister in the interest of the protected area.

3. Amended by the section 2 of the Trees and Timber (Amendment) Act, 1954 (Act 493).

14. Offences in protected areas

A person who is not exercising rights under a concession and who in a protected area without the written consent of the Minister

- (a) fells, uproots, lops, girdles, taps, injures by fire or otherwise damages a tree or timber, or
- (b) makes or cultivates a farm or erects a building, or
- (c) sets fire to grass or herbage, or kindles a fire without taking due precautions to prevent its spread,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand penalty units or to a term of imprisonment not exceeding five years or to both the fine and the imprisonment.

15. Control of protected areas

The Minister may, by legislative instrument, make Regulations

- (a) imposing duties on persons who hold concessions in a protected area;
- (b) for permitting farming in protected areas;
- (c) for the appointment of forest guards; and
- (d) for the payment of fees by holders of concessions, and for applying a part of the fees towards the expense of guarding protected areas.

*Export Levy***15A. Imposition of export levy on unprocessed and processed timber**

(1) A person who exports any of the timber species specified in column 1 of the First Schedule in unprocessed timber form shall pay the levy specified in column 2 of the First Schedule in relation to the timber.

(2) A person who exports any of the timber species specified in column 1 of the Second Schedule in processed form shall pay the levy specified in column 2 of the Second Schedule in relation to the air dried product.

(3) The Minister may, by legislative instrument, on the advice of the Forestry Commission and with the approval of the Cabinet, amend the Schedules.

15B. Assessment of levy

(1) The levy payable under section 15A shall be the percentage specified in the Schedule in relation to the invoice value of the timber product at the time of exportation.

(2) The levies payable under sections 15A to 15C shall be paid to the Forest Products Inspection Bureau at the time of the export of the timber.

(3) The Forest Products Inspection Bureau shall not permit the exportation of a timber product to which sections 15A to 15C apply unless the levy has been paid.

(4) The moneys collected by the Forest Products Inspection Bureau under sections 15A to 15C shall be paid into a bank account approved by the Minister responsible for Lands and Forestry and the Accountant-General.

(5) The Forest Products Inspection Bureau shall at the end of every three months submit a report to the Minister and the Accountant-General of the moneys received and paid under sections 15A to 15C.

15C. Offence and penalty

A person who fails to pay the levy commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or both the fine and the imprisonment.⁴

General

16. Arrest of offenders

(1) A police officer or forest officer or a person authorised by the Minister, may arrest without warrant a person whom that officer or person reasonably suspects to have committed or to have been concerned in the commission of an offence under this Act, if the suspected person fails to give the name and address or gives a name and address which is believed to be false, or if there is reason to believe that the suspected person may abscond.⁵

(2) A person arrested under subsection (1) shall within forty-eight hours be brought before a Magistrate, if not sooner released.

17. Regulations

(1) The Minister may, by legislative instrument, make Regulations

- (a) controlling or prohibiting the cutting or felling of trees of smaller girth than that prescribed in the Regulations;
- (b) for the marking of trees that may be cut or felled;
- (c) for the control of the transit or export of timber, and for the salving and disposal of drift timber;
- (d) for the prescription of a standard method for use in calculating the volume of tree or timber;
- (e) for the control or prohibition of the purchase, sale, export or possession of timber cut, felled, collected or moved in contravention of the Regulations;
- (f) for the protection of trees or timber;
- (g) for the imposition of fees for anything done for the purposes of this Act and the Regulations;
- (h) otherwise for carrying out the principles and purposes of this Act.

4. Sections 15A, 15B and 15C and the First and Second Schedules were inserted by section 4 of the Trees and Timber (Amendment) Act, 1994 (Act 493). See also section 7 (2) of Act 493.

5. Amended by section 5 of the Trees and Timber (Amendment) Act, 1994 (Act 493).

(2) A person who contravenes or fails to comply with the provisions of the Regulations made under this section or the conditions of a licence or permit issued or granted under the Regulations for which a penalty is not expressly provided in the Regulations commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to the term of imprisonment not exceeding two years or to both the fine and the imprisonment.⁶

(3) Where a person is convicted of an offence under this section, the Court may in addition to the punishment imposed order that the whole or a part of the trees or timber in respect of which the offence was committed shall be forfeited and disposed of as directed by the Court, and may order that a licence or permit held under the Regulation by the person convicted shall be forfeited.

18. Interpretation

In this Act, unless the context otherwise requires,

“**forest reserve**” means a forest reserve constituted under section 17 of the Forests Act;⁷

“**mill**” means a factory or conversion plant used to process logs or parts of trees into products of wood;

“**Minister**” means the Minister responsible for Lands;

“**property mark**” means a mark placed on trees or timber to denote that after the purchase money due has been paid the registered holder of the property mark has or will have a right in the trees or timber;

“**protected area**” means an area declared under this Act to be a protected area;

“**timber**” includes trees when they have fallen or have been felled, and the wood, whether it has been cut up or fashioned or hollowed out for a purpose or not.

19. Repeals and savings

*Spent.*⁸

6. Amended by section 6 of the Trees and Timber (Amendment) Act, 1994 (Act 493).

7. Cap. 157 of the 1951 Edition of the Laws of the Gold Coast.

8. The section provided that

“(1) The following enactments are hereby repealed:

Trees and Timber Ordinance (Cap. 158);
Trees and Timber (Amendment) Act, 1957 (No. 40);
Protected Timber Lands Act, 1959 (No. 34).

(2) Notwithstanding the above repeals, the following instruments as subsequently amended shall continue in force as if made under the corresponding provisions of this Decree, until modified or revoked:

Trees and Timber (Control of Cutting) Regulations, 1958 (L.N. 368);
Trees and Timber (Measurement) Regulations, 1958 (L.N. 388);
Timber Lands (Protected Areas) Regulations, 1959 (L.N. 311);
Trees and Timber (Control of Measurement) Regulations, 1960 (L.I. 23);
Trees and Timber (Control of Export of Logs) Regulations, 1961 (L.I. 130).

(3) Notwithstanding the repeal of the protected Timber Lands Act, 1959 (No. 34), all instruments made under that Act to declare a protected area and in force immediately before the commencement of this Decree shall continue in force as if made under section 12 of this Decree, until modified or revoked.”

SCHEDULES

[Section 15A (1)]

FIRST SCHEDULE

Unprocessed Timber

COLUMN 1	COLUMN 2
<i>Species</i>	<i>Export Levy</i>
Kyenkyen	30%
Canarium	30%
Ogea	30%
Ceiba	30%
Otie	20%
Wanton	15%
Bombax	20%
Afzelia	30%
Guaroa	15%
Potrodom	15%
Teak	10%
Dahoma	20%
Kaku	20%
Danya	15%
Kusia	25%
Albizia	15%
Esia	15%
Yaya	15%
Ananta	15%
Tetekon	15%
Esa	15%
Sterculia	15%
Aprokuma	15%
Wawabima	15%
Ofram	20%

SECOND SCHEDULE

[Section 15A (2)]

Processed Timber (Air-dried)

COLUMN 1	COLUMN 2
<i>Species</i>	<i>Export Levy</i>
Odum	15%
Afromosia	30%

SECOND SCHEDULE—*continued*

COLUMN 1	COLUMN 2
<i>Species</i>	<i>Export Levy</i>
Hyedua	15%
Makore	10%
Edinam	10%
Mahogany	10%
Sapele	10%
Utile	10%
Wawa	10%
