

SUPPLEMENT to the Solomon Islands Gazette

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[Legal Notice 114]

FOREST AND TIMBER UTILISATION ACT
(Cap. 54)**THE FOREST RESOURCES AND TIMBER UTILISATION (TIMBER LICENSING AND TREE FELLING) REGULATIONS 2007****(SECTION 44)**

IN exercise of the powers conferred by section 44 of the Forest and Timber utilisation Act, the Minister hereby makes the following Regulation -

1. These Regulations may be cited as the Forest Resources and Timber Utilisation (Timber Licensing and Tree Felling) Regulations.
2. In these Regulations except where the context otherwise requires -

“Association” means Solomon Forest Association Registered Trustees (Incorporated), a charitable trust duly incorporated under the Charitable Trust Act (Cap. 115).

“Association Member” means a member of the Association as determined in accordance with the constitution of the Association and who is held in good standing by the Association for the purposes of these Regulations.

“Commissioner” means the Commissioner of Forest Resources.
3. The Association shall:-
 - (a) maintain a current register of members held in good standing by the Association for the purposes of these Regulations;
 - (b) make that register available for inspection by the public at its registered office during ordinary business hours;
 - (c) make copies from any extract from such register available to any member of the public requesting the same upon payment to the Association of a fee not exceeding twenty dollars.

4. The Association -
 - (a) may by its constitution set out the criteria by which its members shall be held in good standing for the purposes of these Regulations and for the maintenance of such good standing and without limitation to the generality of the foregoing such criteria may include -
 - (i) the financial capacity of the member to conduct tree felling and related operations;
 - (ii) the relevant experience and expertise of the member's directors, managers and officers;
 - (iii) the member's ability and intention to comply with any applicable Code of Practice relating to tree felling and related activities;
 - (iv) the history of the member in respect of compliance with any relevant Code of Practice and any laws relating to tree felling and related activities,
 - (b) shall, subject to its constitution, be the sole arbiter of its members good standing for the purposes of these Regulations.
5. The Commissioner shall, for the purposes of these Regulations be entitled to rely upon certificate signed by the chairman or secretary of the Association to the effect that a person is or is not a member of the Association and is or not held in good standing by the Association for the purposes of these Regulations.
6. Every license granted under section 5 of the Act after the commencement of these Regulations shall be deemed to be subject to the following conditions -
 - (a) The licensee shall not enter into any agreement whereby any person, other than an Association Member (as defined in the Forest Resources and Timber Utilisation (Licensing and Tree Felling) Regulations), shall conduct or manage the licensee's tree felling and related operations in the land specified in this licence, and
 - (b) Any such agreement shall be subject to the written approval of the Commissioner.

7. Where an application for the grant of a licence to fell trees is made under section 5 of the Act, no such licence shall be granted unless, in addition to the matters of which he is required to be satisfied under section 5(2) of the Act, the Commissioner is also satisfied that -
 - (a) the applicant is an Association member; or
 - (b) the applicant has entered into an agreement with an Association member whereby, in the event that the applicant is granted such a licence, that member shall conduct and manage all tree felling and related operations on behalf of the applicant within the land specified in the licence.
8. The Commissioner shall not extend, renew or vary any licence granted under section 5 of the Act unless he is satisfied that -
 - (a) the licensee is an Association member; or
 - (b) the licensee has entered into an agreement with an Association member whereby that member shall conduct all tree felling and related operations on behalf of the licensee within the land specified in the licence.
9. Where under the terms and conditions of any licence granted under section 5 of the Act the consent or approval of the Commissioner is required in respect of any agreement relating to the conduct or management of the licensee's tree felling and related operations, the Commissioner shall not give such consent or approval unless he is satisfied that the party to such agreement responsible for such conduct or management is an Association member.

Dated at Honiara this twenty third day of January 2007

HONOURABLE MARK KEMAKEZA
Minister of Forest, Environment and Conservation

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