

REPUBLIC OF VANUATU

THE FORESTRY (ORDERS)
ORDER No. 10 OF 1984

To provide orders for forestry purposes.

IN EXERCISE of the powers contained in section 34 of the Forestry Act No. 14 of 1982, I hereby make the following Order :

PART 1 - PRELIMINARY

INTERPRETATION

1. In this Order,

"Act" means the Forestry Act No. 14 of 1982;

"Agreement" means agreements for utilization operations made under s.11 of the Act;

"Applicant" means a person who applies or intends to apply for a timber licence to conduct utilization operations;

"Licensee" means a person who has been granted a timber licence;

"Log" means timber which has not been sawn twice along the length of the log to produce one right angle.

PART 2 - UTILIZATION OF TIMBER OTHER THAN COCONUT TIMBER

APPLICATION FOR A TIMBER LICENCE

2. An application for a timber licence made under the Act shall be in the form of the third schedule.

FORM OF AGREEMENTS FOR UTILIZATION OPERATION.

3. Every agreement between an applicant or licensee under s.11(1) of the Act and the owner of the land shall be in the form of the second schedule and shall contain a boundary description and map sufficiently accurate to be acceptable to the Director.

FORM OF TIMBER LICENCE

4. A timber licence other than a coconut timber licence issued under the Act shall be in the form of the fourth schedule.

CONDITIONS OF TIMBER LICENCE

5. A timber licence other than a coconut timber licence shall be issued subject to the following conditions :-

(a) The licence shall only be for utilization operations carried out on land in respect of which agreements made in accordance with the Order subsist;

(b) The licensee shall keep a separate felling register for each agreement, and shall not later than the next working day after felling any tree, allot the next available number to the log cut from such trees, or where more than one log is cut from any tree, separate consecutive numbers to each such log, and shall correctly enter in the register within three days of felling a tree :-

(1) the number of each log;

- (ii) the date felled; and
 - (iii) the species of tree.
- (c) The licensee shall correctly enter into the felling register by the last working day of the month following the month in which the tree was felled the following :-
- (i) the length of the log;
 - (ii) the circumference of the log measured at the midpoint under bark or the diameter measured twice at right angles at each end of the log;
 - (iii) the sound volume of each log after allowance has been made for defects in accordance with standard procedures;
 - (iv) the royalty payable to the owner in respect of each log;
 - (v) the reforestation charge payable in respect of each log;
- (d) The licensee shall not later than 7 days following the events hereinbelow specified, enter in the register the following :-
- (i) the date on which each log was removed from the owner's property;
 - (ii) if the log was sawn up in Vanuatu, the date of sawing;
 - (iii) if the log was exported from Vanuatu, the date of export.
- (e) The licensee shall hammer mark the number of each log on both ends thereof and shall hammer mark the number of all logs cut from a tree on the stump of each tree felled, not later than the next working day after the tree has been felled.
- (f) The licensee shall produce the felling register to any forest officer when requested to do so.
- (g) The licensee shall as soon as practicable and not later than 90 days after felling, remove all logs from the land of the owner except logs that are unmerchantable because of some defect exceeding fifty per cent of the volume.
- (h) The licensee shall not fell any tree of any species designated by the Director on the licence as a reserved species.
- (i) The licensee shall not fell any tree marked or branded by any forest officer as a seed tree.
- (j) The licensee shall cut such minimum volume of logs in each year that the licence is current as is specified in the agreement made between him and the owner of the land.
- (k) The licensee shall pay to the Director all reforestation charges payable on timber felled in any month by the last working day of the following month.
- (l) The licensee shall comply with the labour laws of Vanuatu.

BANKER'S GUARANTEE

6. The Banker's guarantee shall be in the form of the fifth schedule.

DEDUCTION FROM GUARANTEE

7. Where any reforestation charge or penalty imposed by the Director under s.18(1) of the Act, is not paid within 30 days of a demand in writing by the Director, the Director may deduct an amount equal to such charge or penalty from the guarantee.

LICENCE TO BE SUSPENDED IF GUARANTEE IS EXHAUSTED

8. If a banker's guarantee is exhausted the Director shall suspend the licence until the banker's guarantee is restored to the amount imposed by the Director under s.14(2) of the Act.

REPORT OF OPERATIONS

9. (1) Within one month of the date of issue of the licence and before the 31st day of January in each calendar year thereafter the licensee shall submit to the Director a report of operations carried out in the previous year and a plan of operations to be carried out in the current year in the form of the sixth schedule.
- (2) The licensee shall also submit to the Director before the 31st day of January, 30th day of April, 31st day of July, and the 31st day of October in each year a report of operations carried out in the preceeding quarter and a plan of operations to be carried out in the proceeding quarter in the form of the sixth schedule.

EXEMPTION FROM TIMBER LICENCES.

10. Every application for exemption from the requirement to obtain a timber licence for the utilization operations shall be in the form of the first schedule.

REFORESTATION CHARGES

11. (1) The reforestation charge provided for in s.28 of the Act shall be fifty per cent of the market value at stump of the timber sold cut or utilized as the case may be.
- (2) A rebate of fifty per cent of the charge on each log sawn twice along the length of the log to produce one right angle, in Vanuatu shall be credited to the licensee who paid the charge provided that the sawmillers return showing the log to have been sawn has been correctly submitted, in accordance with order 13(2), within 14 days following the end of the month in which the log was sawn.

REGISTRATION OF SAWMILLS

12. (1) An application for registration or renewal of registration of a sawmill under s.19 of the Act shall be in the form of the seventh schedule, and shall be accompanied with the appropriate fee.
- (2) The annual fee for the registration or renewal of registration of a sawmill shall be VT. 5,000.
- (3) The Registration Certificate of a sawmill shall be in the form of the eighth schedule.
- (4) The Director shall cause the particulars of registration of sawmills to be entered in a register in the form of the ninth schedule.
- (5) The registration or renewal of registration of every sawmill shall expire on the 30th day of June next after it takes effect.

RETURNS BY SAWMILLERS

13. (1) The form contained in schedule ten is prescribed for the purposes of subsections (4) and (5) of s.19 of the Act.
- (2) The form shall be duly completed in respect of each calendar month and delivered to the nearest Forest Officer within 14 days after the end of the month to which it relates.

CLEARING OPERATIONS

14. (1) Where the Minister manages or controls any land pursuant to s.21 of the Act, he may enter into a lease with the owner's thereof in the form of the eleventh schedule.
- (2) Every direction given by the Director in relation to clearing operations pursuant to s.22 of the Act shall be in the form of the twelfth schedule.

PART 3 - UTILIZATION OF COCONUT TIMBER

APPLICATION OF PART 2

15. The provisions of Part 2 of this Order shall apply to this Part except sections 3, 4, 5 and 11.

FORM OF AGREEMENT FOR COCONUT TIMBER UTILIZATION OPERATION

16. Every agreement between an applicant and an owner of coconut trees shall be in the form of the Thirteenth Schedule and shall contain a boundary description and map sufficiently accurate to be acceptable to the Director.

FORM OF COCONUT TIMBER LICENCE

17. A coconut timber licence issued under the Act shall be in the form of the Fourteenth Schedule.

CONDITIONS OF COCONUT TIMBER LICENCE

18. A coconut timber licence shall be issued subject to the following conditions :-
- (a) The licence shall only be for utilization operations carried out on land in respect of which agreements made in accordance with the Order subsist;
- (b) The licensee shall keep a separate record for each agreement and shall within three days of felling any coconut tree enter :
- (i) the number of coconut trees felled.
- (ii) the number of merchantable stems produced.
- (iii) the date they were felled.
- (c) The licensee shall correctly enter into the record by the last working day of the month following the month in which the coconut trees were felled the following :
- (i) the royalty payable to the owner of the coconut trees.
- (ii) the reforestation charge payable.

- (d) The licensee shall produce the record to any forest officer when requested to do so.
- (e) The licensee shall as soon as practicable and not later than 90 days after felling :
 - (i) remove all merchantable logs from the property of the land owner.
 - (ii) cut up and pile or burn all unmerchantable logs.
- (f) The licensee shall cut such minimum volume of logs in each year that the licence is current as is specified in the agreement made between him and the owner of the coconut trees.
- (g) The licensee shall pay to the Director all reforestation charges payable on merchantable coconut timber felled in any month by the last working day of the following month.
- (h) The licensee shall comply with the labour laws of Vanuatu.

REFORESTATION CHARGES

- 19. (1) The reforestation charge provided for in s.28 of the Act shall be ten percent of the market value at stump of all merchantable coconut trees.
- (2) No reforestation charge shall be payable on any unmerchantable coconut trees.

PART 4 - PERMIT TO CUT UP TO TEN TREES

PERMIT TO CUT UP TO TEN TREES

20. A permit to cut up to ten trees may be issued by a Forest Officer to a holder of a valid timber or coconut timber licence on land which is not currently subject to a utilization operation agreement under this Order provided that the trees to be cut are either :

- (i) liable to fall down and damage any building, structure, or garden or spoil a surrounding area; or
- (ii) required to be removed from land already being cleared for agricultural purposes; or
- (iii) required to be removed for the purpose of widening realigning or extending permanent roads.

FORM DURATION AND FEE OF PERMIT

- 21. (a) A permit issued under this part shall be in the form of the fifteenth schedule and shall be valid for, and the operation carried out pursuant to it shall be completed within 30 days of the date of its issue.
- (b) The fee for the permit shall be 2,000 Vatu.

PART 5 - EXPORT OF LOGS

22. No person may assemble logs for export without first having obtained a Log Export Permit.
23. No person may export logs without permission from the Director.
24. All applications for Log Export permits shall be in the form of the Sixteenth Schedule.
25. A log export permit shall be in the form of the Seventeenth Schedule.
26. The fee for a Log Export Permit shall be 10 vatu per m³ that the applicant intends to export as shown in the Sixteenth Schedule.
27. The Director shall require the applicant to deposit 20 vatu for every intended cubic metre of logs to be exported against the cost of removing debris from the area where the logs are assembled prior to shipment.
28. The Director shall withhold permission to export logs until he is satisfied that the suppliers of the logs have been paid in full for all logs accepted by the Log Export Permit holder.

PART 6 - MISCELLANEOUS

REPEAL AND SAVINGS

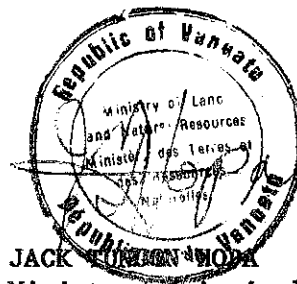
29. (a) The Forestry (Orders) Order No. 32 of 1982 is hereby repealed.
- (b) All licences issued, licence applications made, licence exemptions granted, agreements executed and any other lawful act done under or pursuant to the Forestry (Orders) Order No. 32 of 1982 shall remain in force under the terms in which they were issued, made, granted, executed or done, and they shall remain valid as if they were issued, made, granted, executed or done under this Order.

COMMENCEMENT

30. This Order shall come into force on the date of its publication in the Gazette.

MADE at Port Vila this 17th

February
day of ~~January~~, 1984.



JACK
Minister of Agriculture,
Forestry and Fisheries