423

PERMANENT INTERSTATE COMMITTEE FOR DROUGHT CONTROL
IN THE SAHEL

(C.I.L.S.S.)

REGULATORY AND LEGISLATIVE TEXTS IN THE AREA OF NATURAL RESOURCES MANAGEMENT

Volume 4 : Gambia

1988 Edition

In Collaboration with the
Organization of African Unity
ADDIS ABABA (ETHIOPIA)

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THE GAMBIA

I. LANDS ACT

1. Lands (provinces) Act in force on the 1st day of July, 1986
2. Lands (Bathurst and Kombo Saint Mary) Act in force on the first day of July, 1966.

II. FOREST ACT

- Forest Act N° 9 of 1977

III. LAW AND REGULATIONS ON WILDLIFE CONSERVATION

1. The Wildlife Conservation Act N° 1 of 1977
2. The local Government Act of October, 1978
3. National Environment Management Act N° 4 of March 1987
4. The Kerewan Area Council by - Laws N° 20 of September, 1978
5. The Kerewan Area Council by - Laws N° 21 of September, 1978
6. The Kanifing Urban District Council By-Laws N° 22 of September, 1978
7. The Banjul City Council By-Laws N0 23 of September, 1978
8. The local Government Act N° 28 of October, 1978
9. The local Government Act N° 29 of October, 1978
10. The local Government Act N° 30 of October, 1978
11. The elections Act N° 31 of October, 1978.

IV. FISHERIES ACT

- Fisheries Act N° 17 of August, 1977.

F O R E W O R D

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The present document is a collection of legislative and regulatory texts relating to natural resources management presently in force in the country.

In order to situate the state of reflexion as regard legislation, draft texts have been taken into account in the collection on a purely indicative basis.

This collection which is nodoubt incomplete should be updated by providing the Executive Secretariat with the missing documents.

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THE LAWS

of

THE GAMBIA

in force on

THE 1st DAY OF JULY, 1966

REVISED EDITION

prepared under the authority of

The Revised Edition of the Laws Act, 1965

(No. 25 of 1965)

CHAPTER 101

LAND (REGISTRATION OF DEEDS) ACT

CHAPTER 101

LAND (REGISTRATION OF DEEDS) ACT

Arrangement of Sections

CHAPTER 101

5 of 1880, 6 of 1883
11 of 1892, 1 of 1915,
8 of 1916, 3 of 1921,
16 of 1956, 24 of 1957.

An Act to make provision for the public registering of deeds, conveyances, wills, contracts, and other instruments which shall be made of or that may affect any lands, tenements, and hereditaments within The Gambia.

14TH JULY, 1880.

Short title.

1. This Act may be cited as the Land (Registration of Deeds) Act.

Interpretation

2. In this Act, unless the context otherwise requires, the following words and expressions shall be the meanings respectively assigned to them hereby, that is to say ---

"land" extends to any estate or interest whatever in real property ;

"will" extends to a codicil ;

"instrument" extends to any crown grant, deed, contract, or power of attorney ;

"person" or "party" includes a company.

Registry to be established at Bathurst.

3. There shall be an office at Bathurst for the registration of all instruments and wills affecting land, which shall be called the Registry Office.

Appointment of Registrar.

4. The Public Service Commission may appoint a Registrar for the purposes of this Act.

Record books to be kept.

5. (1) The Registrar shall keep a set of books to be numbered consecutively which shall be called record books and shall as soon as practicable cause each instrument and will in the order presented for registration,* together with the certificate of registry placed thereon as provided in section 6 hereof, to be copied at full length in one of the record books and shall cause every instrument and will as entered in each book to be numbered consecutively from one upwards.

Index to same.

(2) Each such book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument and the name of the testator of every will recorded in the volume, with a reference to the page of the volume where the instrument or will is recorded to which the name refers.

Certificate of Registration. First schedule. Forms A and C.

6. The Registrar shall mark every instrument and will so registered by him by placing upon it a certificate in the Form A or the Form C, as the case may be, as set forth in the first schedule hereto, under his hand, and the date of such certificate shall be taken to be the date at which such instrument or will was registered.

* No instrument which is liable to stamp duty under the Stamp Act shall be registered under this Act until the same has been stamped in the manner required by the Stamp Act, and any person knowing registering any such instrument which has not been duly stamped shall incur a fine not exceeding £ 10 (Cap, 176, s. 29).

Priority of deeds according to date of registration.

7. Every instrument executed after the date when this Act Shall come into operation so far as regards any land to be affected thereby shall take effect as against other instruments affecting the same land from the date of its registration.:

Provided that every such instrument shall take effect from the date of its execution if registered within any of the periods limited for registration as follows, that is to say ---

In Bathurst.

a) if such instrument be executed in Bathurst, if registered within seven days from its date ;

Elsewhere in The Gambia.

b) if elsewhere in The Gambia, if registered within sixty days of its date ;

Abroad.

c) If executed elsewhere than in The Gambia, if registered within twelve months from its date.

Wills to take effect from the date of registration.

8. Every will executed after the date when this Act shall come into operation so far as regards any land to be affected thereby shall take effect as against other instruments affecting the same property from the date of its registration :

Provided that every such will shall take effect from the death of the testator if registered within any of the periods limited for registration as follows, that is to say ---

In The Gambia

a) of any person dying in The Gambia, if registered within sixty days after the death of the testator ;

Abroad.

b) of any person dying elsewhere than in The Gambia, if registered within twelve months after the death of the testator.

Instruments executed prior to Act.

9. (1) Every instrument which shall have been executed before the date when this Act shall come into operation shall take effect as against other instruments affecting the same property from the date of its registration :

Provided that every such instrument shall take effect from the date thereof if registered within six months from the passing of the Act.

Wills so executed.

(2) Every will executed before such date shall take effect as against other instruments affecting the same property from the date of its registration :

Provided that such will shall take effect from the death of the testator if registered within such six months, and no proof or acknowledgement shall be required to register such instrument or will.

(3) The operation of any instrument or will registered under the Ordinance of the 28th March, 1844, or the Ordinance N° 5 of 1879, passed on the 15th September, 1879, shall not be affected by this Act.

Instruments or wills registered under repealed Ordinances.

10. (1) Any instrument or will executed after the date when this Act shall come into operation, shall before being registered, be acknowledged by the vendor, donor, mortgagor, lessor, or other person conveying, transfering, mortgaging, charging or demising the land, or by some person authorised by him to acknowledge it, or proved upon oath by one or more of the subscribing witness to have been duly executed, which oath the Registrar is hereby empowered to administer, such proof or acknowledgement being made as follows ---

Mode of acknowledgement.

a) if such instrument or will be executed in Bathurst, before the Registrar, if elsewhere in The Gambia, before a justice of the peace ;

In The Gambia.

b) if in any part of the Commonwealth or in the Republic of Ireland, before the Registrar-General or before any Judge of any Court of Law, or Mayor or Chief Magistrate of any city, or before the Judge of any County Court, or before any Police Magistrate, or before the person having the chief command of any colony, or place, or before a Notary Public when his signature is duly authenticated by any of such persons ;

In the Commonwealth or Ireland.

c) if executed in any foreign territory, before the Registrar-General, or any Gambian or British Consul, or other accredited Gambian or British Representative, or the person in chief command of the country, territory, colony, place, city or town corporate, or city or town being in the nature of a corporation, having a public chief officer.

In Foreign Countries.

(2) Before any instrument or will not proved or acknowledged before the Registrar may be registered, such instrument or will shall have upon it a certificate as nearly as may be in Form B as set forth in the first schedule hereto, purporting to be under the hand and official seal or private seal, if there should be no official

Certificate of acknowledgement or proof. First schedule Form B.

seal, or the hand alone, if the person shall have no official or private seal, of some one of the persons hereinbefore authorized to receive such proof or acknowledgement, purporting that such instrument has been proved, or acknowledged, as the case may be.

Certificate of registration. First schedule. Form C.

(3) The Registrar, upon the production of any such instrument or will, shall place thereupon a certificate of registration under his signature in the words as nearly as may be or to the effect in Form C as set forth in the first schedule hereto, and shall cause such instrument or will to be registered in the same way as herein prescribed with respect to any instrument or will acknowledged before himself.

Instruments sealed with public seal of The Gambia or executed by Governor-General.

(4) Whensoever to enable an instrument to be registered under this Act, the acknowledgement required by the preceding provisions of this section shall be an acknowledgement by the Governor-General, such acknowledgement shall not be required before registration thereof.

Provided that it is sealed with the public seal of The Gambia or certified by the Registrar to have been duly executed by the Governor-General.

(5) The Registrar shall place upon any such sealed or certified instrument presented for registration the certificate of registry as prescribed in subsection (3) of this section.

Copy of an instrument may be registered when the original is preserved in a foreign country.

11. If any instrument be executed in any other part of the world, where by law the original is kept in any office in such part of the world, in such case a copy of the original and the certificate of acknowledgement or proof thereof, as the case may be, certified to be correct by the public officer in whose custody the original is kept, shall be deemed and taken to be of equal validity as the original and shall be admitted to be registered by the Registrar in the same manner as an original instrument:

Provided that the original instrument shall have been acknowledged or proved in the manner herein prescribed.

Judgment affecting land to be registered within 16 days.

12. (1) Every judgment shall be void, so far as regards any land to be affected thereby, unless registered by memorial within sixteen days from the date thereof.

(2) Such memorial of a judgment shall express the date and title of the cause, and shall have on the margin or back a plan of the land, and shall describe the land to which such judgment shall relate, and if possible shall refer to the allotment of the land as numbered or described in the instrument of conveyance from the Crown.

Plan of land and description.

(3) Such memorial shall be verified by the oath of some competent person, that it contains a true and just account of the several particulars set forth therein, and such oath shall be made and taken before the Registrar, who is hereby authorised and empowered to administer it, and the Registrar shall place upon the back of the memorial a certificate of registry, stating the day and time when received, and the name and abode of the person verifying it.

Oath of verification.

13. Every instrument registered under the provisions of the Ordinance of the 28th March, 1844, or the Ordinance No. 5 of 1879, passed on the 15th September, 1879, or copy thereof, shall be evidence in like manner and to the same extent as instruments registered under this Act, and such registers shall be removed into and be kept in the Registry office established under this Act.

Instruments registered under repealed Ordinances.

14. No erasure shall be made in any register or certified copy or extract thereof; and if any error shall occur, then a line of red ink shall be drawn through any word improperly inserted, so as to leave the original word legible, and any word which may have been omitted shall either be interlined or written in the margin with red ink, and the Registrar shall subscribe his name in the margin opposite to each correction.

No erasure in any register.

Errors, how dealt with.

15. Any person who shall --

Destroying or falsifying register books

(a) wilfully destroy or injure, or cause to be destroyed or injured any record book or any part thereof, or certified copy or any part thereof; or

(b) falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such record book or certified copy thereof; or

(c) wilfully insert or cause to be inserted in any such record book or certified copy thereof any false entry of any instrument or land; or

(d) certify any writing to be a copy or extract of any such record book or certificate, knowing it to be false in any part thereof; or

(e) forge and counterfeit the seal of the Registry Office;

shall be guilty of felony, and shall be liable to imprisonment with or without hard labour for any term not exceeding seven years.

Chief Justice to inspect register.

16. At such period or periods in each year as the Minister may direct all books, instruments and wills in the Office of the Registrar shall be inspected by the Chief Justice of the Supreme Court, who shall attest by his signature such inspection and state the result thereof.

Registers in Registry Office deemed in legal custody;

to be produced on subpoena.

17. All Registers in t. Registry Office shall be deemed to be in legal custody, and shall be receivable in evidence in all Courts of Justice in The Gambia; and the Registrar shall produce or cause to be produced any such register or record of subpoena or order of any court or tribunal, and on payment of a reasonable sum to be taxed as the courts shall direct and to be paid to the Registrar on account of the loss of time of the officer by whom such register or record shall be produced.

Copies or extracts of registers to be evidence;

18. (1) The Registrar shall at all reasonable times allow searches to be made in any register book or record in his custody; and upon request and payment of the prescribed fees e shall give a copy or extract of any entry therein, and shall certify as correct all copies or extracts which may be granted by him from such registers or records.

and to be received in evidence in certain cases.

(2) Each such copy or extract, or certificate of registry, purporting to be signed by the Registrar, or the proper person to sign it, shall be received in evidence without any further or other proof thereof, unless it shall be proved that it is a forgery, in all civil cases, instead of the production of the original register or records, subject to the provisions of section 19 hereof.

Certified extracts may be used upon notice given.

19. (1) In case any party shall intend to use in evidence at a trial which is not a criminal case any copy or extract, certified as provided by section 18 hereof from, any such register or record, he shall give notice in writing to the opposite party, his attorney or

agent, of his intention to use such certified extract in evidence at such trial or hearing, and at the same time shall deliver to him, his attorney or agent, a copy of the extract and of the certificate thereon.

(2) On proof by affidavit of the service, or on admission of the receipt of such notice and copy, such certified copy or extract shall be received in evidence at such trial, if the judge shall be of opinion that such service has been made in sufficient time beofre such trial to have enabled the opposite party to inspect the original register or record from which such certified copy or extract has been taken.

Sufficient time to search register after notice given necessary.

20. The Minister may, by order to be published in the Gazette, from time to time fix the days and hours during which the Registry shall be open, and may regulate the attendance to be given thereat by the Registrar and by clerks or other subordinate officers for the due transaction of the business of the office.

Registrar's attendance at office.

21. The Registrar shall demand and receive the fees set forth in the second schedule hereto and such fees shall be monthly accounted for and paid by him to the Accountant-General to be carried to the credit of the public revenue of The Gambia.

Fees to be received by Registrar. Second schedule.

22. The Registrar may demand and receive the fees set forth in the third schedule hereto, and such fees, if any, shall be monthly accounted for and paid by him to the Accountant-General to be carried to the credit of the public revenue of The Gambia.

Fees receivable at option of Registrar. Third Schedule.

FIRST SCHEDULE

Section 6.

Form A

Certificate of Registration on Acknowledgement or Proof before Registrar

This instrument was acknowledged by (A.B.) within named, or by (C.D. duly authorised by A.B.) to be the deed of A.B. (orproved by the testimony of E.F. to be the deed of A.B.) before me this ... . this day of ..... in the year one thousand nine hundred and ..... at ..... o'clock in the (fore or after) noon.

(Signed) G.H.,
Registrar,

Section 10.

FORM B

Certificate of Proof or Acknowledgement Elsewhere Than at Bathurst

This Instrument was acknowledged by (. A.B. within named (or proved by the testimony of C.D. within named) to be the deed of A.B. before me this ..... day of ....., 19..., at (state where proved or acknowledged) at ..... o'clock in the ..... in the year one thousand nine hundred and .....

GIVEN under my hand and official seal.

(Signed) A.B.

or

GIVEN under my hand and private seal, I having no official seal.

(Signed) A.B.

or

GIVEN under my hand, I having no official or private seal.

(Signed) A.B.

Sections 6 and 10.

FORM C

Certificate of Registration of an Instrument Proved or Acknowledged before a Person other than the Registrar, or registered under Section 10 (3)

This Instrument was delivered to me for Registration by A.B. of (state his residence and profession) at ..... o'clock in the (fore or after) noon this ..... day of ..... in the year one thousand nine hundred and .....

(Signed) A.B.,

Registrar.

SECOND SCHEDULE

Section 21.

Fees to be received by Registrar

	£	s.	d.
For every acknowledgement or proof of an instrument ...		5	0
Registration and recording of any instrument other than a memorial executed before the Registrar, for every folio of 72 words		2	0
Verifying every memorial and recording the same		10	0
Depositing every will or other instrument		7	0
Taking out the same		5	0
Every search in the records, for half an hour or under ...		5	0
Every additional half-hour or under		5	0
An attested copy of or extract from any recorded instrument or memorial, for every folio of 72 word		2	6
Comparing, if required, any instrument with the register thereof, for every 72 words		1	6
Every other certificate or extract		5	0

THIRD SCHEDULE

Section 22.

Fees receivable at Option of Registrar

For every late registration of any instrument (if same is accepted by the Registrar) --

	£	s.	d.
Where the delay in registration does not exceed one month...	1	0	0
For every succeeding month or part thereof	1	0	0

---

*No fees are payable for registration of an instrument executed by or on behalf of a Co-operative Society (L.N. 15 of 1960).

CHAPTER 103

LANDS (PROVINCES) ACT

Arrangement of sections

Section

PART I - PRELIMINARY

PART II - GENERAL

PART III - LEASES AND CONNECTED MATTERS

CHAPTER 101

LANDS (REGISTRATION OF DEEDS) ACT

SUBSIDIARY LEGISLATION

L.N.
3 of 1957.

APPOINTMENT OF REGISTRAR

made under section 4

The Registrar-General has been appointed Registrar for the purposes of this Act with effect from the 31st day of December, 1956.

Section

PART IV - ACQUISITION OF LAND FOR PUBLIC PURPOSES

PART V - MISCELLANEOUS

SCHEDULE

CHAPTER 103

An Act to make provision for the tenure and management of Lands in the Provinces

[1st January, 1946]

WHEREAS it is expedient that the existing customary rights of the indigenous inhabitants of the Provinces to use and enjoy the land of the Provinces and the natural fruits thereof should be preserved;

AND WHEREAS it is expedient that the existing customary laws regarding the use and occupation of such land should be as far as possible preserved:

AND WHEREAS it is expedient that provision should be made to regulate the interests in land in the Provinces which can be acquired by non-indigenous persons:

Now, THEREFORE, BE IT ENACTED by the Legislature of The Gambia as follows-

THE LAWS

of

THE GAMBIA

in force on

THE 1st DAY OF JULY , 1966

REVISED EDITION

prpared under the authority of
The Revised Edition of the Laws Act, 1965
(No. 25 of 1965)

CHAPTER 103

LANDS (PROVINCES) ACT

PART I - PRELIMINARY

1. This Act may be cited as the Lands (Provinces) Act — Short title.

2. The provisions of this Act shall apply to all lands in the Provinces. — Application. *, **

3. In this Act, unless the context otherwise requires- — Interpretation. Cap. 109

"Authority" means a District Authority established under the Local Government Act.

"Division Land Register" means a book of record in which are entered memoranda of terms of occupation of land and leases under this Act and the like;

""economic trees" means and includes all trees, shrubs and plants which are grown or cultivated for their intrinsic value;

"indigene" means a person whose parents are or were members of some tribe or tribes indigenous to the Provinces and any descendant of such a person, and includes-

(a) any person one of whose parents was a member of such tribe; and

(b) any person who shall have obtained a certificate from the Minister in the form set out in the schedule to this Act, which certificate the Minister is hereby authorised to grant, at his discretion, to any African who shall declare his intention of making the Privinces his permanent domicile and who shall have satisfied the Minister that he has obtained the consent of the indigenous communities concerned; — Schedule

"lease" means a grant of the possession of land by an Authority as lessor for a term of years or other fixed period with a reservation of rent;

"Minister" means the Minister responsible for the time being for the administration of this Act;

---

* This Act has been called hitherto the Provinces' Lands Act.
** i.e. to all lands in the Districts set out in Proclamation N°. 1 of 1959 (L.N. 2 of 1959).

"non-indigene" means any person other than an indigene as in this section defined;

"Provinces' land" means land to which this Act applies;

"public purpose" means and includes-

(a) for exclusive Government use or for general public use;

(b) for or in connection with sanitary improvements of any kind, including reclamations;

(c) for or in connection with the laying out of any new Government station or the extension or improvement of any existing Government station;

(d) for obtaining control over land contiguous to any port or airport;

(e) for obtaining control over land required for defence purposes;

(f) for obtaining control over land required for civil aviation purposes; and

(g) for obtaining control over land the value of which will be enhanced by the construction of any railway, road, or other public work or convenience about to be undertaken or provided by the Government;

"tenancy on sufferance" means the tenancy of a person who having originally come into possession of land by a lawful title holds such possession after the determination of his title, and such tenancy is determinable without notice by the lessor;

"tenancy at will" means a tenancy in which the lessee holds at the will of the lessor, and such tenancy is determinable without notice by either the lessor or the lessee.

PART II - GENERAL

Provinces' lands vested in Authorities.

4. All Provinces' lands are hereby declared to be vested in the Authorities for the Districts in which such lands are situated, and shall be held and administered for the use and common benefit, direct or indirect, of the communities concerned.

5. The occupation and use of Provinces' land by indigenes shall be governed and regulated by the customary laws obtaining in the localities in which such lands are situated;

Customary law to govern occupation by indigenes.

Provided that, where in the opinion of the Authority concerned and of the Minister it is expedient so to do, a lease may be granted to an indigene in accordance with the provisions hereinafter in this Act contained relating to the grant of leases to non-indigenes.

6. (1) Notwithstanding anything to the contrary cont ined in any of the other provisions of this Act, where in the opinion of the Authority concerned and of the Minister it is expedient so to do the Minister may by notice in the Gazette declare any Provinces' land to be a forest park.

Protection of forests and trees.

(2) The Minister may make regulations-

(a) for the protection, control and management of any forest park;

(b) prescribing that trees af any specified species shall be protected trees either throughout the Provinces or in any part thereof;

(c) prohibiting or regulating the felling, cutting, taking, working, burning, injuring or removing of any protected tree;

(d) prohibiting or regulating the sale, offering for sale, purchase or export of any tree, timber, rubber, gum, or other forest produce.

PART III - LEASES AND CONNECTED MATTERS

7. (1) No Provinces' land shall be occupied by a non-indigene unless he has first obtained the consent of the Authority for the District in which such land is situated.

Conditions in which non-indigenes may occupy land.

(2) Any non-indigene who shall occupy any Province'land without the approval of the Divisional Commissioner shall be deemed to be a tenant at will.

(3) Where a non-indigene shall, with the consent of the Authority concerned and the approval of the Divisional Commisssioner, occupy any Provinces' land in respect of which no lease has been executed by the Authority as lessor and the non-indigene as lessee, a memorandum of the terms of such occupatoin, consent

to which shall have been first given by the Authority with the approval of the Divisional Commissioner, shall be drawn up and entered in the Division Land Register and such memorandum shall specify-

(a) the rent to be paid for the occupation of the land by the non-indigene;

(b) the area of the land to be occupied;

(c) the duration of the term of occupation, which shall in no case be for more than three years;

(d) any special conditions attached to the occupation of the land; and

(e) whether or not the interest of the non-indigene may be assigned or, in the event of death, is intended to devolve on his executors, administrators or assigns.

(4) Any Provinces' land occupied by a non-indigene under the provisions of this section shall be demarcated in accordance with such regulations as may be prescribed.

(5) Where the interest of a non-indigene in any Provinces' land under the provisions of this section may be assigned or, in the event of death is intended to devolve on his executors, administrators or assigns, every such assignment or devolution shall be reported to the Divisional Commissioner and the record in the Division Land Register shall be amended accordingly.

Tenancy exceeding three years.

8. Every tenancy of Provinces' land for a term exceeding three years shall be created by an agreement in writing.

Limit of interest acquirable by a non-indigene.

9. No non-indigene may acquire a greater interest in any Provinces' land than a tenancy for a term of fifty years:

Provided that nothing in this section contained shall prevent the insertion in any lease of a clause providing for a renewal of such lease for a second or further term of fifty years.

Revision of rent.

10. (1) The rent reserved under any lease of Provinces' land shall be subject to revision every ten years by the leasing Authority, subject to the approval of the Divisional Commissioner.

(2) In determining the rent to be demanded for any land and on any subsequent revision of rent, the Authority shall take into consideration the rent obtained or obtainable at the time for similar land of similar area and amenities similarly situated, and shall have regard to all the circumstances of the case:

Principles to be observed in fixing and revising rents.

Provided that in revising the amount of any rent, an Authority shall not take into account any increase in the value of the land, the rental of which is under consideration, due to capital expended upon such land by the tenant.

(3) A memorandum of every revision of rent shall be endorsed on the lease and entered by the Divisional Commissioner in the Division Land Register.

(4) Any Authority aggrieved by the refusal of the Divisional Commissioner to approve any proposed increase of rent, and any lessee aggrieved by any approved increase of rent shall have a right of appeal to the Minister, whose decision shall be final.

Appeal.

11. Notwithstanding anything in this Act contained, an Authority may, with the approval of the Minister, grant a lease free of rent or at a reduced rent in any case where the Authority is satisfied that it would be in the interest of the community so to do:

Exception to role as to best rents.

Provided that, unless otherwise provided in such lease, there shall be reserved to the Authority the right to impose, subject to the approval of the Minister, a rent in respect of the land which is the subject of such lease if and when it may be considered proper so to do.

12. All records entered in the Division Land Register by the Divisional Commissioner shall be admissible in evidence in all courts of law in The Gambia and shall be prima facie evidence of the matters therein stated.

Record and evidence.

13. A written agreement creating a tenancy of Provinces' land shall be voidable by either party unless-

Voidable deed.

(a) it is executed by the lessor in the presence of two witnesses before the Divisional Commissioner of the Division in which the land leased is situated, and is executed by the lessor or his attorney or agent in the presence of two witnesses before either a Divisional Commissioner or a magistrate of the first class; and

(b) there are endoresed upon it certificates of execution signed by the person before whom it was executed; and

(c) provision is therein made that the lessee shall not sublet or assign his interest thereunder or any part of such interest except with the consent of the Authority concerned and the approval of the Minister provided that such consent or approval shall not be unreasonably withheld; and

(d) it contains stipulations regarding-

(i) the rent reserved;
(ii) the term;
(iii) the purpose for which the land is leased;
(iv) where buildings of a permanent character are to be erected, the rights of the parties to such buildings at the expiration or determination of the lease;
(v) revision of rent every sixty days of execution in the Registy Office; and

(e) it is registered within sixty days of execution in the Registry Office; and

(f) a copy thereof is deposited within sixty days of execution with the Divisional Commissioner for entry in the Division Land Register.

Construction of defective lease.

14. No tenancy by this Act required to be created by written agreement shall, unless it is duly made in writing and unless the Minister has thereon endorsed his approval, be construed as creating any interest greater than a tenancy from year to year.

Determination of tenancy from year to year.

15. Every tenancy from year to year shall be determinable by either party by three months' notice in writing, such notice to expire at the end of the current year of the tenancy.

Fixtures buildings and economic trees.

16. Whether or not the tenancy concerned was created before the date of the coming into operation of this Act, in the case of a tenancy at will or of a tenancy on sufferance the reversion in all fixtures to the lands by the tenant, whether fences or of any other kind whatsoever, and of any building erected by him thereon, and of all economic trees, shall be in the Authority for the District in which the land concerned is situated.

17. In the case of a tenancy created by lease under this Act, in the absence of any agreement to the contrary therein contained- Idem.

(a) any fixture affixed to the land by the tenant, whether fences or ef any other kind whatsoever, and of any building erected by him thereon, which is not so affixed or erected in pursuance of some obligation in that behalf or in lieu of some fixture or building belonging to the Authority, shall be the property of the tenant, and shall be removable by him before or within two months after the termination of the tenancy:

Provided that-

(i) before such removal the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the Authority in respect of the land;

(ii) in such removal the tenant shall not do any avoidable damage to any other fixture or building or other part of the land;

(iii) immediately after such removal the tenant shall make good all damage occasioned to any other fixture or building or other part of the land by the removal;

(iv) the tenant shall not remove any fixture or building without giving to the Authority one month's notice in writing of his intention;

(v) at any time before the expiration of a notice of intention to remove any fixture or building, the Authority may, with the approval of the Divisional Commissioner, give to the tenant notice in writing of election to purchase any fixture or building comprised in the notice of intention to remove, and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the Authority, who shall pay to the tenant the fair value thereof to an incoming tenant of the land;

(b) the Authorty shall pay to the tenant the fair value to an incoming tenant of the land of any economic trees which shall have been planted on the land by the tenant;

(c) in the event of any dispute as to the value of any fixture or building or economic trees, the Divisional Commissioner shall give his decision thereon. If either the Authority or the tenant is aggrieved by the decision of the Divisional Commissioner, there shall be a right of appeal to the Minister, whose decision shall be final.

Interest not to be alienated.

18. (1) No tenant of Provinces' land shall alienate his interest therein, or any part of such interest, by sale, mortgage, transfer of possession, sublease, or bequest or otherwise howsoever without the consent in writing of the Authority concerned and the approval of the Minister first had and obtained, and any such sale, mortgage, transfer of possession , sublease or bequest effected without such consent and approval shall be null and void.

(2) Every assignment of an interest in Provinces' land to which consent and approval have been given under the provisions of subsection (1) of this section shall be effected by an agreement in writing.

Leases not to be determined without good cause.

19. (1) Before the expiration of the term of any lease granted under this Act, the leasing Authority may with the approval of the Minister determine such lease for good cause.

(2) For the purposes of subsection (1) of this section, "good cause" shall include-

(a) non-payment of rent, rates or other dues lawfully imposed on the land;

(b) alienation by sale, mortgage, transfer of possession, sublease or bequest or otherwise of the interest acquired under the lease, or of any part of such interest, contrary to the provisions of this Act;

(c) requirement of the land by the Government for public purposes

(d) abandonment or non-use of the land for a period not less than two years;

Provided that where land is allowed to lie fallow for purposes of recuperation of the soil it shall not be held to have been abandoned; and

(c) breach of any covenant or condition contained in the lease.

Acceptance of rent not to operate as waiver of forfeiture.

20. The acceptance by or on behalf of an Authority of any rent shall not be held to operate as a waiver by the Authority of any forfeiture accruing by reason of any breach of covenant or condition, express or implied, in any lease granted under this Act.

21. Every grant or disposition of Provinces' land lawfully made by the Governor as grantor prior to the date of the coming into operation of this Act shall be deemed to have been made by the Authority for the District in which is situated the land which is the subject of such grant or disposition, and every such grant or disposition is hereby amended by the substitution for the name of the Governor as grantor of the name of the appropriate Authority:

Existing grants deemed to have been made by appropriate Authorities.

provided that all covenants or conditions, express or implied, in such grant or disposition and whether consistent or not with the provisions of this Act shall remain in force until the expiration of the term of such grant or disposition.

22. Every indigene resident on Provinces' land leased under this Act shall remain under the jurisdiction of the Authority for the District in which such land is situated, and shall be liable to the same taxation as other indigenes resident in such District.

Indigenes resident on leased land.

23. (1) Every non-indigene claiming any title to any Provinces' land shall, within six months of the date of the coming into operation of this Act, produce to the Divisional Commissioner for the Division in which such land is situated, all documents of title upon which he bases such claim, or in the absence of such documents, a memorandum of the terms of such occupation signed by the lessor and lessee, which documents or memorandum shall be entered by the Commissioner in the Division Land Register.

Registration of existing titles to land.

(2) The lclaim of a non-indigene to a title to any Provinces' land, documents of title to which or a memorandum as to which have not been produced in conformity with the provisions of subsection (1) of this section, shall be disallowed by every court in The Gambia.

PART IV - ACQUISITION OF LAND FOR PUBLIC PURPOSES

24. (1) The Minister may acquire on behalf of the Crown any Provinces' land for any public purpose for a term of years, paying such compensation and/or consideratinn as may be agreed upon or determined as hereinafter provided by this Act.

Acquisition of land for public purposes.

(2) Notwithstanding anything in this Act contained or any customary law or usage to the contrary, where Provinces' land is required for any public purpose, the Authority for the District

in which such land is situated may grant to the Minister on behalf of the Crown a lease of such land for a term exceeding twenty-one years.

Notice to Authority.

25. Whenever the Minister resolves that any Provinces' land is required for a public purpose, he, or such person as he shall depute in that behalf, shall give notice in writing to the Authority concerned, and may, by such notice or by any subsequent notice, direct that the Authority shall yield up possession of such land after the expiration of the period specified in such notice, which period shall not be less than six weeks from the date of service of such notice, unless the land is urgently required for the public purpose.

Leased land.

26. (1) Where any Provinces' land required for a public purpose is the subject of a lease granted under this Act, the Authority shall fortwith determine the lease, and the Minister shall pay to the lessee such compensation as may be agreed upon or determined as provided by subsection (2) of this section.

(2) Where the Minister and the lessee are unable to agree as to the amount of the compensation payable, the amount shall be determined by a Committee of Arbitration, whose decision shall be final and binding on both parties.

(3) The Committee of Arbitration shall consist of one person appointed by the Minister, one person appointed by the lessee, and a third person, who shall be Chairman, nominated by the two persons thus appointed :

Provided that where the persons appointed by the Minister and the lessee are unable to agree as to the nomination of such third person, such person shall be nominated by the Chief Justice of the Supreme Court.

Non-leased land.

27. Where any Provinces land required for a public purpose is not the subject of a lease granted under this Act but it is necessary to remove therefrom persons in customary occupation thereof, the Minister shall pay, in addition to any rent, such compensation as may be agreed upon or determined as hereinafter provided by this Act.

28. (1) Where the Minister and an Authority are unable to agree as to- Determination of amount of compensation or rent.

(a) the amount of compensation payable under section 27 of this Act;

(b) the rent payable in respect of land acquired for a term of years then the amount of such compensation, or rent, as the case may be, shall be determined by a Committee or Arbitration, whose decision shall be final and binding upon both parties.

(2) The Committee of Arbitration shall consist of one person appointed by the Minister, one person appointed by the Authority concerned, and a third person, who shall be Chairman, nominated by the two persons thus appointed:

Provided that where the persons appointed by the Minister and the Authority are unable to agree as to the nomination of such third person, such person shall be nominated by the Chief Justice of the Supreme Court.

PART V - MISCELLANEOUS

29. The Minister may make regulations for the more effectual carrying out of all or any of the provisions of this Act. Regulations.

SCHEDULE

THE LANDS (PROVINCES) ACT Section 3.

CERTIFICATE

under Section 3 of the Act

This is to certify that ..... of ..... having declared his intention of making the Provinces of The Gambia his permanent domicile, and having satisfied me that he has obtained the consent of the indigenous communities concerned, is entitled to the rights and privileges preserved to or conferred upon the indigenous

inhabitants of the Provinces of The Gambia by the Lands (Provinces) Act, Cap. 103.

Given under my hand at ..... this ..... day of ....., 19...

(Signed) .....
(Minister)

CHAPTER 103

LANDS (PROVINCES) ACT

SUBSIDIARY LEGISLATION

PROVINCES' LANDS REGULATIONS

made under Sections 6 and 29

1. These regulations may be cited as the Provinces' Lands Regulations. Citation.

Management

2. Every Head Chief, Sub-Chief and headman acting with the consent of the Authority, shall, unless the Minister appoints some other person for that purpose, have the care and supervision of all lands within the district, sub-district, town or village under his charge. Supervision of lands.

3. The Minister may, whether or not there be a Head Chief, Sub-Chief, or headman in any place or district, appoint any person to have the care and supervision of all or any of the lands situate in such place or district. Minister may appoint other person to supervise.

4. The Head Chief, Sub-Chief or headman, or other persons appointed to supervise and take care of any lands, shall be responsible for the enforcement of these regulations, and shall without any delay report the breach of any of them to the Commissioner of the Division and to the Authority in which the lands are situate or to which they belong or are adjacent. Head Chiefs, etc. to enforce regulations.

5. The Authorities for the various districts in the Provinces shall be the Licensing Officers within their respective districts and shall be responsible for the issue of all permits under these regulations. Licensing Officers.

General Prohibitions

6. No person shall cut, fell, burn, uproot, injure or remove any tree in a forest park , or any protected tree on any Provinces' land outside a forest park, if the girth of such tree in a forest park or of such protected tree is less, at a point five feet from the ground, than the minimum girth specified in the second schedule hereto in respect of that species of tree. Resctriction on cutting trees in forest parks and protected trees. Second Schedule.

Restriction on extracting palm wine, stone and gravel.

7. No person shall, on any Provinces' land whether inside or outside a forest park-

(a) extract or collect any palm wine from any palm tree which measures less than fifteen feet in height from the ground ; or

(b) quarry or collect stone or dig any gravel or sand within fifty feet of the centre of any roadway.

Trees cut must be first marked.

8. No person shall fell or remove or permit to be felled or removed under a permit granted under these regulations any tree, other than a rhun palm or bamboo, unless such tree has been first marked in a clear and unmistakable manner by a Head Chief, Sub-Chief, headman or other person appointed by the Minister to have the care and supervision of Provinces' land.

Forest Parks

Certain acts prohibited in forest parks except under permit.

9. No person shall in any forest park except under, and in accordance with the terms of, a permit granted to him under these regulations -

(a) cut, fell, burn, uproot, injure or remove any tree, pole, sapling or bamboo; or

(b) cut or remove any dead wood for the purposes of sale or barter; or

(c) light any fire or burn any grass, bush or undergrowth; or

(d) permit any fire lit outside any forest park to spread into a forest park or fail to take reasonable precautions to prevent any such fire from spreading into a forest park; or

(e) clear or cultivate any land; or

(f) squat, reside or erect any temporary or permanent building, hut or cattle enclosure; or

(g) alter, remove, destroy or deface any boundary mark; or

(h) collect any fibre, rubber, gum or any other substance of a like nature; or

(i) extract or collect any palm wine from any species of palm tree; or

(j) take or gather any palm nuts or palm kernels for the purposes of sale or barter; or

(k) quarry or collect stone or dig any gravel or sand.

Provinces' Lands Outside Forest Parks

Certain acts prohibited outside forest forest parks except under permit.

10. (1) No person shall on any Provinces' land outside any forest park except under, and in accordance with the terms of, a permit granted to him under these regulations or unless permitted so to do by the express terms of a lease lawfully granted to him under the Act in respect of such land-

(a) cut, fell, burn, uproot, injure or remove any protected tree; or

(b) cut, fell, burn, uproot, injure or remove any tree, pole, sapling or bamboo for the purposes of sale or barter; or

(c) cut or remove any firewood for the purposes of sale or barter;
or

(d) cut or remove any wood for conversion to charcoal for the purposes of sale or barter; or

(e) collect any fibre, rubber, gum or any other substance of a like nature for the purposes of sale or barter; or

(f) extract or collect any palm wine from any species of palm tree; or

(g)(g) take or gather any palm nuts or palm kernels for the purposes of sale or barter; or

(h) quarry or collect stone or dig any gravel sand, cockle or other shell.

(2) This regulation shall not apply to the cutting, felling, burning, uprooting, injuring or removal of mangrove either for purposes of sale or barter generally, or as firewood, or for conversion to charcoal for the same purposes.

Permits

Licensing Officers may grant permits. Second Schedule.

11. Application for permits to do all or any of the acts or things for which a permit is required under these regulations may be made to the appropriate Licensing Officer, who may, subject to the general or special directions of a Commissioner and upon payment of the appropriate fee specified in the second schedule hereto, grant a permit on such terms and conditions, subject to the provisions of these regulations, as he may think fit:

Provided that no permit may be granted to do any of the acts or things prohibited by regulation 6, 7 or 8 of these regulations:

Provided further that no permit may be issued to fell or remove any tree, other than a rhun palm or bamboo, unless the person issuing the permit is satisfied that such tree has been marked in a clear and unmistakable manner by a Head Chief, Sub-Chief, headman or other person appointed by the Minister to have the care and supervision of Provinces' Land.

Form of permits. First schedule.

12. Permits may be in one of the forms prescribed in the first schedule hereto or in such other form as may be suitable in the circumstances.

Licensing Officers may refuse and revoke permits.

13. Licensing Officers may without assigning any reason refuse to grant or at any time revoke a permit granted under these regulations, but an appeal from such refusal or revocation shall lie to the Senior Commissioner whose decision shall be final.

Particulars to be set out on permit.

14. Every permit shall set forth the date on which such permit is granted, the Division and district in which the lands are situate the name and address of the person to whom it is granted, the purpose for which it is granted, the duration thereof, and all other necessary particulars, In addition, a permit to quarry stone or remove gravel, sand, cockle or other shell shall specify the actual location where it is permissible to quarry stone or remove gravel, sand, cockle or other shell under such permit.

Permit to be produced on demand.

15. The holder of a permit shall produce such permit on demand to the Commissioner, the Head Chief, Sub-Chief or headman of a district, sub-district, town or village, or to any person appointed by the

Minister under regulation 3 of these regulations, or to any badge messenger appointed in accordance with the provisions of section 16 of the Provinces' Act or to any person authorized in writing by the Commissioner to inspect the permit. C p. 151.

16. No permit shall be transferable, without the written consent of a Commissioner. Permit not transferable.

17. Permits, whenever issued, shall, unless previously revoked, expire on the last day of the year of issue unless an earlier date is specified in such permit for the expiration thereof. Expiry of permits.

18. The holder of a permit to cut any tree or timber shall conform to all such directions as to disposal of stumps, unwanted branches, leaves and pieces of timber and as to the clearing up of the site and otherwise as may be given to him in writing by the Commissioner or Authority or by such other person as may be duly authorised by either of them in that behalf. Cutters of timber, etc. to conform to directions given.

19. The holder of a permit to collect india-rubber or any substance of a like nature or palm wine shall conform to all such directions as may be given to him by the Commissioner or by a member of the Department of Agriculture or by a member of the Authority as to the mode in which the trees or vines shall be bled or tapped for such india-rubber, substance or palm wine. Collectors of rubber and palm wine to conform to directions given.

20. Any Head Chief, Sub-Chief, or headman of any district or sub-district, town or village may detain, pending instructions from the Commissioner, any thing which he reasonably suspects has been cut or obtained in contravention of any of the provisions of these regulations. Power to detain things.

21. The Minister may, either generally or in any specific case or class of cases, waive, in whole or in part, the payment of any fee payable under any of these regulations or may direct that any fee paid under any of these regulations shall be refunded in whole or in part. Minister may waive fees.

Export of Timber

No timber to be exported without licence. First schedule.

22. No person shall export or cause to be exported from the Division in which it is obtained any tree or timber (firewood excepted) without having previously obtained a licence signed by the Commissioner, in the form given in the first schedule to these regulations.

Free licence to export timber.

23. Such a licence to export may be issued, in the discretion of the Commissioner, free of charge at the request of any person who produces a permit issued under regulation 11 of these regulations.

Licence to be given to transporter.

24. Such a licence shall be handed by the person to whom it is issued, or by some person on his behalf, to the owner of the vehicle or master of the vessel in which the tree or timber is exported.

Timber not to be transported without licence.

25. No owner of any vehicle or master of any vessel shall transport any tree or timber without having previously received such a licence from the exporter.

Licence to be produced on demand.

Cap. 151.

26. Such a licence shall be produced by the holder thereof at any time, on demand, to any Commissioner or any person authorised in writing by any Commissioner to inspect such a licence, or to the Head Chief, Sub-Chief or headman of any district, sub-district, town or village, or to any person appointed by the Minister under regulations 3 of these regulations, or to any officer, non-commissioned officer, or constable of the Police Force, or to any badge messenger appointed, in accordance with the provisions of section 14 of the Provinces' Act.

Fires

Head Chiefs, etc., neglecting to enforce regulations liable to penalties.

27. The Head Chiefs, Sub-Chiefs and headmen of districts, sub-districts, towns and villages shall be responsible for the protection ofthe lands situate in their districts, sub-districts, towns or villages from the ravages of forest and bush fires, and in cases where they have been guilty of any neglect of duty in connection with such fires, may themselves be held liable to the penalty prescribed for a contravention of these regulations.

Towns and Villages

28. (1) No person shall -

Restrictions on building and cultivation.

(a) cultivate land or build any house within two hundred yards of the boundary of the Provinces; or

(b) take part in establishing any new town on any Provinces' land;

without the approval first obtained of the Authority, who may grant such approval with the consent of the Commissioner.

(2) For the purposes of this regulation "town" means a collection of huts or houses exceeding ten within an area of one acre.

Fees

29. All royalties, fees, rents or other revenue paid under these regulations shall be paid to the revenue of the Area Council established under the provisions of the Local Government Act by the Authority in respect of whose lands such fees are due.

Royalties and fees payable to Area Councils. Cap. 109.

Penalties

30. (1) Any person who contravenes any of these regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds, or in default of payment to imprisonment with or without hard labour for a term not exceeding three months, or to both such fine and such imprisonment.

Penalty for contravention of regulations.

(2) Any penalty inflicted for contravention of any of these regulations against fire shall not exonerate the offender from any liability for damages at the suit of the Crown or of any injured person.

Persons contravening regulations may be sued for damages.

Revocation

31. The Commissioner may revoke any permit or licence granted under these regulations if the holder thereof is convicted of an offence against any of these regulations or fails to comply with any directions lawfully issued under these regulations.

Revocation of permit or licence.

Regulations 12 and 22.

FIRST SCHEDULE

FORM 1

Timber Permit

N° ..... Place of Issue .....

Permission is hereby given to ..... of .....
to cut and remove the following trees, poles or bamboos from .....

Forest Park
Provinces' Lands in ..... District .....

Division

No. of Trees, Pole or Bamboos	Name	Rate per Tree, Pole or Bamboo	Total Fee

Total fee paid

Dated this ..... day of ....., 19 ...

(Signed) .....
Licensing Officer.

FORM 2

* Firewood/Charcoal Permit

No ..... Place of Issue .....

Permission is hereby granted to ..... of .....

*to cut and remove firewood/to cut and remove for conversion to charcoal from ..... for the year ending 31st December, 19 ...
in ..... District ..... Division.

Fee for licence 20/-... ... ...
Number of employees exceeding one at 5/-a head ...

Total fee paid ... ...

Dated this ..... day of .....,19...

(Signed) .....
Licensing Officer.

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* Delete unnecessary words.

FORM 3

Licence To Export Timber

No ..... Issued at .....

Licence is hereby granted to ..... of ..... to export the following produce ..... from ..... situate in the ..... District of the ..... Division to ..... and licence is hereby granted to .....* the owner of motor vehicle No ..... to load or to *the master of any cutter, canoe or vessel to receive and have on board his cutter, canoe or vessel ..... delivered to him for export by the said .....

Delete whichever is not applicable.

This Licence is available from ..... to .....

Dated this ..... day of ....., 19...

(Signed) .....
Commissioner

SECOND SCHEDULE

Fees and Minimum Girths

1. - Timber

Species	Mandinka Name	Rate per tree	Minimum girth
Khaya senegalensis (Mahogany)			
Khaya senegalensis (Mahogany)	Jalo	40s.	8 ft.
Chlorophora regia (Iroko)	Tumbiro	40s.	8 ft.
Ceiba pentandra (White Cotton)	Bantango	20s.	8 ft.
Daniellia oliveri (Incense)	Santango	20s.	6 ft.
Borassus aethipum (Rhun palm)	Sibo	10s.	-
		for each tree for the first five trees for personal use ; 40s. each tree otherwise.	
Detarium senegalensis (Tallow)	Tallo	20s.	5 ft.
Acacia Albida	Baransango	20s.	5 ft.
Perinaria Excelsa (Guinea Plum)	Mampato	20s.	5 ft.
Other trees		10s.	5 ft.
Poles (non-timber species)		3d.	
Bamboo	Bongo	5 for 1d.	

Note - A number of marks in red ink equal in number to the number of trees or pieces of timber mentioned in the licence should be added in the margin thereof.

2. - Firewood

Cutting firewood for sale	30s. per annum

3. - Tree Produce

Tapping palm wine, each individual	30s. per annum
Collecting nuts, kernels, fibres, rubber, gum, each individual	12s. per annum

4. - Quarrying or Collecting Stone, Gravel Sand cockle or Other Shell

For quarrying and collecting stone, for digging of gravel, sand, cockle or other shell.	At the rate of 1s. per cubic yard.

APPOINTMENT

Notification 8 of 1952.

made under regulation 3 of the Provinces' Lands Regulations

All Forest Rangers are appointed to have the care and supervision of all lands situate in every district of the Provinces for the purposes of regulations 8, 11, 15, and 26 of the said regulations.

PROVINCES' LANDS PROTECTED TREES REGULATIONS

Regulations 6 of 1952.*

made under Section 6 (2) (b)

1. These regulations may be cited as the Provinces Lands Protected Trees Regulations. Citation.

2. The trees mentioned in the first and second columns of the Table hereto are hereby declared to be protected trees within the areas mentioned in the third column thereof:

TABLE

Botanical name	Trade or vernacular name	Area within which protected
Khaya senegalensis (Mahogany)	Jalo	All lands not declared to be included in any forest park.
Chlorophora regia (Iroko)	Tumbiro	All lands not declared to be included in any forest park.

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*These regulations have been called, hitherto, the Provinces' Lands (No.2) Regulations.

DECLARATION OF FOREST PARKS

Provinces' Lands have been declared under section 6 (1) of the Lands Provinces Act (Cap. 103) to be Forest Parks, bearing the names set out in the second column of the Schedule hereto, and delineated in the maps mentioned in the third column, having been so declared in the Notifications set out in the fourth column.

2. The maps referred to in the Schedule hereto can be seen on application at the Lands Office, Bathurst.

(Note. - The Forest Parks, are set out in the Schedule, not in the chronological order of their declaration as hitherto, but by Administrative Divisions and by Districts within the Divisions in the same order as that in paragraph 1 of Proclamation 1 of 1959 (L.N. 2 of 1959), made under section 5 of the Provinces Act (Cap. 151).

The members in the column headed "Serial No" are the serial numbers within each Division.

SCHEDULE

Serial No.	SECOND COLUMN Name of Forest Park	THIRD COLUMN Map	FOURTH COLUMN Notification
	WESTERN DIVISION		
	Kombo East District		
1.	Finto Manereg Forest Park	Map F.P. No. 6	7 of 1952
2.	Katilenge Forest Park	Map F.P. No. 6	7 of 1952
3.	Bama Kono Forest Park	Map F.P. No. 6	7 of 1952
	Kombo Central District		
4.	Nyambai Forest Park	Map F.P. No. 5	4 of 1952
5.	Kabafita Forest Park	Map F.P. No. 5	4 of 1952
6.	Furuyar Forest Park	Map F.P. No. 5	4 of 1952
	Kombo South District		
7.	Bamba Forest Park	Map F.P. No. 5	4 of 1952
	Kombo North District		
8.	Salagi Forest Park	Map F.P. No. 4	4 of 1952
9.	Bijilo Forest Park	Map F.P. No. 4	4 of 1952
	LOWER RIVER DIVISION		
	Lower Niumi District		
1.	Lohen Forest Park	Map F.P. No. 12	12 of 1952
	Upper Niumi District		
2.	Kasaywa Forest Park	Map F.P. No. 12	12 of 1952
	Jokadu District		
3.	Kumadi Forest Park	Map F.P. No. 12	12 of 1952

Serial No.	SECOND COLUMN Name of Forest Park	THIRD COLUMN Map	FOURTH COLUMN Notification
	Lower Baddibu District		
4.	Marike Forest Park	Map F.P. No. 13	12 of 1952
	Central Baddibu District		
5.	Dobo Forest Park	Map F.P. No. 13	12 of 1952
6.	Jalobiro Forest Park	Map F.P. No. 13	12 of 1952
	Upper Baddibu District		
7.	Pakala Forest Park	Map F.P. No. 18	8 of 1954
8.	Ngeyen Forest Park	Map F.P. No. 18	8 of 1954
	Jarra East District		
9.	Beri Kolon Forest Park	Map F.P. No. 11	12 of 1952
10.	Tabaning Sita Forest Park	Map F.P. No. 11	12 of 1952
11.	Sutukung Bani Forest Park	Map F.P. No. 11	12 of 1952
12.	Jambangkunda Forest Park	Map F.P. No. 20	8 of 1954
	Jarra Central District		
13.	Tambajang Forest Park	Map F.P. No. 11	12 of 1952
14.	Se-Ulumbang Forest Park	Map F.P. No. 20	8 of 1952
	Jarra West District		
15.	Nyaraberi Forest Park	Map F.P. No. 10	12 of 1952
16.	Jabisa Forest Park	Map F.P. No. 10	12 of 1952
	Kiang East District		
17.	Kaiaf Forest Park	Map F.P. No. 3	4 of 1952
18.	Konoworo Forest Park	Map F.P. No. 3	4 of 1952
19.	Jollofin Forest Park	Map F.P. No. 20	8 of 1954
	Kiang Central District		
20.	Mutaro Kunda Forest Park	Map F.P. Nà. 7	7 of 1952
	Kiang West District		
21.	Brikama Forest Park	Map F.P. No. 7	7 of 1952
22.	Faba Forest Park	Map F.P. No. 7	7 of 1952

Serial No.	SECOND COLUMN Name of Forest Park	THIRD COLUMN Map	FOURTH COLUMN Notification
	Niamina West District		
21.	Jamara Forest Park	Map F.P. No. 24	8 of 1954
	Niamina Dankunku District		
22.	Sikunda Forest Park	Map F.P. No. 1	4 of 1952
23.	Sallo Kuto Forest Park	Map F.P. No. 1	4 of 1952
24.	Pilabi Forest Park	Map F.P. No. 24	8 of 1954
25.	Mamato Konko Forest Park	Map F.P. No. 25	8 of 1954
26.	Sakaru Dalla Forest Park	Map F.P. No. 25	8 of 1954
27.	Hamdulai Forest Park	Map F.P. No. 25	8 of 1954

UPPER RIVER DIVISION

	Fulladu East District		
1.	Sibikuroto Forest Park	Map F.P. No. 2	4 of 1952
2.	Helakunda Forest District	Map F.P. No. 2	4 of 1952
3.	Gambisara Forest Park	Map F.P. No. 2	4 of 1952
4.	Sabbi Forest Park	Map F.P. No. 2	4 of 1952
	Wuli District		
5.	Jeloki Forest Park	Map F.P. No. 26	12 of 1952
	Kantora District		
6.	Jundala Forest Park	Map F.P. No. 17	12 of 1952
7.	Koina Forest Park	Map F.P. No. 17	12 of 1952
8.	Kusun Forest Park	Map F.P. No. 17	12 of 1952

Serial No.	SECOND COLUMN Name of Forest Park	THIRD COLUMN Map	FOURTH COLUMN Notification
	MACCARTHY ISLAND DIVISION		
	Lower Saloum District		
1.	Belel Forest Park	Map F.P. No. 14	12 of 1952
2.	Jumbo Yaka Forest Park	Map F.P. No. 14	12 of 1952
	Upper Saloum District		
3.	Njama Forest Park	Map F.P. No. 19	8 of 1954
4.	Njau Forest Park	Map F.P. No. 19	8 of 1954
	Nianija District		
5.	Kahi Badi Forest Park	Map F.P. No. 21	8 of 1954
	Niani District		
6.	Niani Maru Forest Park	Map F.P. No. 8	7 of 1952
7.	Gassang Forest Park	Map F.P. No. 8	7 of 1952
8.	Sibikuboto Forest Park	Map F.P. No. 8	7 of 1952
9.	Ngongonding Forest Park	Map F.P. No. 22	8 of 1954
10.	Tanu Forest Park	Map F.P. No. 22	8 of 1954
	Sami District		
11.	Dobo Forest Park	Map F.P. No. 15	12 of 1952
12.	Kata Forest Park	Map F.P. No. 15	12 of 1952
13.	Kiberi Forest Park	Map F.P. No. 15	12 of 1952
14.	Samba Tumang Forest Park	Map F.P. No. 15	12 of 1952
15.	Sao Forest Park	Map F.P. No. 23	8 of 1954
	Fulladu West District		
16.	Bankuba Forest	Map F.P. No. 15	12 of 1952
17.	Kaolong Forest Park	Map F.P. No. 16	12 of 1952
18.	Kunkilling Forest Park	Map F.P. No 16	12 of 1952
19.	Madina Demba Forest Park	Map F.P. No. 23	8 of 1954
	Niamina East District		
20.	N'Jassan Forest Park	Map F.P. No. 9	7 of 1952

THE LAWS

of

THE GAMBIA

in force on

THE 1st DAY OF JULY , 1966

REVISED EDITION

prpared under the authority of
The Revised Edition of the Laws Act, 1965
(N°. 25 of 1965)

CHAPTER 102

LANDS (BATHURST AND KOMBO SAINT MAY) ACT

To be obtained from the Government Printer, Bathurst, The Gambia

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CHAPTER 102

LANDS (BATHURST AND KOMBO SAINT MARY) ACT*

Arrangement of Sections

PART I - PRELIMINARY

Section

PART II - GRANTS

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* This Act was formerly the Colony Lands Ordinance and from Independence Day, 1965, it became (L.N. 20 of 1965) the City of Bathurst and Kombo Saint Mary Lands Act. That title has been changed in this Revised Edition in order that the Act's subject matter, namely land, may be more immediately apparent to the eye.

Section

PART III.- ACQUISITION OF LAND FOR PUBLIC PURPOSES

PART IV - KOMBO SAINT MARY DIVISION

PART V - MISCELLANEOUS PROVISIONS

Section

SCHEDULE OF FORMS

CHAPTER 102

An Act to consolidate and amend the law relating to the tenure and management of lands in the City of Bathurst and the Kombo Saint Mary.

[1st January, 1946]

PART I - PRELIMINARY

1. This Act may be cited as the Lands (Bathurst and Kombo Saint Mary) Act.

2. The provisions of this Act shall apply to the City of Bathurst and Kombo Saint Mary.

3. In this Act, unless the context otherwise requires-

"agricultural lease" means a lease for the purpose of agriculture, or for the raising and breeding of cattle, or for the growing and cultivation of any economic product or crop, or for a timber forest;

"building"lease" means a lease for building purpose or for purposes connected therewith;

"Crown lands" means all lands which belongs to the Crown by virtue of any treaty, cession, convention or agreement, and all lands which have been or may hereafter be acquired by or on behalf of the Crown for any public purpose or otherwise howsoever;

"grant" means-

(a) any grant for an estate in fee simple;

(b) any lease;

(c) any licence or other document authorizing the grantee, his heirs and assigns or any of them to hold and occupy any Lands;

(d) any licence or other document conferring any right to cut, gather, take and carry away timber, fibre or other natural product within any Lands therein specified;

(e) any licence or other document conferring any right to search for, work and carry away any minerals, or to quarry, take and remove any stone, sand, gravel or other materials within any Lands therein specified;

(f) any licence or other document conferring any right to make use of any beach, bank, foreshore or ground adjoining the shore or bank of any sea, creek or river;

(g) generally, any grant, licence or right whatsoever relating to any Lands which may lawfully be made, given, granted, assigned or otherwise disposed of by or on behalf of the Crown;

"Lands" means-

(a) Crown lands; and

(b) all shores, beaches, lagoons, creeks, rivers, estuaries and other places and waters whatsoever belonging to, acquired by, or which may be lawfully disposed of by or on behalf of the Crown;

"lease" means the grant of the possession of land by or on behalf of the Crown as lessor for a term of years or other fixed period with a reservation of rent;

"Minister" means the Minister for the time being responsible for the administration of this Act;

"public purposes" means and includes-

(a) for exclusive Government use or for general public use;

(b) for or in connection with sanitary improvements of any kind, including reclamations;

(c) for or in connection with the laying out of any new Government station or the extension or improvement of any existing Government station;

(d) for obtaining control over land contiguous to any port or airport;

(e) for obtaining control over land required for defence purposes;

(f) for obtaining control over land required for civil aviation purposes; and

(g) for obtaining control over land the value of which will be enhanced by the construction of any railway, road, or other public work or convenience about to be undertaken or provided by the Government;

"mineral oils" includes bitumen, asphalt, and all other bituminous substances with the exception of coal;

"minerals" means and includes-

(a) metalliferous minerals including antimony, arsenic, bismuth, copper, cobalt, chromium, cadmium, iron, lead, manganese, magnesium, mercury, molybdenum, nickel, radium, tin, tungsten, uranium and all others of a nature similar to them, and all ores containing them or combinations of any of them with each other or with any other substance;

(b) carbonaceous minerals, including graphite, coal in all its varieties, and all substances of a nature similar to them;

(c) earthy minerals, including asbestos, barytes, bauxite, gypsum, marble, mica, potash, soda, slate, sulphur, and all substances of a nature similar to them;

(d) precious stones, including amber, amethyst, beryl, chrysolite, diamond, emerald, garnet, opal, ruby, sapphire, turquoise, and all substances of a nature similar to them; and

(e) precious metals, including gold, iridium, osmium, planum, silver or ores containing them.

PART II.- GRANTS

Sale of Lands restricted.

4. Except with the consent of the House of Representatives first had and obtained, the Minister on behalf of the Crown shall not sell or otherwise dispose of any Lands for an estate in fee simple;

Provided that the consent of the House of Representatives shall not be required in any case where the grant of any Lands for an estate in fee simple is made to a person who was the owner of freehold land in the city of Bathurst or the Kombo Saint Mary Division which has been acquired by the Crown either by voluntary agreement or compulsorily as hereinafter provided by this Act, and where such grant is made within twelve months of such acquisition.

Minister may make grants

5. Subject to the provisions of section 4 of this Act, the Minister on behalf of the Crown may make grants of Lands in such manner and subject to such conditions as may be required and as may deem proper;

provided that, without prejudice to the powers by this section conferred upon the Minister, any Government officer authorized in that behalf by any regulations made under section 57 of this Act may make grants of Lands of the kind specified in any such regulations, subject to and in accordance with the provisions of such regulations.

Style of grants

6. Every grant made by the Minister on behalf of the Crown shall be executed by the Lands Officer under the seal of the Lands Offices, and every grant made by any Government officer authorized in that behalf by any regulations made under section 57 of this Act shall be executed by such officer and shall be expressed to be made in conformity with the provisions of such regulations.

Validity of grants

7. Every grant of any Lands executed in accordance with the provisions of section 6 of this Act shall be deemed to be valid and effectual for the purpose of conferring and assuring any right, proprietary or possessory or as the case may be, thereby expressed or intended to be conferred.

8. (1) A grant under this Act shall not, unless express provision to the contrary is contained therein, confer any right to- Reservations.

(a) the water of any spring, river, lake or stream other than such water as may be required for domestic purposes upon the land which is the subject of the grant;

(b) the foreshore or to the banks of any navigable waterway; or

(c) any mineral or to any mineral oil.

(2) There is hereby reserved to the Crown the right to enter upon any land which is the subject of any grant under this Act, and-

(a) to search for, mine and remove any mineral or mineral oil; and

(b) except in the case of land leased for building purposes only, to remove any stone, gravel, soil or other substances required for the construction or repair of any road, Government building or other public work.

(3) The rights reserved under subsection (2) of this section may be exercised by any person authorized by the Minister in that behalf.

9. (1) Where an agreement has been entered into for the making of any grant under this Act in consideration of the payment of an agreed sum of money and a portion only of such sum has been paid, the land shall vest in the grantee, but the Minister shall have a lien on the land for the balance of the agreed sum remaining unpaid. Payment of agreed sums for grant.

(2) If the balance of such agreed sum is not paid within six months of the date of the agreement, or within such other period as may be specified in the agreement, the land shall revert to the Crown and all money paid by the grantee shall be forfeited.

(3) No grantee shall be entitled to a conveyance, lease or other formal instrument conferring the grant until the whole of the agreed sum has been paid.

10. (1) Where any land granted under this Act appears to the Minister to have been unoccupied for a period exceeding twelve months, he may give notice in writing to the grantee that, if within the six months next following the date of such notice the grantee does not appear and afford proof that he intends to use and develop the land to a reasonable extent within a reasonable time, the land shall revert to the Crown, and all money paid in consideration of the grant of such land shall be forfeited. Unoccupied lands.

PART II - GRANTS

Sale of Lands restricted

4. Except with the consent of the House of Representatives first had and obtained, the Minister on behalf of the Crown shall not sell or otherwise dispose of any Lands or an estate in fee simple:

Provided that the consent of the House of Representatives shall not be required in any case where the grant of any Lands for an estate in fee simple made to a person who was the owner of freehold land in the city of Bathurst or the Kombo Saint Mary Division which has been acquired by the Crown either by voluntary agreement or compulsorily as herein after provided by this Act, and where such grant is made within twelve months of such acquisition.

Minister may make grants

5. Subject to the provisions of section 4 of this Act, the Minister on behalf of the Crown may make grants of Lands in such manner and subject to such conditions as may be required and as may deem proper;

Provided that, without prejudice to the powers by this section conferred upon the Minister, any Government officer authorized in that bahelf by any regulations made under section 57 of this Act may make grants of Lands of the Kind specified in any such regulations, subject to and in accordance with the provisions of such regulations.

Style of grants

6. Every grant made by the Minister on behalf of the Crown shall be executed by the Lands Officer under the seal of the Lands Office, and every grant made by any Government officer authorized in that behalf by any regulations made under section 57 of this Act shall be executed by such officer and shall be expressed to be made in conformity with the provisions of such regulations.

Validity of grants

7. Every grant of any Lands executed in accordance with the provisions of section 6 of this Act shall be deemed to be valid and effectual for the purpose of conferring and assuring any right, proprietary or possessory or as the case may be, thereby expressed or intended to be conferred.

8. (1) A grant under this Act shall not, unless express provision to the contrary is contained therein, confer any right to- Reservations

(a) the water of any spring, river, lake or stream other than such water as may be required for domestic purposes upon the land which is the subject of the grant;

(b) the foreshore or to the banks of any navigable waterway; or

(c) any mineral or to any mineral oil.

(2) There is hereby reserved to the Crown the right to enter upon any land which is the subject of any grant under this Act, and-

(a) to search for, mine and remove any mineral or mineral oil; and

(b) except in the case of land leased for building purposes only, to remove any stone, gravel, soil or other substances required for the construction or repair of any road, Government building or other public work.

(3) The rights reserved under subsection (2) of this section may be exercised by any person authorized by the Minister in that behalf.

9. (1) Where an agreement has been entered into for the making of any grant under this Act in consideration of the payment of an agreed sum of money and a portion only of such sum has been paid, the land shall vest in the grantee, but the Minister shall have a lien on the land or the balance of the agreed sum remaining unpaid. Payment of agreed sums for grant.

(2) If the balance of such agreed sum is not paid within six months of the date of the agreement, or within such other period as may be specified in the agreement, the land shall revert to the Crown and all money paid by the grantee shall be forfeited.

(3) No grantee shall be entitled to a conveyance, lease or other formal instrument conferring the grant until the whole of the agreed sum has been paid.

10. (1) Where any land granted under this Act appears to the Minister to have been unoccupied for a period exceeding twelve months, he may give notice in writing tothe grantee that; if within the six months next following the date of such notice the grantee does not appear and afford proof that he intends to use and develop the land to a reasonable extent within a reasonable time, the land shall revert to the Crown, and all money paid in consideration of the grant of such land shall be forfeited. Unoccupied lands.

(2) Such notice shall be published in the Gazette, and a copy thereof shall be affixed to the land, and, if the address of the grantee is known, a copy shall be sent by registered post to such address.

(3) If the grantee does not appear within the six months next following the date of the publication of such notice in the Gazette, or, if having appeared, he fails to afford reasonable proof that he intends to use and develop the land within a reasonable time, the Minister shall by notice in the Gazette declare the land to be forfeited, and the land shall thereupon revert to the Crown.

Revision of rent.

11. (1) In every lease granted under this Act, unless express provision to the contrary is contained therein, there shall by virtue of this Act be reserved to the Minister the right to revise and fix the rent for such periods (hereinafter referred to as revision periods) as may be specified, in the lease, or, in the absence of such specification, for periods of seven years.

(2) As nearly as may conveniently be to the date of commencement of each revision period, the Minister shall revise and fix the yearly rent which shall be payable during such revision period.

(3) In revising the rent, the Minister shall have regard to the rent obtainable at the time of revision for similar land of similar area and amenities similarly situated, and to all the circumstances of the case, but shall not take into account any increase in the value of the land due to improvements made on the land by the lessee.

(4) The amount at which the revised rent has been fixed by the Minister shall be notified to the lessee, who, if he considers that the revised rent has been fixed at an amount which is in excess of that which can be properly demanded, having regard to the provisions of subsection (3) of this section, may within one month of such notification appeal to the Minister.

(5) If the Minister and the lessee are unable to agree as to the revised rent to be paid, the matter shall be referred to an arbitrator to be agreed upon by the Minister and the lessee, or, in the absence of such agreement, by the Chief Justice of the Supreme Court.

(6) The decision of the arbitrator shall be final and binding on both parties, and unless the revised rent fixed by the arbitrator is less than that originally demanded by the Minister the lessee shall pay any costs incidental to the arbitration.

12. In every grant under this Act, there shall by virtue of this Act be implied covenants by the Minister- Implied Covenants by Minister

(a) that he has full power to make such grant; and

(b) that the grantee, fulfilling the covenants and conditions contained in such grant or implied by virtue of this Act, shall quietly hold and enjoy the premises without any interruption by the Minister or any person claiming under him, except so far as the laws for the time being in force in The Gambia may permit.

13. In every grant under this Act, there shall by virtue of this Act be implied covenants by the grantee- Implied covenants by grantee.

(a) that he will pay the rent or royalties (if any) thereby reserved at the times and in the manner therein provided;

(b) that he will pay all taxes, rates, charges, duties and other outgoings of whatever description as are or may be imposed, charged or assessed upon the land and upon any buildings which are or may be erected thereon; and

(c) that he will allow the Minister or any person acting under his direction or by virtue of his duty as an officer of the Government, with or without workmen, at all reasonable times to enter into and upon the premises and examine the state and condition thereof;

14. In every grant under this Act there shall by virtue of this Act be implied, unless such covenants are therein expressly varied or excepted, covenants by the grantee- Idem.

(a) that he will not sub-divide, convey, assign, or otherwise alienate the premises or any part thereof by sale, mortgage, transfer of possession, lease or sub-lease, without the consent of the Minister in writing first had and obtained;

(b) that he will cause all conveyances, and assignments of the premises or any part thereof to be registered in the office of the Land Registry within one hundred and twenty days of the date thereof;

(c) that he will not at any time carry on or commit or cause or permit to be carried on or committed any noisy, offensive or dangerous trade or nuisance;

(d) that he will not fell, cut down or in any other way injure or destroy any mature trees standing or growing on the premises without the consent of the Minister in writing first had and obtained;

(e) that he will at all times fully comply with the provisions and requirements of all such regulations and rules relating to the erection and construction of buildings as are applicable to the premises, or as may otherwise be required.

Implied covenants by lessee in building lease

15. In every building lease granted under this Act, there shall by virtue of this Act be implied, unless such covenants are therein expressly varied or excepted, covenants by the grantee-

(a) that he will erect the buildings specified in the lease in the manner and within the period of time therein provided;

(b) that he will provide drainage and water supply in full compliance with all such regulations and rules relating to the provision of drainage and water supply as are applicable to the premises, or as may otherwise be required;

(c) that he will maintain the building erected on the premises in good and substantial repair.

Implied covenants lessee in agricultural leases

16. In every agricultural lease under this Act, there shall by virtue of this Act be implied by the lessee a covenant that he will improve and develop the natural resources of the land in a prudent and businesslike manner and will abstain from the undue destruction or exhaustion of any timber, trees or plants for the sale or cultivation of which the land is leased.

Covenants binding on persons decriving title from grantee

17. Every covenant, whether express or implied, contained in any grant under this Act, shall, unless an express provision to the contrary is contained in the grant, be binding upon all persons claiming an interest in the land which is the subject of such grant, and whose title is derived through or under the grantee.

Buildings erected on leased land

18. (1) Subject to the further provisions of this section and in the absence of express provision to the contrary contained in the lease, all buildings on land leased under this Act, whether such buildings have been erected by the lessee or not, shall, on the determination of the lease, pass to the Minister without payment of compensation.

'2) In the absence of express provision to the contrary contained in the lease, where land is leased for a term not cexceeding thirty years, the lessee shall be at liberty within three months of the determination of the lease (other than determination by forfeiture) to remove any buildings erected by him on the land during the currency of the lease, unless the Minister shall elect to purchase such buildings.

(3) If the Minister and the lessee are unable to agree as to the purchase price to be paid for such buildings, the matter shall be referred to an arbitrator to be agreed upon by the Minister and the lessee, or, in the absence of such agreement, by the Chief Justice of the Supreme Court.

(4) The decision of the arbitrator shall be final and binding on both parties, and unless the purchase price fixed by the arbitrator is more than that originally offered by the Minister, the lessee shall pay any costs incidental to the arbitration.

Power of re-entry on breach of covenant.

19. (1) If there shall be any breach or non-observance by the grantee or by any person deriving any interest in the premises through or under the grantee of any of the covenants or conditions, whether express or implied, contained in any grant under this Act, the Minister may at any time after such breach or non-observance re-enter into and upon the premises or any part thereof in the name of the whole, and have again, repossess, hold and enjoy the same as in his former estate:

Provided that the power of re-entry authorized by this subsection shall not be exercisable in respect of the breach or non-observance of any covenant or condition express or implied which is capable of immediate remedy (other than a covenant for payment of rent or a covenant against assigning or sub-letting) unless and until the Minister shall have caused to be served upon the lessee a notice specifying the particular breach or non-observance of which complaint is made and requiring the lessee to remedy such breach or non-observance, and, at the discretion of the Minister, to make reasonable compensation in money therefor, and the lessee has failed to remedy such breach or non-observance and to pay such compensation as aforesaid to the Minister. Such notice shall-

(a) be served personally upon the lessee; or

(b) be sent to him by registered post to his last known address; or

(c) be published in the Gazette and a copy thereof be afixed to the premises.

(2) Any right of action or other remedy of the Minister in respect of any breach or non-observance by the grantee or by any person deriving any interest in the premises through or under the grantee of any of the covenants or conditions, whether express or implied, contained in any grant under this Act shall not be prejudiced by the exercise of the power of re-entry conferred upon the Minister by subsection (1) of this section.

(3) The acceptance by or on behalf of the Minister of any rent shall not operate as a waiver by the Minister of any forfeiture accruing by reason of the breach or non-observance of any covenants or conditions, whether express or implied, contained in any grant under this Act.

General powers of Minister

20. (1) The Minister may accept on such terms and conditions as he may think proper the surrender of any lease or licence granted under this Act.

(2) The Minister may wholly or partially remit, except as otherwise prescribed, all or any of the covenants or conditions contained in any lease or licence granted under this Act in any case where, owing to special circumstances, compliance therewith would be impossible or would cause great hardship to the grantee.

(3) The Minister may extend, except as otherwise prescribed, the time to the lessee for performing the covenants or conditions contained in any lease or licence liable to forfeiture for such period, and upon such terms and conditions, as he may think fit, and the period so extended and the terms and conditions so imposed shall be deemed to be inserted in the lease and shall be binding upon the lessee.

Power to erect telegraph poles, etc.

21. Any person authorized by the Minister may at any time enter upon any land which is the subject of a grant under this Act or under any Ordinance repealed by this Act and may-

(a) set up poles and carry electricity lines across such land; and

(b) lay sewers, drains, water pipes or electric lines therein without paying compensation but making good any damage done.

22. (1) The Minister may at any time enter upon any land leased under this Act or under any Ordinance repealed by this Act and may resume any portion of such land for roads, railways, tramways, waterways or any other public undertaking without paying compensation for the land but compensation shall be paid for buildings or crops destroyed or damaged. Resumption of land for roads, etc.

(2) Whenever such land has been resumed in accordance with the provisions of subsection (1) of this section, the lessee shall be entitled to a proportionate reduction in his rent, and account shall be taken of any lessening of the amenities of the land or buildings thereon which remain in his possession.

(3) The Minister may delegate to any Government officer the powers conferred upon him by this section.

(4) If the Minister and the lessee are unable to agree as to-

(a) the amount of compensation to be paid for buildings or crops destroyed or damaged; or

(b) the reduction of rent to be made, the matter shall be referred to an arbitrator to be agreed upon by the Minister and the lessee, or, in the absence of such agreement, by the Chief Justice of the Supreme Court.

(5) The decision of the arbitrator shall be final and binding on both parties, and unless the amount of compensation to be paid is more than that offered by the Minister or unless the amount by which the rent is to be reduced is more than that offered by the Minister the lessee shall pay any costs incidental to the arbitration.

23. All public thoroughfares existing on any land granted under this Act shall be deemed to be and shall be reserved and remain free and uninterrupted unless the same be closed or altered by the order of the Minister or by any other competent authority. Saving of public thoroughfares

24. No lands shall be granted in any manner whatsoever under this Act until it has been surveyed and demarcated by a Government or licensed surveyor and the plan thereof has been approach and signed by the Land Officer or by an officer of his Department acting on his behalf. Lands to be surveyed before grant made

Boundary marks

25. (1) The owner or lessee of any Lands sold, granted or leased before or after the coming into operation of this Act shall at all times maintain in repair to the satisfaction of the Land Officer or of such other officer as the Minister may appoint in this behalf all boundary marks or pillars placed or erected to denote the boundaries of the land in question.

(2) Every owner or occupier of land abutting on any Lands shall define and keep defined the boundary between the land owned or occupied by him and the adjoining Lands to the satisfaction of the Land Officer or of such other officer as the Minister may appoint in this behalf, and in default of his so doing the Land Officer or other officer as aforesaid may by notice in writing require such owner or occupier to define such boundary in such manner and within such time as shall be specified in such notice.

(3) Any owner or occupier who fails to comply with the requirements of a notice served upon him in accordance with the provisions of subsection (2) of this section shall be guilty of an offence against this Act, and shall on summary conviction be liable to a fine not exceeding twenty pounds and in addition to or in lieu of such fine the court shall order him to pay the expenses incurred (if any) by the Government in defining the boundary which he has neglected to define.

Sale or lease by a court to be approved by Minister

26. No lease under this Act or under any Ordinance repealed by this Act which contains a covenant, whether express or implied, by the lessee not to assign without the consent of the Minister shall be sold by or under the orders of any court in execution of a decree or otherwise howsoever, except to a purchaser approved by the Minister.

PART III. - ACQUISITION OF LAND FOR PUBLIC PURPOSES

Power of Minister to acquire lands

27. (1) The Minister may acquire any lands required for any public purpose for an estate in fee simple or for a term of years as he may think proper, paying such consideration or compensation as may be agreed upon or determined as hereinafter provided.

(2) All lands so purchased or taken shall be conveyed to or surrender to and become vested in and held by the Minister for the time being on behalf of the Crown.

Preliminary investigation

28. (1) Whenever it appears to the Minister that any land is likely to be required for any public purpose, any person either generally or specially authorized by the Minister in this behalf, with or without workmen, may-

(a) enter upon and survey and take levels of such land;

(b) dig or bore under the subsoil;

(c) do all other acts necessary to ascertain whether the land is suitable for the purpose for which it is required; and

(d) clear, set out and mark the boundaries of the land proposed to be acquired and the intended line of the work (if any) proposed to be made thereon:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier) without previously giving the occupier at least seven days' notice in writing of his intention.

(2) As soon as conveniently may be after any entry made in accordance with the provisions of subsection (1) of this section the person authorized as aforesaid shall pay for all damage done, and in the event of any dispute as to the amount to be paid, the Commissioner exercising jurisdiction in the area in which the land is situated shall give his decision thereon, which shall be final.

Power of persons under disability

29. (1) It shall be lawful for the persons being seized, possessed of or entitled to any lands or any estate or interest therein to sell and convey the same to the Minister and particularly it shall be lawful for all or any of the following persons to sell and concey namely, guardians, committees of persons of unsound mind, trustees for charitable or other purposes, executors and administrators, and persons for the time being entitled to the receipt of the rents and profits of any lands.

(2) The power so to sell and convey as aforesaid may lawfully be exercised by such persons not only on behalf of themselves and their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion or remainder after them or in defeasance of their estates, and as to such guardians on behalf of their wards, and as to such committees on behalf of the persons of unsound mind of whom they are the committees, and as to such trustees, executors and administrators on behalf of their cestui que trusts respectively to the same extent as such wards, persons of unsound mind and cestui que trusts could have exercised under this Act if they had not respectively been under disability.

Notice of intention to acquire

Schedule Form A.

30. (1) Whenever the Minister resolves that any land is required for a public purpose, he, or such person as he shall depute in that behalf, shall give notice to the persons interested in such land or claiming to be interested therein or to the persons entitled under this Act to sell or convey the same or to such of them as shall after reasonable inquiry be known to him, which notice shall be in the Form A set forth in the schedule to this Act, or to the like effect.

(2) The Minister, or the person deputed by him as aforesaid, may by such notice or by any subsequent notice direct the persons aforesaid to yield up possession of the land specified in such notice after the expiration of the period specified in such notice, which period shall not be less than six weeks from the date of service of such notice, unless the land is urgently required for the public purpose.

(3) At the expiration of the period specified in such notice, the Minister and any person authorized by him in that behalf shall be entitled to enter into and take possession of the land.

(4) Every notice under this section shall-

(a) be served personnally on the persons to be served; or

(b) sent by registered post to the last address of such persons, if any such address can after reasonable inquiry be ascertained or,

(c) in case any such persons be absent from The Gambia or if such persons or their last address cannot after reasonable inquiry be found, shall be left with the occupier of the land; or

(d) if there be no person in occupation of the land, shall be affixed upon some conspicuous part of such land.

(5) Every notice under this section shall be published once at least in the Gazette.

31. In any case where-

Disputes as to compensation and title to be settled by the Supreme Court.

(a) no claim shall have been lodged with the Minister or the person authorized by him to act in this behalf within twenty days of the service of the notice required by subsection (1) of the last preceding section; or

(b) the person who may have lodged any claim and the Minister are unable to agree as to the amount of the compensation or consideration to be paid for the estate or interest in the land in question belonging to such person, or which he is by this Act enabled to sell and convey; or

(c) if such person has not given satisfactory evidence in support of his claim; or

(d) if separate and conflicting claims have been lodged in respect of the same land;

the amount of compensation or consideration due, if any, and every case of disputed interest or title shall be determined by the Supreme Court, which shall have jurisdiction to hear and determine in all cases, set forth in this section upon a summons taken out by the Attorney-General or by any person authorized by the Minister to act in this behalf or by any person holding or claiming any estate or interest in the lands named in such notice or enabled or claiming to be enabled by this Act to sell and convey the same.

Ex parte decisions.

32. In any case where no claim has been lodged, or where any person upon whom a summons has been served shall not appear at the time appointed for the hearing by the Supreme Court, a decision may be given ex parte upon hearing the evidence adduced, and such decision shall be as effectual as if given after hearing and in the presence of all parties.

Report of Government officers as to value.

33. (1) The written report of any officer of the Public Works Department or of the Survey Department as to the value of any lands or of any buildings or trees or crops thereon shall be evidence thereof provided that it shall not exclude any other evidence of such value.

(2) Any officer mentioned in subsection (1) of this section may after giving three days' notice in writing to the occupier, enter upon any lands required for a public purpose or into any buildings erected upon such land for the purpose of ascertaining the value of such land and the buildings, trees and crops thereon.

(3) Any party having an interest in any lands required for a public purpose may call as a witness any officer mentioned in subsection (1) of this section, and may also adduce any other evidence as to value.

(4) The written report of any officer mentioned in subsection (1) of this section may be proved by a copy thereof under the hand of such officer, and no proof of the signature of any such officer shall be required unless the Court sees reason to doubt the authenticity thereof.

Unoccupied lands

34. (1) No compensation shall be payable in respect of unoccupied lands.

(2) Lands shall be deemed to be unoccupied where it is not proved that beneficial use thereof for cultivation or habitation or for any industrial purpose has been had for a continuous period of at least six months during the period of the ten years immediately preceding the publication of the notice stating that such lands are required for a public purpose.

Divided property.

35. (1) No person shall at any time be required to sell or convey to the Minister a part only of any house or other building if such person be willing and able to sell and convey the whole thereof.

(2) If any lands required for a public purpose, not being situated in a town, shall be so divided by the land taken as to leave a parcel of land of less area than half an acre, and if the owner of the land so left requires the Minister to acquire the same together with the other part required for the public purpose, the Minister shall acquire the same accordingly, unless the owner thereof has other land adjoining thereto into which the same can conveniently be thrown.

Computation of compensation

36. (1) In estimating the compensation to be given for any lands or any estate or interest therein or for any mesne profits thereof, the Supreme Court shall-

(a) assess the same according to what it shall find to have been of the value of such lands, estate or interest or profits at the time of the service of the notice to acquire, and shall not take into account any improvements or works made or constructed thereafter on the lands;

(b) where part only of the lands belonging to any person is acquired under this Act, take into consideration the enhancement of the value of the residue of the lands by reason of the proximity of any improvements or works made or constructed or to be made or constructed by the Government; and

(c) have regard not only to the value of the lands acquired for the public purpose but also to the damage, if any, to be sustained by the owner by reason of the severance of such lands from other lands belonging to such owner or other injurious affecting of such other lands by the exercise of the powers conferred by this Part of this Act.

When compensation for loss of rents and profits

(2) When the Minister has in pursuance of a notice under section 30 (2) of this Act entered into possession of any lands, the Court may award the compensation to the owner of such lands and to all parties entitled to any estate or interest therein for loss of rents and mesne profits for the period between the time when the Minister so entered and the time when the consideration due under an agreement has been paid to the persons entitle thereto, or compensation has been paid into Court under the provisions of this Act.

When the Minister may withdraw from acquisition

37. (1) Nothing in this Act contained shall be taken to compel the Minister to complete the acquisition of any lands unless-

(a) he shall have entered into possession of the land; or

(b) he has failed within one month of the judgment of the Court to intimate to the Court that he does not intend to proceed with the acquisition.

(2) In any such case, the owner of the land and all persons entitled to any estate or interest therein shall be entitled to receive from the Government all such costs as may have been incurred by them by reason or in consequence of the proceedings for acquisition and compensation for the damage, if any, which they have sustained by reason or in consequence of the notice of intended acquisition.

(3) The amount of any such costs or compensation, if not agreed upon, shall be determined by the SUpreme Court.

Costs.

38. (1) In any proceddings under this Part of this Act to which the Government is a party, the parties thereto shall be entitled to receive costs against each other in the same manner as if such proceedings had been between subject and subject, and every sum directed by the Court to be paid by the Government as costs shall, upon production of a certified copy of the order of the Court, be paid by the Accountant-General.

(2) Where the amount awarded by the Court as the consideration or compensation payable to the owner of any estate or interest in any lands acquired for a public purpose does not exceed the sum offered by the Minister to such person as consideration or compensation for such estate or interest, such person shall pay the costs of all proceedings taken under section 31 of this Act rendered necessary by the action of such person.

Postponement of payment of compensation

39. (1) The judgment of the Supreme Court or, where appeal has been taken, of The Gambia Court of Appeal or of the Judical Committee, as the case may be, respecting any compensation or on any question of disputed interest or title shall be final and conclusive in regard to all parties upon whom summonses have been served, or who have appeared and claimed or on whose behalf any person having authority to that effect has claimed any lands or any interest therein:

Provided that persons upon whom summonses have not been served, and who have not appeared or claimed or on whose behalf no claim has been made, may do so at any time within one year of the date of the final judgment.

(2) In all cases where any compensation has been awarded, whether the same be in the form of a sum of money or an annual rent, the amount thereof or such part thereof as shall be payable within the said period of one year, except where a valid written title to the land shall be delivered, shall be paid into Court and shall not be paid out of Court until the said period of one year shall have elapsed from the date of such final judgment, after which upon application to the Court by any person claiming as aforesaid to be interested therein it may be paid to whomsoever the COurt may direct.

(3) The payment into Court as aforesaid, and, where the compensation is in the form of rent, the payment after the said period of one year shall have elapsed by the Minister of such rent as it accrues to the parties who have appeared by the judgment of the Court to have the best right thereto shall operate as a complete discharge and acquittance of the Minister of all claims in respect of such lands or any interest therein, but shall not hinder any subsequent proceedings by any person claiming to have a better right thereto against the person to whom such payment has been made.

40. Where any question arises respecting the title to any lands to be acquired, the parties in possession as being the owners thereof, or in receipt of the rents of such lands as being entitled thereto at the time when such lands are purchased or taken shall be deemed to have been lawfully entitled to such lands, unless the contrary be proved to the satisfaction of the Court, and they and all parties claiming under them or consistently with their possession shall be deemed entitled to the consideration or compensation, but without prejudice to any subsequent proceedings against such parties at the instance of any person claiming to have a better right thereto.

Persons in possession as owners deemed entitled to lands.

41. The payment to any person to whom any consideration or compensation shall be paid, or the payment into Court of any compensation upon a judgment of the Court, shall effectually discharge the Minister from being responsible for the application or answerable for the misapplication thereof;

Minister exonerated upon payment.

Provided that where any person is in possession by virtue of any estate less than an estate for inheritance, or where any person is in possession in any fiduciary or representative capacity, the Minister may pay such consideration or compensation to such person and in such proportions and in such manner as the Court may direct.

42. Conveyances of lands acquired under this Act may be in Forms B or C set forth in the schedule hereto or as near thereto as may be, or by deed in any other form which the MInister or the officer appointed by him may deem fit and shall be executed by the Lands Officer under the seal of the Lands Office.

Conveyances. Schedule Forms B and C

43. The Minister or the officer appointed by him may, at any time after the expiration of twenty-one days from the date of the service and publication of the notice prescribed by section 30 of this Act, apply ex parte by summons to the Supreme Court for a certificate of title to the whole or any part of the lands described in such notice and upon such application the Court shall, upon proof of the service and publication of the said notice, grant a certificate of title in Form D set forth in the schedule hereto or to the like effect to the whole of the lands described in such notice or to that part thereof in respect of which the application is made, which certificate shall not be questioned or defeasible by reason of any irregularity or error or defect in the notice or want of notice, or of any other irregularity, error or defect in the proceedings prior to the obtaining of such certificate.

Certificate of title

Schedule Form D

Filing of conveyance or certificate of title.

44. Every conveyance and certificate of title granted under this Part of this Act shall be registered in the office of the land Registry, and every such conveyance or certificate of title shall confer on the Minister in trust for the Crown the estate or interest comprised or referred to therein against all persons, free from all adverse or competing rights, titles, interests, trusts, claims and demands whatsoever, subject always to the terms and conditions, if any contained therein.

Proceedings where possession of lands is withheld.

45. If any person hinders or obstructs any person duly authorized by the Minister from entering upon and taking possession of any lands in which the Minister may lawfully enter and take possession under this Part of this Act, the Minister or any officer appointed by him may apply ex parte at any time to the Supreme Court for a writ of possession, and the Court upon proof of the service and publication of the notice prescribed by section 30 of this Act shall thereupon issue a warrant of possession, which may be in Form E set forth in the schedule hereto, or to the like effect, addressed to the Sheriff, under which warrant the Sheriff or beadle or other officer of the Court or any constable may forthwith eject any person so witholding possession.

Penalty for hindering the taking of possession of lands.

46. Any person who hinders or obstructs any person duly authorised by the MInister from entering upon or taking possession of or using any land in pursuance of the provisions of this Part of this Act, or who molests, hinders or obstructs such person when in possession of such lands, or who hinders or obstructs any person lawfully executing a warrant of possession shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Form or summons Schedule. Forms F and G.

47. Summonses under this Part of this Act shall be in Form F or G set forth in the schedule hereto, or the like effect.

Contents of summons.

48. Every summons taken out by the Minister or any officer appointed by him in that behalf for the purpose of determining the amount of consideration or compensation to be paid shall state therein the amount of the consideration or compensation which the Minister is willing to pay for the lands to which the summons relates, and, when part only of the lands belonging to any person is required, such summons shall also state the sum, if any, allowed in estimating such amount, for enhancement in the value of the residue of such lands.

49. The fact that a notice has been served upon any person under section 30 of this Act shall not be taken as an admission by the Minister that the person upon whom such notice has been served or any other person has any estate or interest in the land or any part of the land specified in the notice, or debar the Minister from alleging in any proceedings, whether under this Part of this Act or otherwise, that such land is Crown land.

Service of notice not to be taken as admission that land is Crown land.

PART IV - KOMBO SAINT MARY DIVISION

50. (1) All occupiers of land in Kombo Saint Mary Division, other than the holders of freeland or leasehold grants from the Crown, shall be deemed to be tenants of the Crown from years to year.

Occupiers deemed tenants from year to year

(2) Nothing in subsection (1) of this section contained shall be construed to prevent any such tenant from year to year from making application for a grant under the provisions of Part II of this Act.

Crown grants may be applied for

51. (1) The rent payable by every tenant from year to year of the Crown shall be paid to the Accountant General not later than the 31st January in every year.

Payment of rent.

(2) Where the rent payable in respect of any Crown land occupied by a tenant from year to year remains unpaid on the 31st March of the year in respect of which such payment is due, the Crown shall be entitled to enter upon and re-possess such land, and all rights and interests of the tenant from year to year shall be extinguished.

Right of re-entry

(3) A tenancy from year to year shall be determinable by six months' notice in writing given by either party.

Termination of tenancy.

PART V - MISCELLANEOUS PROVISIONS

52. (1) Where any person without right, title or licence or whose right, title or licence has expired or been forfeited or cancelled, is in occupation of any Lands, the Attorney-General or some person appointed by him in that behalf, or the Land Officer, may enter a suit in the Supreme Court to recover possession thereof.

Recovery of Lands in unlawful occupation.

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* Sections 50 and 51 have hiterto been sections 63 and 64 of the former Kombo Saint Mary Division Act (Cap. 103 of the 1955 Revision).

(2) If upon the hearing of such suit the defendant does not appear, or appears but fails to establish an absolute right to the possession of the land, the Court shall order that the possession of the land sought to be recovered shall be given by the defendant to the plaintiff on behalf of the Crown, either forthwith or on or before such day as the Court shall think fit to appoint, and shall issue such process as may be necessary to carry such order into effect.

Evidence in proceedings

53. In any action, suit or proceedings against any person for or in respect of any alleged unlawful occupation, use of, or trespass upon any Lands, the proof that the occupation or use in question was authorised shall lie on the defendant, and in every such action, suit or proceedings and in every action by or against the Government in which title to land shall be in issue the averment that any land is Lands shall be sufficient without proof of such fact, unless the defendant prove the contrary.

Right of Crown to sue not to be barred by limitation.

54. No action or other remedy by or on behalf of the Crown for the recovery of any Lands shall be barred or affected by any Act or other law of limitation.

Suit for rent not barred by limitation.

55. No action or other remedy for the recovery of rent due under any lease granted under this Act or under any Act repealed by this Act shall be barred or affected by any Act or other law of limitation.

Right of way not to be presumed against the Crown.

56. No right of way shall be presumed or allowed to be asserted or established against the Crown by reason only of user, whether such user commenced before or after the date of the coming into operation of this Act.

Regulations.

57. The Minister may make regulations for all or any of the following purposes-

(a) classifying leases according to the purpose for which or the class of persons to whom they may be granted and prescribing the form of any lease;

(b) prescribing the term of years for which any class of lease may be granted;

(c) prescribing the praemia and rents to be paid and providing for the revision of rent;

(d) prescribing the manner in which application for leases shall be made and the fees to be paid;

(e) providing for the survey and demarcation of Lands to be sold or leased, and fees to be paid for such survey and demarcation;

(f) prescribing the fees to be paid for any instrument issued under this Act;

(g) prescribing the period for which and the conditions under which licences for the temporary occupation of any Lands may be issued;

(h) providing for the care, management and protection of unoccupied Lands; and

(i) generally for carrying out and giving effect to the purposes of this Act.

58. The Public Lands Acquisition Ordinance, 1901, and the Public Lands (Grants and Dispositions) Ordinance, 1902, are hereby repealed without prejudice to anything done or suffered thereunder or to any right, privilege, obligation, or liability acquired or incurred thereunder.

Repeal of Caps. 107 and 108 of the 1942 edition.

SCHEDULE

Section 30

FORM A

LANDS (BATHURST AND KOMBO SAINT MARY) ACT

Notice of Requirement of Land for a Public Purpose

Notice is hereby given that the following land (described land, giving measurements and showing boundaries wherever possible) is required by the Government of The Gambia for a public purpose (here insert absolutely, or for a term of years or such as the case may be).

Any person claiming to have any right or interest in the said land is required within twenty-one days from the date of this notice to send to (here insert the name and title of person appointed by the Minister in this behalf) a statement of such claimant's right or interest and of the evidence thereof, and of any claim made by him in respect of the value of such land or of his interest therein.

The said A.B. appointed as aforesaid is willing on behalf of the Minister to treat for the acquisition of the said land.

Land in respect of which no statement is lodged within the period herein prescribed is liable to be treated as unoccupied land.

A notice is further given that the Minister intends to enter into possession of the said lands at the expiration of ..... weeks from the date of this notice.

Any person who shall hinder or obstruct the Minister or any person employed by him from taking possession of the said land is liable under the provisions of the Act to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Dated this .....day of ..... 19....

(Signed) .....

Officer appointed by the Minister

Section 42.

FORM B

Conveyance of Land in Fee Simple

This conveyance made the .....day of ..... 19..... Between .....(hereinafter called the Vendor) of the one part and ..... the Minister for the time being responsible for the administration of the Lands (Bathurst and Kombo Saint Mary) Act (Chapter 102) (hereinafter called the Purchaser, which expression shall include his successors in office) of the other part;

Whereas the Vendor is seised of the hereditaments intended to be hereby conveyed for an estate in fee simple absolute in possession free from incumbrances and has agreed to sell the same to the Purchaser for the sum of £ .....,

Now this deed witnesseth that in consideration of the sum of £..... paid to the Vendor by the Purchaser (the receipt of which sum the Vendor hereby acknowledges).

The Vendor as beneficial owner hereby conveys unto the Purchaser All(describe premises to be conveyed and refer to plan to be endorsed on or annexed to the deed) to hold unto the Purchaser to the use of Her Majesty, Her Heirs and Successors for ever.

In witness whereof the Vendor has hereunto set his hand and seal the day and year above written, and the Purchaser has hereunto set his hand and seal this .....day of ..... 19.....

Signed, sealed and delivered by the above name ..... in the presence of .....

(Signature of Vendor) ..... (Seal of Vendor)

Signed by ..... the Lands Officer under the seal of the Lands Office in the presence of .....

(Signature of Lands Officer) .....
(Seal of Lands Office)

FORM C

Section 42.

Conveyance of Land for a Term of Years

This deed made the .....day of ..... 19..... Between .....(hereinafter called the Lessor) of the one part and ..... the Minister for the time being responsible for the administration of the Lands (Bathurst and Kombo Saint Mary) Act (Chapter 102) (hereinafter called the Lessee, which expression shall include his successors in office) of the other part. Witnesseth that in consideration of the annual rent of £ ..... to be paid by the Lessee as hereinafter mentioned, the Lessor doth hereby convey to the Lessee All (describe premises to be conveyed and refer to plan to be endorsed on or annexed to the deed) TO HOLD the said premises in trust for Her Majesty, Her Heirs and Successors for a term of ..... years, he the Lessee yielding and paying to the Lessor the annual rent of £ ..... by (state instalments if any) henceforth on (state days) clear of all taxes and deductions.

IN WITNESS WHEREOF the Lessor has hereunto set his hand and seal the day and year above mentioned, and the Lessee has hereunto set his hand and seal ..... day of ..... 19...

Signed, sealed and delivered by the above named ..... in the presence of .....

(Signature of Lessor) (Seal of ..... Lessor)

Signed by ..... the Lands Officer under the seal of the Lands Office in the presence of .....

(Signature of Lands Officer) .....
(Seal of Lands Office)

Section 43.

FORM D

Certificate of Title

(Seal of Court).

IT IS HEREBY CERTIFIED AND DECLARED that pursuant to the provisions of Part III of the Lands (Bathurst and Kombo Saint Mary) Act (Cap. 102,) all (describe premises to be acquired and refer to plan to be endorsed on or annexed to certificate) together with all ways, rights and appurtenances thereto belonging are vested in the Minister for the time being responsible for the administration of the Lands (Bathurst and Kombo Saint Mary) Act and his successors in office on behalf of the Crown for ever (or for a term of years, as the case may be).

Dated the ..... day of ..... 19.....

(Signed) .....

Chief Justice of the Supreme Court

FORM E

Section 45.

WARRANT OF POSSESSION

To The Sheriff of The Gambia

WHEREAS according to the provisions of Part III of the Lands (Bathurst and Kombo Saint Mary) Act (Cap. 102) the MInister for the time being responsible for the administration of the said Act is entitled to enter and take possession on behalf of the Crown of all (describe lands).

THESE are therefore to command you to put the said Minister or any person employed by him in that behalf in possession of the said lands.

Dated the ..... day of ..... 19 .....

(Signed) .....

Chief Justice of the Supreme Court

FORM F

Section 47.

FORM OF SUMMONS

In the Supreme Court of The Gambia

In the matter of Part III of the Lands (Bathurst and Kombo Saint Mary) Act (Cap. 102).

Let all parties attend at ..... on the ..... day of ..... 19 ...., at ..... o'clock in the ..... noon on the hearing of an application on the part of ..... for the determination of the following questions-

(State questions, e.g. the persons entitled to the lands situated at ..... and described in a notice dated the ..... day of ... . 19 ..... and a copy whereof is attached hereto, and the amount of compensation payable therefor, or the persons entitled to the sum of £..... paid into Court under an Order dated the ..... day of ..... 19.... as compensation to be paid for the lands situated at and described in a notice dated the ..... day of ..... 19 ..... a copy whereof is attached hereto, as the case may be).

Where the summons is taken out for the determination, inter alia, of the amount of compensation or consideration to be paid for any lands described in the notice referred to, the following words shall be added-

The Minister is willing to pay as compensation (or consideration as the case may be) the sum of £ .....

Where such lands are part only of the lands belonging to the person entitled or claiming to be entitled to such lands, and the residue of such lands, in the opinion of the MInister will be or has been enhanced in value by the proximity of the improvements or works made or constructed or to be made or constructed by the Government, the following words shall be added-

The said sum of £..... is made up as follows-

Gross value of the lands described in the notice aforesaid ..... £

Deduction for enhancement of value of residue of such lands .....£

Compensation which the Minister/is willing to pay ..... £

N.B.- If the person entitled or claiming to be entitled to the lands is willing to accept the compensation or consideration above mentioned, he shall notify his assent to ..... on or before the ..... day of ..... 19.... If such person is unwilling to accept such compensation or consideration he shall on or before the said day inform ..... of the amount which he is willing to accept and whether in estimating such amount, he has allowed for any sum for enhancement of value of any residue of the lands, and, if so, the amount of the sum allowed.

If any person fails to comply with these instructions, the Court may order him to pay the costs of the proceedings.

Dated the ..... day of ..... 19....

(Signed) .....
Chief Justice of the Supreme Court

This summons was taken out by .....
To (here insert names of all parties interested in the questions to be decided).

Section 47.

FORM G

FORM OF EX PARTE SUMMONS
IN THE SUPREME COURT OF THE GAMBIA

In the matter of Part III of the Lands (Bathurst and Kombo Saint Mary) Act (Cap. 102).

Let all parties concerned attend at ..... on the ..... day of ..... 19 ...., at ..... o'clock in the ..... noon on the hearing of an application on the part of ..... (state the object of the application, e.g. Grant by the Court of a Certificate of Title to the lands described in a notice dated the ..... day of ..... 19....., a copy whereof is attached hereto, or, a Warrant of Possession to the Minister for the time being responsible for the administration of the Lands (Bathurst and Kombo Saint Mary) Act on behalf of the Crown or any person employed by him to the lands described in a notice dated the ..... day of ..... 19 ....., a copy whereof is attached hereto, as the case may be).

Dated the ..... day of ..... 19....

(Signed) .....
Chief Justice of the Supreme Court

CHAPTER 102

LANDS (BATHURST AND KOMBO SAINT MARY) ACT

SUBSIDIARY LEGISLATION

Regulations 7 of 1949.

LANDS (BATHURST AND KOMBO SAINT MARY) (PREVENTION OF EROSION) REGULATIONS

made under section 55 (h)

1. These regulations may be cited as the Lands (Bathurst and Kombo Saint Mary) (Prevention of Erosion) Regulations.

2. No person shall, without the written consent of the Minister, cultivate any portion of the lands described in the schedule to these regulations.

3. Any person who acts in contravention of these regulations shall be liable to a fine not exceeding five pounds.

SCHEDULE

All that piece or pieces of unoccupied land on the seaward side of the Atlantic Road at Fajara and Cape Saint Mary in the Kombo Saint Mary Division from a point on the foreshore opposite to the Government quarters at Cape Saint Mary to a point on the foreshore opposite to the former West African Airways Corporation Rest House at Fajara furthest from Cape Saint Mary.

THE FOREST ACT 1977

THE GAMBIA

N° 9 OF 1977

Assented to by The President
this Twentyfifth day of February,
1977.

D.K. JAWARA
President.

AN ACT to establish in The Gambia Designated Forest Areas and for matters connected therewith and incidental thereto

[By Order]

Date of commencement

ENACTED by the Parliament of The Gambia

Enactment.

PART I

1. THIS ACT may be cited as the Forest Act and shall come into short title effect on the day or days prescribed in the Gazette.

2. In this Act unless the context otherwise requires-

"Assistant Conservator" means an Assistant Conservator of Forest in the Forestry Division ;

"Cattle" includes sheep, goats, swine, horses, mules, donkeys and camels;

"Conservator" means the Conservator of Forest in the Forestry Division;

"Export" has the same meaning assigned to it in the Customs Tarriff Act;

"Forest" includes Government forest parks and protected forests;

"Forest Growth" includes anything growing or to be grown on land other than agricultural crops;

"Forest Officers" means any officer of the Forestry Division or any officer appointed under section 4 for the purpose of giving effect to the provisions of this Act;

"Forest Produce" includes-

(a) whether found in or brought from a forest or not; timber, firewood, charcoal, rubber, gutta percha, latex, wood oil, gum, resin, natural varnish, tanning extracts, tanning barks, fruits, fibres, bark and lac, and

(b) when found and brought from a forest,

(i) trees and all other parts or produce of trees not otherwise herein mentioned;

(ii) plants, including climbers and grasses, creepers and all parts or produce of plants;

(iii) wood ashes;

(iv) peat, surface oil and minerals other than minerals within the meaning of any Act, regulating the working of minerals.

(v) gravel, limestone, rock and laterite;

(vi) honey, beeswax, guano, silk-cocoons, humus and all produce from minerals;

"Forest Property" means any stock, stores or materials owned by the Government and used or intended to be used in any forest operations of any forestry work, and includes boundary marks and pillars, boundary or survey beacons or signs, name plates, machinery, scientific instruments, implements, tools, buildings, tents, fences, vehicles, roads, bridges and cattle;

"Forest Park" means any area constituted or deemed to have been forest park under this Act which shall not have ceased to be a forest park under any enactment;

"Gazette" means The Gambia Government Gazette;

"Girth" means the circumference of a tree measured either at a height of four feet six inches from the ground, or (if the the tree is buttressed above that height) measured at one foot above where the highest buttress merges with the bole;

"Government" means the Government of The Gambia;

"Lands at the disposal of the Government" means any lands which the Government has acquired or may acquire by agreement or otherwise and includes lands leased to the Government;

"Minister" means the Minister for the time being charged with responsibility for administering this Act;

"Minor Forest Produce" means any produce other than timer

"Protected Forest" means any area declared by notice in the Gazette in accordance with the provisions of sections 10 and 11 to be a protected forest;

"Protected tree" or Protected Minor Forest Produce" means any tree or any minor forest produce declared to be such in accordance with regulations made under this Act;

"Sawmill" includes all premises where round timer is converted mechanically into sawn timber;

"Timber" includes all trees whether standing, fallen or felled, stumps of trees and all wood, whether or not cut up or fashioned or hollowed out for any purpose;

"to take Minor Forest Produce" includes to cut, collect, gather or remove such produce;

"to take Timber" means to fell, lop or girdle trees or carry away timber from the lands upon which the tree have fallen or been felled, whether the trees have been felled, by cutting or by removing the soil from the roots or by any other method or combination of methods;

"trees" includes palms;

"working plan" means any plan of operations or work on any area whether in a forest or not so decided upon and described as such by a Conservator of Forests.

PART II

GENERAL PROVISIONS

Power to exempt certain persons or areas

3. The Minister may by notice in the Gazette, and either for the period mentioned in the notice, or without any period assigned withdraw from the operation of all or any of the provisions of this Act any class of persons or any areas specified therein.

Appointment of officers

4. The Public Service Commission may appoint such officers as they may consider necessary for giving effect to the provisions of this Act.

Power to enter land

5. Any persons required so to do by the Conservator of Forests with necessary workmen may enter upon any land for the purpose of erecting beacons or demarcating or cutting any boundary lines within and around any land which it is proposed to constitute a forest park and around any portions of land included as enclaves.

Improvement of forest generally

6. Any Forestry Officer not below the rank of Assistant Conservator of Forests may enter upon any land and may cut out and destroy any deseased, dead or dying tree or any tree likely to cause damage to any forestry property or to life or property.

Prevention of offences

7. It shall be lawful for any Forestry Officer, Administrative Officer of Police Officer to prevent the commission of any forestry offence.

Disposal of fees and royalties

8. All fees and royalties received under this Act shall be paid to the Accountant General.

PART III

DESIGNATION OF FOREST PARKS AND DECLARATION OF PROTECTED FORESTS

Minister may designate forest parks and protected forests

9. (1) The Minister may designate as forest parks, any of the following lands -

(a) lands at the disposal of the Government;

(b) any lands in respect of which it appears to the Minister that the forest growth on such lands should be protected or reserved or forest grown be established.

(2) The Minister may, by notice in the Gazette, declare any such lands to be a protected forest.

Preliminary notification of intention to create forest park and appointment of Reserve Settlement Officer

10. (1) Before designating any lands as forest park, the Minister shall publish in the Gazette a notice-

(a) specifying, as nearly as may be, the situation and the limit of the lands;

(b) declaring that the lands now form a protected forest

(c) declaring whether the lands are at the disposal of the Government or are lands falling within paragraph (b) of sub-section (1) of section 9;

(d) declaring that it is intended to designate the lands as forest park, either for the general purposes of the Government or for the particular use and benefit wholly or in part of any class of persons or for the benefit of any community;

(é) appointing an officer, hereinafter referred to as a "Reserve Settlement Officer" to inquire into and dertermine the existence, nature and extent of any rights, claimed by or alleged to exist in favour of any persons or communities or brought to the knowledge of the said officer affecting the lands or any other rights in or over the lands which is proposed to be designated as forest park.

(2) If, for any reason, the Reserve Settlement Officer appointed under this section is unable to perform his duties, the Minister may, by notice in the Gazette, appoint any person to act on his behalf or as his successor.

11. The Minister may, by notice in the Gazette, revoke any notice under section 9 or 10. Upon publication of the notice aforesaid, the Reserve Settlement Officer shall-

(a) immediately cause the particulars contained therein to be made known in the areas under the jurisdiction of the Councils or authorities in which the lands are situated by causing the same to be read and interpreted in the local vernacular in every court in the said areas under the jurisdiction of the councils or authorities, and also as far as he considers essential, by informing in writing the chiefs of the communities dwelling on, and the councils or authorities having jurisdiction over, the lands aforesaid; and

(b) fix, and in the manner aforesaid, make known a period within which, and a place to or at which, any persons or community claiming any right or rights in or over or affecting the lands which it is proposed to designate a forest park shall either send in a written statement of claims to him or appear before him and state orally the nature and extent of his or its alleged rights.

12. (1) As soon as possible after the period fixed by the Reserve Settlement Officer, he shall-

(a) inquire into and determine the limits of the lands specified in the notice aforesaid; and

(b) determine the nature and extent of any claims or alleged rights affecting the lands which have been prefered or brought to his notice.

(2) The Reserve Settlement Officer shall keep a record in writing of -

(a) all such claims and alleged rights;
(b) all objections which may be made to such claims or alleged rights; and
(c) any evidence in support of or in opposition to claim or alleged right.

Reserve Settlement Officer to have Judicial powers

13. For the purpose of the inquiry, the Reserve Settlement Officer shall have all the powers conferred by law upon a Magistrate.

Reserve Settlement Officer may join or settle claims

14. The Reserve Settlement Officer may at any time during the inquiry, join any number of claims or sever any claims joined and, in his findings, may join any number of claims or sever any claims which were formerly joined.

Submission of Reserve Settlement Officer findings on completion of inquiry

15. Upon the completion of the inquiry, the Reserve Settlement Officer shall submit to the Conservator for the consideration of the Minister his findings, describing the limits of the lands specified in the notice under section 10 and setting forth, with all such particulars as may be necessary to define their nature, duration, incidence and extent, all claims and alleged rights referred or brought to his knowledge in respect of the lands and admitting or rejecting the same wholly or in part.

Rights may be extinguished or modified by Minister

16. Where the Reserve Settlement Officer has admitted wholly, or in part any right or claim and, in the opinion of the Conservator, the exercise of such right or claim or any part thereof-

(i) would stutilfy the objects of the proposed forest park ;
(ii) would seriously hinder the efficient working of the proposed forest park; or
(iii) would cause any damage to the proposed forest park;

The Minister may-

(a) extinguish any such rights or claims and may either give monetary compensation or grant in exchange similar rights on other similarly situated land either within or without the final boundaries of the forest park; or

(b) confine or restrict any such rights or claims to certain areas either within or without the final boundaries of the forest park or the exercise of such rights to certain times of the year or

(c) make any enclave or so amend the boundaries of the proposed forest park so as to exclude from the forest park, any areas over which such rights or claims have been admitted or

(d) add such additional rights as he shall consider it just and equitable to allow, notwithstanding that the Reserve Settleemnt Officer has not admitted such rights; or

(e) adopt wholly, or in part, any one or any combination of the above methods or dealing with the matter.

Provided that, in altering the external boundaries of the proposed forest park, the Minister shall not include any area which lies outside the original limits set out in the notice published in accordance with the provisions of Section 10 of this Act.

Notification of lands to be reserved and rights admitted

17. (1) The Minister shall, thereupon publish a notice in the Gazette specifying-

(a) the lands which is finally intended to be designated a forest park;

(b) the rights which may be exercised within the proposed forest park; and

(c) any other special conditions affecting the proposed forest park.

(2) The notice shall be made known in the same manner s 1 notice published under section 10 and to every person who, and the representative of any community which, preferred any claim or in respect of which any claim was brought to the knowledge of the Reserve Settlement Officer.

Appeals from notice specifying lands to be reserved and rights admitted

18. (1) Any person who has made a claim on his own behalf or, where a claim has been made on behalf of a community, such person or the representative of that community, may, within three months of the date of publication of the notice under section 18 appeal to the Supreme Court against that portion of the notice which affects his claim or the claim made on behalf of the community which he represents.

(2) The Supreme Court may make rules in respect of appeals and may in the rules prescribe fees to be paid in respect of such appeals.

Order of Minister constituting a forest park

19. (1) After the time limited under section 18 for appealing to the Supreme Court has elapsed or, if there has been an appeal, after the determination of the appeal, the Minister may, after taking into consideration the decision on appeal, make an order designating as a forest park the lands in respect of which an inquiry was held.

(2) The Order shall set forth -

(a) the limits of the lands which constitute the the forest park; and

(b) all rights affecting the same as set forth in the notice published under section 17 or established by the court upon appeal against such notice.

(3) The order shall be published in the Gazette and made known in the same manner as the notice published under section 10.

(4) From the date of the publication of the order in the Gazette such lands shall be a forest park.

Revision or modification of orders constituting a forest park

20. (1) Any order made under section 19 may be revised or modified by the Minister and such revision or modification may be given retrospective effect.

(2) In any revision or modification made under this section the Minister may, after further inquiry if such be deemed necessary-

(a) exercise the rights conferred on him under section 16;

(b) add such additional rights as he shall consider it just and equitable to allow notwithstanding that such rights had not been admitted in the notice published under section 17;

(c) provide for any two or more contiguous forest parks being joined to form one forest park.

Extinguishment and revival of rights

21. Every right in or over land in respect of which no claim shall have been made to the Reserve Settlement Officer or of which no knowledge shall have been acquired by that officer shall be extinguished;

Provided that if any person shall, within one year of the the date of the publication in the Gazette of the notice under section 10, claim, and satisfy the Minister that he was possessed of, a right in respect of which he might have made a claim and that, through ignorance of the fact that an inquiry was being held or for other sufficient reason, he failed to make such claim, the Minister may direct -

(i) that such right shall be revived;

(ii) that such right shall be modified; or

(iii) that such right be extinguished in accordance with the provisions of section 16.

No new rights to be acquired in lands to be constituted a forest park without approval

22. During the period between the dates of the publication under section 10 of the intention to create a forest park and of the order under section 20 designating the forest park-

(a) no rights shall be acquired in or over the lands comprised within such notice otherwise than by succession or under a grant or contract in writing entered into with the approval of the Minister; and

(b) no act or thing shall be be done in contravention of section 37 except that any right admitted in the notice published under section 19 may be exercised, to the extent and in the manner described therein, by the communities or persons to whom it was admitted without prejudice to any subsequent revision or modification as provided for in this Act.

23. (1) Without the consent of the Minister first obtained, it shall be unlawful for any person or community to alienate, by sale, mortgage or transfer, any right admitted in an order made under section 19.

Rights in forest parks may not be alienated without approval

(2) Any sale, mortgage or transfer effected without consent shall be null and void.

24. (1) Any right in a forest park admitted in an order made under section 19 and not exercised for a period of ten years shall be deemed to have extinguished.

Non-exercise of rights

(2) Where another right of way is available, the Minister may, by notice in the Gazette close any right of way in a forest park.

25. Notwithstanding any native law or custom to the contrary, any person, and the chief of any community on behalf of the community, shall be entitled to enter into any agreement to grant and convey absolutely to the Government any lands, and any rights in and over any land, owned by him or it, which it is proposed to designate a forest park under the provisions of this Act.

Lands and rights may be granted absolutely to Governement

26. The Minister may, by notice in the Gazette, direct that from a date named therein, any lands or any part thereof, designated a forest park under section 20 shall cease to be a forest park or part of that park and thereupon from that date such lands shall cease to be a forest park or part of such park;

Power to de-reserve

Provided that the rights, if any, which may have been extinguished therein, shall not revive in consequence of the cessation:

PART IV

DECLARATION OF WIND EROSION AREAS

27. The Minister may, by notice in the Gazette declare any lands to be wind-erosion areas.

Minister may declare wind erosion areas

28. In lands so declared, the Minister may make regulations for all or any of the purposes following:-

Power to make regulations

(a) the formation of wind breaks;
(b) the retention of trees;
(c) the planting of trees;
(d) generally for the purposes of preventing wind-erosion.

PART V

ADMINISTRATION OF FORESTPARKS AND PROTECTED FOREST

29. The protection, control and management of forest parks and protected forests shall be exercised and directed by the Minister.

Control of forest parks and protected forests

Power to make regulations and prescribe penalties for contravention thereof

30. The Minister may make regulations for all or any of the following and may specify the area or areas to which all or any regulations shall apply-

(a) prohibiting or regulating the taking of forest produce or of any specified kind of forest produce on lands at disposal of Government or on Provinces' lands or communal lands;

(b) prohibiting the sale and purchase of forest produce of any specified kind or forest produce by any persons other than the holders of licences and permits granted under this Act, or by any other persons or by any classes of persons specified in the regulations;

(c) prohibiting the sale, purchase and possession of forest produce taken; collected or prepared in contravention of this Act;

(d) prohibiting the destruction of, or any act which may tend to the destruction of or cause injury to, any forest produce or forest growth or forest property in any forest park or on lands at the disposal of the Government or on Provinces lands or communal lands;

(e) regulating the kindling of fires for any purpose within a protected forest or a forest park, and prescribing the person who may declare the period during which fires may or may not be allowed for any purpose;

(f) regulating the kindling and suppression of bush fires in all lands and prescribing the persons who may declare the period during which fires may or may not be allowed;

(g) regulating the grant, issue of and prescribing the form that any licence or permits may take in any particular case-

(i) to take forest production in forest parks or lands at the disposal of the Government;

(ii) to sell or purchase forest produce;

(iii) to rerect or operate sawmills or other manufacturing plant using wood as a raw material;

(h) prescribing the procedure for fixing and making known to the public the fees to be paid on the application for and the grant of any licence or permit and the royalties and fees to be paid by the holders thereof;

(i) prescribing the persons who may declare any specified kind of tree to be a protected tree and any specified kind of minor forest produce to be protected minor forest produce under this Act, and the procedure thereof;

(j) providing for, and imposing conditions in respect of the collection, payment and disposal of fees, royalties, tools and costs of survey and demarcation;

(k) providing for the cancellatoin, forfeiture, termination or revocation of licences and permits;

(l) providing for the remission or reduction by a forest officer of any royalty, fees or tolls charged or payable under the provision of this Act;

(m) requiring the holders of licences and permits to render returns and accounts and to submit their books for inspection;

(n) regulating the collection, preparation and taking of forest produce;

(o) regulating the transit of forest produce by land and water or by different means and classes of transport;

(p) providing for the examination, marking, reporting or stoppage of timber or other forest produce in transit;

(q) providing for the establishment, management or control of checking stations to which timber or other forest produce shall be taken for examination by those in charge of it; and the conditions under which such timber or other forest produce shall be brought to, stored at or removed from the checking stations;

(r) providing for the management, utilization and protection of forest parks;

(s) prescribing the powers and duties of forest officers and providing for the maintenance of discipline;

(t) regulating the export of forest produce or of any specified kind of forest produce;

(u) generally for the more effectual carrying out of all or any of the provisions of this Act.

PART VI

OFFENCES AND LEGAL PROCEEDINGS

Inspection of forest produce

31. A Forest Officer, Divisional Commissioner, or Police Officer, may stop any vehicle, vessel or craft engaged in transporting or moving any forest produce on any road or inland waterway for the purpose of inspecting the produce.

Seaisure of forest produce

32. (1) Any Divisional Commissioner, Forest Officer or Police Officer not below the rank of a Sergent may himself or by any person acting under his directions, seize any forest produce reasonably suspected of having been unlawfully obtained or being unlawfully removed and any instrument or thing reasonably suspected of having been used in the commission of any offence under this Act.

(2) No action shall be brought against the Officer, or person acting under his direction, in respect of any deterioration in quality or value of any forest produce, instrument or thing seized in accordance with the provisions of subsection (1) of this section.

(3) Where the person suspected of having committed the offence in respect of which forest produce has been seized has not been charged the officer, after obtaining an order of a Magistrate, may-

(a) sell such forest produce and pay to the Accountant General the proceeds thereof, after deducting the expenses of the sale; or

(b) allocate such forest produce to the use of the Government; or

(c) destroy such forest produce.

Arrest of suspect persons

33. Any Forest Officer, Divisional Commissioner or Police Officer may arest, without a warrant, any person who may be reasonably suspected of having committed any offence under this Act, if such person refuses to give his name or address or give a name or address which is believed to be false, or if there is reason to believe that he will abscond:

Provided that any person so arrested shall be taken before court or to the nearest Police Station without unnecessary delay.

Offences in respect of property and boundary marks

34. Any person who-

(1) forges or fraudently uses, or aids or abets any person person to forge or fraudently use, any registered hammer or hammer mark or any mark use for denoting the ownership of any forest produce, or any other mark used by the Forestry Division in connection with the administration of the provisions of this Act; or

(2) alters, removes, destroys or defaces any such mark placed on forest produce or any boundary mark of a forest or of any lands proposed to be included in a forest, shall be liable to a fine of Five hundred Dalasis or imprisonment for two years or to both such fine and imprisonment.

Offences in forest park

35. Whoever, in a forest park, except with the authority in writing of a forest officer not below the rank of Assistant Conservator-

(a) takes any forest produce;

(b) uproots, burns, strips off the bark or leaves from or otherwise damages any tree;

(c) sets fire to any grass or herbage, or kindles a fire without taking due precaution to prevent its spreading;

(d) smokes or lights a fire in any part of a forest park within which, or at a time when, smoking or the lighting of fires is prohibited;

(e) pastures cattle or permits cattle to trespass;

(f) digs, cuts, or turns or cultivate the soil or makes a farm or plantation;

(g) trespasses in any part of a forest park;

(h) constructs any dam or weir across any river or stream or otherwise obstructs the channel of any river or stream;

(i) resides or erects any building;

(j) hunts or fishes;

(k) damages, in any way, or destroys any forest property;

shall be liable on summary conviction to a fine of Five hundred Dalasis or to imprisonment for twelve months or to both such fine and imprisonment and, in addition thereto, may be required by the court to pay a sum equivalent to the fees and royalties payable on any forest produce removed or damaged and also such amount, if any, as the court may consider just as compensation for any damage done :

Provided that on a second or subsequent conviction the offender shall be ordered to pay double the fine imposed by this section and to a term of imprisonment not exceeding three years.

Exercise of rights

36. Nothing in the preceding section shall prohibit the exercise by any person or community of any right in a forest park if such right has been recognized in the order constituting such forest park except such right be restricted in accordance with other provisions of this Act.

Offences in protected forest

37. Whoever in a protected forest, except as provided for in section 22 or except with the authority in writing of a Forest Officer not below the rank of Assistant Conservator, does any act or thing prohibited in a rest park by section 35, shall be liable on summary conviction to a fine of two hundred and fifty Dalasis or to imprisonment for six months or to both such fine and emprisonment and in addition thereto may be required by the court to pay a sum equivalent to the fees and royalties payable on any forest produce removed or damaged and also such amount, if any, as the court may consider just as compensation for any damage done.

Additional penalties

38. In addition to any penalty imposed for an offence against the provisions of this Act or regulations made here under, the court may order-

(a) the forfeiture and disposal, as the court may direct, of any forest produce in respect of which the offence was committed, or any instrument or thing with which the offence was committed;

(b) the destruction of any farm or plantation made in contravention of section 35 in a forest park, or, on the application of the Minister, that the produce of the farm or plantation be confiscated and thereafter disposed of in the discretion of the Minister;

(c) the cancellation of any licence or permit held under this Act;

(d) that, where no licence or permit has been taken out and the offender should have taken out a licence or permit, a sum equal to the amount of the fees and royalties that should have been paid in respect of of the licence or permit be paid to the authority or person who would otherwise have been entitled to to such a fee or royalty; or

(e) that a portion, not exceeding one half, of any fine that may be recovered from a person convicted by the court be paid to any person or persons on whose informations the offence was detected and proved.

39. When in any proceedings taken under this Act, or in consequence anything done under this Act, a question arises as to the ownership of any forest produce, such forest produce shall be presumed to be the property of the Government unless the contrary is proved.

PART VII

REPEAL AND SAVING

Repeal of Lands (Provinces) Act and saving of as to existing forest parks

40. (1) The Provinces Lands Regulations is hereby revoked.

(2) All forest parks existing at the time of the coming into force of this Act shall be deemed to have been designated under and in accordance with the provisions of this Act.

PASSED in the House of Representatives this Twentysixth day of January in the year of Our Lord One thousand nine hundred and Seventy-seven.

A.M. SALLAH
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives, and found by me to be a true and correct copy of the said Bill.

A.M. SALLAH
Clerk of the House of Representatives

P R E A M B L E

WHEREAS it is expedient that provision be made for the sustannable utilisation, rational development and conservation of the natural resources of the Gambia and for the preservation of the national heritage; and

WHEREAS the Banjul Declaration of 18th February,1977 recongnised the necessity for continuing effort in this regard ; and

WHEREAS The Gambia asignatory to be United Nations Conservation on the Law of the Sea which contains extensive provisions relating to natural resources ; and

WHEREAS The Gambia has also signed the African Convention on the Conservation of Nature and Natural Resources concluded by the Heads of State and Government of Independent African States, at Algers on 15th September 1968 ; and

WHEREAS it is expedient that certain of the provisions of the African Convention be given the force of law in the Gambia and for this purpose it is necessary to establish a machinery for the co-ordination of all matters covered by the said African Convention.

NOW THEREFORE BE IT ENACTED BY The Parliament of the Gambia as follows :

a title

1. This Act may be cited as the National Environmental Management Act, 1987.

Interpretation

2. In this Act, unless the context otherwide requires :

"Committee" means the Advisory Committee on the Management of the Natural Environment, established under section 11 of this Act ;

"Council" means the Natural Environment Management Council established under section 6 of this Act ;

"Minister" means the Minister for the time being responsible for the administration of this Act ;

" Natural resources" means renewable and non renewable resources;

"Non-renewable resources" means minerals and fossil fuels ;

"other Minister" means any Minister whose area of responsibility includes matters relating to the sustainable utilisation, rational development and conservation of natural resources ;

"Person" includes any company or other body having legal personlity ; and

"Renewable resources" means soil, water, air, flora and fauna.

Implementation of principles of this Act

3. Every other Minister responsible for the administration of any other statute which contains provisions relating to the natural environment, shall take such steps as are necessary to ensure that such statute is administered in accordance with the principles set out in the Articles of the African Convention specified in the Schedule to this Act.

General duty in respect of natural resources

4. (1) Any person involved in any activities in respect of the natural environment of the Gambia, shall under take such activities :

(a) having regard to the necessity to promote the sustainable utilisation, rational development and conservation of these natural resources in accordance with currently recongnised scientific principles and taking into account the need to maintain essential ecological processes and genetic diversity in the best interest of the people ; and

(b) in accordance with the principles of the African Convention specified in the Schedule to this Act.

(2) Without prejudice to the generality of the foregoing every officer shall, in the exercise or his functions under this Act or any other Statute which contains provisions relating to the natural environment, exercise such functions in such manner as shall promote the principle, specified in subsection (1) of this section.

Monitoring and assessment

5. (1) Every other Minister responsible for the administration of any other Statute which contains provisions relating to the natural environment may, in consultation with the Minister, make regulations for the monitoring of the state of the natural resources and the impact upon them of development activities.

(2) The Minister may require that any activity or project proposed to be carried out in The Gambia which is likely to have a significant impact on natural resources shall be the subject of a formal statement setting out those impacts which shall be submitted to him prior to the commencement of that activity or project.

(3) The Minister and every other Minister referred to under this section shall submit to the Council an annual report on the exercise of his functions under this section.

Establis-ment of the Council

6. There is hereby established a Natural Environment Management Council.

Membership of the Council

7. (1) The Council shall consist of the following persons :

(a) the Minister of Water Resources and the Environment;

(b) the Minister of Agriculture ;

(c) the Minister for Local Government and Lands ;

(d) the Minister of Health, Labour and Social Welfare ;

(e) the Minister of Works and Communications ; and

(f) the Minister of Economic Planning and Industrial Development.

(2) The Chairman of the Council shall be the Minister of Water Resources and the Environment.

(3) The Permanent Secretary, Ministry of Water Resources and the Environment shall be the Secretary of the Council.

Meeting of the Council

8. (1) The Council shall meet at least oncein every three months at such times and places as it deems expedient for the despatch of its business.

(2) The Chairman shall preside at all meetings of the Council and in his absence such other member of the Council as the members present may appoint shall preside.

(3) The decisions of the Council shall be by majority vote and in the event of an equality of votes the Chairman shall have a casting vote.

(4) At every meetings of the Council three members shall constitute aquorum.

(5) Subject to his section, the Council shall determine its rules of procedure.

Annual report

9. The Council shall, at the beginning of every financial year, submit a full report of its activities during the previous year to the House of Representatives.

10. (1) The functions of the Council are - Function of the Council.

(a) to co-ordinate the responses of public bodies to the environmental effects of activities which affect the sustainable utilisation, rational development and conservation of natural resources;

(b) to examine the extent to which such activities may be integrated with one another so as to attain most effectively the sustainable utilisation, rational development and conservation of natural resources;

(c) to identify areas in which such activities being conducted by different public bodies are, or appear to be, likely to conflict with one another and to resolve such conflicts;

(d) to identify aspects of such activities in respect of which it is desirable that further activities should b be undertaken and to determine which Minister should assume responsibility for those activities;

(e) to review and, if appropriate, to direct the progress of activities undertaken in pursuance of section 3 of this Act;

(f) determine all matters arising from any environmental impact statement produced in pursuance of subsection 2 of section 5 of this Act;

(g) to review the reports made by any Minister under subsection 3 of section 5 of this Act; and

(h) to discharge such other functions as the Committees shall from time to time determine to be necessary or expedient for the purposes of this Act.

11. There is hereby established an Advisory Committee on the Management of the Natural Environment. Establishment of the Committee.

12. The Committee shall consist of the following persons- Membership of the Committee.

(a) the Permanent Secretary, Ministry of Water Resources and the Environment who shall be the Chairman; and

(b) not more than ten members who shall be appointed by the Minister, after consultation with the Council, from among persons who appear to be qualified by virtue of their scientific or technical expertise or their professional experience in the management of the natural environment, or such other qualifications in respect of the management of the natural resources as the Committee shall think fit.

(2) The Permanent Secretary, Ministry of Water Resources and the Environment shall appoint one of his officers to be the Secretary to the Committee.

(2) The Permanent Secretary, Ministry of Water Resources and the Environment shall appoint one of his officers to be the Secretary to the Committee.

Meetings of the Committee

13. (1) The Committee shall meet at such times and places asit deems expedient for the transaction of its busines.

(2) Special meetings of the Committee may be summonded :

(a) at the request of the Council ; or

(b) at the request of any five members of the Committee, on any matter of urgency.

(3) The Chairman of the Committee may invite any person to attend and participate in the discussions of the Committee if in his opinion, that person possesses expert knowledge which could be useful to the Committee.

(4) The Committee shall submit a quarterly report of its activities to the Council.

(5) Subject to this section, the Committee shall determine its own rules of procedure.

Functions of the Committee

14. (1) The functions of the Committee shall be :

(a) to advice the Council on scientific and technical matters ;

(b) to make proposals to the Council with regard to activities relating to the sustainable utilisation, rational development and conservation of natural resources to be undertaken by public bodies ; and

(c) generally to assist the Council in the discharge of its functions.

(2) The Committee may initiate studies or enquiries relating to the sustainable utilisation, rational development and conservation of natural resources and may recommend measures in support of such work to the Council.

(3) The Committee may set up working groups entrusted with specific duties with respect to the Committee's considerations and performance of its functions

Regulations

15. The Minister may, on the advise of the Council, make regulations f or the better carrying out of the purposes of this Act.

S C H E D U L E

ARTICLE II

FUNDAMENTAL PRINCIPLE

The Contracting States shall undertake to adopt the measures to ensure conservation, utilization and development of soil, water, flora and fauna resources in accordance with scientific principles and with due regard to be best interests of the peaople.

ARTICLE III

DEFINITIONS

For purposes of the present Convention, the meaning of the following expressions shall be as defined below :

1. "Natural Resources" means renewable resources, that is soil, water, flora and fauna.

2. "Specimen" means an individual example of a species of wild animals, or wild plant or part of a wild plant.

3. "Trophy" means any dead animal specimen or part thereof whether included in a manufactured or processed object or otherwise dealt with, unless it has lost its orignal identify ; also nests, eggs and eggshells.

4. "Conservation area"" means any protected natural resources area whether it be a strict natural reserve,a national park or a special reserve ;

   (a) "strict nature reserve" means an area :

      (i) under State control and the boundaries of which may not be altered not any portion alienated except by the competent legislative authority ;

      (ii) throughout which any from of hunting or fishing, any undertaking connected with forestry, agriculture or mining, any grazine, any excavation or prospecting, drillings, levelling of the ground or construction. any work tending to alter the configuration of the soil or the character of the vegetation, any water pollution and, generally, any act likely to harm or disturb the fauna or flora, including introduction of zoological or botanical species, whether indigenous or imported, wild or domesticated, are strictly forbiden ;

(iii) where it shall be forbidden to reside, enter, traverse or camp and where it shall be forbidden to fly over at low altitude, without a special written permit from the competent authority, and in which scientific investigations (including removal of animals and plants in order to maintain an ecosystem) may only be undertaken by permission of the comptent authority.

(b) "national park" means an area :

(i) under State control and the boundaries of which may not be altered or any portion alienated except by the competent legislative authority ;

(ii) exclusively set aside for the propagation, protection, conservation and management of vegetation and wild animals as well as for the protection of sites, land-scapes or geological formations of particular scientific or aesthetic value, for the benefit and enjoyment of the general public; and

(iii) in which the killing, hunting and capture of animals and the destruction or collection of plants are prohibited except for scientific and management purpose and on the condition that such measures are taken under the direction or control of the competent authority ;

(iv) covering any aquatic environment to which, all of the provisions of section (b)(i) - (iii) above are applicable.

The activities prohibited in "strict nature reserve" under the provisions of section (a)(ii) of paragraph 4 of this article are aqually prohibited in national parks excpt in so far as they are necessary to enable the park authorities to implement the provisions of section (ii) of this paragraph, by applying, for example, appropriate management practices ; and to enable the public to visit these parks ; however, sport fishing may be practised with the authorization and under the control of the competent authority :

(e) "special reserve" means other protected are as such as :

(i) "game reserve" which shall denote an area :

(a) set aside for the conservation, management and propagation of wild animal life and the protection and management of its habitats ;

(b) within which the hunting, killing, or capture of fauna shall be prohibited except by or under the direction or control of the reserve authorities ;

(c) where settlement and other human activities shall be controlled or prohibited.

(ii) "partial reserve" or "sanctuary" which shall denote an area :

(a) set aside to protect characteristic wildlife and especially bird communities, or to protect particularly threatened animal or plant species and especially those listed in Annex to this Convention, together with the biotopes essential for their survival ;

(b) in which all other interests and activities shall be subordinated to this end.

(iii) soil water" or "forest reserve" shall denote are as set aside to protect such resources.

ARTICLE IV

SOIL

The Contracting States shall take effective measures for conservation and improvement of the soil and shall in particular combat erosion and misuse of the soil. To this end :

(a) they shall establish land-use plans based on scientific investigation (ecological, pedological, economic, and sociological) and, in particular, classification and land-use capability ;

(b) they shall, when implementing agricultural practices and a agarian reforms

(i) improve soil conservation and introduce improved farming methods, which ensure long-terme productivity of the land ;

(ii) control erosion caused by various forms of land-use which may lead to loss of vegetation cover.

ARTICLE V

WATER

1. The Contracting State shall establish policies for conservation, utilization and development of underground and surface water, and shall endeavour to guarantiee for their population a sufficient and continuous supply of suitable water, taking appropriate measures with due regard to :

(i) the study of water cycles and the investigation of each catchment area ;

(ii) the co-ordination and planning of water resources development projects ;

(iii) the administration and control of all water utilization ; and

2. Where surface or underground water resources are shared by two or more of the Contracting States, the latter shall act, in consultation, and if the need arises, set up inter-state Commissions to study and resolve problems arising frim the joint use of these resources, and for the joint development and Conservation thereof.

ARTICLE VI

FLORA

1. The Contracting States shall take all necessary measures for the protectionof flora and to ensure its best utilization and development. To this end the Contracting States shall :

(a) adopt scientifically based conservation, utilization and plans of forest and range land, taking into account the social and econnomic needs of the States concerned, the importance of the vegetation cover for the maintenance of the water balance of any area. the productivity of soils and the habitat requirement of the fauna ;

(b) observe section (a) above by paying particular attention to controlling bush fires, forest exploitation, land clearing for cultivaion, and over-grazing by domestic and wild animals ;

(c) set aside areas for forest reserves and carry out a forestation programmes where necessary ;

(d) limitation of forest grazine to season and intensities that will not prevent forest regeneration ; and

(e) establish botanical garden to perpetuate plant species of particular interest.

2. The Contracting States also shall undertake the conservation of plant species for communities, which are threatened and/or special scientific or aesthetic value by ensuring that they are included in conservation areas.

ARTICLE VII

FAUNAL RESOURCES

1. The Contracting States shall ensure conservation, wise use and development of faunal resources and their environmental, within the framework of land-use planning and of economic and social development. Management shall be carried out in accordance with plans on scientific principles and to that end the Contracting States shall:

(a) manage wildlife populations inside designated areas according to the objectives of such areas and also manage exploitable wildlife populations outside such areas for an optimum sustained yield, compatible with the complementary to other land uses; and

(b) manage aquatic environments, wheter in fresh, brackish or coastal water, with a view to minimise deleterious effects of any water and land use practice which might adversely affect aquatic habitats.

2. The Contracting States shall adopt adequate legislation on huntin, capture and fishing, under which :

(a) the issue of permits is properly regulated ;

(b) unauthorization methods of hunting, capture and fishing are prohibited :

(i) any aethod liable to causes a mass destruction of wild animals ;

(ii) the use of drugs, poisons, poisoned weapons or poisoned baits ;

(iii) the use of explosives ;

(iv) the following methods of hunting and capture are particularly prohibited :

1. the use of mechanically propelled vehicles ;

2. the use of fire ;

3. the use of fire arms capable of firing more than one round at each pull of the trigger ;

4. hunting or capture at night ;

5. the use of missiles containing detonators.

(d) the following methods of hunting or capture are as far as possible prohibited :

(i) the use of nets and stockades ;

(ii) the use of concealed traps, pits, snares setgun traps, dead-falls, and hunting from a blind or hide ;

iii) with a view to as rational a use as possible of game meat, the abandonment by hunters of carvasses of animals, which represent a food resource, is prohibited.

Capture of animals with the aid of drugs or mechanically propelled vehicles, or hunting or capture by night if carried out by, or under the control of, the competent authority shall nervertheless be exempted from the prohibitions under (c) above.

ARTICLE VIII

PROTECTED SPECIES

1. The Contracting States recognize that it is important and urgent to accord a special protection to those animal and plant species that are threatened with extinction, or which may become so, and to the habitat necessary to their survival. Where such a species is represented only in the territory of one Contracting State, that state has a particular responsability for its protection. These species which are,or may be listed, according to the degree of protection that shall be given to them are placed in Class A or B of the Annex to this Convention, and shall protected by Contracting States as follows :

(i) species in Class A shall be totally protected throughout the entire territory of the Contracting States the hunting, killing, capture or collection of specimens shall be permitted only on the authorization in each case of the highest competent authority and only if required in the national interest or for scientific purposes ; and

(ii) species in Class B shall be totally protected, but may hunted, killed, captured or collected under special authorization granted by the competent authority.

2. The competent authority of each Contracting State shall examine the necessity of applying the provisions of this article to species not listed in the annex, in order to conserve the indigenous flora and fauna of their respective countries. Such additional species shall be placed in Class A or B by the state concerned, according to its specific requirements.

ARTICLE

TRAFFIC IN SPECIMENS AND TROPHIES

1. In the case of animal species to which Article VIII does not apply the Contracting States shall :

(a) regulate trade in an transport of specimens and trophies ;

(b) control the application of these regulations in such a way as to prevent trade in specimens and trophies which have been illegally captured or killed or obtained.

2. In the case of plant and animal species to which Article VIII paragraph (1) applies, the Contracting States shall :

(a) take all measures similar to those in paragraph (1) ;

(b) make the export of such specimens and trophies subject to an authorization :

(i) additional to that required for their capture killing or collection by Article VIII ;

(ii) which indicates their destination ;

(iii) which shall not be given unless the specimens or trophies have been obtained legally ;

(iv) which shall be examined prior to exportation ;

(v) which shall be on a standard form, as may be arranged under Article XVI ;

(c) make the import and transit or such specimens and trophies subject to the presentation of the authorization required under section (b) above with due provision for the confiscation of specimens and trophies exported illegally, without prejudice to the application of other penalties.

ARTICLE IX

CONSERVATION AREAS

1. The Contracting States shall maintain and extend where appropriate, within their territory and where applicable in their territorial waters, the Conservation areas existing at the time of entry into force of the present Convention and, preferably within the framework of land-use planning programmes, assess the necessity of establishing additional conservation areas in order to :

(i) protect those ecosystems which are most representative of and particularly those which are in any respect peculiar to their territories ;

(ii) ensure conservation of all species and more particularly of those listed or which may be listed in the annex to this Convention.

2. The Contracting States shall establish, where necessary, around the borders of conservation areas, zones withing which the competent authorities shall control activities detrimental to the protected natural resources.

CUSTOMARY RIGHTS

ARTICLE XI

The Contracting States shall take all necessary legislative measures to reconcile customary rights with the provisions of this Convention.

ARTICLE XII

RESEARCH

The Contracting States shall encourage and promote research in conservation, utilization and management of natural resources and shall pay particular attention to ecological and sociological factors.

ARTICLE XIII

CONSERVATION EDUCATION

1. (a) The Contracting States shall ensure that their peoples appropriate their close dependence on natural resources and that they understand the need, and rules for, the rational utilization of these resources.

(b) For this purpose they shall ensure that the principles indicated in paragraph (1) :

(i) are included in educational programmes at all levels ;

(ii) form the object of information campaigns capable of acquainting the public with, and the winning it over to the idea of conservation.

2. In order to put into effect paragraph (1) above, the Contracting States shall make maximum use of the educational value value of conservation areas.

ARTICLE XIV

DEVELOPMENT PLANS

1. The Contracting States shall ensure that conservation and management of natural resources are treated as an integral part of national and:or regional development plans.

2. In the formulation of all development plans, full consideration shall be given to ecological, as well as to economic and social factors.

3. Where any development plan is klikely to effect the natural resourcess of another State, the latter shall be consulted.

ARTICLE XV

INTER-STATE CO-OPERATION

1. The Contracting States shall co-operate :

(a) whenever such co-operation is necessary to give effect to the provisions of this Convention ; and

(b) whenever any national measure is likely to affect the natural resources of any other State.

2. The Contracting State shall supply the Organization of African Unity with :

(a) the text of laws, decress, regulations and instructions in force in their territories, which are intended to ensure the implementation of this Convention ;

(b) reports on the results achieved in applying the provisions of this Convention ; and

(c) all the information necessary for the complete documentation of matters dealt with by this Convention if requested.

3. If so, requested by Contracting States, the Organization of African Unity shall organize any meeting which may be necessary to dispose of any matters covered by this Convention. Requests for such meetings must be made by at least three of the Contracting States and be approved by two-thirds of the States which it is proposed should participate in such meetings.

4. Any expenditure arising from this Convention, which devolves upon the Organization of African Unity shall be included in its regular budget. unless shared by the Contracting States or otherwise defrayed.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1987

THE GAMBIA

No. 4 OF 1987

ASSENTED TO BY THE PRESIDENT,
THIS TENTH DAY OF MARCH, 1987

L S

D. K. JAWARA,
President

An Act to make provision for the sustainable utilisation, rational development and conservation of natural resources ; for the preservation of the national heritage ; to give effect the Africain Convention on the Conservation of Nature and Natural Resources ; and for matters connected therewith.

HOUSE OF REPRESENTATIVES

WILDLIFE CONSERVATION

ACT, 1977

A Bill Entitled

An Act to provide for the conservation and rational management of wildlife in the Gambia and for matters connected therewith and incidental thereto.

WILDLIFE CONSERVATION ACT, 1977

Arrangement of Sections

Section

Part VII - Import and Export of Wild Animals

Part VIII - Enforcement Powers

Part IX - Preseumptions, Penalties, Forfeitures

Part X - General Provisions

Schedule I - The Abuko Nature Reserve

Date of commencement :

PART I - PRELIMINARY

Enactment : Enacted by the Parliament of the Gambia

Short title and exten: extent 1. This Act may be cited as the Wildlife Conservation Act, 1977, and shall come into force on such day or dates as the Minister notice in the Gazette, appont.

Interpretation : 2. In this Act, unless the context otherwise requires :

"animal" means any vertebrate animal, including any mammal, bird, reptile, and amphibian, and the egg or young therof, but does not include and fish ;

"authorized officer" means any wildlife officer, any police officer, any forestry inspectorate officer, and any other officer authorized by the Director to carry out the provisions of this Act any regulations made therunder ;

"bird licence" means a hunting licence issued by any licensing officer under this Act, authorizing the hunting of any specified wild bird ;

"commercial business" means any shop, store, restaurant, or other fixed place of business open to the public for the purpose of supplying for reward any prepared food or other item of sale ;

"Director" means the Director of Wildlife Conservation and Management ;

"export" includes export of any wild animal, meat, or trophy of any wild animal that has been previously imported ;

"general licence" means a hunting licence issued by any licensing officer under this Act, authorizing the hunting of any wild animal specified therein ;

"hunt" means :

(a) kill, wound, capture, or shoot at ;

(b) wilfully disturb, molest, or take by any method a nest or eggs of any wild animal ;

(c) follow, lie in wait for, or search for with the intent to kill, wound, capture, or shoot at ;

(d) doing any other act immediately directed at killing, wounding, or capturing any wild animal ;

"land" includes land covered by sea or other water ;

"licensing officer" means the Director, and any other person authorized by him in writing to issue licences under this Act;

" meat" means the fat, blood, flesh or tissue of any wild animal, whether fresh or dried, pickled or otherwise preserved or processed ;

"Minister" means the Minister for the time being responsible for wildlife matters ;

"national park" means any area of land set aside in accordance with the provisions of section 5 of this Act, for the propagation, protection, conservation and management of vegetation and wild animals as well as for the protection of sites, land-scapes or geological formations of particular scientific or aesthetic value, for the benefit and enjoyment of the general public, and in which hunting of wild animals, destruction or collection of plants, human settlements and certain other human activities disruptive of wildlife and the natural environment are prohibited or strictly controlled in accordance with the provisions of Part III of this Act ;

"national reserve" means any area of land set aside in accordance with the provisions of section 6 of this Act, for the propagation, protection, conservation and management of vegetation or wild animals, and the associated habitats, and in which hunting and certain other human activities shall be prohibited in accordance with Part III of this Act ;

"open sesson" means any period of time declared as such by the Minister under section 13 of this Act ;

"protected area" means any area of land set aside by the Government for purposes of preserving and managing the habitat and ecology thereof, including any forest park or protected forest, any national park, national reserve, or local sanctuary, and Abuko Nature Reserve ;

"sell" means sell, barter, exchange, offer or expose for sale, or transfer ;

"trophy" means any animal, whether alive or dead, or any durable portion whether processed, added to or changed, which is recognizable as a durable portion, and any nest, egg, or eggshell ;

"vermin" means any animal which is declared by the Minister to be vermin for purposes of section 27 of this Act ;

"wild animal" means any animal that is not a domesticated animal ;

"wildlife officer" means any officer appointed under section 3 of this Act.

PART II - ADMINISTRATION

3. (1) The Public Service Commission may appoint a Director of Director and Wildlife Conservation and Management and such othe wildlife officers as other wild may be necessary to carry into effect the purposes and provisions of this life officers Act.

(2) The Director may, in writing, delegate or assign any of his functions under this Act to such other authorized officers as he may think fit.

(3) The Director shall, subject to the provisions of this Act and to any general or specific directions of the Minister, have the general superin-tendence of all matters within the province of this Act.

Wildlife management plans

4. (1) The Director shall develop and keep under continual review plans for the rational management of wildlife in the Gambia, taking into account national, regional, and international aspects of wildlife management.

(2) Each wildlife management plan shall be designed to ensure that wildlife is rationally managed and conserved so as to yield to the Gambia in general and to individual areas in particular, optimum returns in terms of ecological, cultural, aesthetic and scientific gains as well as such economic gains as are incident to proper wildlife management.

PART III - NATIONAL PARKS, NATIONAL RESERVES, AND LOCAL SANCTUAIRES

Etablishment of national parks

5. (1) The Minister may undertake surveys of areas of great natural beauty or of major importance for wildlife resources, and may, if he considers it to be in the national interest, propose the establishment of national parks in such areas.

(2) The declaration of any area to be a national park shall be Order of the Miniter to be approved by Parliament.

Establishment of national reserves and local sanctuaries

6. (1) The Minister may, by Order published in the Gazette, declare any area to be a national reserve or local sanctuary.

(2) No national reserve of local sanctuary shall be abolished or alienated whether in whole or in part, nor shall its boundaries be altered in any way except by Order of the Minister published in the Gazette.

Hunting prohibited

7. (1) No person shall hunt any animal in any national park, or national reserve, or within such area adjacent to any national park or national reserve as the Director may designate.

(2) No person shall bring into any national park or national reserve weapon, ammunition, explosive, trap, snare, or poison, or be in possession of any such article within any national park or national reserve

Power to regulate

8. The Minister may, under section 58, make regulations generally for the efficient control and management of any national park, national reserve, or local sanctuary, and may in particular and without prejudice to the generality of the foregoing, make regulations for all or any of the following matters :

"local sanctuary" means any area of land ser aside in accordance with the provisions of section 6 of this Act, for the protection of characteristic wildlife and especially bird communities, or for the protection of particularly threatened animal or plant species, together with the habitats essential for their survival ;

(a) conditions under which any person, motor vehicle, boat aircraft, or other craft or conveyance, or animal may enter into, travel through or be kept within any national park, nation reserve, or local sanctuary ;

(b) fees to be paid for entry into or for any services or amenities provided by any national park, national reserve, or local sanctuary ;

(c) prohibition or strict control over hunting in or near any local sanctuary ;

(d) prohibition or control on cutting, clearing, burning, or otherwise damaging or removing any tree, bush, plant, or other vegetation or any part thereof from any national park, national reserve, or local sanctuary ;

(e) prohibition or control of setting fires within any national park, national reserve, or local sanctuary ;

(f) prohibition of human settlements and certain other human activities disruptive of wildlife and the natural environment in any national park, national reserve, or local sanctuary.

Management responsibilities

9. (1) The Director shall control, manage and maintain all national parks, national reserves, and local sanctuaries.

(2) The Director may prescribe such conditions, in addition to those prescribed by regulation by the Minister, as may be necessary to carry out his responsibilities under this section.

Acquisition of land

10. The establishment or extension of any national park, national reserve, or local sanctuary shall be deemed to be a public purpose within the meaning of the Lands (Banjul and Kombo Saint Mary) Act and the Lands (Provinces) Act, and the procedures specified in those Acts shall be followed for acquisition of land or any interest therein and for settlment of claims in connection with such establishment or extension.

Abuko Reserve

11. The area of land described in Schedule I attached hereto, and commonly known by the name of Abuko Nature Reserve, is hereby declared to be a national reserve.

PART IV - CONTROL OF HUNTING

Wild animals protected

12. Save as otherwise provided under this Act, any wild animal found in the Gambia, whether or not organating in the Gambia, shall be a protected animal.

Power to declare open seasons

13. (1) The Minister may, where he is satisfied that pursuant to any wildlife management plan developed under section 4 of thes Act it is desirable so to do, declare an open season during which it may lawful to hunt any species of wild animal specified in such declaration

(2) Any declaration made under section shall be notice in the Gazette, and may make different provision in respect of different areas and different species of wild animals ;

Provided that no open season shall apply to any protected area.

Hunting licences required

14. Save as is otherwise provided under this Act, no person shall hunt any wild animal except under and in accordance with the conditions of a valid hunting licence issued pursuant to this Part.

Classes of hunting licences

15. The following classes of hunting licences may be issued under this Part :

(a) general licence ;

(b) bird licence.

Form and conditions of licences

16. (1) The Minister shall, by regulation, prescribe the form of and conditions attaching to each of hunting licence.

(2) Any hunting licence issued under this Part shall be subject to :

(a) such conditions as may be prescribed by regulation under this section ; and

(b) such other conditions as the Director may prescribed:

Provided that nothing in this Part shall be taken as authorizing the hunting of any wild animal in any protected area.

(3)Any conditions prescribed under this section shall include, but sahll not be limited to,,conditions concerning :

(a) the species, or variety of species of the sex of wild animal which may be hunted each class of licence ;

(b) the method of hunting to be employed with each licence ;

(c) the number of wild animals of each precribed species, variety, or sex which may be hunted ;

(d) the area or areas in which each licence shall be valid ;

(e) the time or times of the year during which any specified species, variety or sex of wild animal may be hunted ;

(d) the appropriate fee payable in respect of each class of licence.

Applications for licences

17. Applications for licences shall be made in the prescribed form to the appropriate licensing officer.

Power to refuse to issue licence

18. (1) Any licensing officer may, if he thinks fit and without assigning any reason therefor, refuse to issue to any person a hunting licence for which application has been made.

(2) No hunting licence in which the use of frearms for hunting is authorized shall be issued to any person who is not the holder of a valid licence issued under the Arms and Ammunition Act, authorizing such person to possess firearms, and the officer issing any hunting licence may require such firearms licence to be produced at the time of issuing any hunting licence.

(3) No hunting licence shall be issued to any person unless the licensing officer is satisfied that such person is in possession of, or will at the time of hunting under such licence be in possession of, a suitable firearm, and is competent and responsible in the use of such firearm, and the licensing officer may require such person to undergo any shooting or other tests in order ascertain whether such person is so competent and responsible

Appeals for refusal of licence

19. In the event that any licensing officer refuses to issue any hunting licence under section 18 of this Act, the applicant may within one month after the date of the refusal appeal to the Minister, whose decision will be final.

Power to can or suspend licence

20. The Director may, if the thinks fit and without assigning any reason therefor, suspend or cancel any hunting licence issued under this Part

Appeals for cancellation or suspension

21. In the event that the Director suspends or cancels any licence under section 20 of this Act, the licence holder may within one month of the date of such suspension or cancellation appeal to the Minister, whose decision will be final.

General provisions for hunting licences

22. (1) No person shall transfer any hunting licence to any other person, and no person, except the person to whom it is issued, shall hunt under any such licence.

(2) Each licence holder shall carry the licence with him at all times when engaged in any activity authorized by the licence, and shall produce it on request to any authorized officer

(3) Subject to the provisions of section 20 relating to suspension and cancellation of licences, any hunting licence shall be valid for the period specified in such licence.

Defence of life or property

23. (1) Nothing in this Act shall make it an office for any person to take such measures as may be reasonably necessary to defend his person or any other persons, or to protec any livestook, crops, or other property which he has a duty to protect or a legitimate interest in protecting from a direct and immediate attack by any wild animal :

Provided that :

(a) shooting shall be resorted to only where no other alternative is possible or feasible ; and

(b) this section shall not exonerate any person who, at the time of the attack, was committing an offence against this Act or was knowingly acting under circumstances amounting to deliberate provocation or enticement of the wild animal.

(2) Where any wild animal is killed or wounded in accordance with the provisions of this section, the fact and circumstances shall be reported immediately to the nearest authorized officer, and such animal shall become the property of the Government to be handed over to the nearest authorized officer for disposal in such manner as the Director may think fit.

(2) The burden of proving that any wild animal has been killed or wounded in accordance with the provisions of this section shall lie upon the person who has killed or wounded such animal.

Duty to seek assistance

24. Except where there is a direct and immediate attack upon life or property, where any wild animal threatens injury or otherwise becomes a pest to life, livestock, crop, or other property, such fact shall be reported to the nearest authorized officer at the earliest practicable moment and assistance shall be sought from such officer to deal with the wild animal as the Director may think fit.

Wounded animals

25. Any person who, in any circumstances whatsoever, wounds any wild animal or observes any wounded wild animal where such animal could become dangerous, shall as soon as practicable thereafter make a report of the facts and circumstances to the Director, or nearest authorized officer.

Hunting by authorized officers

26. Nothing in this Act shall make it an offence for the Director or any duly authorized officer under the direction of the Director to hunt or possess any wild animal, it any area of the Gambia, including any protected area, at any time and by any method, for the purposes of :

(a) education or scientific research ;

(b) conservation and proper wildlife management and administration ;

(c) public safety or the protection of livestock, crops or other property ;

(d) prevention of undue suffering by any such animal.

Vermin

27. (1) The Director may, by notice in the Gazette, declare any wild animal to be vermin, either generally or in any specified area for any specified period of time.

(2) It shall not be an offence for any person to hunt without a licence any wild animal declared to be vermin in such area under such conditions as may be specified in the notice ;

Provided that nothing in this section shall be taken as authorizing the hunting of such animals in any protected area.

Penalty for illegal hunting

28. Any person who hunts any wild animal in contravention of the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding 750 Dalasis or to imprisonment for a term not exceeding 1 year, or to both.

PART V - PROHIBITED METHODS OF HUNTING

Prohibited methods of huntin, general provisions

29. (1) No person shall hunt any wild animal that is obviously immature or is a female accompanied by its young.

(2) No person shall in connection with hunting, make, use, or have in his possession any of the following :

(a) any firearm capable of firing more than one missile as a result of one pressure of the trigger ;

(b) any explosive, other than the propellant charge in firearms cartridges, or any missile containing explosive ;

(c) any fixed stake or similar sharp instrument ;

(d) any set-gun, pitfall, game-pit, trench or similar excavation ;

(e) any net, fence or enclosure ; for similar trap, or any mist net, snare, or similar contrivance capable of killing or capturing any wild animal ;

(f) any drugs, poisons, poined weapons, or poisoned baits ;

(g) any other methods of hunting which may prohited in any regulations made under this Act.

Use of fire prohibited

30. No person shall, in connection with hunting, cause any fire or drive or surround any wild animal witth fire.

Hunting at night prohibited

31. (1) No person shall, during the hours of darkness, hunt any wild animal, or use any dazzling light for the purpose of hunting any wild animal.

(2) For purposes of this section, "hours of darkness" means the period between one-half hour afther sunset and one half-hour before sun-rise.

Driving animals into water

32. No person shall drive any wild animal into water for the purpose of hunting such animal.

Restriction on use of vehicles

33. (1) No person shall :

(a) use a motor vehicle, aircraft, boat, or other craft or conveyance for purpose of hunting any wild animal ;

(b) discharge a firearm or other weapon at any wild animal from inside or a point within two hundred yards of any motor vehicle, aircraft, boat, or other craft or conveyance.

(2) Any firearm which is located in or upon any motor vehicle, aircraft, boat, or other craft or conveyance shall, at all times, be unloade and inside a cover or gun case.

Power to suspene or further prohibit

34. The Minister may, by notice in the Gazette :

(a) impose such additional conditions or restrictions in respect of the use of any specified methods of hunting as he may think fit ;

(b) suspend the operation of any section of this Part in respect of any specified wild animal, for any period of time and for any specified area other than a protected area, where hi considers it necessary for proper wildlife management or the protection of life or property.

Penalties for use of prohibited hunting methods

35. (1) Any person who acts in contravention of any provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding 750 Dalasis or to imprisonment for a term not exceedin one year, or both.

(2) Any person who receinves or is found in possession of any wild animal knowing or having reasonable cause to believe that such animal was taken in contravention of the provisions of this Part shall, unless the contrary is proved, be guilty of an offence and shall be liable to a fine not exceeding 750 Dalasis or to imprisonment for a term not exceeding one year, or to both.

PART VI - SALE OF WILD ANIMALS

Commercial sale prohibited

36. (1) No commercial business shall sell in the Gambia any wild animal, meat or trophy of any wild animal with the exception of meat or a trophy of any bush pig that has been legally hunted :

- Provided that the Minister, in consultation with the Director, may at any time, by notice in the Gazette, suspend the operation of this Part in respect of any specified wild animal for any period of time specified in such notice.

(2) Any commercial business, or person acting on behalf of such business, which selles any wild animal, meat or trophy of any wild animal in contravention of this section shall be guilty of an offence and shall be liable to a fine not exceeding 500 Dalasis or to imprisonment for a term not exceeding nine months or to both.

PART VII - IMPORT AND EXPORT OF WILD ANIMALS

Import permit

37. No person shall import or attempt to import into the Gambia any wild animal, meat or trophy of any wild animal, except under a valid import permit issued by the Director in writing on his behalf, and in accordance with the conditions of such import permit.

Power to issue import permit

38. (1) The Director may, upon writing application therefor and payment of the prescribed fees, issue an import permit provided that he is satisfied :

(a) that such import will be for purposes which are not detrimental to the survival of the species involved ;

(b) that the proposed recipient of any living wild animal is suitably equipped to house and care for such animal ; and

(c) that the wild animal, meat, or trophy of any wild animal has been lawfully exported from the country of export.

(2) Any permit issued under this section shall be valid for such time as is therin expressed and shall be subject to such conditions and the payment of such fees as the Director may prescribe, or as may be prescribed by any regulations made under this Act.

Export permit

39. No person shall export or attempt to export any wild animal, meat or trophy of any wild animal except under a valid export permit issued by the Director or other officer authorized by the §Director in writing on his behalf, and accordance with the conditions of such export permit.

Power to issue export permits

40. (1) The Director may, upon written application therefor and payment of the prescribed fees, issue an export permit provided that he is satisfied :

(a) that such export will not be detrimental to the survival of that especies ;

(b) that such wild animal, meat or trophy wild animal was lawfully obtained ;

(c) that any living wild animal will be so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment ; and

(d) that an import permit has been granted by the importing state for such wild animal, meat, or trophy.

(2) Any permit issued under this section shall be valid for such time as is terein expressed and shall be subject to such conditions and the payment of such fees as the Director may prescribe, or as may be prescribed by any regulations made under this Act.

Permit to be carried

41. Any person holding a permit or other document issued under this Part shall carry such permit or document with him at all times when exercising any of the rights conferred by it, and shall produce it on request to any authorized officer.

Household and personal effect

42. The Minister may make regulations exempting household or personal effects from the requirements of sections 37 to 41 of this Act subject such conditions as he may think appropriate.

Penalty for illegal import and export

43. Any person who imports or exports, or attempts to import or export, any wild animal, meat, or trophy of any wild animal in contravention of the provisons of this Part shall be guilty of an offence and shall be liable to a fine not exceeding 500 Dalasis or to imprisonment for a term not exceeding 9 months or to both.

PART VIII - ENFORCEMENT POWERS

Powers to stop and inspect

44. An authorized officer may, without a warrant :

(a) stop any person whom he sees doing any act or whom he has reasonable grounds for believing has done any act for which a licence or permit is required under this Act, or any regulations made thereunder ;

(b) require that such person produce for inspection :

(i) any licence, permit or other document required under this Act or any regulations made thereunder ;

(ii) any wild animal, meat, or trophy of any wild animal in the possession of such person ;

(iii) any firearm, or other weapon, device, or material which appears to be connected with hunting.

Powers to search, seize and arrest

45. (1) If any authorized officer has reasonable grounds for believing that any person has committed an offence against this Act, or any regulations made thereunder, he may, without a warrant :

(a) enter and search and land, building, or other premises in the occupation of such person, and open and search any baggage or other thing in the possession of such person :

-Provided that no dwelling,house shall be entered or searched without a warrant.

(b) stop, detain, and search any motor vehicle, boat, aircraft, or other craft, or conveyance which appears to have been used or is being used in the commission of any offence under this Act, or any regulations made thereunder ;

(c) require any passenger of any motor vehicle, boat, aircraft, or other craft or conveyance stopped pursuant to this section to furnish his full name, address, and the details of any licence, permit, or other document required under this Act, or any regulations made thereunder ;

(d) seize any motor vehicle, boat, aircraft, firearm or other weapon, craft, conveyance or device in connection with which any offence appears to have heen committed against this Act or any regulations made thereunder ;

(e) seize wild animal, meat, or trophy of any wild animal which he has reason to believe is being possessed in contravention of this Act any regulations made thereunder ;

(f) arrest any person he has reasonable grounds to believe has committed such offence, and use such force as may be reasonably necessary to affect such arrest.

(2) Any authorized officer who seizes any thing under the provisions of this section shall, where feasible, give to the person from whom such thing was seize a written receipt signed by the authorized officer, identifying the thing seized and stating the reason for such seizure.

(3) Any live animal seize in accordance with the provisions of this section may be released or destroyed at the discretion of the seizing officer where he considers such action necessary in order to prevent undue suffering or for other good and sufficient reasons.

(4) Anything seize in accordance with the provisions of this sectionwhich is of a perishable nature and which cannot be reasonably preserved, may, upon the direction of the Director, be immediately disposed by sale or otherwise :

- Provided that the event of a sale under this subsection the proceeds thereof shall be held by the Director pending determination of any proceeding brought in respect of the offence for which the thing was seized and shall thereupon be dealt with by him as the Count may direct.

Legal proceedings

46. Any person arrested under the provisions of section 45 shall be taken as soon as practicable before a court to be dealt with according to the law.

Prohibition on obstructing authorized officers

47. Any person who :

(a) without reasonable excuse, fails to produce anything which he is required to produce under sections 44 and 45 ;

(b) resists or wilfully obstructs any authorized officer in the exercise of the powers conferred upon such officer by this Act, or any regulations made thereunder ;

shall be guilty of an offence and shall be liable to a fine not exceeding 500 Dalasis or to impronment for a term not exceeding nine months, or to both.

Authorized officers to declare office

48. Any authorized officer shall, in the exercise of the powers conferred upon him under this Act, have in his possession and shall produce on request such idenfication or other document as evidence of his being an authorized officer for the purposes of this Act.

Exemption of authorized officers

49. Nothing in this Act shall be construed as rendering any authorized officer guilty of an offence against this Act, or any regulations made thereunder, while acting in good faith in the course of his duty as such officer.

PART IX - PRESUMTIONS, PENALTIES, FORFEITURES

Evidence and presumption

50. (1) The possession of any wild animal, or meat, or trophy of any freshly killed wild animal shall be prima facie eviderce against any person accused of contravening any provision of this Act that he has hunted such animal.

(2) If any person, being the holder a valid licence or permit granted under this Act, is found in possession of wild animals in excess of the numbers mentioned in such licence or permit, or of any species not authorized therein, ha shall be presumed, unless the contrary is proved, to have hunted such animals in contravention of the provisions of this Act, or any regulations made thereunder.

(3) Where any wild animal is upon or in any motor vehicle, boat, aircraft, or other craft or conveyance, or at any camping place, any person who is in any way associated with such motor vehicle, boat, aircraft, or other craft or conveyance, or camping place, shall be presumed, unless the contrary is proved, to be in possession of such wild animal.

(4) Any person who is found in possession or in control of any prohibited method of hunting designated as such by this Act or any regulations made thereunder, shall be presumed unless the contrary is proved, to be using such method for the purposes of hunting.

(5) The burden of proving any fact which would be a defence to a charge of contravening any provision of this Act, or any regulations made thereunder, shall be upon the person charged.

General penalties

51. (1) Any person who is convicted of an offence under this Act, or any regulations made thereunder to respect of anything done or omitted to be done for which non other penalty is expressly provided shall be liable :

(a) in the case of a first such offence to a fine not exceeding 500 Dalasis, or to imprisonment for a term not exceeding 9 months, or to both ;

(b) in the case of a second or any subsequent offence, to a fine not exceeding 1.000 Dalasis, or the imprisonment for a term not exceeding 1 year, or to both.

(2) Upon the conviction of any person for an offence under this Act, or any regulations made thereunder, which relates to more than one wild animal or trophy the court may inflict an additional penalty in respect of each wild animal or trophy after the first of a fine not exceeding one half of the fine prosecuted by this Act for such offence.

Corporations and Firms liable

52. (1) Where a corporation is guilty of an offence against this Act, or any regulations made thereunder every direction or officer of the corporation shall, unless, he proves that the offence was committed without his knowledge or consent also liable to be prosecuted, tried, convicted, and punished for that offence.

(2) Where any firm or individual has in the course of business committed any offence under this Act, or any regulations made therunder, every manager or other person concerned to the management of such business shall, unless he proves that the offence was committed without his knowledge or consent also be liable to be prescribed, tried, convicted, and punished for that offence.

Forfeiture

53. (1) Where any person is convicted of an offence under this Act, or any regulations made thereunder, the court :

(a) shall, unless it considers for reasons to be recorded by the court, that it would be unjust so to do, order that any wild animal, meat, trophy, or proceeds of sale of such animal, meat, or trophy, or weapon or other means of hunting any wild animal or any non-mechanical means of conveyance, taken, used, or involved in the commission of such offence shall be forfeited to the Governement without compensation.

(b) may order that any motor vehicle, boat, aircraft, or any mechanical means of conveyance used in t the commission of such offence, be forfeited to the Government without compensation.

(2) Any article or animal forfeited under this section shall be disposed of in such manner as the Director may think fit.

(3) Where anything has been seized under the provisions of section 45 of this Act, or any regulations made under this Act, and the person charged with an offence in relation tereto has not appear to answer such charge within one month of such seize, the court may order that such thing shall be forfeited to the Government to be disposed of as the Director may think fit.

Destruction of game-pits, et., on conviction

54. Where any person is convicted of an offence under this Act, or any regulations made thereunder, in respect of any game-pit, pitfall, trench, or similar excavation, or any fence or enclosure, or any other device whatsover fixed to the ground which such person has unlawfully made, used or had in his possession for the purpose of hunting, the court may, in addition to any other penalty imposed, order that such excavation or other device be destroyed in such manner as the court may specify, and any expenditure incurred on account of such order shall be recoverable from such person as a civil debt due to the Governement.

Effect of conviction

55. Where the holder of any licence or permit issued this Act, or any regulations made thereunder, is convicted of an offence against this Act, such conviction shall, unless the court otherwise directs for reasons to be recorded in writing, have the effect of cancelling such licence, or permit with effect from the date of conviction.

Other laws applicable

56. Nothing under this Act shall relieve any person, business, or corporation of any obligation or requi rement imposed by law concerning customs, health, arms and ammunitions, or other matters.

PART X - GENERAL PROVISIONS

Prescribed forms

57 The Minister may from time to time, by regulation prescribe forms to be used for the purposes of this Act, and may, in like manner, amend, vary, or revoke any such prescribed forms.

Power to make regulations

58. The Minister may make regulations for the better implementation of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing, such regulations may make provision for all or any of the following :

(a) the specific conditions subject to which any licence permit, or other authorization may be granted or issued under this Act ;

(b) the procedure to be follwed to be followed in respect of any application for such licence, permit, or authorization ;

(c) the terms and conditions under which wild animals may be hunted under any hunting licence issued this Act, the numbers and sex of each species which may be so hunted either generally or in any specified area, the type of weapons prohibited or permitted and such other matters in respect of hunting as he may think fit ;

(d) the limiting of the number of hunting licences which may be issued to any person or in respect of any specified species, period or area ;

(é) the prohibition of the use of any specified type or calibre of weapon in the hunting of any specified type of wild animal or bird ;

(f) the declaration of vermin in respect of any specified period or area ;

(g) the hearing and détermination of appeals to the Minister ;

(h) the control of the sale of any wild animal, meat, or trophy of any wild animal within The Gambia ;

(i) the control of the import and export of any wild animal, meat, or trophy of any wild animal into or fr m The Gambia

(j) the fees to be paid for anything to be done under this Act or any regulations made thereunder, and the remission in special cases of any fees payble under this Act ;

(k) the prohibition, regulation, or control of the hunting of wild animals, in or near any municipality, residence, factory, quarty, mine, protected area, or upon, over, or on any road specified in such regulations ;

(l) the prohibition of methods of hunting any wild animals ;

(m) the proper administration, management and development of any areas established as national parks, national reserves or local sanctuaries ;

(n) the furtherance of knowledge as regards wildlife by means of literature, lectures, courses of instruction, films, radio, radio programmes, tours or such other means as may appaer appropriate under the circumstances.

Savings

59. (1) Any licence, permit, or other authorization issued under the provisions of the Wild Animals, Birds and Fish Preservation Act, Capter 194, or any subsidiary legislation, which immediately before commencement of this Act was of force and effect, shall, subject to the provisions of this Act, continue to have force and effect, shall, subject to the provisions of this Act, continue to have force and effect, and shall on such commencement be deemed to have been issued under this Act.

(2) Any subsidiary regulations, orders, notices, or directives issued under the provisions of the Wild Animals, Birds and Fish Preservation Act, Chapter 194, which immediately before commencement of this Act were of force and effect, shall, subject to the provisions of this Act, continue to have such force and effect until superseded by provisions issued under this Act.

Repeal

60. The provisions of the Wild Animals, Birds, and Fish Preservation Act, Chapter 194, in so far as they relate to wild animals and birds, is hereby repealed.

SCHEDULE I

THE ABUKO NATURE RESERVE

The Abuko Nature Reserve is a 191 acre located on the boundary of Kombo St. Mary and Kombo North District. It is adjacent to north-west side of the village of Lamin and is fronted by the west side of the Brikama road.

The area boundaries commence at a point approximately 100 feet northwest along the west side of the Brikama road from the point where the Abuko stream passes under the Brikama road ;

Thence from that point along a straight line at approximately 240 degrees from north clockwise, for a distance of 1,800 feet ;

Thence by a straight line at approximately 240 degrees from north for, a distance of 4,500 feet ;

Thence by a straight line at approximately 332 degrees from north, for a distance of 1,800 feet ;

Thence by a straight line at approximately 60 degrees from north, for a distance of 4,500 feet.

The above boundaries are more particularly delineated on Cadastral Reference Map Map N° 9 located in the physical Planning Office.

OBJECTS AND REASONS

This Act is designed to permit the Government of The Gambia to protect, conserve, and rationally manage the wildlife resources of The Gambia so as to promote the survival of wildlife in accordance with the commitment set out in the Gambia's National Five-Year Development Plan, recognizing that this resource in an important national wealth for the Gambian people and an essential component in the balance of ecosystems on which man's survival depends.

A. M. CAMARA
Vice Président

N° 22 OF 1979

Assented to by The President
this Ninteenth day of February,
1980.

D.K.Jawara,
Président.

AN Act to establish a National Water Resources Council to formulate a water policy for the nation and for matters incidental thereto.

Date of commencement

22nd February,1980_|

ENCATED by the Parliament of the Gambia. Enactment

1. THIS ACT may be cited as the National WATER Resources Short title, Council Act, 1979 (N°22 of 1979).

2. In This Act, unless the context otherwise requires :

"Committee" means the National Resources Committee established under section 6 of this Act;

"Council" means the National Water Resources Council established under section 3 of this Act;

"Department " means the Department of Water Resources stablished under section 9 Of this Act;

" Minister" means the Minister responsible for Agriculture and Natural Resources ;

" Water" includes atmospheric, surface, underground and all other forms of water resources in The Gambia.

3 There is hereby established a National Water Resources Council.

4 - (1) The Council shall consist of the following persons-

- (a) the Minister of Agriculture and Natural Resources or his representative;
- (b) th MInister of Local Governement& Lands or his representative;
- (c) the Minister of Health, Labour & Social Welfare or his representative;
- (d) the Minister of Works and Communications or his representative;
- (e) the Minister of Economic Planning & Industrial Development or his representative.

(2° The Chairman of the Council shall be MInister of Agriculture and Natural Resources.

(3) The Permanent Secretary, Ministry of Agriculture and Natural Resources, shall be the Secretary of the Council

Meetings of the Council.

5- (1) The Council shall meet at least once every three months at such times and places as it deems expedient for the despatch of its busness.

(2) The Chairman shall preside at all meeting of the council and his absence such members of the Council as the members present may appoint shall preside.

(3) The decisions of the Council shall be by majority vote and in the event of an equality of votes the Chairman shall have a casting vote.

.../

(4) At every meeting of the Council three members shall constitue a quorum.

6. The Council shall at the beginning of every financial year submit a full report of its activities during the previous years to the House of Representatives. Annual Report.

7. The functions of the Council are

(a) To formulate the overall water resources policy of the nation, and to serve as Government's high level policy making body in the field of water utilization and conservation; Function of the Council.

(b) To approve plans submitted to it by the National Water resources Committee established under section 8 of this Act;

(c) to approve funds for executing such projects as are submitted to it by the Committee; and

(d) to do any other thing incidental to the development and utilization of water resources.

8.-(1) There is hereby established a National Water Resources Committee, consisting of the following persons Establishment of Committee

(a) the Permanent Secretary, Ministry of Agriculture and Natural Resources, who shall be the Chairman;

(b) the Chief Physical PLanning Officer;

(c) the Director of Medical & Health Services;

(d) the Director of the Department of Water Resources;

(e) the Director of Agriculture;

(f) the Director of Animal Health & Production

(the Director of Fisheries;

(h) The Director of Planning,Ministry of Economic planning and Industrial Development;

(i) The Managing Director of Gambia Utilities Corporation or his representative; and

(j) the Managing Director, Ports Authority or his representatives.

(2) The Permanent Secretary, Ministry of Agriculture and Natural Resources shall appoint one of his officers to be the Secretary to the Committee.

Meetings of the Committee

9. (1) The Committee shall meet at such times and places as it deems expedient for the transaction of the business.

(2) Special meetings of the Committee may be summoned-

(a) at the request of the Council;

(b) at the request of any five members of the Committee on matter of urgency.

(3) The Secretary of the Committee shall, in consultation with the Chairman, prepare an agenda which shall be distributed to all members of the Committee at least seven days prior to each meeting.

(4) The Chairman of the Committee may invite any person to attend and participate in the discussions of the Committee if in his opinion that person possesses expert knowledge which could be useful to the Committe

(5) The Committee shall submit a quarterly report of the activities to the Council.

Functions and powers of the Committee

(10) - 1 The functions of the National Water Resources Committee shall be -

(a) to promote the centralized inventory and management of all water resources in the country;

(b) to coordinate and approve any project or scheme relating to the use, development and conservation of water resources both in regard to quantity and quality of water utilized;

(c) to appoint the responsible executing Ministry or Agency for any water project or scheme;

(d) to promote the most rational use of available water resources including the abatement of its harmful effects such as flooding,soil erosion, siltation, and salinization;

(e) to promote the consolation of existing water legislation in view of preparing a national water act and any other required legislation ;

(f) to promote the preparation of sectoral water plans, subbasin plans, basin and masterplans to serve as terms of reference for allocating sectoral uses of water;

(g) to establish a licensing system for all users and uses of water,

(h) to submit to the Council for decision any questions which it has not been able to resolve.

(i) Director of Forestry.

(2) The Commitee may initiate studies or enquiries concerned with the exploration, use and management of water Resources and may recommend mesaures including expenditure of funds in support of such work to the Council.

11. The Committee may set up working groups entrusted with specific duties with respect to the Committtee's considerations and performance of its functions. Working group.

12.- (1) There is hereby established a Department of Water Resources which shall be responsible for carrying out the functions assigned to it by this Act and by the National Water Resources Council. Establishment of Departme ment of Water Re sources.

(2) The Department of Water Resources shall take over the functions and duties of the Department of Hydrometeorological Services.

13. The duties of the Departmentof Water Resources shall include the following -

(a) to provide and train technical personnel for the water resources services of the Gambia;

(b) to prepare an inventory of water resources of the nation :

(c) to coordinate the planning of the technical requirements of the water resources services;

(d) to initiate a systèm of water rights administration and regulate the development and use of water resources;

(e) te monitor and safeguard the quality of water resources

(f) to prepare plans for investigating the rational management, use, control and protection of water rèsources:

(g) to measure regularly and record water levels and flow of streams;

(h) to collect other hydrological and hydrometeorological data;

(i) to explore the existence, location and behaviour of underground water, and to ascertain the quantity and quality of such underground water :

..../

(j) to disseminate the results obtained to interested parties;

(k) to execute and enforce the laws and regulations affecting water;

(l) to advise and instruct any person of Authority concerning the investigation, use, control,protection, management or administration of water.

14. The Council may make regulations for the purpose of carrying into effect the provisions of this Act. Regulations.

15. this Act shall come u into force on such date as the Minister may by notice published in the Gazette appoint.

Passed in the House of Representatives this Fourteenth day of December, in the year of Our Lord One thousand nine hundred and Seventy-nine.

O.A.B. JENG
Clerk of the HOuse of
Representatives.

This printed Impression has been carefully compared by me with the Bill which has passed the House of Representatives, and found by me to be a true and correct copy of the said Bill.

O.A.B.JENG
Clerk of the House of Representatives.

Supplement "A" to The Gambia Gazette N° 3 of 27th January, 1987

Legal Notice N° 2 of 1987

THE REPUBLIC OF THE GAMBIA

FISHERIES ACT, 1987 (N° 17 OF 1977)

Fisheries (Amendment) (N° 1) Regulations, 1987

IN EXERCISE of the powers conferred on the Minister by section 51 of the Fisheries Act, 1977 these Regulations are hereby made.

1. (1) THESE REGULATIONS may be cited as the Fisheries (Amendment) (N° 1) Regulations, 1987 L.N. 2 of 1987). Short title

(2) In these Regulations, the Fisheries Regulations 1978 are referred to as the "principal Regulations".

2. Regulations 3 of the principal Regulations is hereby amended by inserting immediately after subregulation (2) thereof the following subregulations: Regulation 3 amended

"(3) A licence or permit shall not be issued to any fishing vessel where the weight of the vessel exceeds 900 gross registered tonnage and the engine capacity exceeds 1 800 brake horse power".

3. Regulation 10 of the principal Regulation is hereby amended by- Regulation 10 amended

(a) substituting for the full stop appearing at the end of paragrah (d) thereof a semi colon, and inserting the word "and" immediately thereafter ; and

(b) inserting immediately after paragraph (d) thereof the following new paragraph :

"(e) all fishing vessels shall only operate within such areas as are specified in Part E of the Second Schedule to these Regulations".

4. Regulations 15 of the principal Regulations is hereby amended by substituting for the words "two hundred" appearing therein the words "seventy-five". Regulation 15 amended

5. The Second Schedule to the principal Regulations is hereby amended as follows:: Second Schedule amended.

(a) by repealing Part A thereof and replacing it with the following:

"Part A - Licences for Fishing Vessels issued in accordance with section 17 of the Fisheries Act, 1977.

1.	Trawlers (other than Shrimp trawlers) with engine capacity of -	
	(i) 400 h.p. or more	D90.00 per gross ton per annum
	(ii) less than 400 h.p.	D45.00 " " " " "
2.	Shrimp trawlers	D56.00 " " " " "
3.	Seiners	D30.00 " " " " "
4.	Lobstar vessels (Aquaria)	D60.00 " " " " "
5.	Factory vessels	D45.00 " " " " "
6.	Tuna vessels (to pay prior to the commencement of fishing)	D00.03 per kilo of storage capacity per season.
7.	Multi-purpose vessels with engine capacity of:	
	(i) 400 h.P. or more	D112.50 per gross ton per annum
	(ii) less than 400 h.p.	D 67.50 " " " " "
8.	Canoes-	
	(i) used for lobster fishing	D112.00 per gross ton per annum
	(ii) used for shrimping	D 75.00 " " " " "
	(iii) other canoes with -	
	(a) engine capacity of 18 h.p. or more	D 33.50 " " " " "
	(b) engine capacity of less than 18 h.p.	D 25.50 " " " " "
	(c) no engine	D 21.00 " " " " "

(b) by repealing Part B thereof and replacing it with the following:

"Part B - Licences and Permits for foreign Fishing Vessels"

1.	Trawlers (other than shrimp trawlers) with engine capacity of-	
	(i) 400 h.p. or more	D375.00 per gross ton per annum
	(ii) less than 400 h.p.	D300.00 " " " " "
2.	Shrimp trawlers	D150.00 " " " " "
3.	Lobster vessels (Aquaria)	D187.00 " " " " "
4.	Factory vessels	D 90.00 " " " " "
5.	Tuna vessels (to pay prior to the commencement of fishing)	D 00.15 per kilo of storage capacity per season.

6. Multi purpose vessels with engine capacity of:

(i)	400 h.p. or more	D375.00 per gross ton per annum
(ii)	less than 400 h.p.	D300.00 " " " " "

7.	Seiners	D150.75 " " " " "
8.	Others	D 75.00 " " " " "

(c) by repealing Part D thereof and replacing it with the following:

"Part D - Registration Fees

(a)	Canoes (local)	D 5.00
(b)	Motor fishing vessels (local)	D10.00
(c)	All types of vessels (foreign)	D10.00

(d) by inserting immediately after Part D the following new Parts:

"Part E - Delimitation of Fishing Area.

1. Trawlers -

(i) ice carrying - 10 nautical miles off the Coast
(ii) refrigerated - 12 nautical miles off the Coast.

This distance is calculated from point 13°, 35°, 28' N-1650" 20 W forming a straight line parallel to the longitudes up to The Gambian border with Southern Senegal.

2. Purse Seiners

(i) ice carrying - 10 nautical miles off the Coast
(ii) refrigerated - 12 nautical miles off the Coast

This distance is calculated from point 13°, 25' 28"" N - 16°, 54 35" W forming a straight line parallel to the longitudes up to The Gambian border with Southern Senegal.

Part F - Fees for Applicatoin Forms

Local vessels and canoes	D50.00 per set
Foreign vessels	D50.00 per set"

6. The Third Schedule to the principal Regulations is hereby repealed and replaced by the following new schedule: Third Schedule replaced.

THIRD SCHEDULE

MINIMUM MESH SIZES FOR FISHING NETS

1. Trawl nets :

(i)	coastal demersal	60 mm
(ii)	pelagics	60 mm
(iii)	Shrimp trawls	50 mm

2. Tuna:

(i)	Seine nets	140 mm
(ii)	gill nets	60 mm

3. Stow nets : 35 mm

4. Purse seiners:

(i)	consumption	40 mm
(ii)	bait	14 mm

7. The Fisheries (Amendment) Regulations 1986, (L.N. 9 of 1986) are hereby repealed.

8. These Regulations shall be deemed to have come into force on the first day of July, 1986.

Made this 10th day of January, 1987.

Omar A. JALLOW,
Minister of Water Resources and
Environment.

Legal Notice N° 3 of 1987

THE REPUBLIC OF THE GAMBIA

LOCAL GOVERNMENT ACT
(Cap. 109)

The Kerewan Area Council (Motor Park)
(Amended) By-Laws, 1987.

IN EXERCISE of the powers conferred on the Kerewan Area Council by section 29(1) of the Local Government Act (Cap. 109) and with the approval of the Minister, these By-Laws are hereby made.

1. THESE BY-LAWS may be cited as the Kerewan Area Council (Motor Park) (Amendmend) By-Laws 1987 (L.N. N° 3 of 1987). Short title.

2. The Kerewan Area Council (Motor Park) By-Laws 1968 (L.N. N° 26 of 1968) are hereby amended by repealing the Third Schedule thereof and replacing it with the following: Third Schedule replaced.

THIRD SCHEDULE

TYPE OF VEHICLE	AMOUNT PAYABLE BY DRIVER	
	D	B
(a) On every vehicle licenced to carry 3 - 5 passengers	1	50
(b) On every vehicle licensed to carry 6 - 8 passengers	2	00
(c) On every vehicle licensed to carry 9 - 14 passengers	2	50
(d) On every vehicle licensed to to carry 15 - 36 passengers	3	00

3. These By-Laws shall be deemed to have come into force on the 1st day of January 1987. Commencement date.

Made this 10th day of January, 1987.

D.B. KOMMA
Chairman

F.JOBB
Member

G.L. SONKO
Member

The Fisheries Act, 1977

THE GAMBIA

N°. 17 OF 1977

Assented to by The President

this Twenty-seventh day of August, 1977.

D. K. JAWARA

President

An Act to provide for the management of fisheries and the development of the fishing industry in The Gambia and for matters connected therewith and incidental thereto.

FISHERIES ACT, 1977

Arrangement of Sections

Part 1 -

Section

Part II - Administration

Part III - Fisheries Development Measures

Part IV - General Licensing Provisions

Part V - Licensing of Fishing Operations

Part VI - Prohibited Fishing Methods

Part VII - Aquaculture

Part VIII - Marketing and Processing

Part IX - Powers of Authorized Officers

Part X - General Penalties and Legal Proceedings

Part XI - General provisions

PART I - PRELIMINARY

Date of commencement [By Notice

Enactment ENACTED by the Parliament of The Gambia.

Short tile 1. THIS ACT may be cited as the Fisheries Act, 1977 and shall come into force on such day as the Minister may, by notice in the Gazette appoint.

Interpretation. 2. In this Act, unless the context otherwise requires-

"aquaculture establishment" means any area, enclosure, impoundment, premise, or structure set up or used for the cultivation of fish and includes any cultivated oyster or other shellfish bed, or raft of other structure used for the cultivation of oysters or other shellfish;

"authorized officer" means any fisheries officer, any police officer, any marine officer, any customs officer, any other officer authorized by the Director to carry out the provisions of this Act or any regulations made thereunder, and, for the purpose only of enforcing the provisions of Part VIII of this Act or any regulations made under Part VIII, any health inspector appointed under the Public Health Act;

"Director" means the Director of Fisheries;

"export processing establishment" means any fish processing establishment, the products of which are intended in part or entirely for export from The Gambia;

"fish" means any aquatic animal, whether piscine or not, and includes any shellfish, crustacean, turtle, or aquatic mammal and its young, fry, eggs, or spawn;

"fisheries officer" means any officer appointed under section 3;

"fishing" means fishing for, catching, taking or killing fish by any method;

"fishing vessel" means any vessel used for fishing or for the processing, storage or carriage of fish, but does not include any vessel used for the transport of fish or fish products as part of a general cargo;

"fishing waters under the jurisdiction of The Gambia" means the territorial waters, the marine waters of The Gambia extending from a distance of two hundred (200) nautical miles from low-water mark or from the geographical baseline where it departs from the low-water mark, and any other marine waters over which exclusive rights of fishing or fisheries management are claimed by law or convention for the time being in force in The Gambia;

"foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

"licensing officer" means the Director, and any other fisheries officer authorized by him in writing to issues licences or permits under this Act;

"local fishing vessel" means any fishing vessel-

(a) wholly owned by one or more persons who are citizens of The Gambia; or

(b) wholly owned by any company, society, partnership, or Association of persons established under the law of The Gambia, of which at least fisty-one per cent of the shares are held by citizens of the Gambia, and of which the Chairman and a majority of the members of the Board are citizens of The Gambia;

"Minister" means the Minister for the time being responsible for the administration of this Act;

"processing" in relation to fish, includes cleaning, filleting, icing, freezing, canning, salting, smoking, cooking, picking, drying or otherwise preserving or preparing fish by any method;

"processing establishment" means any premises or vessel on or in which any fish are processed or stored, but shall not include any hotel, restaurant or eating house, or any premises where fish are prepared or stored for sale by retail to the public;

"territorial waters" means the territorial waters of The Gambia as defined by the Territorial Sea and Contigious Zone Act, 1960 as may from time to time be amended.

PART II - ADMINISTRATION

Director and other fisheries officers

3.-(1) The Public Service Commission may appoint a Director and such other fisheries officers as may be necessary to carry into effect the purpose and provisions of this act.

(2) The Director may, in writing, delegate the exercise of any or all of the powers and functions conferred upon him by this Act to such persons as he may think fit.

Fisheries management and development plans.

4.-(1) The Director shall prepare and keep under continual review plans for the management and development of inland and marine fisheries in waters under the jurisdiction of The Gambia.

(2) Each management and development plan shall be based on the best scientific information available and shall ensure the optimum utilization of the fisheries resources, consistent with sound management principles and with the avoidance of over-fishing.

(3) Each management and development plan shall-

(a) identify the resources and estimate so far as practicable the potential average annual yields that can be taken from them;

(b) assess the present state of exploitation of each resource and, taking into account all relevant biological, social, and economic factors, determine the total annual catch that may be allowed from each fishery;

(c) specify the measures, if any, to be taken to promote the development of the local fishing effort, both industrial and traditional;

(d) determine the amount of resources, if any, to be made available to foreign fishing vessels, on an annual basis under reciprocal fishing rights or other international arrangements, taking into account any obligations under international law or any international convention or agreement in force;

(e) specify the conservation measures to be enforced to protect the resources from over-exploitation.

Regional co-operation in fisheries management

5.-(1) The Minister shall, where he considers it appropriate, consult with the Government of other nations in the region, and in particular with the Governments of nations sharing the same or interrelated stocks, with a view to-

(a) ensuring the closest practicable harmonization or co-ordination of their respective fisheries management and development plans;

(b) ensuring the harmonization of systems for the collection of statistics, the carrying out of surveys and procedures for assessing the state of the fisheries resources;

(c) establishing on a bilateral or regional level reciprocal fishing rights with other nations in the region, where and to the extent that such reciprocal fishing rights are necessary to sustain the growth of industrial or traditional fisheries;

(d) providing for the formulation of regional fisheries management and development plans, for the allocation of fishing effort and catch, for the formation or promotion of joint fishing, processing or marketing enterprises, and for the taking of joint or regional conservation measures;

(e) providing for the establishment and operation of joint or regional fisheries management bodies.

(2) Consultations under this section may be undertaken either directly with the Governments concerned, or through existing appropriate regional or subregional organizations.

PART III - FISHERIES DEVELOPMENT MEASURES

Director to promote the development of fisheries

6. The Director shall, in co-operation with other departments of Government as appropriate, promote the development of traditional and industrial fisheries and related industries in The Gambia, through such means as-

(a) the provision of extension and training services;

(b) the provision of credit facilities;

(c) the promotion of co-operation among fishermen;

(d) the provision of infrastructure facilities;

(e) the development of markets for fish and fish products both at home and abroad;

(f) the carrying out of research and survey work;

(g) the promotion of agreements with neighbouring states regarding reciprocal fishing rights and joint development measures;

(h) the promotion, where appropriate, of joint venture arrangements, and other arrangements, providing for the transfer of technology and experience, and for allowing the development of a locally based fisheries industry.

Protection of traditional fisheries

7. The Director shall take such measures as may be necessary to ensure that any development of industrial fisheries does not unduly damage traditional fisheries, through such means as the reserving of areas for different types of fisheries or methods of fishing.

Fisheries Development Fund

8.-(1) There shall be established a Fisheries Development Fund.

(2) The Fund shall be made up of the following-

(a) twenty per cent of the proceeds of any fees paid for licences issued in respect of foreign fishing vessels;

(b) twenty per cent of the proceeds of any fines imposed under this Act, or the proceeds of sale of any article or thing forfeited in accordance with the provisions of this Act;

(c) such moneys as may be appropriated to it from time to time by Parliament;

(d) such voluntary contributions as may be made to the Fund from whatever source.

(3) The proceeds of the Fund shall be used to promote the development of fisheries in The Gambia and, in particular, to promote small scale fisheries industries and co-operative enterprises.

PART IV - GENERAL LICENSING PROVISIONS

Application of this Part

9. The Provisions of this Part shall apply to any licence or permit required or issued under this Act or any regulations made thereunder but shall not, except as hereinafter provided, apply to any foreign fishing vessel permit or licence issued under section 21.

10. Application for licences or permits shall be made in the prescribed form to the appropriate licensing officer.

11. Any licensing officer may refuse to issue any licence or permit for which application has been made, or refuse to renew any licence or permit-

(a) where he considers that the applicant is unfit to hold such licence or permit; or

(b) where he considers it necessary in order to allow for the proper management of any particular fishery in accordance with the terms of any fisheries management and development plan prepared under section 4 and any general licensing instructions issued by the Director in implementation of that plan.

Power to suspend or cancel licence or permit

12. The Director may, where the holder of any licence or permit is convicted of an offence against the provisions of this Act, or any regulatinns made thereunder, suspend use of such licence or permit for such period of time as he may think fit, or cancel such licence or permit.

Appeals

13. Any person aggrieved by the refusal of a licensing officer to issue or revew a licence or permit, or by the suspension or cancellation of any licence or permit already issued, may appeal against such refusal suspension or cancellation within a period of 14 days after the date of such refusal, suspension or cancellation to the Minister, whose decision shall be final.

Validity of licences and permits and non-transferability

14.-(1) Subject to the provisions of section 12 of this Act relating to suspension or cancellation, any licence or permit issued under this Act shall unless otherwise stated in such licence or permit, be valid for a period of not more than one year:-

Provided that where any local fishing vessel ceases at any time to comply with the ownership requirements specified in section 2, the licence issued in respect of such vessel shall cease to be valid forthwith.

(2) No licence or permit issued under this Act shall be transferable except with the written permission of the licensing officer endorsed upon such licence or permit.

Conditions of licences and permits

15.-(1) Any licence or permit issued under this Act or any regulations made thereunder shall be subject to such conditions as the licensing officer may prescribe, or as may be otherwise prescribed under this Act or any regulations made thereunder.

(2) It shall be a general condition of any such licence or permit that the licence or permit holder shall comply with such requirements concerning the making of statistical returns or the collection of information as may be prescribed in any regulations made under this Act.

Power to exempt

16. The Minister may, by Order, exempt any person, vessel or premise or any type or class of person, vessel or premises from any of the requirements of this Act or any regulations made there under concerning licences or permits for such period of time as he may think fit.

PART V - LICENSING OF FISHING OPERATIONS

17.-(1) A licensing officer may, upon proper application therefor and payment of the prescribed fee, issue a licence for any local fishing vessel:- Licensing of fishing vessel

Provided that-

(a) no licence shall be issued in respect of any vessel required to be registered under the laws governing merchant shipping, unless such vessel has been so registered; and

(b) no licence shall be issued in respect of any vessel unless the licensing officer is satisfied that such vessel is seaworthy and fit for the purpose of fishing and conforms with such requirements as may be applicable to such vessel under the laws governing merchant shipping, including requirements concerning seaworthiness and navigation and safety equipment.

(2) The provisoins of subsection (1) shall apply to any fishing vessel registered in or belonging to a country with the Government of which an agreement is in force according to such vessel equal rights of fishing, to the extent and subject to the terms and conditions provided for in the agreement.

(3) Each licence issued under this section shall be valid only for for the species of fish and the type of fishing gear or method of fishing specified in the licence.

(4) The Minister may, by regulation, establish different categories or classes of fishing vessel and require that different fees be payable for, and different conditions be attached to, licences issued in respect of each such category or class of fishing vessel.

(5) Any person who operates, or being the owner of charterer allows to be operated, any local fishing vessel or any fishing vessel referred to in subsection (2) in fishing waters under the jurisdiction of The Gambia, except under and in accordance with the conditions of a valid licence issued under this section, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand dalasis or to imprisonment for a term not exceeding one year, or to both.

18. The general conditions of any local fishing licence issued under this part shall be that - General conditions of local fishing licences

(a) the vessel being licensed shall be marked and kept marked with such letters and numbers as may be assigned to that vessel by the licensing officer, in such manner as he may prescribe or as may be prescribed in any regulations made under this Act; and

(b) such regulations as may be applicable to the vessel under the laws governing merchant shipping, including regulations concerning navigation and safety equipment, shall be fully complied with at all times.

Fishing by foreign fishing vessels in fishing waters under the jurisdiction of The Gambia.

19. No foreign fishing vessel shall fish or attempt to fish within fishing waters under the jurisdiction of The Gambia, except the authority of a licence issued under section 21, or as may be otherwise authorized under any agreement in force between the Government of The Gambia and the Government of the country in which the vessel is registered or otherwise belongs.

Entry into fishing waters under the jurisdiction of The Gambia.

20.-(1) No foreign fishing vessel shall enter fishing waters under the jurisdiction of The Gambia, unless authorized to do so by the terms of a permit issued under section 21, or any international agreement in force.

(2) The provisions of subsection (1) shall not apply to any foreign fishing vessel entering fishing waters under the jurisdiction of The Gambia for the sole purpose of innocent passage, or by reason of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress, for any other such purposes recognized by international law;

Provided that any foreign fishing vessel entering fishing waters under the jurisdiction of The Gambia for any such purpose or reason under the subsection shall-

(a) observe such regulations as may be made under section 51, including any regulations regarding the stowage of fishing gear; and

(b) net fish, attempt to fish, load, unload or trans-ship; any fish; and

(c) return outside such waters as soons as the purpose which is entered as been fulfilled, or the reason has ceased to be valid.

Foreign fishing vessel permits and licences

21.-(1) The Director may, upon written application thereof and payment of the prescribed fees, issue a permit in respect of any foreign fishing vessel authorizing such vessel to do such of the following as may be prescribed in the permit:-

(a) to enter the fishing waters under the jurisdiction of The Gambia;

(b) to load, unload or trans-ship fish and supplies within the territorial [waters of The Gambia.

(2) The Director may, upon written application therefor and payment of the prescribed fees, issue a licence in respect of any foreign fishing vessel authorizing such vessel to fish within waters under the jurisdiction of The Gambia or within any prescribed area of such waters.

(3) Any licence or permit issued under this section shall be valid only for the species of fish and type of fishing gear or method of fishing specified, and only for such period of time and submit to such other conditions and the payment of such fees as may be prescribed in any regulations made under this Act, or as may be otherwise determined by the Director.

(4) Any conditions prescribed under subsection (3) may include, but shall not be limited to, conditions concerning the location, method and conduct of fishing operations, the size of catch allowed and the conservation measures to be adopted, the landing, marketing and processing of the catch, and the construction of shore-based facilities, the transfer of fisheries technology, the carrying ou of research or survey programmes, the employment and training of Gambian fishermen and other personnel, and the adequate protection of local and traditional fisheries.

Customs, immigration and health requirements

22. No licence or permit issued under section 21 shall relieve any foreign fishing vessel, or its master or any member of its crew of any obligation or requirement imposed bylaw concerning navigation, customs, immigration, health, or other matters.

Penalties for foreign fishing vessel offences.

23.-(1) Where any foreign fishing vessel contravenes any of the provisions of sections 19 or 20 of this Act, the master of such vessel shall be guilty of an offence and shall be liable to a fine not exceeding five hundred thousand Dalasis, or to imprisonment for a term not exceeding two years, or to both.

(2) Where any foreign fishing vessel in respect of which a licence or permit has been issued under section 21 contravenes any of the conditions of the licence or permit:-

(a) the master of the vessel shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand Dalasis or to imprisonment for a term not exceeding one year, or to both; and

(b) the Director may cancel or suspend the licence or permit for such period of time as he may think fit.

PART VI - PROHIBITED FISHING METHODS

Prohibited methods of fishing

24.-(1) Any person who-

(a) uses or attempts to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any war rendering such fish more easily caught; or

(b) carries or has in his possession or control any explosive, poison or other noxious substance in circumstances indicating an intention of using such explosive, poison or other noxious substance for any of the purposes referred to in paragraph (a);

shall be guilty of an offence and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both.

(2) Any explosive, poison, or other noxious substance found on board any vessel shall be presumed, unless the contrary is proved, to be intended for the purposes referred to in subsection (1).

(3) Any person who lands, sells, receives, or is found in possession of any fish, knowing or having reasonable cause to believe them to have been taken in contravention of the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both.

Possession of prohibited gear, etc.

25. Any person who uses for fishing or possesses or has on board any fishing vessel within fishing waters under the jurisdiction of The Gambia-

(a) any fishing net, the mesh size of which is less than the minimum mesh size for that type of net prescribed in any regulations made under this Act; or

(b) any other net or fishing gear or fishing appliance that has been prohibited under any regulations made under this act; shall be guilty of an offence and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both.

PART VII - AQUACULTURE

Promotion of aquaculture

26. The Director shall promote the development of aquaculture in The Gambia through such means as the carrying out of research and extension services and the promotion of markets for the products of aquaculture.

Leasing of public lands

27. The Director shall, in co-operation with the appropriate Authority or Government Department responsible for the disposition of public lands, provide for the leasing of suitable portions of public lands, for the purpose of establishing farms for the cultivation of oysters, shrimps, freshwater fish, or other aquaculture establishments.

Aquaculture permits

28.-(1) A licensing officer may, upon application therefor in the prescribed form and upon payment of the prescribed fee, issue a permit to any person authorizing such person to set up and operate the aquaculture establishment described in the permit in the area specified therein.

(2) Any permit issued under this section in respect of any aquaculture establishment, including in particular any oyster cultivation establishment whether based on land or at sea, shall confer upon the permit holder exclusive rights to harvest the products of the establishment within the area prescribed in the permit.

(3) Any conditions prescribed by a licensing officer in respect of any permit issued under this section may include, but shall not be limited to conditions concerning the siting and construction of the establishment, the operation of the establishment, controls over the quality and sanitary condition of fish or fish products, controls for the prevention of fish disease and conditions concerning the marketing of fish and fish products.

(4) The Director, in consultation with the authorities responsible for public health matters, may adopt schemes for the sanitary control of the supply of oysters or other shellfish products to hotels, restaurants, shops or other premises where such products are sold by retail to the public or for consumption on the premises, and require that any

oysters or other shellfish supplied to such establishments shall undergo a specified procedure for depuration, purification and disintoxication, and any failure to comply fully with any such scheme, shall constitute grounds for the immediate suspension or cancellation of any permit issued under this section in respect of the establishment from which the supplies in question originated.

(5) Any person who sets up or operates any aquaculture establishment otherwise than under and in accordance with the conditions of a valid permit issued under this section shall be guilty of an offence, and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both.

PART VIII - MARKETING AND PROCESSING

29.-(1) The Minister may, by regulation, establish fish marketing regulation schemes covering any prescribed area or areas. Marketing regulations scheme

(2) Any fish marketing regulation scheme adopted under this section may include provision for regulating the landing of fish in the prescribed area, regulating the auctioning or other sale of fish, registering fish buyers and dealers and controlling the distribution of fish.

30.-(1) A licensing officer may, upon application in the prescribed form and payment of the prescribed fees, issue to any person a permit to operate an export fish processing establishment. Processing establishments

(2) Any person who operates or causes or permits to be operated on his behalf any export fish processing establishment otherwise than under and in accordance with the conditions of a valid permit issued under this section shall be guilty of an offence and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both.

(3) The provisions of this section shall not apply to any export fish processing establishment where fish is preserved solely by means of smoking or drying by traditional means:

Provided that the Minister may, by Order, extend the provisions of this section to cover all export fish processing establishment or any category or type of export fish processing establishment.

31. The Minister, in consultation with the Minister responsible for health matters, may make regulations establishing conditions for the construction and operation of fish processing establishments, providing for the inspection of fish processing establishment and fish products, and establishing quality standards and standard methods of analysis and testing for fish and fish products. Power to make regulations on fish processing

PART IX - POWERS OF AUTHORIZED OFFICERS

32. For the purposes of enforcing this Act, any authorized officer may, without a warrant:- Powers to stop, board, inspect, etc

(a) stop and board any fishing vessel within marine waters under the jurisdiction of The Gambia, or any local fishing vessel outside such waters, and make any examination concerning that vessel, its equipment, fishing gear, crew, or fish carried on board that vessel;

(b) require to be produced, examine and take copies of any licence, permit, certificate or other document require under this Act or any regulations made thereunder;

(c) require to be produced and examine any fishing gear, nets, or other fishing appliance, whether at sea or on land.

Power of entry, seizure, arrest, etc.

33.-(1) Any authorized officer, where he has reasonable grounds to believe that an offence has been committed against the provisions of this Act or any regulations made thereunder, may, without a warrant:-

(a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reason to believe that such offence has been committed, or where he has reason to believe that fish illegally taken are being stored;

(b) take samples of any fish found in any vessel or vehicle inspected under section 32, or in any premises searched under paragraph (a) of this subsection;

(c) arrest any person whom he has reason to believe has committed such offence;

(d) seize any vessel (including its fishing gear, furniture, appurtenances, stores and all cargo), vehicle, fishing gear, net, or other fishing appliance which he has reason to believe has been used in the commission of such offence, or in respect of which the offence has been committed;

(e) seize any fish which he has reason to believe has been caught in the commission of an offence, or is being possessed in contravention of this Act or any regulations made thereunder;

(f) seize any explosive, poison or other noxious substance which he has reason to believe has been used or is being possessed in contravention of section 24.

(2) A written receipt shall, wherever feasible, be given for any article or thing seized under subsection (1) of this section and the grounds for such seizure shall be stated in such receipt.

(3) Any person arrested under the provision of this section shall be taken as sonn as practicable before a court to be dealth with according to the law.

(4) Any vessel seized under sebsection (1) of this section and the crew thereof shall be taken to the nearest or most convenient port, and dealt with in accordance with the provisions of this Act.

34. Any fish or other articles of a perishable nature seized under the provisions of section 33 may, on the direction of the Director, be sold and the proceeds of sale shall be held and dealth with in accordance with the provisions of Part X of this Act. Fish and other perishable articles

35. Any person who:- Obstruction of authorized officers

(a) wilfully obstructs any authorized officer in the exercise of any of the powers conferred on him by this Act; or

(b) fails to comply with any lawful enquiry or requirement made by any authorized officer in accordance with the provisions of section 32;

shall be guilty of an offence and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both.

36.-(1) Any authorized officer not in uniform when acting under the provisions of this Act shall on demand, declare his office and produce to any person against whom he is taking action, such identification or written authority as may be reasonably sufficient to show that he is an authorized officer for the purpose of this Act. Authorized officers to declare office

(2) It shall not be an offence for any person to refuse to comply with any request; demand or order made by any authorized officer not in uniform, if such authorized officer refuses, on demand being made by such person, to declare his office or produce such identification or written authority.

37. No action shall be brought against any authorized officer in respect of anything done or omitted to be done by him in good faith in the execution or purported execution of his powers and duties under this Act. Authorized officers not liable

PART X - GENERAL PENALTIES AND LEGAL PROCEEDINGS

38. Any person who contravenes any provisions of this Act or any regulations made under this Act shall be guilty of an offence and shall if no specific penalty is prescribed therefor, be liable to a fine not exceeding two thousand Dalasis or to imprisonment for a term not exceeding six months, or to both. General penalties

39. Any person who wilfully damages or destroys any fishing vessel, fishing gear, net, or other fishing appliance belonging to another person, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both. Wilful damages of fishing vessels, etc

Destroying incriminating evidence

40. Any person who destroys or abandons any fish, fishing gear, or other fishing appliance, explosive, poison, or other noxious substances or any other thing with intent to avoid their seizure or the detection of offence against this Act or any regulations made thereunder, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both.

Master liable for offences committed on his vessel

41. Where an offence against this Act or any regulations made thereunder has been committed by any person belonging to or on board a fishing vessel, the master of such vessel shall also be guilty of such offence.

Companies and firms liable

42. Where any offence against this Act or any regulations made thereunder has been committed by a company or by any member of a partnership or other firm or business, every director or office of that company or any other member of the partnership or other person concerned with the management of such firm or business shall be liable for such offence unless he proves to the satisfaction of the court-

(a) that he used due diligence to secure compliance with the Act; and

(b) that such offence was committed without his knowledge consent or connivance.

Forfeiture

43.-(1) Any vessel, fishing gear, net or other fishing appliance, fish or the proceeds of sale held under section 34, explosive, poison, or other noxious substance or other thing seized under section 33 shall, subject to the provisions of subsection (3) of this section.-

(a) if a prosecution is to be brought under this Act, be held pending the outcome of such prosecution; or

(b) if no such prosecution is to be brought under this Act be held for a period of one month at the end of which period it shall be deemed to be forfeited, unless during that period any written claim is received from the owner contesting such forfeiture.

(2) Where any written claim contesting forfeiture is received under subsection (1) the claim shall be referred to the court for its decision in accordance with the provisions of section 44.

(3) The provisions of subsection (1) notwithstanding, the court may order the release of any fishing vessel, fishing gear, net or other fishing appliance seized under section 33, on receipt of a satisfactory bond on other security from any person claiming such property.

Power of court to order forfeiture

44. Where any person is convicted of an offence against this Act or any regulations made thereunder, or where the court, on referral of any claim under section 43; finds that an offence has been committed against this Act or any regulations made thereunder, the court, in addition to any other penalty imposed:-

(a) may order that any fishing vessel (including its fishing gear, furniture, appurtenance, stores, and all cargo), fishing gear, net, or other fishing appliance used in the comission of such offence shall be forfeited and that any licence or permit issued under this Act or any regulations made thereunder shall be suspended for such period of time as the court may think fit, or be cancelled; and

(b) shall order that any fish caught in the commission of such offence or the proceeds or the proceeds of sale of any such fish under section 34, any explosive, poison or other noxious substance used in the commission of such offence, any fishing net or other fishing gear or fishing appliance possessed or carried on board any fishing vessel in contravention of section 24, shall be forfeited; and

(c) shall order, in the case of any offence against section 19, that any fishing gear, net or other fishing appliance carried on board the offending vessel, shall be forfeited; and

(d) shall order, unless it considers for reasons to be recorded by the court that it would be unjust so to do, on a second or subsequent offence against section 19, that the offending vessel (including its fishing gear, furniture, appurtenances, stores, and all cargo) shall be forfeited.

Second or subsequent offence

45. Except as provided by section 44 (d), any second or subsequent offence against this Act or any regulations made thereunder shall be punishable by a fine not exceeding twice the amount prescribed for the first such offence or by imprisonment for a term not exceeding three years, or by both.

Presumption

46. All fish found on board any fishing vessel which has been used in the commission of an offence against this Act or any regulations made thereunder shall be presumed to have been caught in the commission of such offence.

Disposal of forfeited goods

47. Any vessel (including its fishing gear, furniture, appurtenances, stores and all cargo), fishing gear, net, or other fishing appliance, explosive, poison or other noxious substance, and any fish or the preceeds of sale of fish deemed or ordered forfeited under section 43 or 44 shall be disposed of in such manner as the Director may think fit.

Proof of cause of death or injury of fish

48. Where in any case the cause of death, stunning, disabling or other injury of any fish is in question, a certificate purporting to be signed by a fisheries officer shall be prima facie evidence in any court of the cause of such death, stunning, disabling or other injury.

Jurisdiction of the courts

49. Any offence against any of the provisions of this Act or any regulations made thereunder committed within marine waters under the jurisdiction of The Gambia by any person, or any such offence committed outside such waters by any citizen of The Gambia, any person ordinarily resident in The Gambia, or any person on board any local fishing vessel, shall be an offence triable in any court in The Gambia as if such offence had been committed within the local limits of the jurisdiction of such court in The Gambia.

PART XI - GENERAL PROVISIONS

Fishing for research and science

50. The Director with the approval of the Minister may, in writing, exempt any vessel or person from all or any of the provisions of this Act or any regulations made thereunder for the pupposes of research, scientific investigation, or the proper management of fisheries, and in making such exemption the Director may impose such conditions as he may think fit.

Minister's power to make regulations

51. The Minister may make regulations generally for the proper management, development, and regulation of fisheries and related industries, and for the implementation of the provisions and purposes of this Act, and may in particular and without prejudice to the generality of the foregoing, make regulations for all or any of the following purposes:-

(a) to conserve, manage, or protect fish resources, or particular species of fish by such means as the establishment of closed seasons, the prescription of limits on the amount, size or weight of fish caught and retained, or traded, the prescription of minimum mesh sizes, the designation of prohibited fishing areas for all fish or certain species of fish or methods of fishing, and the prohibition of certain methods of fishing;

(b) to provide for the licensing, leasing, regulation, and management of any particular fishery;

(c) to regulate the conduct of fishing operations in inland or fishing waters under the jurisdiction of The Gambia;

(d) to establish the conditions to be observed by foreign fishing vessels while within fishing waters under the jurisdiction of The Gambia.

(e) to specify the procedures to be followed for foreign capital investment and joint venture proposals in fisheries and the conditions to be fulfilled by any such investment;

(f) to regulate the landing of fish, to prescribe and provide for the management and control of fishing ports and fish landing areas;

(g) to control the handling and transportation of fish and fish products;

(h) to establish marketing regulations schemes and to organize and regulate the marketing and distribution of fish and fish products;

(i) to prohibit or control the importation of live fish and; in particular, non-indigenous species, and the exportation of live fish;

(j) to promote and control the cultivation of fish;

(k) to prescribe the conditions and procedures of application for any licences, permits, or other documents required under this Act or any regulations made thereunder, their form, and the amount of fees payable therefor;

(l) to improve the collection of statistics and to require any person engaged in fishing, marketing, processing, or aquaculture, including any fish dealer, to supply such information as may be necessary for the effective management and development of fisheries;

(m) to prescribe the powers to be exercised by fisheries officers;

Savings

52. Any licence, permit, or other authorization, or any subsidiary regulations, orders, notices, or directives issued under the provisions of The Fisheries Act, 1971, or under the provisions of the Wild Animals Birds and Fish Preservation Act, Chapter 194, relating to fisheries, which immediately before commencement of this Act was in force and effect, shall, subject to the provisions of this Act, continue to have such force and effect until replaced by provisions under this Act.

Repeals

53. The provisions of the Wild Animals, Birds and Fish Preservation Act, Chapter 194, in so far as they relate to fish, is hereby repealed, and the whole act entitled The Fisheries Act, 1971, is hereby repealed.

PASSED in the House of Representatives this Eight day of July, in the year of Our Lord One thousand nine hundred and Seventy-seven.

A.M. SALLAH
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives, and found by me to be a true and correct copy of the said Bill.

A.M. SALLAH
Clerk of the House of Representatives.

THE FISHERIES ACT 1977

(N° 17 of 1977)

REGULATIONS

(Under sections 29 and 51 of the Act)

The Fisheries Regulations. 1978

1. THESE REGULATIONS may be cited as the Fisheries Regulations, 1978 and shall come into effect on the 1st day of January 1978.

2. In these Regulations, unless the contextotherwise requires, the terms and phrases defined in the Fisheries Act, 1977, shall have the same meaning as assigned to them under that Act and as interpreted, where applicable, in the Fish Marketing Corporation Act, 1977, and in addition:

"Act" means the Fisheries Act, 1977.

3. Every licence or permit required under the Act shall be in the appropriate form set out in the First Schedule heroto. Forms of licences, First Schedule

4.-(1) The fees for licences a d permits under this Act shall be payable at the appropriate rate specified in the Second Schedule heroto Licence fees etc, Second schedule

(2) Where a licence or permit is issued for a period of less than one year, the fees payable therefor shall be reduced proportionately.

5. A licensing officer may, where he is satisfied that a licence or permit has been lost or destroyed, issued a duplicate licence or permit subject to the payment of the charge specified in relation thereto in the Second Schedule hereto. Duplicate Licence, Second Schedule

6. Except as may be otherwise stated on the licence or permit itself, every licence or permit shall expire on the 31st day of December of the year in respect of which it is issued. Validity licences and permits

7. Any modification to a fishing vessel, including any alteration in the engines or hull, shall be notified within thirty days to a licensing officer, or in the case of a foreign fishing vessel to the Director, who shall take note of such alteration and may, if he thinks fit, issue a new licence or permit, or amend the existing licence or permit, and require the payment of a further fee or portion thereof. Modification to fishing vessels

8.-(1) The Director shall maintain or cause to be maintained a register of local fishing vessels licensed under the Act. Register of local Fishing

(2) The loss or destruction of any licensed local fishing vessel shall be reported to the licensing officer, and the licence surrendered within thirty days.

Marking of local fishing vessels

9. The marking of any local fishing vessel required under section 18 of the Act shall be in accordance with the following provisions:-

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(a) the letters and numbers assigned to the vessel shall be plainly painted and maintained painted on each side of the vessel on the wall of the bow thereof:

(b) the letters and numbers shall be painted in white on a black ground or in black on a white ground, and each letter and number shall be at least eight inches in height and each stroke thereof shall be not less than one inch in breadth.

General conditions of licences and permits

10. Every licence issued under section 17 of the Act and every permit or licence issued under section 21 of the Act shall be subject to the following general conditions:-

(a) the master of the vessel shall present his catch for examination and weighing if called upon to do so by any fisheries officer;

(b) the master of any local fishing vessel and of any foreign fishing vessel shall submit such returns of catch at such times and in such form as the Director may require :

(c) the master of any fishing vessel shall land his catch only at such places as may be specifies by the licensing officer or by the Director in the licence or permit ;

(d) no fish shall be trans-shipped at sea, unless expressly authorized in the licence or permit, or otherwise expressly authorized by the Director.

Foreign fishing vessels to stow gear in fishing waters

11. Any foreign fishing vessel entering the fishing waters of The Gambia for any purpose or reason described in section 20 of the Act shall, while within such waters, stow its fishing gear in accordance with the following provisions:-

(a) all such fishing gear shall be carried wholly inboard

(b) all nets and trawl boards and weights shall be disconnected from their towing or hauling wires or ropes on rigid frames;

(c) all fishing gear carried on deck or above deck shall be secured to some part of the superstructure of the

Lobsters

12. No person shall catch and retain, sell or be in possession of any lobster which-

(a) is carrying eggs externally or berried; or

(b) measures 20 centimeters or less from the tip of rostrum to the end of the tail; or

(c) has tar spots.

Measurement of minimum mesh sizes Third Schedule

13. The minimum mesh sizes for nets for purpose of section 25 of the Act shall be as set out in the Third Schedule.

Fish size limitation Fourth Schedule

14. No person shall catch and retain, sell, process or be in possession of any fish of an average weight which equals or is less than the fish weight limitations set out in the Fourth Schedule.

Determining average shrimp weight

15. For the purpose of determining the average weight of shrimp under section 14 of these Regulations samples of 1 kilogramme each of the shrimp shall be taken and the total count of shrimp shall not exceed 200 per kilogramme.

Application for acquaculture and processing permits and licences

16.-(1) Any application for a permit to set up and operate an aquaculture establishment under section 28 of the Act or for a permit to operate an export fish processing establishment under section 30 of the Act, shall be accompanied by such plans, specifications or other information as the licensing officer may require.

(2) Any such application shall indicate, in particular, the plans for the supply of fish or fish stock, as appropriate, for the establishment, and for the distribution and marketing of the products of the establishment.

17.-(1) It shall be a general condition of any permit to operate an export fish processing establishment under section 30 of the Act, that-

(a) the premises shall be maintained and operated in a sanitary manner;

(b) the permit holder shall establish and maintain an effective system for the quality control of the establishment.

(2) Each export fish processing establishment licensed under the Act may be subject to periodic inspections by a Health Inspector to ensure that the provisions of the preceding subsection are being complied with.

(3) Where as a result of any inspection it appears to the Health Officer that the provisions of subsection (1) have not been complied with, the Health Inspector, with the approval of the Director May order that exports of the products of the establishment and current production be suspended until such time as he is satisfied that the provisions are being or will be complied with.

18. All frozen or canned products of an export fish processing establishment shall, before sale, be clearly labelled as to the nature of the product and the identify of the processor, and shall bear such symbol indicating the date of processing. Labelling of fish products

19. The Fishing Licences and Registration (Fee) Regulations, 1973, Repeals are hereby repealed. Repeals

SECOND SCHEDULE

(Regulation 4)

ANNUAL FEES FOR LICENCES AND PERMITS

PART A: licences for Fishing Vessels Issued Under Section 17 of the Fisheries Act, 1977

1. Trawlers (other than shrimp trawlers)	
- 400 H.P. or less	D 30.00 per gross ton per annum
- Over 400 H.P.	D 60.00 per gross ton per annum
2. Shrimp Trawlers	D37.600 per gross ton per annum
3. Seiners	D 20.00 per gross ton per annum
4. Canoes	
- where used for lobster fishing	D 75.00 per annum
- where used for shrimping	D 50.00 per annum
- Other	
(a) with engine 18 H.P. or above	D 22.00 per annum
(b) with engine less than 18 H.P.	D 17.00 per annum
(c) without engine	D 14.00 per annum

PART C: DUPLICATE LICENCES OR PERMITS
Fee for duplicate licence or permit:

(a) canoes	D 5.00
(b) all other classes	D 25.00

PART D: REGISTRATION FEES

(a) canoes	D 2.00 per annum
(b) motor fishing vessels	D 5.00 per annum

THIRD SCHEDULE
(Regulation 13)

MINIMUM MESH SIZES FOR FISHING NETS

Trawl nets :	Sparidae	70 mm
	Merloccius	70 mm
28.	Shrimp trawls	20 mm
	Tuna: Seine nets.....	140 mm
	Gill Nets.....	50 mm
	Stow nets	12 mm

FOURTH SCHEDULE
(Regulation 14)

FISH WEIGHT LIMITATIONS

Sardinella	12 cm
Lobsters	20 cm
Shrimps	5 grms
Oysters	60 mm

SUPPLEMENT "A" OF THE GAMBIA GAZETTE N° 52 OF 5TH JULY, 1982

Legal Notice N° 12 of 1982

THE REPUBLIC OF THE GAMBIA

THE FISHERIES ACT, 1977 (N° 17 OF 1977)

FISHERIES (AMENDMENT) REGULATIONS, 1982

In exercise of the powers conferred to the Minister by section 29 and 51 of the Fisheries Act, 1977 (N° 17 of 1977) these Regulations are hereby made.

1. THESE REGULATIONS may be cited as the Fisheries (Amendment) Regulations, Short title 1982 (L. N. 12 of 1982).

2. Regulations 3 of the Fisheries Act, 1977 (N° 17 of 1977) is hereby revoked and Regulation replaced by the following-

"Form of Licence of and fees to be paid on application 3- (1) Every licence of permit required to be issued in accordance with the provisions of the Act shall be in the appropriate form set out in the First Schedule of this Regulation.

(2) All application for the issue of such licences of permits shall attract a fees of D25.00 per set and such fee shall be paid before the application is considered".

3. The second Schedule of these Regulations are hereby amended as follows: Second Schedule

(a) by the revocation of Part A thereof and by the substitution therefore of the amended following-

"Part A - Licences for Fishing vessels issued in accordance with section 17 of the Fisheries Act, 1977.

1.	Trawlers (other than shrimps trawlers)	
	(i) Trawlers with engine capacity of 400 H.P. or more -	- D 60.00 per gross ton per annum
	(ii) Trawlers with engine capacity of less than 400 H.P.	- D 30.00 per gross ton per annum
2.	Shrimps trawlers	- D.37.50 " " " " "
3.	Seiners	- D 20.0 3 " " " "
4.	Lobster vessel (locally registered)	- D 40.00 " " " " "
5.	Factory vessels " "	- D 20.00 " " " " "
6.	Tuns vessels (to pay prior to the commencement of Fishing)	- D 0.0 (one butut) per kilo of storage capacity per annum)
7.	Multi purpose vessels with engine capacity of :	
	(i) 400 H.P. or more	- D 75.00 per gross ton per annum
	(ii) less than 400 H.P.	- D 45.00 " " " " "
8.	Canoes	

(a)	used for lobster fishing	- 75.00 per annum
(b)	used for shrimping	- 50.00 " "
(c)	other canoes with engines capacity	- .00 " "
(i)	capacity of 18 H. P. or more	- 22.00 " "
(ii)	capacity less than 18 H.P.	- 17.00
(iii)	no engine	- 14.00 " "

(b) by the revocation of Part B hereof and by the substitution therefore of the following-

"Part B - Licence and Permit for Foreign Fishing Vessels

1. Trawlers (other than shrimps trawlers) with engine capacity of -

(i)	400 H.P. or more	- D 250.00 per gross ton per annum
(ii)	less than 400 H.P.	- D 200.00 per gross ton per annum
2.	Lobstar vessels	- 125.00 " " " " "
3.	Factory vessels	- 60.00 " " " " "
4.	Tuna vessels (to pay prior to the commencement of fishing)	- 0.02 (two bututs) per kilo of storage capacity per annum)

5. Multi purpose vessels with engine capacity of -

(i)	400 H. P. or more	- D 250.00 per gross ton per annum
(ii)	less than 400 H. P.	- 200.00 " " " " "
6.	Shrimps trawlers	- 100.00 " " " " "
7.	Seiners	- 100.00 " " " " "
8.	Others	- 50.00 " " " " "

Third Schedule amended

4. The third schedule to the Regulations are hereby revoked and placed by the following-

"THIRD SCHEDULE"
(Regulation 13)

MINIMUM MESH SIZES FOR FISHING NETS

1.	Trawl nets coastal domenal	- 60 mm
	" " (pelagics)	- 60 mm
	Shrimps trawls	- 50 mm
2.	TUNA -	
(i)	Seine nets	- 140 mm
(ii)	Gill nets	- 60 mm
(iii)	Stow nets	- 12 mm

Commencement 5. These Regulations shall be demanded to have come into force on the 1st day of July, 1982.

Made this 15th day of June, 1982.

Omar A. JALLOW,
Minister of Water Resources and Environment