

No. S 48

FOREST ACT
(CHAPTER 46)

FOREST (AMENDMENT) RULES, 2007

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**FOREST ACT
(CHAPTER 46)**

FOREST (AMENDMENT) RULES, 2007

In exercise of the power conferred by section 52(1) of the Forest Act, the Minister of Industry and Primary Resources, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Rules —

Citation and commencement.

1. These Rules may be cited as the Forest (Amendment) Rules, 2007 and shall commence on the same date as the Forest Act (Amendment) Order, 2007.

Amendment of rule 2 of R1 in Chapter 46.

2. Rule 2 of the Forest Rules, in these Rules referred to as the principal Rules, is amended —

(a) by deleting the definition of "old forest";

(b) by deleting the definition of "section".

Amendment of principal Rules.

3. The principal Rules are amended by repealing Part II.

Insertion of new Part IIA.

4. The principal Rules are amended by inserting the following new Part immediately before Part III —

"PART IIA

TRESPASS IN OR UPON STATE LAND

Wilful trespass in or upon State land.

~~3A. Any person who without satisfactory excuse wilfully trespasses in any manner in or upon any State land is guilty of an offence."~~

Amendment of rule 4.

5. Rule 4 of the principal Rules is amended —

(a) in paragraph (1) —

- (i)* by deleting "(1)" from the first line;
- (ii)* by deleting "a Forest Officer" from the second and third lines and by substituting "the Director of Forestry" therefor;
- (iii)* in sub-paragraph *(a)*, by inserting "saw, convert," immediately before "or" where it appears for the first time ;

(b) by deleting paragraph (2).

Amendment of rule 5.

6. Rule 5 of the principal Rules is amended —

(a) in paragraph (1), by deleting "Minister" from the second line and by substituting "Director of Forestry" therefor;

(b) in paragraph (3), by deleting "any period not exceeding one month in each case" and by substituting "a period, in the case of Form 2, not exceeding one month and in the case of Form 3, not exceeding 3 months," therefor;

(c) in paragraph (5), by inserting "and the volume of forest produce to be taken by any licensee from time to time" immediately after "him" in the second line.

Amendment of rule 6.

7. Rule 6 of the principal Rules is amended, in paragraph (1) —

(a) by deleting "Form 1" from the first line and by substituting "Forms 1 and 3" therefor;

(b) by deleting "District Forest Officer" from the second line and by substituting "Director of Forestry" therefor.

Amendment of rule 8.

8. Rule 8 of the principal Rules is amended by —

- (a) in paragraph (1), by deleting "(1)" from the first line;
- (b) by repealing paragraphs (2) and (3).

Amendment of rule 10.

9. Rule 10 of the principal Rules is amended by deleting paragraph (1) and by substituting the following new paragraph therefor —

"(1) No person shall —

- (a) fell, cut, tap, saw, convert or injure by fire or otherwise any tree;
- (b) burn to charcoal any timber;
- (c) cut, collect or remove any forest produce included in the First Schedule;

on or from any land (not being a reserved forest) which has been by notification in the *Gazette* reserved under the provisions of any written law for a public purpose or for a residential reserve, except under and in accordance with the conditions of a licence in Form 1, 2 or 3 issued by the Director of Forestry with the permission of the person having control of such reserved land."

Substitution of rule 11.

10. The principal Rules are amended by repealing rule 11 and by substituting the following new rule therefor —

"Use permit required in reserved forests.

11. (1) Permission to carry out any activities under section 22C(2) within a reserved forest shall be given by means of a use permit.

(2) An application for a use permit shall be made to the Director of Forestry in such form as he may determine.

(3) The Director of Forestry shall issue a use permit in Form 7 and subject to such conditions as he may determine.

(4) The use permit shall not be issued or renewed for a period longer than one year at a time except with the permission of the Minister."

Amendment of rule 13.

11. Rule 13 of the principal Rules is amended, in sub-paragraph (a) of the proviso, by deleting "Forest Ranger" from the second line and by substituting "Senior Forestry Assistant" therefor.

Amendment of rule 14.

12. Rule 14 of the principal Rules is amended by deleting "with the approval of His Majesty in Council" from the first line.

Amendment of rule 15.

13. Rule 15 of the principal Rules is amended, in paragraph (1), by deleting "the District Forest Officer or" from the last two lines.

Amendment of rule 17.

14. Rule 17 of the principal Rules is amended, in paragraph (3) —

(a) by deleting "pass" from the second line and by substituting "removal pass referred to in rule 16" therefor;

(b) by deleting "be handed to the officer in charge of a checking station" from the last two lines and by substituting "on demand be produced to the officer in charge of a checking station, or any Forest Officer".

Amendment of rule 19.

15. Rule 19 of the principal Rules is amended —

(a) in the sub-heading, by inserting "and import" immediately after "export";

(b) by inserting "or import of timber into" immediately after "from" in the first line;

(c) by inserting "or import" immediately after "export" in the second line;

(d) in the proviso, by inserting "or import" immediately after "export" in the first line.

Amendment of rule 21.

16. Rule 21 of the principal Rules is amended by inserting "1," immediately after "Form" in the first line.

Amendment of rule 23.

17. Rule 23 of the principal Rules is amended by inserting ", Form 3" immediately after "Form 1" in the first line.

Insertion of new rule 27B.

18. The principal Rules are amended by inserting the following new rule immediately after rule 27A —

"Forest cess.

27B. A cess is payable in respect of any forest produce removed from any reserved forest, State land, reserved land or alienated land, at the rates prescribed in the Fourth Schedule."

Amendment of rule 30.

19. Rule 30 of the principal Rules is amended —

(a) by deleting sub-paragraph (a);

(b) in sub-paragraph (b) —

(i) by inserting ", saws, converts" immediately after "taps" in the first line;

(ii) by deleting "rule 4" from the last line and by substituting "rules 4 and 10" therefor;

~~(c) by deleting sub-paragraph (c) and by substituting the following new sub-paragraph therefor —~~

~~"/c) fells any tree specified in the First Schedule in contravention of rule 8;".~~

(d) by deleting sub-paragraph (d).

Amendment of Second Schedule.

20. The Second Schedule to the principal Rules is amended —

(a) in Form 1 —

- (i) by deleting "the" from the third line where it appears for the first time and by substituting "take" therefor;
- (ii) by deleting "Forest Officer" from the last third line and by substituting "Director of Forestry" therefor;

(b) in Form 2 —

- (i) by deleting the sub-heading "Issued under the Forest Rules";
- (ii) by inserting the following immediately before "The kind " —

"Locality"
- (iii) by deleting "Forest Officer" from the last line and by substituting "Director of Forestry" therefor;
- (iv) by adding the following —

"Special conditions"

(c) by deleting Form 3 and by substituting the following new form therefor —

"FORM 3

LICENCE TO TAKE FOREST PRODUCE

(Not Transferable)

No. of Licence

This licence authorises of to take within the locality hereunder specified, in the District of, such forest produce as is hereunder described, during a period of months from the date hereof, subject to the

provisions of the Forest Act (Chapter 46) and any rules made thereunder.

Locality

Produce

Time when royalty is payable

Place where royalty is payable

Place of examination

Date of issue

Date of expiration

.....
Director of Forestry

Note: - This licence is issued subject also to the special conditions, if any, endorsed on the back hereof.";

(d) in Form 4 -

- (i) by deleting the sub-heading "The Forest Rules";
- (ii) by deleting "Licence" from the first line and by substituting "Sub-licence" therefor;
- (iii) by deleting "Forest Officer" from the second last line and by substituting "Director of Forestry" therefor;

(e) by adding the following new form -

"FORM 7

USE PERMIT

(Not Transferable)

Use Permit No.

This use permit authorises
(I.C. No.) of and his/their
servants and agents —

(1) to occupy Compartment/Sub-compartment No.
of Reserved Forest, the relevant area being
described or/and* delineated on the plan at the back of this
permit, for the following purposes —

.....
.....

*(2) to carry out the following activities —

.....
.....
upon Compartment/Sub-compartment* No.....
of Reserved Forest, the relevant area being
described or/and* delineated on the plan at the back of this
permit, subject to the conditions herein specified and to the
provisions of the Forest Act (Chapter 46) and any rules made
thereunder.

CONDITIONS

- (1) The land may be used only for the purposes or activities
stated in this permit.
- (2) The maximum number of persons to be employed shall be
.....
- (3) The holder of the permit shall submit to the Director of
Forestry a list of names (together with their I.C. numbers) of all
persons employed and no changes shall be made to this list
without the prior approval of the Director of Forestry.

ADDITIONAL CONDITIONS

.....
.....
.....
.....

This use permit is valid from

.....

Fee

Receipt No.

Date of issue

Reference No.

.....
Director of Forestry

* Delete whichever is not applicable

PLAN FOR AREA".

Amendment of Third Schedule.

21. The Third Schedule to the principal Rules is amended —

(a) by deleting item 1(c) and by substituting the following therefor —

"(c) Tender forms \$15.00";

(b) in item 5 —

(i) by deleting paragraph (a) and by substituting the following therefor —

"(a) Entrance fee

(i) Students \$2.00 per person

(ii) Non-students \$5.00 per person";

(ii) by deleting paragraph (c) and by substituting the following therefor —

"(c) Park accommodation

(i) Chalet Type A \$15.00 per person per night

- (ii) Chalet Type B \$10.00 per person per night
- (iii) Chalet Type C \$8.00 per person per night
- (iv) Chalet Type D \$8.00 per person per night";

(c) in item 7, in the first column, by inserting " , per 100 trees or part thereof" immediately after "marking";

(d) in item 13, by inserting " , per month" immediately after "[per landing]" in paragraph (b).

Addition of new Fourth Schedule.

22. The principal Rules are amended by adding the following new Schedule —

"FOURTH SCHEDULE

FOREST CESS

(rule 27B)

Rate of cess per annum is \$4.00 per cubic metre multiplied by the total volume of logs under the annual quota of a sawmill."

Made this 15th. day of Syaaban, 1428 Hijriah corresponding to the 28th. of August, 2007.

PEHIN ORANG KAYA SETIA PAHLAWAN DATO SERI SETIA
DR. AWANG HAJI AHMAD BIN HAJI JUMAT
Minister of Industry and Primary Resources,
Brunei Darussalam.