

LAWS OF THE REPUBLIC OF VANUATU

REVISED EDITION 1988

CHAPTER 147

FORESTRY

Act 14 of 1982
Act 14 of 1985
Act 5 of 1986

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FORESTRY

To provide for the development and control of forestry operations and for purposes incidental thereto.

PART I**PRELIMINARY****INTERPRETATION****1. In this Act, unless the context otherwise requires—**

“board mill” includes any mill for producing reconstituted board from wood particles other than veneer;

“clearing operations” means the cutting of trees or the clearing of native vegetation;

“forest officer” means the Director of Agriculture, the Principal Forest Officer, any forest officer or any other officer carrying out the duties of a forest officer under this Act;

“Fund” means the Forestry Fund;

“Minister” means the Minister for the time being responsible for matters relating to the proper management, control, development, utilisation and preservation of forest and timber resources;

“owner” in relation to land includes a number of owners and one or more persons with a right in custom to exclusive use of land and any association, corporation, co-operative or other body of persons representing such number of owners or such persons;

“paper mill” includes any mill for the manufacture of paper from wood or other pulp;

“plywood mill” includes any mill for producing plywood by gluing sheets of veneer;

“pulp mill” includes any mill for the reduction of wood to pulp;

“rural land” means any land outside the boundaries of a municipality;

“sawmill” includes any portable sawmill and any other device used for the longitudinal sawing of timber;

“stream” means any part of any watercourse which at any time contains running water more than one half of one metre in width;

“tree” includes any tree, palm, shrub, bush, sapling, seedling or reshoot of any kind or age;

“veneer mill” includes any mill for slicing or rotary peeling wood into thin sheets without using saws;

“wood preservation plant” includes any plant for the impregnation or coating of wood with chemical or other substance intended to protect the wood from attack by fungus or insects;

“wood using plant” means a board mill, paper mill, plywood mill, pulp mill, veneer mill, wood preservation plant, and includes any plant operation which uses or processes wood as a raw material, but excludes joinery shops, carpenters shops, furniture factories and other shops or factories of a similar nature;

“utilisation operations” means the felling of trees for sale as logs, for sawmilling, wood-chipping or fibre board manufacture or any other operations prescribed as utilisation operations under this Act.

PART II

ADMINISTRATION

RESPONSIBILITIES OF MINISTER AND POWER OF DELEGATION

2. (1) The Minister shall be responsible for the proper management and development of the forest resources of Vanuatu.
- (2) The Minister may from time to time either generally or particularly delegate any of his powers and functions under this Act to any forest officer or any officer holding or acting in any office of the public service.
- (3) Subject to any general or specific directions given by the Minister, the forest officer or the officer to whom any powers or functions are delegated may exercise those powers or functions in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.
- (4) Every forest officer or officer purporting to act in accordance with a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.
- (5) Any delegation under this section may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or specified classes of offices.
- (6) Every delegation shall be revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Minister.

PROVISION OF SERVICES BY MINISTER

3. The Minister may provide services for the felling of trees and the sawing or other conversion of timber from plantations and may make reasonable charges therefor.

PART III

FOREST PLANTATION AGREEMENTS

FOREST PLANTATION AGREEMENTS

4. (1) For the purpose of assisting any owner of land to plant trees thereon, the Government may enter into a forest plantation agreement with the owner.
- (2) The Minister may execute forest plantation agreements on behalf of the Government.
- (3) Every forest plantation agreement shall contain—
 - (a) sufficient details in order to identify the land that is to be planted with trees; and
 - (b) a forest management plan for the plantation on the land which shall state—
 - (i) the species of trees to be planted;
 - (ii) the measures to be adopted for the establishment and protection of the plantation;
 - (iii) the extent to which grazing by animals and agricultural activity shall be permitted in the plantation;
 - (iv) measures that shall be taken for the protection of places on the land which may be considered sacred or of national or cultural importance; and which may be reviewed by the Minister every 5 years; and

- (c) covenants by the owner of the land that—
- (i) he will permit forest officers to cause the land referred to in the forest plantation agreement to be planted with the species of trees specified in the forest management plan;
 - (ii) he will carry out such work on the land as the Minister may direct for the purpose of promoting the growth of or for protecting the trees;
 - (iii) he will not lease or otherwise dispose of the land or the trees or cut down the trees without first having obtained the prior consent in writing of the Minister;
 - (iv) in the event of the accidental destruction at any time of the whole or any part of the plantation he will permit the Minister to replace or restore the plantation or carry out or follow such directions as may be considered by the Minister to represent the best interests of the owner and the Government;
 - (v) from the proceeds of sale of timber from the plantations he will repay to the Government all moneys expended by it in the establishment and maintenance of the plantation as defined by the forest plantation agreement and pay the reforestation charge.

RECORDS OF MONEYS SPENT BY GOVERNMENT UNDER FOREST PLANTATION AGREEMENTS

5. The Minister shall cause records to be kept of all moneys spent and revenue received by the Government under each forest plantation agreement and a statement setting out the details of the amounts so recorded and signed by the Minister shall be prima facie evidence of such details.

PRIORITY OF PAYMENTS OUT OF PROCEEDS OF SALE OF TIMBER

6. (1) When any timber from any plantation established under section 4 is sold the proceeds of sale shall be applied—
- (a) first in payment of the reforestation charge;
 - (b) secondly in repayment of the moneys spent by the Government in respect of the part of the plantation from which the timber was felled for sale.
- (2) If such timber is used by the owner instead of being sold it shall be considered to have been sold and the owner shall make the payments specified in paragraph (a) and (b) of subsection (1). The amount payable under this subsection shall not exceed the market value at stump of the timber used.

FAILURE TO MAKE PAYMENTS UNDER FOREST PLANTATION AGREEMENT

7. Where the owner of land the subject of a forest plantation agreement fails to make a payment stipulated in the agreement or contravenes or fails to comply with any covenant or condition of the agreement the whole of any moneys then owing by him to the Government under the terms of the agreement shall become immediately due and payable and be recoverable by the Government.

GOVERNMENT TO BE SATISFIED AS TO CUSTOM OWNERS

8. (1) The Government shall not enter into a forest plantation agreement unless it is satisfied that the other party to the agreement properly represents the owners.
- (2) In the event of the owner of a plantation being changed through proper judicial, legal or customary recourse, the Minister shall notify the new owner of the current financial balance for the plantation pertaining to an existing forest plantation agreement, and the new owner shall thereby be given the option either to terminate the agreement and thereby to reconcile in full within a specified time any moneys owing to the Government, or to endorse the continuance of the existing agreement.

PART IV

UTILISATION OPERATIONS

REQUIREMENT TO OBTAIN TIMBER LICENCE

9. (1) Subject to section 10 no person may carry out utilisation operations without first obtaining a timber licence.
- (2) A person who contravenes subsection (1) commits an offence.

EXEMPTED OPERATIONS

10. (1) A person who fells timber on his own land to provide timber for his own use shall not require a timber licence.
- (2) The Minister, upon application in writing in the prescribed form being made to him may exempt from this part any utilisation operations if he considers that neither the extent of the operations nor the affect on the interests of Vanuatu justifies the application to such operations of the provisions of this part.
- (3) An exemption granted under subsection (2) may be granted for such period as the Minister shall specify.

AGREEMENTS FOR UTILISATION OPERATIONS

11. (1) Any person who intends to apply for a timber licence and who is not the owner of the land on which the utilisation operations are to be carried out shall prior to such application enter into an agreement in writing with the properly authorised representatives of the owners. Such agreement shall be in a language acceptable to the parties and shall be in the prescribed form and shall be exempt from the provisions of sections 6 and 7 of the Land Reform Act, Cap. 123 or any provisions replacing such provisions. In the case of public land, the applicant for a licence shall enter into an agreement with the Government.
- (2) Every such agreement shall be submitted to the Minister for approval within 30 days of its execution. No such agreement shall be approved by the Minister unless he is satisfied that it complies with the provisions of subsection (1) and that it adequately protects the interests of the owner of the land and any agreement not so approved shall have no legal effect.
- (3) The Minister shall keep a register of all agreements approved by him under subsection (2).
- (4) An agreement approved by the Minister under subsection (2) shall cease to have legal effect on the expiry or non renewal of the timber licence authorising the utilisation operations provided for in the agreement.
- (5) Every application for a timber licence shall be made to the Minister in writing in the prescribed form and shall be accompanied where applicable, by a copy of the agreement between the applicant and the owner of the land.

GRANTING OF TIMBER LICENCE

12. (1) The Minister may grant a timber licence to any person or renew a timber licence.
- (2) The grant of a timber licence shall be subject to the payment of the reforestation charge and such fees and other charges as the Minister may determine.
- (3) A timber licence shall—
- (a) be valid for such period not exceeding 10 years as shall be specified in the licence; and
 - (b) be subject to such general conditions as may be prescribed and to such special conditions as the Minister may impose in respect of that licence.

CONSENT REQUIRED FOR TRANSFER OF LICENCE

13. No timber licence shall be transferable except with the authority in writing of the Minister.

DEPOSIT AND BANKER'S GUARANTEE

14. (1) It shall be a condition of every timber license that the applicant shall deposit with the forest service, before the licence is issued, a sum of money or a bankers guarantee, or other such guarantee to the satisfaction of the Minister, estimated by the Minister to be equal to a sum not less than 3 months royalty and reforestation charge. The deposit or banker's guarantee shall be used to pay for royalty due to the owner of the land, and may be applied to meet reforestation charges, or other fees or charges, including fines, due and payable by the licensee.
- (2) When a deposit or banker's guarantee becomes exhausted or expires, the licensee shall deposit a like sum or guarantee with the forest service. If a deposit or banker's guarantee is not renewed, the licence shall be automatically suspended until such deposit or guarantee is replaced or renewed.

JOINT VENTURES FOR UTILISATION OPERATIONS

15. The Minister with the approval of the Council of Ministers, for the purpose of carrying out utilisation operations on land in respect of which a timber licence has been granted, may on behalf of the Government enter into a joint venture with the properly authorised representatives of the owner of such land and the holder of the licence if he is not the owner of the land to which it relates. A joint venture entered into under this section may take the form of a joint company, partnership or other form of joint venture association.

FAILURE TO COMPLY WITH CONDITIONS OF A TIMBER LICENCE

16. (1) Any holder of a timber licence who fails to comply with any of the conditions to which the licence is subject commits an offence.
- (2) Where any person is convicted of an offence against section 9(1) or against subsection (1) of this section the court may in addition to any other penalty order that any timber cut and any equipment used in the commission of the offence be forfeited and any such timber and equipment shall thereupon become the property of Vanuatu.

SUSPENSION OR CANCELLATION OF TIMBER LICENCE

17. The Minister may when the holder of a timber licence has been convicted of an offence against this Act suspend or cancel the timber licence.

COMPOUNDING OF OFFENCES

18. (1) Where in the opinion of the Minister the holder of a timber licence has committed an offence against section 16(1) he may impose a penalty of not more than VT10,000 on the offender and a penalty equal to double the market value of any timber cut by the licence holder in the commission of the offence.
- (2) A licence holder who objects to a penalty imposed upon him in accordance with subsection (1) may appeal to the Court therefrom within 14 days of notification to him of imposition of the penalty.
- (3) If a licence holder has not appealed to the court within the time provided for in subsection (2) nor paid the penalty imposed under subsection (1) within 30 days of notification to him thereof the Minister may call for and shall be paid the penalty under the terms of the banker's guarantee provided for in section 14.

POWER OF MINISTER TO REGISTER WOOD USING PLANT

- 19.** (1) The Minister may upon application in writing therefor and payment of the prescribed fee grant a certificate of registration in respect of a wood using plant.
- (2) Registration of a wood using plant shall be—
- (a) valid for such period not exceeding 1 year as shall be specified in the certificate of registration and may be renewed;
 - (b) subject to such conditions as may be set out in the certificate of registration.
- (3) Any person who operates, or being the owner allows to be operated, any wood using plant which has not been registered or contravenes any of the conditions of registration, commits an offence.
- (4) Whenever required by the Minister the owner of a wood using plant shall furnish in the prescribed manner such information as is required from him concerning the intake and output of timber of all classes and species from such wood using plant.
- (5) Any owner of a wood using plant who fails to furnish information when required to do so pursuant to this section or knowingly furnishes information which is not correct commits an offence.

PART V**CONSERVATION****RESTRICTION OF CLEARING OPERATIONS NEAR STREAMS**

- 20.** Any person who carries out any clearing operations using any bulldozer, grader, tractor or similar machine on any land within 10 metres of any stream without first obtaining written authority from the Minister commits an offence.

MANAGEMENT, CONTROL AND PROTECTION OF LAND FOR CERTAIN PURPOSES

- 21.** If the Government considers that any land should not be subject to utilisation or clearing operations in order to—
- (a) prevent soil erosion or serious interference with stream flow; or
 - (b) preserve the ecology of the area in which the land is situate; or
 - (c) conserve the land as an area or part of an area of particular scenic, cultural, historic or national interest; or
 - (d) preserve the land for use by the public for recreation purposes,
- the Minister may by order forbid or restrict such clearing or utilisation operations and provide for the management, control and protection of such land.

POWER OF MINISTER TO GIVE DIRECTIONS PROHIBITING OR LIMITING CLEARING OPERATIONS AND APPEALS FROM SUCH DIRECTIONS

- 22.** (1) Where the Minister is of the opinion that any clearing operations which are in progress or which he believes are to be commenced on any land are likely to cause serious soil erosion or to interfere seriously with stream flow, he may in writing direct the person carrying out the clearing operations or who he believes intends to carry out such operations—
- (a) to cease such operations forthwith; or
 - (b) not to start such operations; or
 - (c) to carry out such operations only in accordance with the conditions specified in the direction.

- (2) Any person aggrieved by such direction may appeal to the Supreme Court and the Court may affirm, vary or quash the direction. Such decision of the Court shall be final. In no circumstances shall an appeal result in a stay of any such direction.
- (3) Where any clearing operations are in progress or are to be commenced on any land containing any merchantable timber which it is proposed to clear, the Minister may in writing direct the person carrying out the clearing operations or the person who he believes intends to carry out such operations to cease such operations forthwith until such timber has been properly felled and salvaged in accordance with directions given by the Minister.

FAILURE TO COMPLY WITH ORDERS MADE UNDER SECTION 21 OR DIRECTIONS MADE UNDER SECTION 22

23. Any person who contravenes an order made under section 21 or a direction made under section 22 commits an offence.

PART VI**PROTECTION FROM FIRE****RESTRICTIONS AS TO FIRES IN RURAL AREAS**

24. No person shall on any rural land light or maintain any fire or leave any fire burning or permit any fire to be lit or maintained or left burning so as to create a likelihood of damage to land or any property.

POWER TO ORDER EXTINGUISHMENT OF FIRES IN RURAL AREAS

25. Where a fire is burning on any rural land and a forest officer, policeman or public officer is of the opinion that such fire is likely to cause damage to any other land or property he may direct any person who has lit or maintained such fire to immediately take all reasonable steps to extinguish such fire.

FAILURE TO COMPLY WITH DIRECTION IS AN OFFENCE

26. A person who fails to comply with a direction under section 25 commits an offence.

PART VII**FINANCIAL****FORESTRY FUND**

27. (1) There shall be a fund to be called the Forestry Fund which shall be kept by the Treasury.
- (2) In each financial year there shall be paid into the Fund—
- (a) a sum equivalent to the gross amount received by the Minister—
 - (i) as repayments under forest plantation agreements; and
 - (ii) as reforestation charges; and
 - (iii) as penalties under section 18;
 - (b) such other moneys as Parliament may appropriate to the Fund; and
 - (c) such other moneys as may be granted to the Government of Vanuatu for the purposes of this Act.

- (3) The moneys in the Fund shall be used for—
 - (a) the establishment and maintenance of forest plantations under forest plantation agreements; and
 - (b) other afforestation and reforestation works.

REFORESTATION CHARGE

28. (1) There shall be a reforestation charge payable on all timber cut during the course of utilisation operations.
- (2) The reforestation charge provided for in subsection (1) shall be such percentage of the market value at stump of the timber cut, sold or utilised as may be prescribed.
- (3) The market value at stump shall be assessed by the Minister.

PART VIII

GENERAL AND TRANSITIONAL

POWER TO REQUIRE PRODUCTION OF TIMBER LICENCE

29. Any holder of a timber licence who when so required by a forest officer or by a member of the police force fails without lawful excuse to produce such licence within a reasonable time commits an offence.

POWERS OF ENTRY OF FORESTRY OFFICERS

30. (1) Every forest officer together with such other persons, vehicles and equipment as he considers necessary may enter at any time into and upon any building or land for the purposes of—
 - (a) carrying out any work or exercising any power or making any inspection authorised to be carried out, exercised or made by a forest officer under this Act;
 - (b) ascertaining whether the provisions of this Act with respect to the prevention or extinguishing of fires are being complied with; or
 - (c) taking or directing to be taken all lawful steps for preventing or extinguishing fires.
- (2) Except for the purposes mentioned in paragraphs (b) and (c) of subsection (1) no forest officer shall enter any premises used exclusively as a dwelling house without the consent of the occupier.

ASSAULTING ETC. FOREST OFFICERS TO BE AN OFFENCE

31. Any person who assaults, obstructs or threatens any forest officer in the execution of his duty commits an offence.

GENERAL PENALTY FOR OFFENCES

32. Any person guilty of an offence against this Act for which no penalty is expressly imposed shall be liable to a fine of VT100,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

POWER OF FOREST OFFICERS TO REQUIRE PERSONS TO GIVE NAME AND ADDRESS

33. (1) A forest officer may require any person to give his name and address who he reasonably suspects of having committed an offence against this Act and if any person so required fails to give his name and address or gives a name and address which the officer has reason to believe is false he may arrest such person without warrant.
- (2) The provisions of section 17 of the Criminal Procedure Code Cap. 136 or any provisions replacing them shall apply to the disposal of any person arrested in accordance with subsection (1).

REGULATIONS

34. (1) The Minister may by Order make regulations providing for the proper management, development and utilisation of the forest resources of Vanuatu and otherwise for the implementation of the purposes of this Act.
- (2) Without derogating from the generality of subsection (1), the Minister may in such regulations provide for—
- (a) rules for the naming, inspecting and grading of timber for local use and export;
 - (b) a uniform method of measurement of round and sawn timber;
 - (c) the percentage of the market value at stump of any timber cut to be paid by way of reforestation charge;
 - (d) the brands to be used by forest officers for branding timbers;
 - (e) the returns to be furnished by sawmillers;
 - (f) the protection of valuable species of trees including the forbidding of the cutting down of specific trees or species of tree with or without consent;
 - (g) the banning of or control of the import or export of logs or timber;
 - (h) anything that may be prescribed under this Act;
 - (i) penalties not exceeding VT50,000 for breaches of any regulations.
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SUBSIDIARY LEGISLATION

FORESTRY REGULATIONS

Order 10 of 1984
Order 56 of 1985

ARRANGEMENT OF REGULATIONS

REGULATIONS

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PART III

Utilization of Coconut Timber

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PART IV

Permit to Cut Up to 10 Trees

20. Permit to cut up to 10 trees
21. Form, duration and fee of permit

PART V

Export of Logs

22. Log export permit

SCHEDULE 1— Application for exemption from the requirement to obtain a timber licence

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SCHEDULE 3— Application for a timber licence

SCHEDULE 4— Timber licence

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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.

[Subsidiary]

- (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 preceeding 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

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- (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.
-

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 m ³
For species	VT	per m ³
For species	VT	per m ³
For species	VT	per m ³

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.

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- (d) To cut only trees of the species shown in paragraph 1.
- (e) To cut only trees above the circumference shown in paragraph 1.
- (f) To cut not more than m³ of logs on the land of the owner in every 12 months of the licence, or for the period of the agreement if less than 12 months, whether or not that amount of royalty is payable.
- (g) Not to cut any fruit or food trees and to ask the permission of the owner of the land before cutting any of the following species
-
-
- (h) To pay damages in the form of cash compensation or as otherwise may be agreed by both parties to the owner or occupier of the land as the case may be, in the event of the following—
- (i) damage to existing 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 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 or occupier of the land through deliberate action or negligence.
3. The owner of the land and 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 land 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 owner or occupier of the land where such damage is not compensated for promptly by him.
5. Notwithstanding paragraph 4, the owner of the land shall be entitled to claim against the applicant for damages caused by him.

.....
Signature of owner of land.....
Signature of applicant

Witness

Witness

Notes:

1. This agreement is to be written in the Bislama language.
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 land.

.....
Minister
Date: / /19.....

SCHEDULE 3

(Regulation 2)

REPUBLIC OF VANUATU

DEPARTMENT OF AGRICULTURE AND FORESTRY

APPLICATION FOR A TIMBER LICENCE

Name and address of applicant:

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

Date(s) of approval by Minister of
contract(s) with owner(s) of land:

Area of utilization operations
under licence: Island:

Description of area:

Species to be cut:

Maximum volume to be cut under the licence (log volume):

Minimum volume to be cut in each year (log volume):

Proposed date of commencement:

Proposed date of completion:

Location and address of sawmill
at which logs to be sawn:

Type of timber to be used
and anticipated markets:

Equipment to be used— (a) For logging:
(b) For sawing:

State if equipment to be used is presently
owned or leased by the applicant:

Applicant's financial resources:

Name of applicant's bankers:

.....
Signature of applicant

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 preceeding quarter and a plan of operations to be carried out in the proceeding 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—

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PART 2. Plan of utilization operations for period
to 19.....

a.	Area(s) to be logged (2)	Total m ³ logs expected	<i>Roads to be made</i>	
			km	Type (1)
.....
.....
.....
.....
.....
.....
.....
				TOTAL

b. Estimate of volume of logs by species

Species	m ³	Species	m ³	Species	m ³
---------	----------------	---------	----------------	---------	----------------

- c. Any changes to be made in equipment
- d. Number of people to be employed during the period
- e. Location of sawmill
- f. Any other comments
-
-
-
-

Signed:

Manager

Date

Notes:

- Road suitable for a, log trucks all weather, b, log trucks dry weather, c, light trucks all weather, d, light trucks dry weather, e, 4 × 4 only.
- Attach map showing area if possible.
- This form to be returned to nearest forest office by 31 January/30 April/31 July/31 October as stated in licence.

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:

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FORESTRY

[Subsidiary]

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.

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[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))

REPUBLIC 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;

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[Subsidiary]

- (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

SCHEDULE 14

(Regulation 17)

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 preceeding quarter and a plan of operations to be carried out in the proceeding 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)).

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[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										

TOTAL

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

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

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 refund-
able.
16. I hereby declare that—
- The answers given to particulars 1–14 above are, to the best of my knowledge, correct.
 - 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.
 - 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.

CAP. 147.]

FORESTRY

[Subsidiary]

SCHEDULE 17

(Regulation 22(4))

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
