

REPUBLIC OF VANUATU

THE FORESTRY (AMENDMENT) ACT NO. 5 OF 1986

Arrangement of Sections

1. Amendment.
2. Commencement.

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To provide for certain amendments to the Forestry Act No. 14 of 1982 as amended.

BE IT ENACTED by the President and Parliament as follows:

AMENDMENT

1. The Forestry Act No. 14 of 1982 as amended is further amended.

(a) In section 1 by -

- (i) adding the following words and definition immediately before the definition of the words "clearing operations" -

"Board Mill" includes any mill for producing reconstituted board from wood particles other than veneer;"

- (ii) adding the following sets of words and their definitions immediately after the definition of the word "Fund" -

"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;"

- (iii) adding the following sets of words and their definitions immediately after the definition of the words "utilisation operations" -

"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."

(b) In section 4(3)(c) by -

(i) deleting the semicolon at the end of subparagraph (iv) and adding thereto the following -

"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";

(ii) adding in subparagraph (v) immediately after "plantation" where it appears the second time and before the word "and" the following -

"as defined by the Forest Plantation Agreement,";

(c) In section 5 by adding immediately after the words "all moneys spent" and before the words "by the Government", the words -

"and revenue received";

(d) In section 8 by -

(i) numbering the existing provision as subsection (1); and

(ii) adding the following subsection thereto -

"(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.";

(e) In subsection (1) of section 11, by adding the following sentence after the fullstop at the end of the second sentence -

"In the case of public land, the applicant for a licence shall enter into an agreement with the Government.";

(f) By substituting the following section for section 14 -

"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 three 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 license shall be automatically suspended until such deposit or guarantee is replaced or renewed.";

(g) In section 19 by substituting "wood using plant" for "sawmill" wherever the expression appears in the section;

(h) By adding the following subsection after subsection (2) of section 22 -

"(3) Where any clearing operations is in progress or is to be commenced on any land containing any merchantable timber which is proposed to be cleared, the Minister may in writing direct the person carrying out the clearing operations or 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."

(i) By deleting the words "out of the Revenue Fund" in subsection (2) of section 27.

COMMENCEMENT

2. This Act shall come into force on the day of its publication in the Gazette.