

SOLOMON ISLANDS
FOREST RESOURCES AND TIMBER UTILISATION

CHAPTER 40

Subsidiary Legislation

THE TIMBER (LEVY AND MILL LICENSING) REGULATIONS
(Section 44)

LN 34/1970

LN 41/1988

[29th May 1970]

1. These Regulations may be cited as the Timber (Levy and Mill Licensing) Regulations.

2. (1) Application for the grant or renewal of a licence to install and operate a mill under section 18 of the Act shall be made to the Commissioner of Forest Resources and-

(a) where the applicant is authorised to fell trees and remove timber Act under a valid licence under section 5 of the Act and such mill is intended to be used to process timber obtained under that authority, such application shall be made in writing, and, subject to such terms and conditions as he shall therein specify the Commissioner of Forest Resources shall issue a licence in the form set out in the First Schedule for a period of three years:

Provided that the Commissioner of Forest Resources may refuse to issue a licence for any period after the expiry of the authority to fell trees and remove timber as aforesaid except so far as may be necessary to mill timber obtained in pursuance of such authority prior to its expiration;

(b) where the applicant is not authorised as aforesaid, such application shall be in the form set out in the Second Schedule, and, subject to the provisions of the Act, the Commissioner of Forest Resources may reject the application or may, subject to such terms and conditions as he shall therein specify, issue a licence in the form set out in the Third Schedule for a period of not less than one year or more than three years:

Provided that in the case of an application for renewal of a licence under this paragraph lodged with the Commissioner of Forest Resources not less than three months before the expiry of the current licence, the Commissioner of Forest Resources shall not reject the application nor impose new terms and conditions unless he serves upon the applicant not less than one month before the said expiry written notice of his intention so to do together with his reasons therefor.

(2) The Commissioner of Forest Resources may require any applicant for the grant or renewal of a licence under section 18 of the Act to provide further information if he considers such information necessary for proper consideration of the application.

3. In considering applications under regulation 2(1)(b) the Commissioner of Forest Resources shall, as far as may be practicable, ensure -

- (a) that the main timber tracts of Solomon Islands are preserved from selective felling and are subjected to systematic working;
- (b) that the numbers and distribution of mills are consistent with the development of a stable milling industry;
- (c) in consultation with the Commissioner of Lands and the Provincial Secretary concerned, that the applicant has made or should be able to make satisfactory arrangements with the owners of the trees to be milled; and
- (d) that the applicant's equipment and arrangements will be adequate for the purpose of producing milled timber of reasonable quality.

4. Without prejudice to the generality of his power to impose terms and conditions, the Commissioner of Forest Resources may incorporate in any licence issued under section 18 of the Act, terms and conditions providing for -

- (a) the use of specified or approved marks upon milled timber;
- (b) deposits or bonds to secure the payment to the Government of fees, timber levies or royalty;
- (c) the installation or operation of equipment or processes for the preservation of timber from insect attack and fungal decay;
- (d) the installation or operation of equipment or processes for the seasoning of timber;
- (e) the location, layout, machinery and equipment of the mill; and
- (f) the quality and standards of milled timber to be produced.

5.-(1) Timber levy imposed upon timber sold in Solomon Islands or exported shall be paid by the seller or exporter, as the case may be, and the Commissioner of Forest Resources shall present accounts of timber levy payable to persons liable to pay the levy at monthly intervals or at such longer intervals as the Commissioner of Forest Resources may consider expedient and payment of every such account shall be made in full within one calendar month.

(2) Where by reason of the failure of any person to make returns or to make accurate or sufficient returns, or otherwise by reason of the absence of returns or other information, the Commissioner of Forest Resources is unable to present an accurate account of any timber levy payable, he may, if he considers any person liable to pay the levy, according to the best of his judgment determine the amount of the levy payable and present an account accordingly.

(3) Any account presented in pursuance of this regulation shall be presumed to record correctly the amount of timber levy due and owing and unless the contrary is proved shall be deemed to be a debt due to the Government by the person named in the account and may be

sued for and recovered by the Commissioner of Forest Resources.

FIRST SCHEDULE

reg. 2(1)(a)

NOT TRANSFERABLE

Licence No.:

Date of issue:

Date of expiry:

THE FOREST RESOURCES AND TIMBER UTILISATION ACT

THE TIMBER (LEVY AND MILL LICENSING) REGULATIONS

LICENCE TO OPERATE A MILL

(Where the Licensee is already authorised to fell trees)

Subject to the provisions of the Act and any Regulations made thereunder in force from time to time during the currency of this licence and to the under mentioned conditions, licence is hereby granted to [name] of [address] (hereinafter called the Licensee) to install and operate mills/a mill at/within [place or area].....

Conditions

1. No timber may be milled other than timber from trees which have fallen or been felled within the area covered by [licence or authority] It shall be the responsibility of the Licensee to ascertain the place in which trees have fallen or been felled:

Provided that timber from trees which have fallen or been felled outside the said area covered by the licence/authority may also be milled with the specific written approval of the Commissioner of Forest Resources.

2. The Licensee shall keep records of log timber milled and milled timber produced, sold, supplied and exported and the value thereof in such manner and to such extent as the Commissioner of Forest Resources may require and shall render to the Commissioner of Forest Resources such returns of the same at such intervals and in such manner as the Commissioner of Forest Resources may require. All such records as aforesaid shall at all reasonable times be open to inspection by the Commissioner of Forest Resources or any other forest officer authorised in writing in that behalf by the Commissioner of Forest Resources.

3. The Licensee shall ensure that his working practices are safe and shall comply with such directions (if any) as may from time to time be given by the Commissioner of Labour for the

prevention of accidents and securing safe working conditions for employees.

4. This Licence is not negotiable or transferable.

5. The Commissioner of Forest Resources may cancel this Licence if the Licensee shall commit an act of bankruptcy or have a receiving order made against him or if distress or execution be levied against the mill/mills licensed hereunder or if proceedings be commenced for winding up the Licensee.

6. The Licensee shall not cease production of milled timber for any period in excess of three months without the prior written approval of the Commissioner of Forest Resources.

Additional Conditions

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Commissioner of Forest Resources

Fee Payable: on first issue: \$300
 Renewals: Free G.T.R. No.

Note: The Licensee should study the Forest Resources and Timber Utilisation Act and the Timber (Levy and Mill Licensing) Regulations. Section 39 of the Act empowers the Commissioner of Forest Resources to cancel or suspend this Licence for contravention of any of its terms or conditions or any of the provisions of the Act or the Regulations.

SECOND SCHEDULE

Reg. 2(1)(b)

THE FORESTS RESOURCES AND TIMBER UTILISATION ACT

THE TIMBER (LEVY AND MILL LICENSING) REGULATIONS

APPLICATION FOR A MILL LICENCE

(Where the Licensee is not authorised to fell trees)

1. Name of applicant:
2. Address of applicant:
3. Date of expiry of previous licence (if any):
4. Details of proposed milling equipment (including power equipment):
5. Proposed annual or monthly production of milled timber:
6. Area(s) from which applicant wishes to draw log supplies (a map is be required):
7. Arrangements made or discussed with owner(s) of trees in the area from which log supplies are to be drawn:
8. Details of proposed equipment for extraction and transport of timber to mill:
9. Details of proposed equipment for treatment of timber against insect attack and decay, and capacity of such equipment:
10. Marks proposed for milled timber produced, including special marks on timber treated against insect attack and decay:
11. Name of mill (if any):
12. Location of mill:
13. Details of mill layout and buildings (plan(s) showing layout to be attached - but details under this item not required if the equipment is to operate as a mobile mill):
14. Value of all proposed equipment:
15. Arrangement (including financial) for obtaining the proposed equipment and putting into operation:

Signature of applicant

Date

(To be submitted to the Commissioner of Forest Resources)

THIRD SCHEDULE

Reg. 2(1) (b)
Licence No:

NOT TRANSFERABLE

Date of issue:
Date of expiry:

THE FOREST RESOURCES AND TIMBER UTILISATION ACT

THE TIMBER (LEVY AND MILL LICENSING) REGULATIONS

LICENCE TO OPERATE A MILL
(Where the Licensee is not authorised to fell trees)

Subject to the provisions of the Act and any Regulations made thereunder in force from time to time during the currency of this licence and to the under mentioned conditions, licence is hereby granted to -

(name) of
(address)
(hereinafter called the Licensee) to install and operate mills/a mill at/within (place or area)

Conditions

1. The Licensee shall only produce sawn timber and shall not produce any other form of milled timber save under and in accordance with the terms and conditions of the prior written approval of the Commissioner of Forest Resources.

2. No timber may be milled other than timber from trees which have fallen or been felled within (area) It shall be the responsibility of the Licensee to ascertain the place in which trees have fallen or been felled:

Provided that timber from trees which have fallen or been felled outside the said area covered by the licence/authority may also be milled with the specific written approval of the Commissioner of Forest Resources.

3. The Licensee shall not produce more than (quantity) of sawn timber in any one calendar year without the written approval of the Commissioner of Forest Resources; nor shall the Licensee produce any other form of milled timber in excess of the quantity authorised by the Commissioner of Forest Resources under condition 1 hereof.

4. The Licensee shall not acquire log timber in excess of quantities notified to him in writing by the Commissioner of Forest Resources (which in the opinion of the Commissioner of Forest Resources are sufficient to produce the maximum output of milled timber authorised under conditions 1 and 3 hereof).

5. The Licensee shall have records of log timber acquired, log timber milled and milled timber produced, sold, supplied and exported and the value thereof in such manner and to such extent as the Commissioner of Forest Resources may require and shall render to the Commissioner of Forest Resources such returns of the same at such intervals and in such manner as the Commissioner of Forest Resources may require. All such records as aforesaid shall at all reasonable times be open to inspection by the Commissioner of Forest Resources or any other forest officer authorised in writing in that behalf by the Commissioner of Forest Resources.

6. The Licensee shall ensure that his working practices are safe and shall comply with such directions (if any) as may from time to time be given by the Commissioner of Labour for the prevention of accidents and securing safe working conditions for employees.

7. This Licence is not negotiable or transferable.

8. The Commissioner of Forest Resources may cancel this Licence if the Licensee shall commit an act of bankruptcy or have a receiving order made against him or if distress or execution be levied against the mill/mills licensed hereunder or if proceedings be commenced for winding up the Licensee.

9. The Licensee shall not cease production of milled timber for any period in excess of three months without the prior written approval of the Commissioner of Forest Resources.

Additional Conditions

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Commissioner of Forest Resources

Fee payable: \$30 per annum

G.T.R. No.:

Note: The Licensee should study the Forest Resources and Timber Utilisation Act and the Timber (Levy and Mill Licensing) Regulations. Section 39 of the Act empowers the Commissioner of Forest Reserves to cancel or suspend this Licence for contravention of any of its terms or conditions or any of the provisions of the Act or the Regulations.
