

BECHUANALAND PROTECTORATE.

No. 62 OF 1948.

(Promulgated 12th November, 1948.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Forest
Proclamation, 1948.

Whereas it is expedient to provide for the better Regulation and Protection of Forests in the Bechuanaland Protectorate (hereinafter called "the Territory").

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. "Crown land" means Crown lands as ^{Defini-} defined in the Bechuanaland Protectorate ^{tions.} (Amendment) Order-in-Council, 1904, and the Bechuanaland Protectorate (Amendment) Order-in-Council, 1910.

"Forest officer" includes any person upon whom the powers of a forest officer under this Proclamation may be conferred by the Resident Commissioner.

"Forest produce" includes any of the following things when found in or removed from any forest:—trees, timber, wood, firewood, wattle, kraalwood, slabs, chips, plants, rushes, bedding, grass, reeds, peat, fibres, leaves, moss, flowers, ferns, seeds, roots, bulbs, galls, spices, bark, gum, rubber and anything which is grown within a forest or removed from a forest; game, birds, skins, horns, ivory, sawdust, charcoal, honey, wax, shells, earth, stones, and anything which is contained in a forest.

"Firewood" means the wood of trees, branches, waste wood and refuse wood, but not sound wood or wood suitable for any purpose other than burning.

"Reserved area" means an area described as such in any Notice under section *seven*.

"Reserved tree" means any tree mentioned in the Schedule hereto.

“Tree” means the whole or any part of any tree as ordinarily understood, or of any shrub, bush, seedling, transplant, sapling, reshoot, underbush, undergrowth or regrowth.

“Timber” includes trees which have fallen or have been felled and all wood whether sawn, split, hewn or otherwise fashioned.

Offences

2. No person shall on Crown Land, save with the authority in writing of the Forest Officer, cut, injure, destroy or remove any reserved tree. Any person guilty of an offence under this section shall be liable upon conviction to a fine of £20 or in default of payment to imprisonment with or without hard labour for a period of two months.

Acts prohibited in reserved areas.

3. (1) No person shall in a reserve area, save with the authority in writing of a Forest Officer, cut, injure, destroy or remove any forest produce. Provided that bona fide travellers may take firewood for their own use, but not for sale, while travelling on a lawful journey and provided further that native inhabitants of the Chobe district may take for their own domestic use—

(a) firewood; and

(b) the wood of any tree which is not mentioned in the Schedule of this Proclamation.

(2) No person shall in or within one quarter of a mile of any reserved area, without an authority in writing from a Forest Officer—

(a) light, kindle or assist any other person in lighting or kindling any fire; or

(b) fail to take all reasonable precautions to prevent the fire from spreading or causing injury; or

(c) leave any fire which he has lighted or kindled or assisted any other person in lighting or kindling without taking all reasonable precautions to prevent the fire from spreading or causing injury.

(3) No person shall in a reserved area, without an authority in writing from a Forest Officer—

(a) clear, cultivate or break up for cultivation any land; or

(b) squat or, except on a lawful journey camp; or

(c) in any manner hunt or destroy or attempt to hunt or destroy game or birds; or

(d) depasture livestock or allow livestock to trespass. Provided that oxen may enter any reserved area for the purpose of removing forest produce for which a licence or permit has been issued.

Any person guilty of an offence under this section shall be liable upon conviction to a fine not exceeding £50 or in default of payment to imprisonment with or without hard labour for a period not exceeding 6 months.

4. It shall be lawful for any forest officer, administrative officer or police officer to demand from any person the production of the authority or licence for any act done or committed by him for which an authority or licence is required under this Proclamation and in the event of such authority or licence not being produced then and there to restrain such person from further acts of a like nature. Any person failing to produce such authority or licence shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding £5 or to imprisonment for a period of one month or to both such fine or imprisonment.

5. (1) Every Forest Officer shall have in connection with suspected offences against this Proclamation all powers vested by law in any member of the Bechuanaland Protectorate Police.

(2) Every forest officer and police officer may—

(a) without a warrant arrest any person reasonably suspected of having committed a forest offence, if such person refuses to give his name and residence to such officer or gives a name and residence which such officer has reason to believe is false or if such officer has reason to believe that such person will abscond. Every officer making an arrest under this section shall, without unnecessary delay, take or send the person so arrested to be dealt with according to law.

(b) seize any forest produce in respect of which there is good reason to believe that an offence against this Proclamation has been committed.

6. (1) Whenever in any proceedings under this Proclamation the question arises whether any forest produce is the property of the Crown it shall be presumed to be the property of the Crown unless the contrary is proved.

(2) Any person charged with doing any act for which by this Proclamation or any regulations made thereunder a licence or authority is required shall be deemed to be without such licence or authority unless he produce it to the Court or give other satisfactory evidence of possessing such a licence.

Declaration of Reserved Area. 7. The High Commissioner may by notice in the *Gazette*—

(a) declare any area in Crown Land to be a reserved area; or

(b) upon the application of a Native Authority declare any area in a Native Reserve to be a reserved area.

Regulations. 8. The High Commissioner may make regulations concerning—

(a) the issue of licences and permits under this Proclamation;

(b) the framing of tariffs for the disposal of forest produce;

(c) the issue of authorisations by forest officers, the granting of exclusive rights to take forest produce and the fees to be charged thereof;

(d) such other matters as are necessary for the proper carrying out of the purposes of this Proclamation.

Application of this Proclamation. 9. This Proclamation shall apply to such areas within the Crown Lands of the Territory as may be prescribed by the High Commissioner, from time to time, and to such areas of Native Reserve as the Native Authority shall request that it shall apply.

Short title and commencement. 10. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate Forest Proclamation, 1948 and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Second day of November, One thousand Nine hundred and Forty-eight.

E. BARING,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

SCHEDULE A.

LIST OF RESERVED TREES.

<i>Botanical Name.</i>	<i>Common Name.</i>	<i>Native Name.</i>
<i>Acacia burkei Benth.</i>	Knobby Thorn.	Mokoba.
<i>Acacia nigrescens Oliv.</i>	Knobby Thorn.	Mokoba.
<i>Azelia quanzensis Welw.</i>	Pod Mahogany.	Mwande, Kamba.
<i>Amblygonocarpus obtusangulus Harms</i>	—	Mbaimbai.
<i>Baikiaea plurijuga Harms.</i>	Zambesi Red-wood, Rhodesian Teak	Mokusi, Mokushi.
<i>Berchemia discolor (Klotz.) Hemsl.</i>	—	Motsinsila, Mozimzila.
<i>Burkea africana Hook.</i>	Wild Syringa.	Mosheshe.
<i>Copaifera coleospermum Benth.</i>	—	Monzauri, Tsaudi, Tsauri.
<i>Dialium Simsii Philips.</i>	—	Mohamani.
<i>Entandrophragma caudatum Sprague</i>	—	Mopomena.
<i>Erythrophloeum africanum (Welw.) Harms.</i>	—	Mobaku, Ununza.
<i>Kirkia acuminata Oliv.</i>	—	Mozumina, Ivomena.
<i>Parinari mobola Oliv.</i>	—	Mobola.
<i>Pseudolachnostylis spp.</i>	—	Mokonu.
<i>Pterocarpus angolensis D.C.</i>	Bloodwood.	Mokwa, Molombe.
<i>Ricinodendron rautanenii Schniz</i>	—	Mongongo.