

SECTION 35—FOREST (TIMBER MARKS) REGULATIONS

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*Regulation 6 March 1958*

*Short title*

1. These Regulations may be cited as the Forest (Timber Marks) Regulations.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—
  - “inspector” means a person appointed by the Conservator of Forests for the purposes of these Regulations;
  - “owner” means the registered owner of a mark;
  - “prescribed” means prescribed by these Regulations;
  - “register” means the Register of Timber Marks;
  - “registered timber mark” means any timber mark registered under the provisions of these Regulations;
  - “Registrar” means the Registrar of Timber Marks and includes a deputy registrar of timber marks;
  - “timber mark” means any mark stamped or cut into the surface of timber for the purpose of identification or recognition.

*Registrar and Deputies*

- 3.—(1) The Conservator of Forests shall be the Registrar of Timber Marks.  
(2) The Conservator of Forests may from time to time appoint—  
    (a) deputy registrars of timber marks; and  
    (b) inspectors,  
for the purpose of these Regulations.

*Register*

4. The Registrar shall keep a register to be known as the “Register of Timber Marks” and shall enter therein—  
    (a) a description of all timber marks registered and allotted under the provisions of these Regulations; and  
    (b) the names and addresses of the owners.

*Application for registration*

- 5.—(1) Any person who desires to own a registered timber mark shall apply to the Registrar in writing in the form prescribed in the First Schedule, accompanying the application by a fee of \$1.  
(2) The Registrar may allot to the applicant such timber mark and register the same or may for any good and sufficient reason refuse the application. The decision of the Registrar shall be final. As soon as is practicable after such allotment and registration the Registrar shall transmit to the owner a certificate of registration in the form prescribed in the Second Schedule.  
(3) Registration of a timber mark shall have effect for three years from the date thereof.

*Renewal of registration*

- 6.—(1) Upon the expiry of the registration of a timber mark the last owner thereof shall, if he makes application within six months after the date of such expiry, be entitled on application to the Registrar to have such timber mark re-allotted to him and registered in his name.  
(2) Such application shall be in the manner prescribed in respect of an original application for a timber mark.

*Transfer*

- 7.—(1) When any registered timber mark is intended to be transferred, the owner and intending transferee shall execute a joint memorandum in the form prescribed in the Third Schedule and upon the receipt of such memorandum and a fee of \$1 the Registrar shall cancel the existing registration of such timber mark and may either register the same in the name of the transferee, in which case he shall as soon as practicable after such registration transmit to the owner a certificate of registration in the form prescribed, or may for any good and sufficient reason refuse to register such transfer. The decision of the Registrar shall be final.  
(2) A transferred registered timber mark shall have effect for three years from the date of registration of the transfer.

*Death of owner*

8. Upon the death of an owner of a registered timber mark his personal representative shall be deemed to be the owner of such timber mark. Such representative may apply in the form prescribed to have such timber mark

registered in his name or in the name of his nominee. If no such application is made within twelve months after the death, the registration of the timber mark shall be cancelled and the timber mark shall be available for re-allotment and registration.

*Cancellation*

9.—(1) When it appears to the Registrar upon the report of an inspector or otherwise that a registered timber mark is not in use the Registrar may cause notice to be served on the owner thereof calling upon him to show cause why the same should not be cancelled.

(2) If within three months after such service cause is not shown to the satisfaction of the Registrar why the timber mark should not be cancelled and erased from the register the said timber mark shall be cancelled and shall be available for re-allotment and registration.

(3) Where a partnership or corporate body or firm is the owner of a registered timber mark, and is dissolved or wound up, the said timber mark shall be deemed to have been cancelled as from the date of dissolution or winding up thereof.

*Marks*

10. Every registered timber mark on timber shall be made with a hammer or instrument approved by the Registrar or an inspector and shall be placed at least at both ends of the log and shall be of letters or figures at least two inches high.

*Offences*

11.—(1) An owner of a registered timber mark who marks or causes or procures to be marked with his registered timber mark timber of which he is not the owner shall be guilty of an offence.

(2) Any person who—

- (a) knowingly and unlawfully inserts or causes or permits to be inserted any false entry in any register, certificate or list of timber marks or in any extract therefrom; or
- (b) removes, disfigures, alters or defaces any registered timber mark marked upon timber with intent to defraud; or
- (c) when marking timber with a registered timber mark uses any contrivance, tool or appliance other than a marking hammer or instrument approved by the Registrar or an inspector; or
- (d) marks or causes or procures to be marked timber with a registered timber mark, that person not being the owner of the said timber mark or a person acting with the owner's authority,

shall be guilty of an offence.

*Powers of forest officers and police officers*

12.—(1) Any forest officer or police officer may without a warrant—

- (a) demand from any person the production of any marking hammer, tool, contrivance or appliance in relation to which reasonable grounds exist for suspecting that an offence against these Regulations has been committed;
- (b) require any person found within any unalienated Crown or native land or in the vicinity of such land and who has in his possession any timber or any marking hammer tool, contrivance or appliance capable of being used to make a timber mark to give an account of the manner in which he became possessed thereof;

(c) seize and detain any marking hammer, tool, contrivance or appliance in respect of which there is reason to believe that any offence has been committed, together with any forest produce and tools suspected of having been used in the commission of such offence:

Provided that the person seizing such property shall, as soon as may be, report such seizure to a forest officer authorised under subsection (1) of section 19 of the Act to compound offences or to a magistrate.

(2) Any person who neglects or refuses to produce the timber or marking hammer, tool, contrivance or appliance required to be produced or neglects or refuses to furnish information in his possession when required to do so under the powers conferred by this regulation or knowingly furnishes false information shall be guilty of an offence.

*Registered mark prima facie proof of ownership*

13. The mark of a registered timber mark upon any timber shall be *prima facie* evidence of the ownership of the said timber by the owner of such timber mark.

*Cancellation of registration on conviction*

14. The Registrar shall have power to cancel the registration of a registered timber mark if the owner is convicted of any offence against these Regulations.

*Penalty*

15. Any person guilty of an offence against these Regulations shall be liable to a fine not exceeding \$200 or to a term of imprisonment not exceeding two months or to both such fine and such imprisonment.

*Fees*

16. All fees payable under these Regulations shall be paid to the Registrar.

FIRST SCHEDULE  
(Regulation 5(1))

FOREST (TIMBER MARKS) REGULATIONS

APPLICATION FOR REGISTRATION OF A TIMBER MARK

Full name of applicant (including father's name if Indian)	Address	Locality in which applicant proposes to log or saw timber	Proposed timber mark

I/We hereby apply for registration of the above timber mark and the issue to me/us of a certificate of such registration on payment of the statutory fee.  
Date .....

.....  
*Applicant*

SECOND SCHEDULE  
(Regulation 5(2))

FOREST (TIMBER MARKS) REGULATIONS

CERTIFICATE OF REGISTRATION OF A TIMBER MARK

I hereby certify that the following timber mark was registered by me on the ..... day of ....., 19.....  
in the name of ..... of .....  
Date .....  
Expiry date .....

.....  
*Conservator of Forests*

Timber mark:  
.....

THIRD SCHEDULE  
(Regulation 7)

FOREST (TIMBER MARKS) REGULATIONS

APPLICATION FOR TRANSFER OF A REGISTERED TIMBER MARK

We, the undersigned, hereby apply for the transfer of the registered timber mark standing in the name of ..... of .....  
to the name of ..... of .....  
on payment of the statutory fee.

Date .....

.....  
*Transferee*

.....  
*Transferor*

SECTION 36 (3)—PROHIBITION ORDER

*Order 20 March 1958*

The cutting of timber of the class and dimensions specified in the second column of the Schedule in the areas specified in the first column for the period specified in the third column has been prohibited.

## SCHEDULE

Column 1	Column 2	Column 3
Viti Levu Provinces of Serua and Namosi.	Buabua of any dimensions.	Ten years.
Vanua Levu Provinces of Bua and Macuata.	Buabua of less than 3 feet in girth.	Until further notice.

*Controlled by Ministry of Forests*