

[Legal Notice No. 22]

FORESTS AND TIMBER ACT

(Cap 90)

FORESTS AND TIMBER APPEALS REGULATIONS 1985

The Minister for Natural Resources makes the following regulations under the power conferred on him by the Forests and Timber Act (Cap. 90) ("the Act") as amended by the Forests and Timber Amendment Acts 1977 - 1984.

1. These Regulations may be cited as the Forests and Timber Appeals Regulations 1985 and shall come into operation on the day after they are published in the Solomon Islands Gazette and shall apply to all appeals to a Customary land Appeal Court under Section 5 D of the Act pending at that time or thereafter.

2. All appeals under Section 5 D of the Act shall be by way of public enquiry.

3. (a) When the clerk to any customary land appeal court has
- (i) received an appeal under Section 5 D of the Act
 - (ii) received the prescribed fee (which shall be that prescribed for appeals to the Customary Land Appeal Court under the Land and Titles Act c 93)
 - (iii) given notice of the lodging of an appeal through the appropriate Government as provided by section 5 D (3) of the Act

he shall give public notice to all persons claiming any timber rights over the area that an enquiry may be held.

- (b) Such notice shall be given by at least two separate announcements on S.I.B.C. and by such other means as the clerk may think fit.
- (c) Every notice shall include a warning that all persons claiming any such rights must do so in writing within one month.

4. One month after the second or last announcement on S.I. B.C., the clerk shall assess the probable cost of a public enquiry ("the sum required") and require the applicant for acquisition of timber rights under Section 5B(1) of the Act ("the timber operator") to deposit the sum required with him as security within three months.

5. If the timber operator deposits the sum required, the clerk shall arrange for a public enquiry to be held before the customary land appeal court. Reasonable notice of the enquiry (by announcement on S.I.B.C. and in writing) shall be given to

- (a) the appellant
- (b) those persons named by the area council in the certifi-

- (c) any persons who have made a claim in writing under reg. 3 (iii) of these Regulations ("the claimants")
- (d) the timber operator.

All persons to whom notice is given shall be entitled to take part in the enquiry, and whether they do so or not, the customary land appeal court may in its discretion order any of them (having due regard to his means, including any profit he stands to make after the enquiry is concluded) to pay the costs of the enquiry.

6. If the timber operator fails to deposit the sum required, the clerk shall give notice to each of the appellants in succession that he may do so within one month. If any of the appellants deposits the sum required, the clerk shall proceed with a public enquiry as provided by reg. 5.

7. If none of the appellants deposits the sum required, the clerk shall give notice to each of the claimants in succession that he may do so within one month. If any of the claimants deposits the sum required, the clerk shall proceed with a public enquiry as provided by reg. 5.

8. If none of the claimants deposits the sum required, the clerk shall give notice to each of the respondents in succession that he may do so within one month. If any of the respondents deposits the sum required, the clerk shall proceed with a public enquiry as provided by reg. 5.

9. If none of the respondents deposits the sum required, the appeal shall stand adjourned generally. At any time thereafter the timber operator or any of the appellants, claimants or respondents may deposit the sum required and apply to the clerk in writing for a public enquiry as provided by reg. 5. The clerk may proceed to hold a public enquiry, or, if he considers the sum required is no longer enough to cover the probable cost of an enquiry, he may require a further sum.

Made at Honiara this thirteenth day of March, 1985.

DANIEL SANDE
Minister for Natural Resources