

SUBSIDIARY LEGISLATION

FORESTRY REGULATIONS

Order 10 of 1984
Order 56 of 1985

ARRANGEMENT OF REGULATIONS

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SUBSIDIARY LEGISLATION

FORESTRY REGULATIONS

To provide regulations for forestry purposes.

PART I

PRELIMINARY

INTERPRETATION

1. In these regulations—

“Act” means the Forestry Act, Cap. 147;

“agreement” means an agreement 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 1 right angle.

PART II

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 Schedule 3.

FORM OF AGREEMENT 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 Schedule 2 and shall contain a boundary description and map sufficiently accurate to be acceptable to the Minister.

FORM OF TIMBER LICENCE

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

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 these regulations 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 1 log is cut from any tree, separate consecutive numbers to each such log, and shall correctly enter in the register within 3 days of felling a tree—

(i) 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 50 per cent of the volume:
- (h) the licensee shall not fell any tree of any species designated by the Minister 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 Minister 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 Schedule 5.

DEDUCTION FROM GUARANTEE

7. Where any reforestation charge or penalty imposed by the Minister under s.18(1) of the Act, is not paid within 30 days of a demand in writing by the Minister, the Minister 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 Minister shall suspend the licence until the banker's guarantee is restored to the amount imposed by the Minister under s.14(1) of the Act.

REPORT OF OPERATIONS

9. (1) Within 1 month of the date of issue of the licence and before 31 January in each calendar year thereafter the licensee shall submit to the Minister 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 Schedule 6.

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- (2) The licensee shall also submit to the Minister before 31 January, 30 April, 31 July, and 31 October in each year a report of operations carried out in the preceding quarter and a plan of operations to be carried out in the proceeding quarter in the form of Schedule 6.

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 Schedule 1.

REFORESTATION CHARGES

11. (1) The reforestation charge provided for in s.28 of the Act shall be 50 per cent of the market value at stump of the timber sold cut or utilized as the case may be.
- (2) A rebate of 50 per cent of the charge on each log sawn twice along the length of the log to produce 1 right angle, in Vanuatu shall be credited to the licensee who paid the charge provided that the return of the wood using plant showing the log to have been sawn has been correctly submitted, in accordance with regulation 13(2), within 14 days following the end of the month in which the log was sawn.

REGISTRATION OF WOOD USING PLANT

12. (1) An application for registration or renewal of registration of a wood using plant under s.19 of the Act shall be in the form of Schedule 7, and shall be accompanied with the appropriate fee.
- (2) The annual fee for the registration or renewal of registration of a wood using plant shall be VT5,000.
- (3) The registration certificate of a wood using plant shall be in the form of Schedule 8.
- (4) The Minister shall cause the particulars of registration of wood using plant to be entered in a register in the form of Schedule 9.
- (5) The registration or renewal of registration of every wood using plant shall expire on 30 June next after it takes effect.

RETURN BY OWNER OF WOOD USING PLANTS

13. (1) The form contained in Schedule 10 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 Schedule 11.
- (2) Every direction given by the Minister in relation to clearing operations pursuant to s.22 of the Act shall be in the form of Schedule 12.

PART III**UTILIZATION OF COCONUT TIMBER****APPLICATION OF PART II**

15. The provisions of Part II of these regulations shall apply to this Part except regulations 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 Schedule 13 and shall contain a boundary description and map sufficiently accurate to be acceptable to the Minister.

FORM OF COCONUT TIMBER LICENCE

17. A coconut timber licence issued under the Act shall be in the form of Schedule 14.

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 these regulations subsist;
 - (b) the licensee shall keep a separate record for each agreement and shall within 3 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 Minister 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 10 per cent of the market value at stump of all merchantable coconut trees.
- (2) No reforestation charge shall be payable on any unmerchantable coconut trees.

PART IV

PERMIT TO CUT UP TO 10 TREES

PERMIT TO CUT UP TO 10 TREES

20. A permit to cut up to 10 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 these regulations 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

[Subsidiary]

- (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.** (1) A permit issued under this part shall be in the form of Schedule 15 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.
- (2) The fee for the permit shall be VT2,000.

PART V

EXPORT OF LOGS

LOG EXPORT PERMIT

- 22.** (1) No person may assemble logs for export without first having obtained a log export permit.
- (2) No person may export logs without permission from the Minister.
- (3) All applications for log export permits shall be in the form of Schedule 16.
- (4) A log export permit shall be in the form of Schedule 17.
- (5) The fee for a log export permit shall be VT10 per cubic metre that the applicant intends to export as shown in his application for a log export permit.
- (6) The Minister shall require the applicant to deposit VT20 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.
- (7) The Minister 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.
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SCHEDULE 1

(Regulation 10)

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

APPLICATION FOR EXEMPTION FROM THE
REQUIREMENT TO OBTAIN A TIMBER LICENCE

Name of person who intends to carry
out utilization operations:

Address of person who intends to carry
out utilization operations:

Name and address of owner of land on which
utilization operations are to be carried out:

Location of land on which utilization
operations are to be carried out:

Type of utilization operation
to be carried out:

Proposed commencement date:

Proposed completion date:

Maximum volume or quantity of timber to be cut

(a) in any year of operations

(b) in total

Species of timber to be cut:

Signature.

Date:

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

FORM OF AGREEMENT FOR UTILIZATION OPERATION

AGREEMENT BETWEEN
A PERSON WHO INTENDS TO APPLY FOR OR EXTEND A TIMBER LICENCE
AND

THE OWNER OF THE LAND ON WHICH UTILIZATION OPERATIONS ARE TO BE CARRIED
OUT.

This agreement is made the day of 19.....

between

.....(owner of the land)

and

..... (applicant).

1. The owner of the land agrees to allow the applicant to cut trees of the following species

.....
.....

which are above a circumference of metres when measured at 1.30 m above the
ground on the land of the owner situated at

.....

as described in the boundary description and map attached to this agreement, commencing on
the day of 19..... and finishing on the

..... day of 19.....

2. The applicant agrees—

(a) To pay the owner of the land royalty at the following rates

For species VT per m³

For species VT per m³

For species VT per m³

For species VT per m³

to be calculated on the sound, roundwood volume under bark.

(b) To make payments of royalty at VT..... for every sound tree felled on or
before the last working day of the month following the month in which the tree was felled.

(c) To pay the owner of the land not less than VT..... in each year of the
agreement, or for the period of the agreement if less than a year, whether or not that
amount of royalty is payable.

SCHEDULE 4

(Regulation 4)

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

TIMBER LICENCE

THIS LICENCE is granted to
 (Company) (Director)
 of for the purpose of cutting
 (Address)
 on land belonging to persons with whom
 (Type of Produce)
 the licensee has entered into agreements which have been approved by the Minister pursuant to section 11(2) of the Act, on the island of
 for the period commencing on the day of
 19..... and ending on the day of
 19.....

Maximum volume of timber, log volume, to be cut under this licence: m³

Minimum volume of timber, log volume, to be cut in each calendar year of this licence: m³

Location and address of sawmill at which timber cut under this licence is to be sawn:

Amount of banker's guarantee to be established: VT.....

Reforestation charge for the year to 31 December next after date of issue: VT..... per m³

Minimum sum payable as reforestation charge for the year to 31 December next after date of issue: VT.....

.....
 Signature of Minister

.....
 Date of Issue

Notes:

1. The banker's guarantee referred to above must be established within 30 days of the date of issue of this licence otherwise the licence shall be null and void.
2. The reforestation charge and the minimum sum payable as reforestation charge for each calendar year of the licence commencing 1 January next after date of issue of this licence shall be fixed by the Minister at the commencement of each such year.

[Subsidiary]

A. Conditions of Licence Prescribed by the Forestry Regulations

(1) *Regulation 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 1 log is cut from any tree, separate consecutive numbers to each such log, and shall correctly enter in the register within 3 days of felling a tree—
 - (i) 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 50 per cent of the volume.
- (h) The licensee shall not fell any tree of any species designated by the Minister 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 Minister 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.

(2) *Regulation 6*

The banker's guarantee shall be in the form of Schedule 5.

(3) *Regulation 7*

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

(4) *Regulation 8*

If a banker's guarantee is exhausted the Minister shall suspend the licence until the banker's guarantee is restored to the amount imposed by the Minister under s.14(1) of the Act.

(5) *Regulation 9*

(1) Within 1 month of the date of issue of the licence and before the 31 January in each calendar year thereafter the licensee shall submit to the Minister 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 Schedule 6.

(2) The licensee shall also submit to the Minister before 31 January, 30 April, 31 July, and 31 October in each year a report of operations carried out in the preceding quarter and a plan of operations to be carried out in the preceding quarter in the form of Schedule 6.

B. Conditions of licence imposed by the Minister
(Under section 12(3)(b) of the Act)

In addition to the foregoing conditions the Minister hereby imposes the following conditions in respect of this licence—

SCHEDULE 5

(Regulation 6)

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

BANKER'S GUARANTEE

1. In accordance with section 14 of the Forestry Act, Cap. 147,
Iof Bank.
(Name) (Name)
....., confirm that
(Address) (Name)
director of(the licensee) has established
(Company)
a banker's guarantee at this bank of Vatu
this being the banker's guarantee required in the terms of the timber licence granted to him on
..... 19..... by the Minister responsible for agriculture and fore-
stry.
2. I understand and agree that the following conditions apply to this guarantee—
 - a. The guarantee shall last for the duration of the licence.
 - b. The bank on receiving written instructions from the Minister shall deduct from the guaran-
tee and pay to the Government through the Minister such sums as may represent any
penalties or reforestation charges as are prescribed in the licence.
 - c. The bank shall immediately notify the Minister if the sum required by him exceeds the
balance of the guarantee.
 - d. The licensee may only reduce the guarantee if the balance exceeds the original sum
guaranteed.
 - e. In the event that the licence expires or is cancelled the Minister shall notify the bank and
the guarantee shall be cancelled.
3. I understand and agree that the bank shall under no circumstances be held liable for any
deductions made from the guarantee as authorised by the Minister.

Signed:
Manager

SCHEDULE 7

(Regulation 12(1))

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

APPLICATION FOR REGISTRATION OF A WOOD USING PLANT

The Minister
Department of Agriculture and Forestry
Port Vila

I/We the owner/owners of the wood using plant described hereunder apply for registration of the wood using plant in conformity with section 19 of the Forestry Act, Cap. 147 and lodge herewith the prescribed fee.

1. Name and address of owner:
2. Location of wood using plant:
 - (a) Island:
 - (b) Nearest town or village:
 - (c) Distance and direction from nearest town or village:
 - (d) Name of owner of land on which wood using plant situated:
3. Description of equipment installed or to be installed at wood using plant:
4. Estimated monthly capacity of wood using plant:

Signature of owner:

Date:

SCHEDULE 8

(Regulation 12(3))

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

REGISTRATION CERTIFICATE

Registration of a wood using plant under section 19 of the Forestry Act Cap, 147. This is to certify that the wood using plant described hereunder has been registered in conformity with section 19 of the Forestry Act Cap. 147.

1. Name and address of owner:

2. Location of wood using plant:
 - (a) Island:
 - (b) Nearest town or village:
 - (c) Distance and direction from nearest town or village:
 - (d) Name of owner of land on which wood using plant situated:

3. Registration no.

4. Registration fee paid. Receipt no.

5. Period of registration. Period ending 30 June 19

6. Date of issue of registration certificate 19

.....
Signature of Minister

This is not a cash receipt and is not valid unless signed by the Minister. Forestry Act Cap. 147, section 19.

FORESTRY

[CAP. 147.]

[Subsidiary]

SCHEDULE 9

(Regulation 12(4))

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

REGISTER OF WOOD USING PLANT FOR THE PURPOSES OF SECTION 19 OF THE FORESTRY ACT CAP. 147

Registration no.

Name and address of owner:

Location of wood using plant:

Wood using plant registered on _____ for the period ended 30 June 19

Renewals of registration:

Period Ending	Date Paid	Period Ending	Date Paid	Period Ending	Date Paid
---------------	-----------	---------------	-----------	---------------	-----------

Description of equipment installed at wood using plant.

Estimated monthly capacity of wood using plant _____ m³.

SCHEDULE 11

(Regulation 14(1))

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

LEASE BETWEEN THE OWNER OF LAND AND THE MINISTER OF AGRICULTURE & FORESTRY FOR THE PURPOSES OF SECTION 21 OF THE FORESTRY ACT CAP. 147

This lease is made the _____ day of _____ 19____ between _____ of _____ name address

on behalf of himself and his heirs and successors in title ("the owner") and the Minister responsible for agriculture and forestry of the Republic of Vanuatu ("the Minister").

The owner hereby agrees—

- 1. To lease to the Minister for a term of _____ years all the land described in the Schedule to this lease and coloured blue on the sketch plan endorsed hereon ("the land").
2. Not to carry out any cutting of timber or clearing of native vegetation on the land.
3. To allow all duly appointed government employees to cross any adjoining land of the owner for the purpose of access to the land.
4. (Insert here such other covenants on the part of the owner as the parties may agree.)

The Minister hereby agrees—

- 1. To pay to the owner in advance during the said term yearly rent of VT.....
2. That unless he exercises the option hereinbefore provided, to return the land to the care and management of the owner at the end of the said term.
3. (Insert here such other covenants on the part of the Minister as the parties may agree.)

The parties to this lease hereby agree—

- 1. That at the expiration of the term of this lease the Minister shall have the option to renew the lease for a further term of 75 years on the same terms and conditions as are herein contained.
2. That at the expiration of each 5 years of the term of this lease either party may request the other to agree to a variation of the rent payable hereunder. If the parties are unable to agree on the rent to be payable for the succeeding 5 years the same shall be submitted for decision by the Lands Referee. The rent if so varied by agreement or by the Referee shall apply and be payable until further varied in accordance with the conditions of this lease.

CAP. 147.]

FORESTRY

[Subsidiary]

Signed by the owner:

in the presence of:

Signed by the Minister:

in the presence of:

Description of Schedule

Description of the land:

Island:

Nearest town or village:

Distance and direction from nearest town or
village:

Description of the boundaries of the land:

Sketch Plan

SCHEDULE 12

(Regulation 14(2))

.....PUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

DIRECTION BY THE MINISTER IN RELATION TO CLEARING OPERATIONS

To _____ of _____

In accordance with the powers conferred on me by section 22 of the Forestry Act Cap. 147, I HEREBY DIRECT that, in respect of land situated at

and shown in red colour on the plan hereon, you shall—

- * Cease all cutting of trees or clearing of native vegetation.
- * Refrain from all cutting of trees or clearing of native vegetation.
- * Carry out any cutting of trees or clearing of native vegetation only in accordance with the following conditions, that is to say—
 - 1.
 - 2.
 - 3.
 - 4.

If you wish to appeal against this direction you may do so by appealing to the Supreme Court, at Port Vila, but until the Court makes a decision on the appeal you must obey this direction. Failure to do so is an offence under the Forestry Act Cap. 147.

Dated this _____ day of _____ 19____

.....
Minister

*Strike out where inapplicable.



SCHEDULE 13

(Regulation 16)

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

FORM OF AGREEMENT FOR COCONUT TIMBER UTILIZATION OPERATION

AGREEMENT BETWEEN A PERSON WHO INTENDS TO APPLY FOR OR EXTEND A COCONUT TIMBER LICENCE

AND

THE OWNER OF THE COCONUT TREES WHICH ARE TO BE UTILIZED.

This agreement is made the day of 19..... between

..... (owner of the coconut trees)

and

..... (applicant).

1. The owner of the coconut trees agrees to allow the applicant to cut coconut trees on land situated at

.....

as described in the boundary description and map attached to this agreement, commencing on the day of 19..... and finishing on the day of 19.....

2. The applicant agrees—

- (a) To pay the owner of the coconut trees a royalty of VT..... per merchantable tree.
- (b) To make payments for every merchantable tree felled at on or before the last working day of the month following the month in which the tree was felled.
- (c) To pay the owner of the coconut trees not less than VT..... in each year of the agreement whether or not that amount of royalty is payable.
- (d) Not to cut any fruit or food trees.
- (e) To pay damages in the form of cash compensation or as otherwise may be agreed by both parties to the owner of the coconut trees or owner or occupier of the land as the case may be in the event of the following—
 - (i) damage to roads;
 - (ii) damage to fences (including wire, posts or gates);
 - (iii) pasture space lost due to excessive logging debris;

- (iv) pollution or siltation to water for human or animal consumption;
 - (v) damage to food trees planted by the owner of the coconut trees, or owner or occupier of the land;
 - (vi) cost of labour and equipment employed to recover cattle escaped due to damage to fences or action of logging company;
 - (vii) other damage to the owner of the coconut trees or owner or occupier of the land through deliberate action or negligence.
3. The owner of the coconut trees and the applicant agree that in the event of any dispute between them arising from this agreement the matter shall be referred to
 4. The owner of the coconut trees may terminate this agreement at any time and without notice in the event of any damage caused by the applicant to the property of the coconut tree owner where such damage is not compensated for promptly by him.
 5. Notwithstanding paragraph 4. the owner of the coconut trees shall be entitled to claim against the applicant for damages caused by him.
 6. If this agreement involves the utilization of coconut trees on leased property, the owner of the coconut trees ascertains that this agreement does not contravene the rights of the land owner or lessee as provided for in the terms of the lease.

.....
Signature of owner of coconut trees

.....
Signature of applicant

.....
Witness

.....
Witness

Notes:

1. This agreement should be supported by appropriate documentation indicating rightful ownership of the coconut trees.
2. Three copies of this agreement must be forwarded to the Minister, Department of Agriculture and Forestry, Port Vila, within 30 days.
3. This agreement shall have no effect until approved by the Minister.
4. Upon approval the Minister will return 1 copy to the applicant and 1 copy to the owner of the coconut trees.
5. This agreement will be available in Bislama.

.....
Minister

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

COCONUT TIMBER LICENCE

THIS LICENCE is granted to
 (Company) (Director)
 of for the purpose of cutting
 (Address)
 coconut trees on land belonging to persons with whom the licensee has entered into agreements
 which have been approved by the Minister pursuant to section 11(1) of the Act. on the island
 of, for the period commencing on the day
 of 19..... and ending on the day
 of 19.....

Maximum number of coconut trees to be cut under this licence

Minimum number of coconut trees to be cut in each calendar year of this licence

Amount of bankers guarantee to be established VT.....

Reforestation charge for the year to 31 December next after date of issue. VT.....
per tree

Minimum sum payable as reforestation charge for the year to 31 December next after date of issue
VT.....

.....
Signature of Minister

.....
Date of Issue

Notes:

1. The banker's guarantee referred to above must be established within 30 days of the date of issue of this licence otherwise the licence shall be null and void.
2. The reforestation charge and the minimum sum payable as reforestation charge for each calendar year of the licence commencing 1 January next after date of issue of this licence shall be fixed by the Minister at the commencement of each such year.

Conditions of the Licence

A. Conditions prescribed by the Forestry Regulations

(1) *Regulation 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 regulations subsist;

- (b) The licensee shall keep a separate record for each agreement and shall within 3 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 Minister 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.

(2) *Regulation 6*

The banker's guarantee shall be in the form of Schedule 5.

(3) *Regulation 7*

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

(4) *Regulation 8*

If a banker's guarantee is exhausted the Minister shall suspend the licence until the banker's guarantee is restored to the amount imposed by the Minister under s.14(1) of the Act.

(5) *Regulation 9*

- (1) Within 1 month of the date of issue of the licence and before 31 January in each calendar year thereafter the licensee shall submit to the Minister 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 Schedule 6.
- (2) The licensee shall also submit to the Minister before 31 January, 30 April, 31 July, and 31 October in each year a report of operations carried out in the preceding quarter and a plan of operations to be carried out in the preceding quarter in the form of Schedule 6.

B. Special conditions imposed by the Minister

(Under section 12(3)(b) of the Act)

In addition to the foregoing conditions the Minister hereby imposes the following conditions in respect of this licence—

SCHEDULE 15

(Regulation 21)

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

PERMIT TO CUT UP TO 10 TREES

A. Application and agreement

1. I of wish to cut
 (Name) (Company) (Number)
 trees on land belonging to of and to
 (landowner) (address)
 pay him royalty at the rate of VT..... m³, for Special
 VT..... m³, for Special
 VT..... m³, for Special
 for the purpose of
 (Reason for felling)
 Signed: (applicant). Date:

2. I landowner of agree to allow
 (Name) (Address)
 cut and remove trees
 (Name, Company) (Number)
 from my land on payment of the royalties above.
 Signed: (landowner). Date:

B. Authorization

I hereby authorise to cut trees
 (Company) (Number)
 before and require Part C of this form to be correctly
 (Date)
 completed and returned to me by I have received
 (Date)
 the prescribed fee of VT2,000.
 Signed: (forest officer). Date of issue:

Note:

The Minister may impose a penalty of up to VT5,000 if the conditions above are not complied with. (Under Forestry Act, Cap. 147, s.12(3)(b)).

FORESTRY

[CAP. 147.

{Subsidiary}

C. Register of trees felled/Registre d'arbres abbatus

Log Grume No.	Date of felling Abbatage	Species Essence	Length Longeur m	Circum- ference Circon- ference cm	Volume m ³	Royalty due A payer VT	Reforestation Charge due Tax a payer VT	Date of removal Enleve- ment	Date sawn Scie	REMARKS
X										
X										
X										
X										
X										
X										
X										
X										
X										
X										
X										
X										

TOTAL

Royalty received/reçu VT Date: Signed: (Landowner).

Reforestation charge VT..... Date: Signed: (Forest Officer).
received/reçu

SCHEDULE 16

(Regulation 22(3))

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

APPLICATION FOR A LOG EXPORT PERMIT

Part A Particulars of assembly and shipment of logs.

1. Name of person who intends to export logs
.....
(Name) (Company) (Address)
2. Species of logs to be exported
3. Volume of logs to be exported
4. Port from which the logs will be exported
5. Expected date of export
6. Name and address of final buyer of logs
.....
(Name) (Address) (Country)
7. Expected FOB value/m³ of logs
8. Expected CIF value/m³ of logs at final destination
9. Area where logs will be assembled prior to shipment
10. Name of owner or proprietor of land where logs will be assembled
.....
(Name) (Address)
11. Evidence of applicants financial resources i.e. letter of credit, bank statement etc., (please attach).

Part B Particulars of supply of logs to assembly area.

12. Are you the holder of a timber licence and the sole supplier of logs to be exported under the permit application? YES/NO
If YES you need not complete 13–14 below.
If NO please complete 13–14 below.

FORESTRY

[CAP. 147.

[Subsidiary]

13. Names and addresses of timber licence holders who will supply logs, volumes expected and agreed price VT/m³ to be paid to them.
- a. m³, Price expected
 Name or Company
 VT..... m³
- b. m³, Price expected
 Name Company
 VT..... m³
- c. m³, Price expected
 Name Company
 VT..... m³
14. Will the timber licence holders be expected to deliver logs to the assembly point as specified in 9 above? YES/NO
 If NO state where the logs will be accepted

Part C Fees and declaration.

15. I enclose my fee of VT10 per m³ for every m³ I intend to export as shown in 3 above
 m³ × VT10 per m³ = VT..... which I understand is not refundable.
16. I hereby declare that—
- a. The answers given to particulars 1–14 above are, to the best of my knowledge, correct.
- b. I will pay the suppliers of logs in full for all acceptable logs delivered during each calendar month to the assembly point at the end of each month and pay in full for all acceptable logs prior to shipment.
- c. Within 14 days of the logs being exported I will remove all debris such as rejected logs or parts of logs from the assembly area and leave it clean and tidy, and that I will deposit VT20 for every m³ I intend to export to pay for removal of debris should I fail to comply.

Signed

Date

On completion this form should be returned to: The Principal Forest Officer, Box 129. Port Vila.

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

PERMIT TO ASSEMBLE AND EXPORT LOGS

PART A Permission to assemble logs for export.

In accordance with the Forestry Regulations, I hereby authorise

.....
Name Address
to assemble m³ of logs
Species
at provided that a deposit of VT20 per cubic
Assembly point
metre for every cubic metre to be exported is paid immediately to ensure removal of debris from the
assembly point. Permission to export logs will be given on satisfactory completion of Part B.

Signed Date
Minister

Note. The deposit will be returned provided all debris is removed from the assembly point within 14 days of the ship sailing. Failure to remove the debris within this period will result in the deposit being wholly or partly used to remove such debris.

PART B Permission to export logs.

To be completed by Licence Holders just prior to shipment.

I, declare that I have been paid VT.....
Supplier

i.e. VT..... m³ for m³

Signed Date

Verified Forest Officer

I, declare that I have been paid
Supplier

VT..... i.e. VT..... m³ for m³

Signed Date

Verified Forest Officer.

FORESTRY

[CAP. 147.

[Subsidiary]

I declare that I have been paid VT.....
Supplier

i.e. VT..... m³ for m³

Signed Date

Verified Forest Officer.

I.
Name Position

declare that has complied with the conditions
required by the Forestry Regulations and is hereby granted permission to export.

..... m³ of logs.
Species

Signed
Minister

Date
