

CHAPTER 134

NATIVE LAND TRUST

SECTION 33—NATIVE LAND (FOREST) REGULATIONS

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Regulations 11 August 1943, 18 May 1948, 19 June 1951, 25 April 1953

PART I—PRELIMINARY

Short title

1. These Regulations may be cited as the Native Land (Forest) Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—
- “Conservator” means the Conservator of Forests;
- “converted timber” means wood which has been cut, sawn, hewn, split, shaped or fashioned into pieces intended for use for any purpose other than as fuel;
- “exempted round timber” means round timber from a tree not included in class A, B, C or D of the First Schedule which has been exempted from the payment of royalty at the standard rate by or with the authority of the Conservator and is chargeable at a special low royalty rate with a view to encouraging its use;
- “firewood” for the purpose of the assessment of royalty or other charge thereon under these Regulations, means timber suitable only for consumption as fuel, or timber lawfully cut for consumption as fuel and used, or, in the opinion of the forest officer levying the said royalty or other charge, intended to be used, for no other purpose;
- “forest officer” means a forest officer appointed under the Forest Act; *(Cap. 150.)*
- “forest produce” includes timber, firewood, charcoal, gum, wood oil or bark;
- “Form” means a form in the Third Schedule;
- “pole” means any section cut from a tree, and having a girth of less than three feet at its larger end, which has not been further prepared for use than by removal of bark and projecting branches;
- “round timber” means any section cut from a tree, and having a girth of not less than three feet at its larger end, which has not been prepared for use otherwise than by removal of bark and branches and either rough squaring or longitudinal division into not more than four pieces in order to facilitate transport or conversion;
- “timber” includes trees when they have fallen or been felled and all wood whether cut up or fashioned or hollowed out for any purpose or not;
- “tree” includes any root, stump, stem, branch, brushwood, palm, cane, climber and creeper.

PART II—TAKING OF FOREST PRODUCE

Licence to cut forest produce, etc.

3. Except as provided in regulation 17, no person shall, on native land—
- (a) fell, cut, ring, lop, tap or injure by fire or otherwise any tree;
- (b) cut, convert, manufacture, or burn to charcoal any timber; or
- (c) cut, collect or remove any forest produce,
- except under and in accordance with a licence in Form 1, 2 or 3, or of a licence in such other form as the Board may approve in any special circumstances or for any particular class of produce. No licence thus issued shall be transferable.

Duration of licence

4. Licences in Form 1 shall be issued by the Board and may thereafter be renewed by the Conservator for any period not exceeding six months in each case and shall be subject to such conditions as the Board may consider it necessary either generally or specifically to impose.

Deposit

5.—(1) Before the issue of any licence the applicant therefor shall, if the Conservator or other officer duly appointed by the Board in that behalf shall so require, deposit with such officer such sums of money as such officer may require; and on default being made in payment at the prescribed time of any moneys due as royalty or otherwise in respect of such licence, the said officer may withdraw from the sum deposited as aforesaid the sum so due, and may order the licensee to re-deposit an equivalent sum within a period of not less than five days from receipt of such order and in the event of failure of the licensee to comply with such order may cancel the licence.

(2) Should a licensee hold more than one licence any money deposited in his name for the purposes referred to in paragraph (1) shall be deemed to have been deposited in respect of all such licences and any portion of it may be withdrawn to meet any liability incurred under any or all of such licences.

Sub-licence

6. When a holder of a licence in Form 1 employs workmen for the purposes of his licence, there may be issued, at the discretion of any officer empowered by the Board in that behalf, a sub-licence in Form 4 for every workman so employed. No such sub-licence shall be transferable or be for a period exceeding three months or shall remain in force after the determination of the licence under which it was issued.

Number of licences may be limited

7. The Board may, in its discretion, limit the number of licences to take forest produce within any area specified by it; and may cause to be sold by public auction or tender the right to cut or collect and remove forest produce under licence on and from any area specified by it, subject to such conditions as it may in each case impose.

Royalties

8.—(1) All forest produce cut, sawn, converted, collected or removed under a licence in Forms 1 or 2 shall be liable to royalty at the rate laid down in the royalty rate list in the Second Schedule:

Provided that—

(a) no royalty shall be payable on any such produce—

- (i) which, not having been removed from the area to which the licence refers, may be declared by a forest officer empowered by the Conservator in that behalf to be unsaleable by reason of its quality and situation;
- (ii) which has been taken under a licence issued to a member of a mataqali or other land-owning unit within land owned by that land-owning unit where it is stipulated in writing by the chief of the mataqali or other land-owning unit that royalty under the said licence may be waived;

(b) The Conservator or any forest officer empowered by him in that behalf may reduce or commute the royalty—

- (i) on forest produce which on the report of a forest officer he may adjudge to be of inferior quality;

- (ii) subject to the previous approval of the Board and for a period not exceeding one year, on any kind of produce the removal of which it appears to him desirable to expedite or which is so situated as to render its removal specially difficult or costly;
- (iii) with the general or special approval of the Board on forest produce removed under a licence in Form 1 in consideration of a monthly payment by the licensee of a premium representing commuted royalty.

(2) Notwithstanding the provisions of paragraph (1), guava on native land in the province of Tailevu shall not be liable to royalty. (*Inserted by Regulations 25 April 1953.*)

Restriction on issue of licence to cut or collect produce

9. Licences in Forms 2 and 3 to cut or collect and remove any class of forest produce may not be issued in respect of any area over which a licence in any other form for the same class of produce is in force.

Licences to cut or collect, etc., any produce

10. Except as provided in regulation 9, licences in Form 3 may be issued by or under the authority of the Conservator to cut, manufacture or collect and remove any forest produce for any period not exceeding six months on payment of a monthly fee at the rate laid down in the royalty rate list in the Second Schedule, or such lower rates as the Conservator may from time to time in special circumstances authorise. Every such licence shall be personal to its holder and shall not extend to any person employed by him.

Licence to cut and collect fixed quantity of produce

11. Except as provided in regulation 9, licences in Form 2 may be issued by or under the authority of the Conservator to cut or collect and remove a fixed quantity of any forest produce on prepayment of royalty at the rate or rates laid down by or in accordance with regulation 8.

Restriction on size of trees to be cut

12. Except with the authorisation of the Conservator no person shall fell on native land any tree specified in class A, B, C or D of the First Schedule having a girth less than the minimum prescribed in that Schedule nor shall he convert into firewood or charcoal any part of any tree so specified that in the opinion of a forest officer is suitable for conversion into saleable timber.

Payment of royalty

13. Royalty accrued due under these Regulations shall be payable at such times and place and in such manner as may be specified in the licence, or if no time, place or manner of payment be so specified then on demand made by any forest officer.

List of persons engaged in cutting to be posted

14. The person in charge of every body of persons living or working together in any occupation having for its object the cutting or removal of timber or forest produce under a licence issued under these Regulations shall cause a working board containing a full and correct list of all persons so employed or engaged, to be

exhibited in a conspicuous place in the main entrance to the house or workshed, and every person whose name is contained in the said list shall be provided with a licence or sub-licence.

Firewood

15. Head-loads of firewood may be collected from dead or fallen trees on native land and removed without licence:

Provided that if they are collected in or removed to any place hereafter notified in the Gazette a licence shall be taken out and royalty shall be payable at the rates for the time being prescribed for such produce.

Board may restrict cutting

16. The Board may for any reason, without prejudice to existing rights, prohibit or restrict the cutting or removal of any forest produce by any particular person or class of persons within any specified area of native land for such time as it may deem necessary.

Saving

17.—(1) Subject to the succeeding paragraphs, nothing in these Regulations shall be deemed to affect any native fishing and hunting rights established by native custom or to prohibit the cutting and removal from native land by any Fijian of any timber, reeds or other forest produce, which may be necessary for the construction or repair of a dwelling-house for the permanent abode of himself and his family, for the construction of temporary huts on any land lawfully occupied by him, for the upkeep of his fishing stakes and landing places, for firewood to be consumed for domestic purposes or for the construction and upkeep of any work for the common benefit of the native inhabitants of his village.

(2) Except with the general or special permission of the Conservator no person shall be permitted under paragraph (1) to cut or remove any form of forest produce in a locality outside the district in which he ordinarily resides, nor may any tree specified in class A, B, C or D of the First Schedule be felled under the aforesaid paragraph solely for removal of its bark or felled or converted in contravention of the limitations prescribed by regulation 12.

(3) Subject to the limitation in paragraph (2), forest produce for the purposes stated in paragraph (1) may be taken free by individuals for their own use or for the use of others entitled to the same privilege:

Provided that where free and voluntary assistance is not available there may be issued at the discretion of a forest officer empowered by the Conservator in that behalf a free permit authorising the employment of paid labour for the cutting and collection of such produce. Forest produce cut and removed by a person licensed under regulation 3 is subject to royalty except as provided for in sub-paragraph (a) of paragraph (1) of regulation 8.

PART III—GENERAL

Penalty

18. Any person who commits a breach of these Regulations shall be liable to a fine of \$100 or to imprisonment for six months or to both such fine and imprisonment.

Licence to be carried

19. The person named in any licence or sub-licence issued under these Regulations shall keep the same upon his person while at work, and at other times have it in his possession or at his workshed or his usual place of residence.

Control of forest produce in transit

20. All forest produce cut or collected under licence in Form 1 shall, as soon as it reaches a public thoroughfare or is removed beyond the boundaries of the area to which the licence refers, be subject to such regulations for the control of forest produce in transit as may from time to time be imposed under the Forest Act or any Act replacing the same. (Cap. 150.)

Distribution of royalties

21. Ten per cent shall be deducted as and for the expenses of collection and administration from all sums of money received as royalties on forest produce taken under licence in Form 1 on native land and shall be paid into the Consolidated Fund. The balance of royalty remaining shall be paid through the Commissioner of the Division to the appropriate Fijian authority for distribution by him:

Provided that in the case of royalties not exceeding the sum of \$2 on forest produce taken under licence in Form 2 or 3 the whole amount, without deduction, shall be paid, on behalf of the mataqali or other land-owning unit who shall sign an acknowledgment in the appropriate place on the licence.

FIRST SCHEDULE
(Regulation 12)

TREES PROTECTED UNDER REGULATION 12

Preferred name	Alternative name	Minimum felling girth
	CLASS A.	
Yaka.....	—	4½ feet
	CLASS B.	
Bauka.....	—	4½ feet
Bausomi.....	—	4½ feet
Boca.....	—	4½ feet
Buabua.....	—	4½ feet (1½ feet)*
Dabi.....	Legilegi.....	
Rosarosa.....	Drugadruga, Moivi, Rogi, Savai, Savairabuludamu, Vaudamu.	5 feet
Rosawa.....	—	5 feet
Sagali.....	—	3 feet
Vesi.....	—	6 feet
Vesida.....	—	6 feet
	CLASS C.	
Amunu.....	Kausolo, Dautabua.....	4½ feet
Bauvudi.....	—	4½ feet
Cevua.....	—	1½ feet (3 feet)*
Dakua Makadre.....	—	6 feet
Dakua Salusalu.....	—	6 feet
Damanu.....	—	4½ feet
Dilo.....	—	6 feet
Sacau.....	—	4½ feet
Vaivai.....	—	4½ feet
Vuga.....	—	4½ feet
Yaro.....	—	1½ feet
Yasiyasi.....	Yasidamu, Yasidravu, Yasivula.....	4½ feet
	CLASS D.	
Cibicibi.....	—	4½ feet
Dawa.....	—	4½ feet
Dogo.....	—	1½ feet
Doi.....	—	3 feet
Kaudamu.....	Male, Vavaloa.....	4½ feet
Kaudaro.....	—	4½ feet
Kaunicina.....	Didi, Yagai.....	4½ feet

*In Vanua Levu the figure in brackets shall apply.

Kauvula.....	Lekutu, Vulavula.....	4½ feet
Kuasi.....	Baukiwaqa, Kasi.....	4½ feet
Laubu.....	—	3 feet
Masiratu.....	—	4½ feet
Mavota.....	—	4½ feet
Nokonoko.....	Qaro, Nakure.....	3 feet
Tarawau.....	—	4½ feet
Vetau.....	—	4½ feet

Note—The minimum felling girth will be measured at 4 ft. 6 in. above the ground on the side of the tree where the ground is highest or, in the case of trees buttressed above this height, immediately above the buttresses.

SECOND SCHEDULE

(Regulation 8)

(Substituted by Regulations 18 May 1948; amended by Regulations 19 June 1951.)

ROYALTY RATE LIST

	Royalty \$ c
1. Timbers per 100 superficial feet—	
(a) Timbers from trees of Class A in the First Schedule—	
Converted.....	.50
Round.....	.25
(b) Timbers from trees of Class B in the First Schedule—	
Converted.....	.30
Round.....	.15
(c) Timbers from trees of Class C in the First Schedule—	
Converted.....	.25
Round.....	.12
(d) Timbers from trees of Class D in the First Schedule—	
Converted.....	.15
Round.....	.08
(e) Other timbers (except Sandalwood)—	
Converted.....	.10
Round.....	.05
Exempted Round Timber03
2. Poles per 100 linear feet—	
(a) Buabua—all sizes50
(b) Sagali—all sizes40
(c) Any species other than Bamboo, Sagali and Buabua—	
Girth 2 ft. but less than 3 ft. at the base30
Girth 1 ft. but less than 2 ft. at the base25
Girth 4 in. but less than 1 ft. at the base15
Girth under 4 in. at the base05
3. Firewood—	
(a) Mangrove per 50 cubic feet stacked.....	.15
(b) Other species per 50 cubic feet stacked10
(c) Monthly licence for domestic firewood supply per household10
4. Charcoal per sack of not more than 100 lb.....	.05
5. On all forest produce not already specified in this Schedule there shall be charged royalty and fee at the rate of 5 per cent respectively of the sale value calculated in accordance with the rates of sale value for such produce notified from time to time in the Gazette.	

THIRD SCHEDULE

FORM 1
(Regulation 3)LICENCE TO TAKE FOREST PRODUCE ON LEDGER ACCOUNT
(Not transferable)*Issued under the Native Land (Forest) Regulations*

No. of licence:

This licence authorises _____ of _____ to take within the area described below and delineated by a red outline on the attached plan subject to the following conditions and to the provisions of the Native Land (Forest) Regulations.

District	Mataqali	Lot No.	N.L.C. Sheet No.
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CONDITIONS

1. Minimum labour force of _____ men to be employed.
2. Produce to be taken for measurement and check to:
3. Royalty to be paid at _____ monthly before the _____ day of the month.
4. Boundaries of the area and of such sub-divisions of it as the Divisional Forest Officer may deem necessary to be demarcated and kept clear by the licensee; and work to be confined to such sub-divisions as the Divisional Forest Officer may from time to time lay down.

Date of issue:

Date of first expiration:

The Common Seal of the Native Land Trust Board was hereunto affixed in pursuance of a resolution of the Board by and in the Presence of:—

*Member of the Board
Secretary*

[Regulation 11, 16, 17 and 18 are to be printed at the back of this licence.]

FORM 2
(Regulations 3 and 11)

LICENCE TO TAKE FOREST PRODUCE ON PREPAYMENT
OF ROYALTY
(Not transferable)

Issued under the Native Land (Forest) Regulations

No. of licence:

This licence authorises _____ of _____ to take within the locality hereunder specified such forest produce as is hereunder specified and on which royalty has been prepaid. Kind of produce _____ Royalty rate _____ Amount received _____ District _____

Mataqali _____ Lot No. _____

N.L.C. Sheet No. _____

Date of issue: _____

Date of expiration: _____

Forest Officer

[Regulations 12, 18, 19, and 20 are to be printed at the back of this licence.]

FORM 3
(Regulations 3 and 10)

LICENCE TO TAKE FOREST PRODUCE ON PAYMENT OF A MONTHLY
FEE

(Not transferable)

Issued under the Native Land (Forest) Regulations

No. of licence:

This licence authorises _____ of _____ to take within the locality hereunder specified such forest produce as is hereunder described during a period of _____ months from the date hereof subject to the provisions of the Native Land (Forest) Regulations.

District _____ Mataqali _____ Lot No. _____

N.L.C. Sheet No. _____

Date of issue: _____

Date of expiration: _____

Forest Officer

[Regulations 12, 18 and 19 are to be printed at the back of this licence.]

FORM 4
(Regulation 6)

SUB-LICENCE UNDER LICENCE No. _____
(Not transferable)

No. of sub-licence:

This sub-licence authorises _____ of _____ to take, as agent of the holder of Licence No. _____ and subject to the terms thereof, such forest produce as is described in the said licence.

Issued free.

Date of issue _____

*Date of expiration: _____

Forest Officer

* Not more than three months after the date of issue.