

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

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IT is hereby notified that the Minister of Environment and Natural Resources Management has, in terms of sections 65 and 89 of the Forest Act [Chapter 19:05], made the following regulations—

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Title, date of commencement and application

1. (1) These regulations may be cited as the Forest (Control of Firewood, Timber and Forest Produce) Regulations, 2012.

(2) These regulations shall come into operation on the 2nd of July, 2012.

(3) These regulations do not apply to individuals who obtain firewood that is harvested from their own property or collected as deadwood or otherwise lawfully obtained from a licensed firewood trader or the Commission, exclusively for personal and domestic purposes, that is to say, firewood for lighting, cooking and heating.

Interpretation

2. (1) In these regulations—

“bulk timber” means any consignment of timber in excess of 0,5 cubic metres;

“common tobacco farm woodlot” means a tobacco farm woodlot managed in accordance with section 12;

“fee” means a fee prescribed in the First Schedule;

“firewood” means any material of trees, bamboo or palm trees capable of use as fuel, and includes charcoal;

“firewood plantation” means a plantation, whether owned or controlled privately or by the Commission, from which firewood may be obtained by a firewood trader;

“firewood trader” means any person who is in the business of selling or trading in any material of trees, bamboo or palm trees exclusively or predominantly for use as firewood;

“firewood trader’s licence” means a firewood trader’s licence issued in terms of section 8;

“fixed date” means the date fixed under section 1(2) as the date of commencement of these regulations;

“flue- or flame-cured tobacco” means tobacco cured by using heat energy from fire, steam or any other source;

“flue- or flame-curing firewood licence” means a flue- or flame-curing firewood licence issued in terms of section 6;

“forest produce craftwork” means any forest produce to which value has been added through non-industrial carving, weaving, processing or finishing of any kind using the wood, bark or timber from an indigenous tree or other part of such tree essential for its survival;

“forest produce movement or export permit” means a permit referred to in section 3(1)(c);

“form” means a form prescribed in the Second Schedule;

“indigenous”, in relation to any tree, timber, firewood or tree species, means any tree or tree species (including indigenous palms and indigenous bamboos) and the timber or wood thereof, listed in the Forestry Commission Research Bulletin Number 9 of 1992 (Second Edition) as amended or updated from time to time;

“licence” means a firewood trader’s licence, a timber trader’s licence or a flue- or flame-curing firewood licence and “licensee” shall be construed accordingly;

“licensing authority” means a licensing authority referred to in section 5(1);

“licensing officer” means the officer appointed by a local authority in terms of section 5(2) to be responsible for licensing firewood traders and timber traders;

“material change” or “material amendment” in connection with the details furnished in an application for a licence or in an application to amend a licence means—

- (a) in the case of a corporate licensee means any change in or amendment of—
 - (i) the beneficial ownership of the company; or
 - (ii) the name of a company; or
 - (iii) the change in or amendment in the conditions subject to which the licence is issued that is expressly specified in the licence to be a material change;
- (b) in any other case means—

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- (i) any change in or amendment of the conditions of a licence relating to the source of firewood or timber; or
- (ii) any transfer of a licence to a person other than the person whose name appears on the appropriate licence;

“owner or occupier of private land” includes, for the avoidance of doubt, a lessee, permit holder, offer letter holder or any other person lawfully authorised to occupy state land for private use;

“register of licences” means a register of licences maintained by a licensing authority in terms of section 11;

“seized items register” means a register of seized items maintained by a licensing authority in accordance with section 4(5);

“sell or trade in” includes—

- (a) barter or exchange or hawk; or
- (b) expose, display or advertise for sale; or
- (c) keep, possess or expose for sale; or
- (d) offer or attempt to sell; or
- (e) sell by auction;

“timber plantation” means a plantation whether owned or controlled privately or by the Commission from which timber may be obtained by a timber trader;

“timber trader” means any person in the business of selling or trading in timber exclusively or predominantly for use otherwise than for firewood, and includes a person who uses timber for the purpose of carving it for profit;

“timber trader’s licence” means a licence issued in terms of section 6;

“tobacco farm woodlot” means a piece of land on which a flue- or flame-cured tobacco farmer grows trees for use as firewood in flue- or flame-curing;

“quarter” in relation to a calendar year means any period of three months ending on 31st March, 30th June, 30th September or 31st December.

Selling or trading in firewood or timber or movement thereof to be licensed or permitted

3. (1) No person—

- (a) shall sell or trade in any firewood except under the terms of a firewood trader's licence obtained in every district where he or she proposes to operate (unless he or she obtains his or her firewood exclusively from any firewood plantation in which event the person is only required to obtain a firewood trader's licence in the district where the firewood plantation is located, or if there are two or more such plantations in two or more districts, in whichever district the person chooses to obtain a licence); or
- (b) shall sell or trade in any timber except under the terms of a timber trader's licence obtained in every district where he or she proposes to operate (unless he or she obtains his or her timber exclusively from any timber plantation, in which event the person is only required to obtain a timber trader's licence in the district where the timber plantation is located or, if there are two or more such plantations in two or more districts, in whichever district the person chooses to obtain a licence); or
- (c) who is a flue- or flame-cured tobacco farmer referred to in section 12(1) shall use or transport firewood for flue- or flame-curing tobacco except under the terms of a flue- or flame-curing firewood licence obtained in the district where he or she grows that tobacco; or
- (d) shall, whether or not he or she is a licensed firewood trader or licensed timber trader—
 - (i) transport any single consignment of firewood or timber exceeding 0,5 cubic metres within Zimbabwe by any means; or
 - (ii) export any single consignment of firewood or timber exceeding 0,5 cubic metres or any series of two or more consignments that may exceed 0,5 cubic metres over a period of thirty (30) consecutive days by any means;

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except under the terms of a forest produce movement or export permit issued by a District Forest Extension Officer in **Form FC1A**.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level three or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

(3) In addition, any firewood or timber being sold, traded or transported or suspected of being sold, traded or transported in contravention of this section, shall be liable to seizure in accordance with section 4.

(4) Any person who—

- (a) on the fixed date, is selling or trading in firewood or timber—
 - (i) must apply for the appropriate licence no later than the 2nd of August, 2012; and
 - (ii) may continue to sell or trade in firewood or timber until his or her application is determined under these regulations and, if he or she has lodged an appeal in connection with his or her application in terms of section 16, until his or her appeal is determined;
- (b) upon expiry of a firewood trader's licence or timber trader's licence, is selling or trading in firewood or timber, may continue to sell or trade in firewood or timber—
 - (i) between the date of expiry and the date on which he or she lodges his or her application for renewal of the licence (being a date no later than that allowed by section 8(6)); and
 - (ii) after lodging his or her application for a licence until his or her application is determined in terms of these regulations and, if he or she has lodged an appeal in connection with his or her application in terms of section 16, until his or her appeal is determined;

and such person shall not be charged with contravening subsection (1) if he or she produces to a licensing officer, forest officer or police officer a valid copy of **Form FC2** or a valid receipt showing payment of the application fee that was submitted together with **Form FC2** or in the case of a trader referred to in paragraph (b)(i) a valid copy of the previous licence.

(5) Every flue- or flame-cured tobacco farmer who by virtue of section 12(1) is required to obtain a flue- or flame-curing firewood licence, who—

- (a) on the fixed date, is growing flue- or flame-cured tobacco—
 - (i) shall apply to the appropriate licensing authority for a flue- or flame-curing firewood licence no later than the 2nd of August, 2012; and
 - (ii) may continue to flue- or flame-cure his or her tobacco using firewood until his or her application is determined under these regulations;
- (b) upon expiry of a flue- or flame-curing firewood licence, may continue to use firewood for flue- or flame-curing his or her tobacco—
 - (i) between the date of expiry and the date on which he or she lodges his or her application for renewal of the licence (being a date no later than that allowed by section 8(6)); and
 - (ii) after lodging his or her application for a licence until his or her application is determined in terms of these regulations and, if he or she has lodged an appeal in connection with his or her application in terms of section 16, until his or her appeal is determined;

and such person shall not be charged with contravening subsection (1) if he or she produces to a licensing officer, forest officer or police officer a valid copy of **Form FC3** or a valid receipt showing payment of the application fee that was submitted together with **Form FC3** or in the case of a flue- or flame-curing tobacco farmer referred to in paragraph (b)(i) a valid copy of the previous licence.

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Seizure

4. (1) If a person is charged with contravening section 3(1), any forest officer, licensing officer (in the company of a forest officer or police officer) or police officer may seize—

- (a) any firewood or timber being sold, traded or transported in contravention of section 3(1); and
- (b) any vehicle or other equipment used in connection with the selling, trading or transportation of firewood or timber in contravention of section 3(1);

pending the outcome of the prosecution of the offence.

(2) If the person charged with contravening section 3(1) is a flue- or flame-cured tobacco farmer referred to in paragraph (c) of that provision, a forest officer, licensing officer (in the company of a forest officer or police officer) or police officer may only seize—

- (a) any firewood being used or transported in contravention of section 3(1); and
- (b) any vehicle that is found to be in the course of transporting the firewood in question.

(3) Where a vehicle or other equipment is seized under subsections (1) and (2), and the person from whom it is seized alleges that the vehicle or equipment used in connection with the offence concerned was availed to him or her by another person who owns the vehicle or equipment, the vehicle or equipment shall still be liable to seizure under this section unless the owner proves to the satisfaction of a forest officer, licensing officer or police officer that he or she was unaware that the vehicle or equipment would be so used.

(4) All items which have been seized under subsections (1) and (2) shall—

- (a) be taken forthwith and delivered to a place of security under the control of a forest officer, licensing officer or police officer; and
- (b) be held in custody at the owner's risk until—
 - (i) the criminal proceedings in connection with which those items have been seized are abandoned or discontinued or are concluded otherwise than with

the conviction of the accused, in which event the custodian forest officer, licensing officer or police officer shall forthwith restore such items to the person from whom they were seized or to whom they belong, as may be appropriate; or

- (ii) at any time before plea in the criminal proceedings, the accused person acquires the appropriate licence or permit and the charge is, with the leave of the Attorney General, withdrawn, in which event the custodian forest officer, licensing officer or police officer shall forthwith restore such items to the person from whom they were seized or to whom they belong, as may be appropriate; or
- (iii) the criminal proceedings have resulted in the conviction of the accused person, in which event the convicting court may order any such items to be forfeited to the State or returned to the accused person, as it deems fit in the circumstances.

(5) Every licensing authority shall establish and maintain a register of items seized under this section to be known as the seized items register, in which the licensing authority shall record the following—

- (a) a description of seized items including, where necessary, their quantity; and
- (b) the name of the person from whom they were seized and the place at which they were seized and the reason for seizure; and
- (c) the date of seizure; and
- (d) the manner of eventual disposal (whether returned to the person referred to in paragraph (b) or forfeited to the State).

Licensing authorities

5. (1) The following are licensing authorities for firewood traders and timber traders—

- (a) the District Forest Extension Officer; or

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- (b) the licensing officer appointed by a local authority in accordance with subsection (2);

of the district in which the firewood trader or timber trader concerned operates or proposes to operate or as the case may be the district in which the firewood trader or timber trader concerned operates his or her firewood plantation or timber plantation.

(2) For the purposes of these regulations any local authority may enter into an arrangement with the Commission (called a "collection contract"), whereunder the local authority appoints one or more licensing officers who will receive, within the area of jurisdiction of the local authority concerned, applications for licences on behalf of the Commission and carry out the duties of a District Forest Extension Officer in connection with the issuance of licences (including the collection of fees thereof), in return for the retention by the local authority of not more than fifty *per centum* of the proceeds of the fees collected by it within its area of jurisdiction.

(3) Every collection contract must provide for the following, namely—

- (a) that the Commission shall provide copies of all the forms needed by the local authority concerned; and
- (b) that the local authority concerned shall whenever the Commission requires, oblige its licensing officers to submit to such training (at the Commission's cost) in connection with the implementation of these regulations at such times and such venues as the Commission shall advise in writing;
- (c) that the local authority must at all reasonable times make available to designated officers of the Commission their books of account, register of licences, seized items register and such other documents or other material that the Commission may reasonably require to enable the Commission to monitor the proper execution of the collection agreement.

Application for licence

6. (1) Any person wishing to sell or trade in firewood or timber or any flue- or flame-cured tobacco farmer who is required in terms

of section 12 to obtain a licence to use firewood for flue- or flame-curing, must complete **Form FC2 or Form FC3** (as the case maybe) in triplicate and submit two copies of it, together with the prescribed application fee (which is non-refundable), to—

- (a) the District Forest Extension Officer of the district—
 - (i) where he or she proposes to sell or trade in firewood or timber; or
 - (ii) in which the firewood or timber plantation is located from which he or she exclusively obtains firewood or timber for the purposes of his or her trade; or
 - (iii) where the tobacco is grown in the case of a flue- or flame-cured tobacco farmer;or
- (b) the licensing officer of the local authority within whose area of jurisdiction—
 - (i) he or she proposes to sell or trade in firewood or timber; or
 - (ii) the firewood or timber plantation is located from which he or she exclusively obtains firewood or timber for the purposes of his or her trade; or
 - (iii) where the tobacco is grown in the case of a flue- or flame-cured tobacco farmer;or
- (c) either the District Forest Extension Officer or the licensing officer, where both such licensing authorities exist in the district where he or she proposes to be licensed in terms of paragraph (a) or (b).

(2) The licensing authority shall, no later than 48 hours (or if the application is received on a Friday, not later than 96 hours) after receiving an application for a licence—

- (a) satisfy himself or herself that **Form FC2 or Form FC3** has been properly completed; and if so satisfied;
- (b) transmit a copy of the application to the Provincial Forest Extension Officer for the province in which the

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district is located, specifying whether the licensing authority recommends—

- (i) approval of the application unconditionally; or
- (ii) approval of the application subject to specified conditions; or
- (iii) rejection of the application for specified reasons.

(3) Subject to subsections (4) and (5), upon receipt of an application for a licence, the Provincial Forest Extension Officer shall consider the application within 30 days from the date indicated on the **Form FC2 or Form FC3** as the date of application, and shall within that period, make a decision on the application by remitting to the licensing authority a copy of the application whereon it shall be indicated whether the Provincial Forest Extension Officer—

- (a) approves the application unconditionally; or
- (b) approves the application subject to specified conditions; or
- (c) rejects the application for specified reasons.

(4) If within the prescribed period the Provincial Forest Extension Officer finds that the **Form FC2 or Form FC3** has not been properly completed or he or she requires further information in connection with an application, he or she must remit a copy of the application back to the appropriate licensing authority to enable the licensing authority to take the remedial action or furnish the additional information requested (in which event the 30 day period shall run from the date when the firewood licensing authority retransmits the application back to the Provincial Forest Extension Officer having taken the remedial action or furnished the additional information requested).

(5) If the Provincial Forest Extension Officer fails within the prescribed period to indicate to the licensing authority that he or she approves with or without conditions or rejects an application, the licensing authority concerned shall be entitled to assume that the application has been approved, with or without conditions, or rejected, in accordance with the recommendations made by the licensing authority under subsection (2)(b).

(6) As soon as possible after a decision on an application is made, the licensing authority shall notify the applicant of the granting

or rejection of the application for a licence by giving the applicant a copy of the application whereon it is indicated whether the application is granted or rejected and, if rejected the reasons for the rejection:

Provided that where an application is rejected or granted with conditions the licensing authority shall inform the applicant of his or her right of appeal under section 15.

(7) Every licensee—

- (a) shall (other than a flue- or flame-curing firewood licensee) at every place where he or she sells or trades in firewood or timber, display or have available a copy of his or her licence; and
- (b) on demand by any person who produces proof to the licensee that he or she is—
 - (i) a forest officer; or
 - (ii) a police officer; or
 - (iii) any officer of a local authority authorised in writing by such local authority to inspect licences (where such local authority is a licensing authority for the area of jurisdiction in which the licensee operates);

produce to that person a copy of the licence authorising him or her to sell or trade in firewood or timber or to use firewood for flue- or flame-curing tobacco in the district or area concerned:

Provided that if the licence so produced is in the name of another person who transferred the licence to the person holding it in accordance with an approval obtained pursuant to the proviso to section 7(1)(a), the person holding it shall, in addition to producing such licence, also produce proof of such approval.

(8) If in the opinion of a licensing authority, having examined an application in **Form FC2**, it is not clear which of the operations of an applicant who proposes to sell or trade in both timber and firewood is predominant, the licensing authority can require the applicant to pay an additional application fee so that the applicant can receive both a firewood trader's licence and a timber trader's licence.

Conditions attaching to every licence

7. (1) It shall be deemed to be a condition of every licence that—

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- (a) no licensee, whether individual or corporate, shall transfer his/her or its licence to another person during the currency of the licence except with the prior written permission of the licensing authority concerned:

Provided that where such approval is given the licensing authority concerned shall not amend the licence or corresponding entry in the register of licences except on the date when the licence is next renewed in accordance with section 8; and

- (b) no licensee who is a timber trader or firewood trader shall operate outside the district or local authority area for which he or she is licensed, unless he or she is licensed to obtain his or her firewood or timber exclusively from any firewood or timber plantation; and
- (c) no licensee shall sell or trade in firewood or timber or use firewood for flue- or flame- curing which is obtained from any species of trees specified in the Third Schedule, unless such firewood or timber is harvested or collected as dead wood or is lawfully obtained from the Commission.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level three or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

(3) For the avoidance of doubt it is declared that the holding of a firewood trader's licence, a timber trader's licence or a flue- or flame-curing firewood licence does not excuse such holder from obtaining a forest produce movement or export permit where he or she proposes to transport any timber or firewood consignment exceeding 0,5 cubic metres within or outside Zimbabwe by any means.

Issuance, duration, surrender and renewal of licences

8. (1) Every licence shall be valid for a period of a year or part of a year ending on 31st December of the year in which the applicant received the licence, unless it is earlier surrendered to or cancelled by the licensing authority.

(2) If an application for a licence is successful (whether approved with or without conditions by the Provincial Forest Extension Officer or deemed to have been approved by him or her in terms of section 6(5)), the licensing authority shall—

- (a) inform the applicant accordingly in accordance with section 6(6); and
- (b) issue to the applicant a licence in **Form FC4** (firewood trader's licence) or **Form FC5** (timber trader's licence), or **Form FC6** (flue- or flame-curing firewood licence) whichever is appropriate, upon payment by the applicant of the prescribed issuance fee; and
- (c) make an appropriate entry in the licensing register.

(3) A person who makes an application for a licence—

- (a) in the first quarter of the year, shall pay the full prescribed issuance fee; or
- (b) in the second quarter of the year, shall pay three-quarters of the prescribed issuance fee; or
- (c) in the third quarter or fourth quarter of the year, shall pay half of the prescribed issuance fee.

(4) If a licensee (other than a firewood trader or timber trader who is licensed to obtain his or her firewood or timber exclusively from any firewood or timber plantation) ceases to operate as such in the district or area for which he or she is licensed, he or she shall, within thirty (30) days of ceasing to operate as a firewood or timber trader, surrender his or her licence to the licensing authority from whom he or she obtained it.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and liable to a fine not exceeding level three or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

(6) Upon expiry of a licence, a licensee may renew it by making an application therefor no later than thirty-one (31) days after the expiry of the existing licence by submitting—

- (a) **Form FC7**, where there has been no material change in the details of the application for the existing licence, together with the prescribed renewal fee;

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Provided that if in the opinion of the licensing authority circumstances in the district or local authority area require that new terms or conditions be imposed on any licence or class of licences, the licensing authority may require an applicant for renewal to make an application for a new licence in **Form FC2 or Form FC3**; or

- (b) **Form FC2 or Form FC3**, where there has been any material change in the details supplied in or together with the original application for the existing licence, together with the prescribed application fee for an original licence.
- (7) Upon receipt of an application for the renewal of a licence—
 - (a) in terms of subsection (6)(a), the licensing authority shall satisfy himself or herself that **Form FC7** has been properly completed and that there has been no material change of the details of the existing licence, and if so satisfied, shall renew the licence by endorsing the existing licence accordingly; or
 - (b) in terms of subsection (6)(b), the same procedure as is prescribed in section 6 for the issuance of an original licence shall apply.

Suspension or cancellation of licences

9. (1) Subject to subsections (2) and (4), a licensing authority may at any time suspend (for a period not exceeding sixty (60) days) or cancel any licence if the licensing authority has reasonable grounds for believing that—

- (a) the licence was issued in error or through fraud or misrepresentation or non-disclosure of a material fact by the licensee; or
- (b) the licensee has contravened any provision of the Act or these regulations or any condition of his or her licence; or
- (c) the licensee has ceased the licensed operations.

(2) The licensing authority shall notify the licensee in writing of its intention to suspend or cancel his or her licence and the reasons

for doing so, and shall call upon the licensee to show cause, within 14 days from the date of the notice, why the licence should not be suspended or cancelled, as the case may be:

Provided that if in the opinion of the licensing authority the licence needs to be immediately suspended or cancelled in the public interest or to avert an environmental emergency he or she can issue the notice requiring the licensee to show cause after suspending or cancelling the licence.

(3) If, at the expiry of the period specified in the notice given in terms of subsection (2), and after considering any representations made by the licensee, the licensing authority is satisfied for any reason specified in subsection (1) that the licence concerned should be suspended or cancelled, the licensing authority shall, by notice in writing to the licensee, suspend or cancel the licence or take such other action as it considers appropriate.

(4) The penalty of suspension is only available where there has been a contravention of any provision of the Act or these regulations or any condition of a licence which, in the opinion of the licensing authority, is a contravention that can be easily or speedily remediated by the licensee:

Provided that—

- (a) if after the expiry of the period of suspension the licensee has not taken the remedial action, the licensing authority shall forthwith cancel the licence; or
- (b) on good cause shown by the licensee, the licensing authority may extend the suspension for a period not exceeding thirty (30) days to allow the licensee to take the required remedial action.

(5) The licensing authority shall immediately make an appropriate entry in the register of licences where he or she suspends or lifts a suspension of any licence or cancels it in accordance with this section.

Amendment and replacement of licences

10. (1) A licensing authority may at any time amend a licence or any terms or conditions of a licence—

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- (a) to correct any error in the licence; or
- (b) if the licensee requests the amendment; or
- (c) if the licensing authority considers the amendment necessary to reflect the true nature of the licensed activities; or
- (d) if for any other reason the licensing authority considers the amendment necessary or desirable in the interests of the environment or in the public interest.

(2) The licensing authority shall notify the licensee in writing of its intention to amend a licence on a ground referred to in subsection (1)(a), (c) or (d) and shall call upon the licensee to show cause, within 14 days from the date of the notice, why the licence should not be amended.

(3) Where a licensee requests an amendment to his or her licence, he or she shall make an application to the licensing authority therefor in **Form FC8**, together with the prescribed fee.

(4) If in the opinion of the licensing authority the amendment sought by the licensee is a material amendment the licensing authority shall refer the application for the amendment to the Provincial Forest Extension Officer and section 6(2), (3), (4), (5) and (6) shall apply as if the application for the amendment is an application for a licence.

(5) Where a licence is lost or destroyed, the licensee may apply to the appropriate licensing authority in **Form FC9**, together with the prescribed fee, for a replacement licence:

Provided that if the licensee finds the lost licence he or she shall forthwith surrender it to the licensing authority.

(6) Any person who contravenes the proviso to subsection (5) shall be guilty of an offence and liable to a fine not exceeding level three or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

Register of licences

11. (1) Every licensing authority shall establish and maintain a register of licences to be known as a Firewood and Timber Licensing Register, which shall be divided into three parts, for firewood trader's

licences, timber trader's licences and flue- or flame-curing firewood licences and in which the following shall be recorded—

- (a) the name and address of every licensee and the addresses at which he or she sells or trades in firewood or timber or grows flue- or flame-cured tobacco; and
- (b) the date of issue of every licence and of any renewal thereof; and
- (c) any special terms or conditions subject to which any licence is issued or renewed; and
- (d) the particulars of any suspension or cancellation or amendment of a licence.

(2) Any person may—

- (a) inspect the register of licences free of charge at all reasonable times at the premises of the licensing authority or at such other place that the licensing authority may direct; or
- (b) obtain copies of or extracts from the register for a prescribed fee.

(3) Every licensing authority shall, at the request of the Provincial Forest Extension Officer for the province in which it is located, make available a copy of its register of licences or any extract thereof free of charge:

Provided that in the case of the whole register the Provincial Forest Extension Officer shall not request more than one copy per quarter of a calendar year.

(4) Every licensing authority shall keep and maintain the register in both material and electronic form.

When flue- or flame-cured tobacco farmers require to be licensed

12. (1) Subject to subsection (2) a flue- or flame-cured tobacco farmer must apply for a flue- or flame-curing firewood licence, if he or she—

- (a) does not obtain firewood for flue- or flame-curing of tobacco from a licensed firewood trader; or

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- (b) does not grow a tobacco farm woodlot or does not use a common tobacco farm woodlot maintained according to the specifications in this section; or
 - (c) does not exclusively use coal or fuel other than firewood to flue- or flame-cure his or her tobacco.
- (2) A flue- or flame-cured tobacco farmer referred to in subsection (1) shall not be required to obtain a flue- or flame-cured tobacco licence if—
- (a) he or she establishes a tobacco farm woodlot complying with the following specifications—
 - (i) the woodlot must consist of a plantation of fast growing trees (that is, trees whose wood can be sustainably harvested for firewood in five to ten years from the date of establishment of the woodlot); and
 - (ii) the woodlot must be planted over a period of five to seven consecutive years at a minimum rate of 0.3 hectares (550 to 850 trees at a spacing of 2 m x 2 m) for every one hectare of tobacco grown; and
 - (b) the woodlot is either being harvested or not less than five years of age and in course for harvesting within the next two years.
- (3) The fee payable for a flue- or flame-curing firewood licence shall—
- (a) in the first year in which a flue- or flame-cured tobacco farmer is licensed, be half the prescribed application and issuance fee payable by firewood or timber traders; and
 - (b) in the second year in which a flue- or flame-cured tobacco farmer is licensed (unless he or she is no longer required to obtain such a licence by virtue of subsection (1)(a), (b) or (c)) shall be the same prescribed application and issuance fee as payable by firewood or timber traders; and
 - (c) in the third year in which a flue- or flame-cured tobacco farmer is licensed (unless he or she is no longer required

to obtain such a licence by virtue of subsection (1)(a), (b) or (c)) shall be double the prescribed application and issuance fee as payable by firewood or timber traders:

Provided that if, the flue- or flame-cured tobacco farmer satisfies the licensing authority that he or she has, not less than two years before the date of the application, established a tobacco farm woodlot which is an on-going plantation at the date of the application then he or she will be required to pay the same application fee as firewood and timber traders.

- (d) in the fourth year in which a flue- or flame-cured tobacco farmer is licensed (unless he or she is no longer required to obtain such a licence by virtue of subsection (1)(a), (b) or (c)) shall be quadruple the prescribed application and issuance fee as prescribed by firewood or timber traders:

Provided that if, the flue- or flame-cured tobacco farmer satisfies the licensing authority that he or she has not less than two years before the date of the application established a tobacco farm woodlot which is an on-going plantation at the date of the application then he or she will be required to pay the same application fee as firewood trader and timber trader.

Notification required for intention to dispose of indigenous timber

13. (1) In accordance with section 55 of the Act, where an owner or occupier of private land intends to dispose of indigenous timber, he or she shall give notice of such intention by completing **Form FC11** or a substantially similar form together with the prescribed fee and submitting it to the Commission through the District Forest Extension Officer in the district where the private land is located.

(2) Where notice has been given in terms of subsection (1), the District Forest Extension Officer shall, no later than fourteen working days after receiving the notice, inspect such private land and permit the cutting or removing of the indigenous timber in question or refuse (subject to subsection (3)) permission for the cutting or removal of the timber in question, on the grounds that —

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- (a) such cutting or removal is restricted by a notice referred to in section 56(1) of the Act or an order referred to in section 59(1) of the Act; or
- (b) such cutting or removal is in the opinion of the District Forest Extension Officer likely to be the subject of—
 - (i) a notice referred to in section 56 (“Minister may give orders restricting cutting or removal of indigenous timber”) (1) of the Act because such cutting or removal is taking place or threatens to take place in such a manner or in such quantity as to be likely to be injurious to the sustained yield of indigenous timber on that land; or
 - (ii) an order referred to in section 59 (“Minister may give orders in relation to cutting of timber”) (1) of the Act because such cutting or removal will result—
 - A. in damage to the locality, climatic factors or soil erosion; or
 - B. in interference with natural water courses or supplies; or
 - C. in general deterioration of the locality; or
 - D. in interference with or the hindrance of the natural regeneration of vegetation; or
 - E. in a general shortage of timber in the locality.

(3) If the owner or occupier concerned makes a written undertaking to the satisfaction of the District Forest Extension Officer to remedy or mitigate the damage, injury, deterioration or interference that may result from the cutting or removal of the trees in question, the District Forest Extension Officer may permit such cutting or removal subject to compliance with such undertaking.

(4) If the District Forest Extension Officer withholds permission for the cutting or removal of indigenous timber, the District Forest Extension Officer shall notify the owner or occupier accordingly in **Form FC10** wherein he or she shall give the reasons for withholding such permission: