

FORESTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Forests Act 1949.

Clause 1 relates to the Short Title to the Bill.

Clause 2 amends section 28 of the principal Act as from its commencement so as to give power to the Minister to dispense with the provision in the section that property in forest produce sold by the Crown does not pass till the property is paid for.

Clause 3 authorises leases of State forest land to be granted, with the prior consent of the Minister of Lands, for the purpose of establishing and managing forests. There is to be no restriction on the term of these leases.

Clause 4 gives constables, Forest Officers, and honorary rangers power to seize firearms in the possession of trespassers on State Forest land. A firearm seized is to be held pending the trial of the person from whom it was seized for the offence in respect of which it was seized. If that person is convicted, the Court may order the firearm to be forfeited to the Crown, otherwise it is to be returned to him.

Hon. Mr Gerard

FORESTS AMENDMENT

ANALYSIS

Title	2. Property in forest produce not to pass till paid for
1. Short Title	3. Leases
	4. Seizure of firearms

A BILL INTITULED

An Act to amend the Forests Act 1949

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. Short Title—This Act may be cited as the Forests Amendment Act 1964, and shall be read together with and deemed part of the Forests Act 1949* (hereinafter referred to as the principal Act).

10 **2. Property in forest produce not to pass till paid for**—Section 28 of the principal Act is hereby amended as from its commencement by inserting, before the words “All forest produce”, the words “Except where the Minister otherwise agrees”.

*1957 Reprint, Vol. 5, p. 391
Amendment: 1960, No. 62

3. Leases—(1) Section 32 of the principal Act is hereby amended by inserting in subsection (2), after paragraph (a), the following paragraph:

“(aa) For establishing and managing forests:

“Provided that no lease shall be granted under this paragraph save with the prior consent in writing of the Minister of Lands:”.

(2) Section 32 of the principal Act is hereby further amended by inserting in subsection (3), after the word “Act”, the words “(other than a lease granted under paragraph (aa) of subsection (2) of this section)”.

4. Seizure of firearms—The principal Act is hereby further amended by inserting, after section 41, the following section:

“41A. (1) Every constable, Forest Officer, or honorary ranger may, in the exercise of his duty, seize any firearm that is being used or is intended to be used or has been used in breach of this Act, or that he reasonably believes is being so used or is intended to be so used or has been so used.

“(2) Every firearm seized under subsection (1) of this section shall be retained by the Director-General pending the trial of any person for the offence in respect of which the firearm was seized.

“(3) If no proceedings are taken in respect of that offence within six months after that seizure, or if in proceedings taken within that period the information is dismissed, the firearm shall be returned to the person from whom it was seized.

“(4) Where proceedings are taken within that period in respect of that offence against the person from whom the firearm was seized, the firearm shall, when the proceedings are completed, be returned to him, unless the Court, where it enters a conviction, directs that the firearm be forfeited to the Crown, in which case the firearm shall be deemed to be forfeited to the Crown accordingly, and shall be disposed of as the Director-General directs.”