

CYPRUS

FOREST

CHAPTER 60 OF THE LAWS

1959 EDITION

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1959

CHAPTER 60.

FOREST.

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A LAW TO AMEND AND CONSOLIDATE THE LAWS RELATING
TO FORESTS IN THE COLONY.

1949 Cap. 93.
26 of 51.

[1st January, 1941.]

Short title.

1. This Law may be cited as the Forest Law.

Interpretation.

2. In this Law—

“ Assistant Conservator ” includes any person who is for the time being lawfully discharging the duties of an Assistant Conservator of Forests in the Forestry Department;

“ cattle ” includes bulls, cows, camels, donkeys, goats, horses, mules, oxen, pigs and sheep and the young of the same;

“ Conservator ” means the Conservator of Forests to the Government;

“ Forest Officer ” includes any person who is for the time being lawfully discharging the duties of a Forest Officer in the Forestry Department and any other person appointed by the Governor to exercise the powers vested in a Forest Officer under the provisions of this Law;

“ forest produce ” includes the following, when found in or brought from any Main State Forest or Minor State Forest or any forest for the time being under the protection, control and management of the Government in virtue of the provisions of section 12:—

timber, branches, leaves, flowers, fruits, seeds, roots, bark, charcoal, grass, creepers, plants, moss, fungus, lichens, gums, oils, resin, pitch, tar, honey, wax, humus, earth, stones, minerals and water;

“ Main State Forest ” means any forest or area declared by an Order of the Governor in Council made under section 3 (1) to be a Main State Forest;

“ Minor State Forest ” means any forest or area declared by an Order of the Governor in Council made under section 3 (2) to be a Minor State Forest;

“ timber ” includes trees and bushes whether standing, fallen or felled, stumps of trees and any wood whether cut up or fashioned or hollowed out for any purpose.

3. (1) The Governor in Council may from time to time by Order to be published in the Gazette declare that any forest or area specified therein shall be a Main State Forest for the purposes of this Law.

Power to Governor in Council to declare Main State Forests and Minor State Forests.

(2) The Governor in Council may from time to time by Order to be published in the Gazette declare that any forest or area specified therein shall be a Minor State Forest for the purposes of this Law.

4. All Main State Forests and Minor State Forests shall be the property of the Government.

Main and Minor State Forests to be the property of the Government.

5. The Governor may make grants or dispositions of any land in a Main State Forest or a Minor State Forest and subject to the provisions of section 9 no title shall be held or acquired in or over a Main State Forest or a Minor State Forest except under a grant or disposition made by the Governor under this section and subject to such terms and conditions as the Governor may deem fit to impose.

Power to the Governor to make grants etc., of lands within Main or Minor State Forests.
2 of Sch. to 26/51.

Power to
Conservator
to issue
licences in
Main State
Forests.
2 of 36/48.

6. (1) The Conservator and any person duly authorized by him in that behalf may in respect of a Main State Forest from time to time issue licences for any purpose for which a licence is required under the provisions of this Law or any Regulations made thereunder and subject to the provisions of sections 8 and 10 no right whatsoever shall be exercised or acquired in or over any Main State Forest except under a licence issued by the Conservator or any person duly authorized by him in that behalf under this section and subject to such terms and conditions as the Conservator or such person as aforesaid may deem fit to impose.

(2) A licence under subsection (1) may—

- (a) be issued or refused at the absolute discretion of the Conservator;
- (b) be issued to any person or persons by name or to any group or class of persons.

Power to
Commis-
sioner to
issue licences
in Minor
State
Forests.

7. (1) Unless otherwise provided in this Law or in any Regulations made thereunder a Commissioner may in respect of any Minor State Forest situated within his district from time to time issue licences for any purpose for which a licence is required under the provisions of this Law or any Regulations made thereunder and no right whatsoever shall be exercised or acquired in or over any Minor State Forest except under a licence issued by the Commissioner under this section and subject to such terms and conditions as the Commissioner may deem fit to impose.

(2) A licence under subsection (1) may—

- (a) be issued or refused at the absolute discretion of the Commissioner;
- (b) be issued to any person or persons by name or to any group or class of persons.

Privileges
reserved to
inhabitants
of certain
villages.
Schedule.

8. (1) Notwithstanding anything to the contrary in this Law contained the inhabitants for the time being of each village appearing in the Schedule hereto may, without a licence and for their own domestic purposes but not for sale—

- (a) gather dead and dry fuel other than burned fuel, and
- (b) cut any part of the schinia bush growing above ground,

in such Main State Forest or part thereof as may be specified in respect of each such village in an order made by the Governor in Council and published in the Gazette:

Provided that if at any time it is made to appear to the Governor in Council that such cutting of schinia bush or gathering of dead and dry fuel by the inhabitants for the time being of any of the aforesaid villages is likely to result in a Main State Forest or any part thereof being denuded of schinia bush or of such fuel the Governor in Council may by Order to be published in the Gazette either—

- (a) prohibit absolutely such cutting of schinia bush or gathering of dead and dry fuel in such area of such Main State Forest and for such period as may be specified in the Order, or
- (b) prohibit such cutting of schinia bush or gathering of dead and dry fuel in such area of such Main State Forest and for such period as may be specified in the Order save under the authority of a licence issued by the Conservator and subject to such terms and conditions as the Conservator may deem fit to impose.

(2) If an inhabitant for the time being of any of the villages set out in the Schedule shall—

- (a) cut any part of a schinia bush which is growing below ground or uproot any schinia bush ;
- (b) sell any dead or dry fuel or schinia bush gathered or cut in virtue of the provisions of subsection (1) ;
- (c) act in contravention of an Order made by the Governor in Council under the proviso to subsection (1) or of the terms and conditions of a licence issued by the Conservator under the authority of any such Order,

such inhabitant shall be guilty of an offence.

Penalty: Three months imprisonment or twenty-five pounds fine or both.

9. (1) Any person or body of persons who claim that any immovable property belonging to him or them has been included in any forest or area declared to be a Main State Forest or a Minor State Forest by an Order of the Governor in Council under section 3 may, within three months from the date of the publication of such Order in the Gazette lodge a petition in writing in the prescribed form (hereinafter in this section called "the petition") with the President of the District Court of the District within which the immovable property in respect of which the petition is made is

Persons or bodies of persons affected by declarations of State Forests may petition the President of the District Court.

situate specifying the grounds upon which the petitioner relies to establish his claim.

(2) The President of the District Court upon receipt of the petition shall—

(a) if the petition relates to a claim in respect of immovable property situate within a Main State Forest, transmit a copy thereof to the Conservator ;

(b) if the petition relates to a claim in respect of immovable property situate within a Minor State Forest, transmit a copy thereof to the Commissioner of the District within which such immovable property is situate.

(3) The President of the District Court shall within two months from the date of the lodging of the petition as in subsection (2) provided fix a date for the hearing thereof and shall cause notice therefor to be served upon the petitioner and upon the Conservator or the Commissioner, as the case may be, to whom a copy of the petition has been transmitted as in subsection (2) provided.

(4) The procedure for the time being in force relating to the hearing of civil actions shall apply to the hearing of any petition lodged under the provisions of this section and the judgment of the President of the District Court thereon shall be final and conclusive and no appeal shall lie therefrom to the Supreme Court.

2 of 2/46.

(5) If as a result of any judgment of the President of the District Court it is necessary to make any amendment to an Order made by the Governor in Council under section 3, the President of the District Court shall transmit a certified copy of such judgment to the Administrative Secretary who shall cause a summary of the same to be published in the Gazette and upon such publication the Order made by the Governor in Council as aforesaid shall be deemed to be amended in accordance with the terms of such judgment.

(6) Every judgment transmitted by the President of the District Court to the Administrative Secretary under subsection (5) shall contain an accurate description of the immovable property affected thereby together with the boundaries thereof.

Claims in respect of immovable property held and enjoyed communally.
Cap. 224

10. (1) If the community of any town, village or quarter claims that any immovable property of the category formerly known as Arazi Metrouké as described in section

3 (5) of the Immovable Property (Tenure, Registration and Valuation) Law, held or enjoyed communally by such community has been included in any forest or area declared to be a Main State Forest or a Minor State Forest by any Order of the Governor in Council made at any time under section 3, such community may, within three months from the 11th November, 1948, lodge a petition in writing with the President of the District Court of the District within which the immovable property in respect of which the petition is made is situate specifying the grounds upon which the petitioners rely to establish their claim and, thereupon, the provisions of section 9 shall apply *mutatis mutandis* to a petition under this section as they apply to a petition under section 9.

Cap. 224.

3 of 36/48.

(2) A petition under this section shall be lodged by the Village Commission or commissions of the town, village or quarter on behalf of the community of the town, village or quarter making the claim.

11. Where in the opinion of the Governor it is expedient that any immovable property in any Main State Forest or Minor State Forest should be acquired by the Government, the Governor may acquire the same by agreement with the owner or compulsorily in accordance with the provisions of the Law for the time being in force relating to the compulsory acquisition of land for public purposes.

Acquisition of immovable property by the Government.

12. (1) The owner of any forest may, with the approval of the Conservator, place it under the protection, control and management of the Government subject to such conditions as to the payment of expenses and the duration and termination of such protection, control and management as may be agreed between the owner and the Conservator.

Private forests may be placed under Government control.

(2) So long as any forest as in subsection (1) is under the protection, control and management of the Government it shall for the purposes of such protection, control and management be deemed to be a Main State Forest and with the exception of sections 4 and 8 the provisions of this Law and any Regulations made thereunder relating to Main State Forests shall apply to such forest.

(3) Any forest placed by the owner under the protection, control and management of the Government under any Law repealed by this Law, shall be deemed to have been placed under the protection, control and management of the Government under the provisions of this Law subject to the same conditions, if any, with regard to the payment of

expenses and the termination of the protection, control and management as may have been agreed upon between the Government and the owner when such forest was placed under such protection, control and management.

Offences.

13. (1) Any person who in any Main State Forest or in any Minor State Forest—

- (a) wilfully removes, defaces or injures any boundary or survey mark which shall have been made or erected by or under the direction of the Conservator or Commissioner;
- (b) counterfeits upon any timber or forest produce a mark used by Forest Officers to indicate that such timber or produce is the property of the Government, or that it may be lawfully cut or removed or that it has been graded by Forest Officers;
- (c) counterfeits or issues without due authority any licence for the cutting, removal or sale of timber or forest produce;
- (d) alters, obliterates or defaces any stamp, mark, sign or licence used or issued by the Forest Department or under the authority of this Law or any Regulations made thereunder,

shall be guilty of an offence.

Penalty: One year's imprisonment or one hundred pounds fine or both.

(2) Any person who in any Main State Forest or in any Minor State Forest shall—

- (a) kindle a fire therein or within a distance of one-quarter of a mile from the edge thereof;
- (b) leave unextinguished a fire kindled therein or within a distance of one-quarter of a mile from the edge thereof,

shall be guilty of an offence.

Penalty: Six months imprisonment or twenty-five pounds fine or both:

Provided that the provisions of paragraph (a) of this subsection shall not apply to—

- (i) any person who kindles a fire within such forest or within one-quarter of a mile from the edge thereof with the consent of a Forest Officer first obtained, or
- (ii) any person who being the occupier of a house

situate within such forest or within one-quarter of a mile from the edge thereof kindles a fire at such house for his own domestic purposes.

(3) Any person not otherwise authorized under the provisions of this Law or any Regulations made thereunder who, in any Main State Forest, except under a licence issued by the Conservator or any person authorized by him in that behalf or who, in any Minor State Forest, except under a licence issued by the Commissioner of the District within which such Minor State Forest is situate, shall—

- (a) fell, cut or uproot, girdle, tap or in any way damage any tree, shrub or bush;
- (b) graft or tend any tree or shrub;
- (c) extract, collect or remove any forest produce;
- (d) trespass with or graze any cattle or permit any cattle to trespass or graze therein;
- (e) clear, dig, cut or turn up any land therein for any purpose whatsoever;
- (f) erect any building, fold, kiln, still or any other structure;
- (g) sink wells, open water channels, construct dams, divert or otherwise use any water therein,

shall be guilty of an offence.

Penalty: Six months imprisonment or twenty-five pounds fine or both.

14. (1) The Governor in Council may from time to time make Regulations to be published in the Gazette for all or any of the following purposes, that is to say—

- (a) regulating the collecting, taking, extracting, converting and removing of forest produce or of any specified kind of forest produce from any Main State Forest or Minor State Forest;
- (b) regulating by the issue of licences or otherwise the transport or conveyance of timber or other forest produce cut, taken or collected from any part of the Colony;
- (c) prescribing the manner in which and the persons to whom application shall be made for the grant of licences to graze cattle in any Main State Forest or Minor State Forest and to collect and take forest produce in any Main State Forest or Minor State Forest and to sell any forest produce;

- (d) prescribing the fees to be paid for the grant of any licence;
- (e) requiring holders of licences to keep books and to render returns and accounts and to submit their books for inspection;
- (f) providing for the termination, revocation and forfeiture of licences;
- (g) providing for the classification of Minor State Forests or any part thereof and the purposes for which such forests or any part thereof may be used, the placing of such forests or any part thereof under the control and management of any local authority, regulating the manner in which such control and management shall be exercised by any such authority, empowering any such authority to make rules and to prescribe fees in connection therewith, providing for the establishment of a fund or funds to be administered by the Commissioner or any such authority and prescribing the purposes for which any moneys in such funds or fund may be utilized;
- (h) prohibiting the possession, sale or export of forest produce or of any specified kind of forest produce or of timber by any person other than the holders of a licence granted under this Law or any Regulations made thereunder or by any other person or by any class of persons specified in the Regulations;
- (i) providing for the seizure and detention of any forest produce or timber taken, sold or possessed in contravention of this Law or any Regulations made thereunder or of any tools, instruments or marking instruments, vehicles or cattle by means of which any offence against this Law or any Regulations made thereunder has been committed and prescribing the manner in which such forest produce, timber, tools, instruments, marking instruments, vehicles or cattle shall be dealt with;
- (j) prohibiting or regulating the marking of timber and the manufacture, use and possession of marking instruments;
- (k) prohibiting or regulating the erection, use or working of any wood-burning steam-engines,

furnaces, stills or kilns for making or producing bricks, tiles, lime, gypsum, cement, terra umbra, charcoal, gum, resin, turpentine, tar, pitch or other products;

- (l) prohibiting any act which may tend to cause injury to any forest produce in any Main State Forest or Minor State Forest;
- (m) prescribing the forms to be used under this Law or any Regulations made thereunder;
- (n) regulating or providing for the erection and maintenance of any boundary or survey marks required for the proper demarcation of any Main State Forest or Minor State Forest or any part thereof;
- (o) providing for the impounding of stray cattle found in any Main State Forest or Minor State Forest and the keeping of such cattle in pound; and prescribing the period during which such cattle may be kept in pound, the costs and fees to be paid by the owner of cattle kept in pound, the period during which the owner thereof may claim such cattle and the manner of disposal of such cattle where the owner thereof fails to pay the prescribed costs and fees or where he does not claim such cattle;
- (p) generally for the better carrying out of the purposes of this Law.

(2) Any Regulations made under this Law may impose penalties for the breach thereof not exceeding imprisonment for six months or a fine of twenty-five pounds or both.

15. In any prosecution for any contravention of any of the provisions of this Law or of any Regulations made thereunder the onus of proof that any forest produce has not been taken in contravention of this Law or such Regulations shall lie upon the person in whose possession the same is found.

16. It shall be lawful for any Forest Officer or police officer to arrest without warrant any person who may be reasonably suspected of having been concerned in an offence under this Law or any Regulations made thereunder, if such person refuses to give his name and residence, or gives a name and residence which is believed to be false or if there is reason to believe that he will abscond.

Onus of proof.

Arrest without warrant.

Assaulting or obstructing officers.

17. Any person who assaults or obstructs any Forest Officer or police officer or any person acting in his aid or assistance in the execution of any duty under this Law shall be guilty of an offence.

Penalty: One year imprisonment or one hundred pounds fine or both.

Requisition of assistance to extinguish fires.

18. (1) In the event of a fire occurring in or adjacent to any Main State Forest or Minor State Forest any Forest Officer, police officer, mukhtar or rural constable may require any male person of not less than eighteen years of age residing or working within a radius of ten miles of the outbreak to assist in extinguishing the fire.

(2) All persons who in response to a request pursuant to subsection (1) render the assistance so required of them shall be remunerated at the current rates of wages prevailing for labour in the vicinity of the outbreak of the fire.

(3) Every person who without sufficient excuse, the proof whereof shall lie on him, fails to comply with the request of any Forest Officer, police officer, mukhtar or rural constable made under subsection (1) shall be guilty of an offence.

Penalty: Ten pounds fine.

Additional penalty.

19. In addition to any penalty imposed for an offence against the provisions of this Law or for the breach of any Regulation made thereunder the Court may order that any cattle or forest produce in respect of which the offence has been committed or any tools, instruments or marking instruments in respect of which or by means of which the offence has been committed shall be forfeited.

Power to Conservator and Assistant Conservator to compound offences.

20. (1) When any person is reasonably suspected of having committed any offence against this Law or any Regulations made thereunder in respect of a Main State Forest, the Conservator or an Assistant Conservator may compound the offence by accepting from such person a payment in money not exceeding the maximum monetary penalty prescribed for the offence.

(2) In the compounding of any offence by the Conservator or an Assistant Conservator under subsection (1), the provisions of the Compounding of Offences Law, shall apply *mutatis mutandis* as if such offence were compounded under the provisions of that Law.

21. (1) Where any person is reasonably suspected of having committed any offence against this Law or any Regulations made thereunder in respect of a Minor State Forest, the Commissioner of the District in which the offence is alleged to have been committed may compound the offence by accepting from such person a payment in money not exceeding the maximum monetary penalty prescribed for the offence.

Power to Commissioner to compound offences.

(2) In the compounding of any offence by the Commissioner under subsection (1), the provisions of the Compounding of Offences Law, shall apply as if such offence were compounded under the provisions of that Law.

Cap. 152.

22. Nothing in this Law contained—

(a) shall affect the power of the Government to grant any lease, licence or permit in or over a Main State Forest or a Minor State Forest under any Law relating to mines in force for the time being;

Law not to affect mining leases, licences or permits, building leases and certain agreements.

(b) shall affect the validity—

(i) of any lease, licence or permit granted by the Government under any Law relating to mines,

(ii) of any lease of any area within any State Forest for building purposes granted by or on behalf of the Government, or

(iii) of any agreement entered into by or on behalf of the Government with any person with the object of securing the regulation or cessation of the grazing of cattle by such person within any State Forest.

[SCHEDULE

SCHEDULE.

(Section 8 (1).)

VILLAGES PRIVILEGED TO GATHER DEAD AND DRY FUEL AND CUT SCHINIA BUSH.

Villages in the District of Famagusta:—

Ardhana.	Malounda.
Artemi.	Mandres.
Ayios Khariton.	Phlamoudhi.
Ayios Nikolaos.	Platani.
Dhavlos.	Platanisso.
Gouphes.	Trypimeni.
Kornokipos.	

Villages in the District of Kyrenia:—

Aghirda.	Klepini (Arab Keuy).
Agridhaki.	Kormakiti.
Ayia Irini.	Koutsovendis.
Ayios Amvrosios.	Krini.
Bellapais.	Larnaca tis Lapithou.
Dhikomo, Kato.	Liveras.
Dhikomo, Pano.	Paleosophos.
Dhiorios.	Phterykha.
Kalogrea.	Pileri.
Karmi.	Sisklipos.
Karpashia.	Sykhari.
Keumurju.	Vasilia.
Kharcha.	Vouno.

Villages in the District of Larnaca:—

Anglisidhes, Kato	Menoyia.
Anglisidhes, Pano.	Vavatsinia.

Villages in the District of Limassol:—

Akrounda.	Moniatis.
Amiandos, Kato.	Paleomylos.
Apsiou.	Pelendria.
Armenokhori.	Perapedhi.
Ayios Dhimitrios.	Phini.
Ayios Mamas.	Phinikaria.
Dhierona.	Platres, Kato.
Kaminaria.	Platres, Pano.
Kapilio.	Prastio.
Kellaki.	Prodhromos.
Khandria.	Sanidha.
Kyperounda.	Trimiklini.
Lemithou.	Tris Elies.
Louvaras.	Yerasa.
Mathikoloni.	

Villages in the District of Nicosia:—

Agroladhou.	Ayia Marina Xyliatou.
Alevga.	Ayion Yeorgoudhi.
Alithinou.	Ayios Epiphanios.
Amadhies.	Ayios Epiphanios (Soleas).
Ambelikou.	Ayios Theodoros (Soleas).
Ayia Irini.	Ayios Theodoros (Tillirias).

Villages in the District of Nicosia—continued.

Ayios Yeoryios Kafkalou.	Mathiati.
Chakistra.	Milikouri.
Eliophotes.	Mitsero.
Evrykhou.	Moutoullas.
Galata.	Nikitari.
Galini.	Nikos.
Kakopetria.	Pakhy Ammos.
Kaliana.	Pedhoulas.
Kalokhorio.	Piyenia.
Kalopanayiotis.	Platanistasa.
Kalyvakia.	Polystipos.
Kambos.	Pyrgos, Pano.
Kannavia.	Sarandi.
Kapedhes.	Selain t'Api.
Kato Moni.	Selemani.
Khaleri.	Sina Oros.
Kokkina.	Spilia.
Korakou.	Tembria.
Kourdhalı.	Varisha.
Lagoudhera.	Vizakia.
Lazania.	Vroisha.
Livadhia.	Xerouvounos.
Loutros.	Xyliatos.
Lythrodhonda.	Yerakies.
Mandres.	

Villages in the District of Paphos:—

Anadhiou.	Lyso.
Androlikou.	Magounda.
Arkaka.	Magounda Eso.
Arminou.	Malounda.
Arodhes, Kato.	Mamoundali.
Arodhes, Pano.	Meladhia.
Asproyia.	Melandra.
Ayia Marina.	Neokhorio.
Ayios Ioannis.	Panayia Pano.
Ayios Merkourios.	Peyia.
Ayios Nikolaos.	Phasli.
Dhrousa.	Philousa.
Inia.	Phiti.
Istinjo.	Pomos.
Kannaviou.	Pretori.
Kathikas.	Sarama.
Kinousa.	Vrecha.
Kritou Marottou.	Yialia, Pano.
Livadhi.	Zakharia.

