

**THE FORESTS ACT
SECTION 68-THE FORESTS (TIMBER EXPORT)
REGULATIONS**

*Statutory
Instruments
7 of 1997
9 of 1997*

Regulations by the Minister

<p>1. These Regulations may be cited as the Forests (Timber Export) Regulations.</p>	<p>Title</p>
<p>2. In these Regulations unless the context otherwise requires-</p>	<p>Interpretation</p>
<p>"exporter" means a producer of timber who exports timber or a timber merchant;</p>	
<p>"timber concession" shall have the meaning assigned to the term in the Act;</p>	
<p>"finished timber products" means timber products which have been processed and are in component pieces;</p>	
<p>"forest officer" shall have the meaning assigned to the term in the Act;</p>	
<p>"indigenous timber" means timber obtained from any natural forest in Zambia;</p>	
<p>"inspector" shall have the meaning assigned to it in the Standards Act;</p>	<p>Cap. 416</p>
<p>"plantation tree" means a tree from a track of land which is cultivated with trees;</p>	
<p>"planted species" means cultivated trees;</p>	
<p>"quota" means the maximum volume of timber which an exporter may export at a time, calculated as a percentage of the total production;</p>	
<p>"letter" means a letter of credit;</p>	
<p>"sawn timber" means timber which has been sawn by a sawmill or pitsaw in accordance with a customer's specifications;</p>	
<p>"timber" shall have the meaning assigned to it in the Act;</p>	
<p>"timber merchant" means a person engaged in the export of timber or timber products, who is not a holder of a timber concession; and</p>	
<p>"timber products" means sawn planks.</p>	

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| <p>3. Subject to the other provisions of these Regulations, an exporter may export the following timber or timber products:</p> <ul style="list-style-type: none"> (a) sawn timber; (b) railway sleepers which shall be drilled on both sides; (c) poles from planted species; (d) finished timber products; or (e) plantation trees. | <p>Products eligible for export</p> |
| <p>4. A person shall not use any of the following species of timber to manufacture railway sleepers:</p> <ul style="list-style-type: none"> (a) <i>Afzelia quanzensis</i> (Mupapa); (b) <i>Entandrophragma</i> spp. (Mofu); (c) <i>Faurea Saligna</i> (Saninga); (d) <i>Guibourtia coleosperma</i> (Muzauli); (e) <i>Khaya nyasica</i> (Mululu); (f) <i>Pericopsis angolensis</i> (Mubanga); and (g) <i>Pterocarpus angolensis</i> (Mukwa). | <p>Restriction on use of species of timber</p> |
| <p>5. An exporter shall not export any of the following:</p> <ul style="list-style-type: none"> (a) charcoal; (b) non-finished timber products from natural forests; and (c) peelers and saw logs of any species. | <p>Restriction on export of timber products; etc.</p> |
| <p>6. Sawn timber shall be exported in compliance with specifications-</p> <ul style="list-style-type: none"> (a) set by the Zambia Bureau of Standards; or (b) of an international standard acceptable on the world timber market, which shall include- <ul style="list-style-type: none"> (i) Central African Standards; (ii) South African Standards; (iii) British Standards; or (iv) German Standards. | <p>Timber specifications for export</p> |

7. (1) Subject to sub-regulation (2), a timber exporter shall not export more than seventy-five percent of such exporter's timber production. Restriction on quantities of timber exported

(2) Notwithstanding sub-regulation (1), there shall be no restrictions in the quantities to be exported of-

- (a) planted species; or
- (b) finished timber products.

8. (1) Subject to sub-regulation (3), a timber merchant shall obtain a certificate of agreement from a holder of a valid timber concession; and the timber merchant's consignment of timber shall be covered under that timber concession holder's export quota. Timber merchant to obtain certificate of agreement

(2) The Certificate of Agreement referred to in sub-regulation (1) shall be in Form 1 as set out in the Schedule to these Regulations.

(3) Notwithstanding sub-regulation (1), a certificate of agreement shall not apply to finished timber products.

9. (1) Subject to sub-regulation (2), a person shall not, unless that person is engaged in timber processing and is a *bona fide* holder of a valid concession, export timber. Persons who may export timber

(2) Notwithstanding sub-regulation (1), a timber merchant may export timber.

10. A holder of a timber concession shall keep records of timber production and such records shall be open for inspection by any forest officer. Records and inspection

11. A forest officer shall-

- (a) hammer mark timber before it is exported; and
- (b) issue a clearance certificate, in Form 2, as set out in the Schedule to these Regulations.

Clearance before export

12. A forest officer, a police officer and an inspector shall inspect a consignment of timber intended for export, in order to ascertain that- Inspection
before export

- (a) the forest produce matches the order submitted by the buyer;
- (b) the timber is procured in accordance with the provisions of the Act;
- (c) the timber conforms to the standards provided in regulation (6);
- (d) the timber bears an export timber mark; and
- (e) is accompanied by documents from the area of origin.

13. (1) An exporter shall not export any timber unless that exporter has received a confirmed order for the export of the timber specifying- Export
procedure

- (a) the desired timber product;
- (b) the quantity required; and
- (c) any other details considered necessary by the buyer.

(2) The exporter shall issue to the buyer a quotation stating-

- (a) the price, either free on board, or cost, insurance and freight, of the product;
- (b) the quantity of the product; and
- (c) the quality of the product.

(3) The exporter shall, when requested so to do by the buyer, send a sample of a specified product to be exported, to the buyer.

(4) The exporter shall issue a proforma invoice, when the buyer accepts the quotation, stating the-

- (a) timber product specification;
- (b) quantity of the timber product;
- (c) price of the timber product;
- (d) delivered term of the product;
- (e) receiving bank; and
- (f) validity of the offer.

(5) The buyer shall open an irrevocable confirmed letter or use a telegraphic transfer of funds through the exporter's bank.

(6) The exporter's bank shall advise the supplier when an irrevocable letter or a telegraphic transfer of funds is received.

(7) The exporter's bank shall issue an Export Declaration Form comprising the-

- (a) export permit;
- (b) customs bill of entry; and
- (c) customs declaration.

(8) The exporter shall submit the Export Declaration Form accompanied by the following documents to a customs official:

- (a) a commercial invoice;
- (b) a packing list;
- (c) a certificate of origin (duly signed by the approving authorities);
- (d) shipping consignment notes;
- (e) a certificate of export;
- (f) a certificate of agreement (where applicable); and
- (g) records of production.

(9) An exporter shall only ship the export product on completion of the formalities referred to in sub-regulations (1) to (8).

(10) The exporter shall present the documents listed in sub-regulation (8) to the exporter's banker for payment on-

- (a) completion of all export formalities; and
- (b) receipt of the export product by the buyer.

14. A customs officer shall-

- (a) inspect the consignment of timber to be exported and the clearance certificate at the port of exit;

Inspection by
customs officer

- (b) verify whether or not the details on the clearance certificate match the consignment of timber; and
- (c) endorse the clearance certificate with the appropriate results of such inspection.

(As amended by Act No. 9 of 1997)

SCHEDULE

(Regulations 7, 8 and 13)

FORM 1

FORESTRY DEPARTMENT

CERTIFICATE OF AGREEMENT BETWEEN HOLDER OF VALID TIMBER
CONCESSION (PRODUCER) AND TIMBER MERCHANT

1. District
2. Name of concession
3. Name of timber producer
4. Name of timber merchant
Address

5. Species of timber
6. Type of timber sold
7. Amount of timber sold
8. The sum of Kwacha received
9. Proposed disposal of timber: local/export market

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Signature of producer

Signature of merchant

Date

Date.....

(Regulations 11 and 14)

FORM 2

CLEARANCE CERTIFICATE FOR TIMBER EXPORT

SECTION A

(To be filled by producer/merchant exporting timber)

1. Name/Company exporting
2. Identity No.
3. Certificate of Agreement attached? Yes/No
4. Export Declaration Form number
5. Total production in the month of 19.....
wasm³
6. Shipping consignment note No.
7. Total production by the Company in the previous year m³
8. Type of timber to be exported
9. Species
10. Quantity m³
11. Timber to be exported to (country)
12. Past exports excluding this consignment during the current year m³

SECTION B

(To be filled by the Provincial Forest Officer)

I have checked the timber and found to be/not to be correct the amount as stated above, which is/is not hammer marked. Timber marking hammer No..... belonging to Forest Officer (name) was used. The item/documents stated in Section A have been inspected. I recommend that the timber can/can not be exported.

Date Name
Signature..... Job title

SECTION C

(To be filled by the Forestry Department)

I certify that the exporter has/has not fulfilled the conditions required to export timber hence this application to export timber has

been/has not been approved.

Officer's name

Rank

Signature

Date stamp

SECTION D

(To be filled by Zambia Bureau of Standards)

I certify that the exporter of this timber has/does not have the required grade of timber, hence this consignment has been approved/has not been approved for export.

Officer's name

Rank

Signature

Date stamp

SECTION E

(To be filled by the Zambia Revenue Authority Officer at the port of exit)

I certify that the details on this certificate and the document provided are consistent with the contents on the truck.

Officer's name

Rank

Signature

Date stamp