

LAWS OF BRUNEI

CHAPTER 46

FOREST

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LAWS OF BRUNEI

REVISED EDITION 2013

CHAPTER 46

FOREST

ARRANGEMENT OF SECTIONS

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FOREST ACT

An Act relating to forests and forest produce

Commencement: 30th October 1934

PART I

PRELIMINARY

Citation.

1. This Act may be cited as the Forest Act.

Interpretation.

2. (1) In this Act, unless the context otherwise requires —

“cattle” includes elephants, buffaloes, horses, ponies, mules, asses, pigs, sheep and goats;

“classification mark” means a mark placed on timber to denote its origin or the agency by which it has been handled;

“convert”, in relation to forest produce, means to process or treat in any way other than —

(a) to harvest, collect or remove the forest produce from the place where it is harvested or collected;

(b) to buck, limb or debark when necessary for or incidental to the purpose of removal from any forest;

(c) to fashion forest produce in any forest where specifically authorised by any rule made under this Act;

[S 47/2007]

“conversion plant” means any plant, factory or premises, with or without structures or improvements, in or upon which forest produce is or may be converted;

[S 47/2007]

“conveyance” includes ship, train, vehicle aircraft or any other means of transport by which persons or goods can be carried;

[S 47/2007]

“Director” means the Director of Forestry appointed under section 3 and includes any other officer whom His Majesty the Sultan and Yang Di-Pertuan may by public notification declare to be vested with all or any of the powers conferred on the Director of Forestry by this Act;

“entry permit” means a permit issued under section 14C(2);
[S 47/2007]

“forest offence” means an offence punishable under this Act or under any rules made under section 52;

“forest officer” means any person appointed under section 3 to be Director of Forestry, Deputy Director of Forestry, Silviculturist, Senior Forestry Officer, Forestry Officer, Assistant Forestry Officer, Senior Forestry Assistant, Forestry Assistant, Forest Ranger or Junior Forestry Assistant, or to discharge any function of a forest officer under this Act;

“forest produce” includes —

(a) the following when found in or brought from a reserved forest: guano, peat, rock, sea-sand, river-sand, sea-shells, shell-sand and surface soil;

(b) the following when found in or brought from a reserved forest or State land: trees and all parts or produce not hereinafter mentioned of trees; plants including climbers, creepers and grasses, and all parts or produce of such plants; silk, cocoons, honey and wax and edible birds’ nests; and

(c) the following whether found in or brought from a reserved forest, State land, land reserved under the Land Code (Chapter 40) or any previous land Enactment or alienated land: timber, firewood, charcoal, getah, getah taban leaves, wood oil, bark, extracts of bark, damar and atap;

“Fund” means the Forest Development Fund established under section 22M(1);

[S 47/2007]

“guano” includes the excrement of birds and of bats;

“licence” means a licence issued under section 22B;

[S 47/2007]

“licensee” means a person issued with a licence under this Act;

[S 47/2007]

“Minister” means the Minister responsible for forestry matters;

[S 47/2007]

“non-restricted forest” means any reserved forest or part thereof declared to be a non-restricted forest under section 14B(1);

[S 47/2007]

“property mark” means a mark placed on timber to denote that, after all purchase money or royalties due to the Government have been paid, the person in whose name such mark is registered has or will have a right of property in the timber;

“reforestation plan” means a plan to establish tree crops or to renew trees over an area within a reserved forest or State land;

[S 47/2007]

“rehabilitation programme” means a programme designed to silviculturally care, treat, develop and protect logged-over forest or any disturbed or damaged forests with the objective of restoring them back, approximately, to their original state, or to enable them to sustainably meet the end-product objectives for which they are managed for over time continuum in harmony with the maintenance of a well-balanced ecosystem;

[S 47/2007]

“reserved forest” means every part of a forest declared to be a reserved forest under the provisions of section 13, or declared to be a reserved forest under the provisions of any other Act relating to forests, which shall not at the time being have ceased to be a reserved forest under section 22 or under the provisions of any such Act;

“restricted forest” means any reserved forest or part thereof declared or deemed to be a restricted forest under section 14B(1);

[S 47/2007]

“river” includes stream, canal, creek and other channel, natural or artificial;

“take”, in relation to forest produce, includes every activity involved in —

(a) the harvesting, collecting, tapping, mining, quarrying or removing, of any forest produce;

(b) the injuring or damaging of forest produce; or

(c) the grazing of cattle upon the forest produce;

[S 47/2007]

“timber” includes trees, when they have fallen or been felled and all wood whether cut up or fashioned or hollowed out for any purpose or not;

“tree” includes root, stump, stem, branch, brushwood, palm, cane, rattan and creeper;

“use permit” means a use permit referred to in section 22C(1).

[S 47/2007]

(2) All words and expressions used in this Act which are defined in the Land Code (Chapter 40) shall be deemed to have the meanings attributed to them by that Code.

Appointment of Officers.

3. (1) His Majesty the Sultan and Yang Di-Pertuan may appoint a Director of Forestry who shall be directly responsible to His Majesty the Sultan and Yang Di-Pertuan for the administration of the forests of Brunei Darussalam and shall have the general superintendence of all matters within the provisions of this Act, and such and so many Deputy Director of Forestry, Silviculturists, Senior Forestry Officer, Forestry Officers, Assistant Forestry Officers, Senior Forestry Assistants, Forestry Assistants, Junior Forestry Assistants or Forest Rangers as may be necessary for carrying out the purposes of this Act.

[S 47/2007]

(2) Notwithstanding anything contained in this section His Majesty the Sultan and Yang Di-Pertuan may delegate to the Director the power to appoint a Forest Ranger.

[S 47/2007]

(3) All officers appointed under this section shall be deemed to be public servants within the meaning of the Penal Code (Chapter 22).

Duties of Director.

3A. (1) The Director shall —

(a) be responsible for the administration of the provisions of this Act;

(b) cause to be prepared and implemented forest management plans in accordance with the principle of sustained yield;

(c) cause to be prepared and implemented reforestation plans and rehabilitation programmes and programmes relating to recreational forest and national parks;

(d) cause to be reviewed the plans and programmes prepared under paragraphs (b) and (c);

(e) cause to be prepared an annual report on the activities of the Department of Forestry during the preceding financial year and shall submit such report to the Minister;

(f) cause to be prepared and submitted to the Minister of Finance an annual budget in respect of the following financial year for the purposes of paragraphs (b), (c), (d) and (e); and

(g) perform such other duties as the Minister may determine.

(2) In subsection (1)(b), “forest management plan” means an operating plan prepared by the Director relating to silvicultural, economic or conservation activity or a programme for a particular reserved forest or part thereof to secure the orderly taking, renewal and conservation of trees in accordance with the principle of sustained yield.

[S 47/2007]

Delegation of power by Director.

3B. (1) The Director may delegate in writing, subject to such conditions as may be prescribed in the instrument of delegation, the exercise and

performance of any power or duty conferred or imposed on him under this Act to any forest officer.

(2) Any delegation under this section with respect to any power or duty shall not prevent the Director from himself exercising that power or performing that duty in any case where it appears to him expedient to do so.

[S 47/2007]

PART II

RESERVED FORESTS

Power to constitute reserved forests.

4. His Majesty the Sultan and Yang Di-Pertuan may constitute any land a reserved forest in the manner provided under this Part.

[S 47/2007]

Notification of proposal to constitute reserved forest.

5. Whenever it is proposed to constitute any land a reserved forest, the Minister shall publish a public notification —

(a) specifying as nearly as possible the situation and extent of such land; and

(b) declaring that it is proposed to constitute such land a reserved forest.

Proclamation by Director.

6. When a notification has been published under section 5, the Director shall publish in convenient places in the vicinity to the land, and elsewhere as he may deem expedient, a proclamation in the Malay language and in such other languages as the Minister may in any particular case direct —

[S 47/2007]

(a) specifying as nearly as possible the situation and extent of the forest proposed for reservation;

(b) setting forth the provisions in substance of the next following section;

(c) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(d) fixing a period of not less than 3 months from the date of the publication of such proclamation, and requiring every person who has any objection to the reservation of such forest or who applies to exercise any privilege which is being or has been exercised in or over any part of the forest, to present to the Director within such period a written notice specifying, or to appear before him within such period and state the nature of such objection or privilege.

[S 47/2007]

New buildings and cultivation prohibited after proclamation.

7. During the interval between the publication of a proclamation under section 6 and the date fixed by the notification declaring the forest to be reserved under section 13, no new house shall be built or plantation formed and no fresh clearing for cultivation or for any other purpose shall be made on or in any other purpose shall be made on or in any State land mentioned in such proclamation:

Provided that nothing in this section shall be deemed to prohibit any act done with the permission in writing of the District Officer of the area concerned or in conformity with the terms of a licence or permit issued by a forest officer in whom the power to issue such licence or permit was vested before the proclamation was published.

Inquiry by Director.

8. The Director shall —

[S 47/2007]

(a) cause to be taken down in writing all statements made in response to his requirement under section 6(d);

[S 47/2007]

(b) inquire into all objections raised and applications made in response to such requirement and into the propriety of conceding in and over the forest any privilege which is being or has been exercised but in respect of which no application is made.

[S 47/2007]

Order by Minister.

9. The Director shall then with all convenient speed forward to the Minister a statement of particulars of all objections, privileges and opinion recorded by him under section 8; and the Minister after reference to the Director and after such further inquiry as he may think necessary shall make an order admitting or rejecting such objections and conceding, modifying or disallowing the exercise of such privileges, either wholly or in part, as shall seem to him right.

[S 47/2007]

Regulation of privileges.

10. Every order made under section 9 conceding a privilege in respect of forest produce within a forest proposed for reservation shall prescribe, so far as possible, the quantity and nature of forest produce which may be taken or received in exercise of such privilege, and the exercise of such privilege shall be subject to the control of the Director and to any order as he may make with the approval of the Minister to regulate the local limits within which and the mode in which such forest produce may be taken or received within the reserved forest.

Acquisition of alienated land for inclusion in reserved forest.

11. If His Majesty the Sultan and Yang Di-Pertuan shall consider it expedient to include in a reserved forest any land leased or granted to, or otherwise lawfully occupied by, any person, may cause such land to be acquired as for a public purpose under the provisions of the Land Acquisition Act (Chapter 41) and thereafter include such land within the limits of the reserved forest.

[S 47/2007]

Abandonment of proposal to reserve.

12. (1) His Majesty the Sultan and Yang Di-Pertuan in Council may, at any time before the publication of a notification under section 13, withdraw from a proposal to constitute any land a reserved forest.

(2) When such withdrawal is determined on, a proclamation shall be published by the District Officer of the area concerned, in the same places and in the same manner in which the proclamation, under section 6 was published, announcing that the proposed reservation has been abandoned.

(3) On the publication of such proclamation, the provisions of section 7 shall cease to apply to such land.

Notification declaring reserved forest.

13. (1) When the period fixed under section 6(d) has elapsed and all objections and applications, if any, made within such period have been disposed of by the Minister and all lands, if any, to be included in the forest proposed for reservation which His Majesty the Sultan and Yang Di-Pertuan has, under section 11, elected to acquire under the Land Acquisition Act (Chapter 41), have under that Act vested in His Majesty the Sultan and Yang Di-Pertuan, the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, publish a notification specifying the land which it is intended to reserve, declaring the land to be reserved from a date fixed by such notification, mentioning the privileges conceded in respect of such land and stating the special conditions, if any, governing the reservation thereof.

[S 47/2007]

(2) From the date so fixed such land shall be a reserved forest and shall, together with all the produce thereof and things found therein be deemed to be the property of the Government, to be maintained and controlled by the Director subject only to the privileges and conditions mentioned in such notification.

Publication of notification prior to operation thereof.

14. The Director shall, before the date fixed by the notification under section 13, cause the notification to be published in the manner prescribed for the proclamation under section 6.

[S 47/2007]

Classification of reserved forest.

14A. (1) The Director may, with the approval of the Minister, by notification published in the *Gazette*, classify any reserved forest under one or more of the following classifications which shall be descriptive of the purpose or purposes for which the land is being or intended to be used —

(a) protection forest;

(b) production forest;

- (c) recreational forest;
- (d) conservation forest;
- (e) national park.

(2) For the purposes of subsection (1), any reserved forest may be divided into parts and each part, the location and limit of which shall be specified in such notification, shall be classified under one or more of the classifications referred to in subsection (1).

(3) The Director may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*, change the classification of any reserved forest or part thereof if there is a change in the purpose for which such forest or part thereof had been classified.

[S 47/2007]

Restricted and non-restricted forests.

14B. (1) The Director may, by notification published in the *Gazette*, declare any reserved forest or part thereof to be a restricted forest or a non-restricted forest, and until a reserved forest or part thereof has been so declared to be non-restricted forest it shall be deemed to be a restricted forest.

(2) In exercising his power under subsection (1), the Director shall give consideration to the necessity of protecting the forest and the environment and to the recreational and other needs of the public.

[S 47/2007]

Entry into restricted forest prohibited.

14C. (1) No person, other than any of the following persons, shall enter any restricted forest —

(a) a licensee, his servants and agents, but only for the purpose of exercising the rights granted by the licence;

(b) a forest officer or a person authorised by any other written law, but only for the purpose of carrying out the functions for which he is appointed or authorised;

(c) a person holding an entry permit, but only for the period stated in the permit;

(d) a person holding a permit, his servants and agents, but only for the purpose of exercising the rights granted by that permit; or

(e) any other person authorised in writing by the Director, but only for the purpose authorised.

(2) The Director or any forest officer authorised by him in that behalf may issue an entry permit into a restricted forest.

(3) An entry permit shall be in such form and subject to such conditions as the Director may determine.

(4) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

[S 47/2007]

Power to suspend rights of entry.

14D. The Director or any forest officer authorised to issue an entry permit under section 14C(2) may suspend the right of entry of any of the persons referred to in section 14C(1) —

(a) if he has reasonable cause to suspect that there has been a breach of any of the provisions of this Act or of a licence, use permit or entry permit; or

(b) if there has been a fire or other hazard that may endanger the forest or lives.

[S 47/2007]

Rescission and modification of privileges and conditions.

15. (1) The Minister after such enquiry as he may deem necessary and with the approval of His Majesty the Sultan and Yang Di-Pertuan, may at any time, by public notification, rescind, modify or add to any privilege conceded or any condition governing the reservation of a forest.

[S 47/2007]

(2) No person shall be entitled to compensation in respect of anything done under the provisions of this section.

Acquisition of special rights.

16. No right of any description in or over a reserved forest or any part thereof shall be acquired except under a grant or contract in writing made by the Minister after reference to the Director and with the approval of His Majesty the Sultan and Yang Di-Pertuan.

[S 47/2007]

Prohibition of transfer of privileges.

17. Notwithstanding anything provided in this Act, no privilege conceded by notification under section 13 shall be transferred by way of grant, sale, lease, charge or otherwise, except with the authority of the Minister.

Power to stop way or water-course in reserved forest.

18. The Director may, with the previous sanction of the Minister, stop any public or private way, or water-course, in a reserved forest:

Provided that for the way or water-course so stopped, another way or water-course which, in the opinion of the Minister is equally convenient, already exists or has been provided or constructed by the Director.

Acts prohibited in reserved forest.

19. Subject to the provisions of section 21, no person shall in a reserved forest —

- (a) graze cattle or permit cattle to graze;
- (b) fell, cut, ring, mark, lop or tap any tree or injure by fire or otherwise or remove any tree or timber;
- (c) cause any damage by negligence in felling any tree or cutting or dragging any timber;
- (d) search for, collect, subject to any manufacturing process or remove any forest produce or minerals;

(e) clear or break up any land for cultivation or any other purpose;

(f) poison or dynamite, water; or hunt, shoot, fish or set traps or snares; or

(g) trespass in any manner not otherwise prohibited in this section.

Prohibition as to fire.

20. Subject to the provisions of section 21, no person shall kindle, keep or carry any fire, or leave any fire burning, whether within or outside a reserved forest, in such a manner as to endanger the reserved land.

Act excepted from sections 16, 19, 20 and 26.

21. Nothing in sections 16, 19, 20 or 26 shall be deemed to prohibit or render punishable —

(a) the exercise, in accordance with the orders (if any) made under section 10, of any privilege conceded by notification under section 13 to take forest produce in a reserved forest;

(b) the exercise of any right created by grant or contract in the manner described in section 16; or

[S 47/2007]

(c) any act done with the permission in writing of a forest officer empowered under section 51 to grant such permission.

Power to declare forest no longer reserved.

22. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, if satisfied that —

(a) any land in a reserved forest, other than that which has already been classified as a national park under section 14A(1)(e), is no longer required for the purpose for which it was classified under that paragraph; and

(b) is required for economic use higher than that for which it is being utilised,

by notification published in the *Gazette*, declare that from a date to be fixed by such notification any reserved forest or any part thereof, and specifying the situation and extent of such land, shall cease to be a reserved forest.

[S 47/2007]

Minister to replace land ceased to be reserved forest.

22A. Where any land has ceased to be a reserved forest under section 22, the Minister shall, if he is satisfied that it is in the national interest to do so and having regard to —

(a) the need for soil and water conservation and other environmental considerations;

(b) the need to sustain timber production in order to meet the requirements of any forest industry;

(c) the economic development of Brunei Darussalam; and

(d) the availability of suitable land,

constitute in accordance with section 5 any other land, of an approximately equal area, to be a reserved forest.

[S 47/2007]

PART IIA

[S 47/2007]

LICENCE AND USE PERMIT

Licence.

22B. The Director may, in accordance with the provisions contained in rules made under this Act, issue a licence with respect to the taking of forest produce from any reserved forest or State land.

Use permit.

22C. (1) No person shall occupy or carry out any activity upon any land within a reserved forest unless he is the holder of a use permit.

(2) The Director may, in accordance with the provisions contained in rules made under this Act, issue a use permit for the carrying out of any of the following activities —

- (a) research;
- (b) education or training;
- (c) recreation;
- (d) use of water resources, except the construction or operation of hydro-electric dams;
- (e) cultivation of vegetables and fodder crops;
- (f) establishment of conversion plants;
- (g) establishment of logging infrastructures.

(3) The Director may, either generally or in any particular case, and for such period as he may think fit, exempt any person or class of person from the provisions of subsections (1) and (2), and in granting such exemption the Director may impose such conditions as he may think fit.

(4) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 5 years or both.

Use permit not to authorise taking forest produce.

22D. (1) Nothing in this Part shall be construed as authorising or permitting the holder of a use permit to take forest produce from a reserved forest.

(2) However a use permit may contain a provision permitting the holder to take forest produce from the area specified in that permit if —

- (a) the taking of such forest produce is incidental to or necessary for the purpose for which the use permit is issued; or

(b) such forest produce is, under the use permit, allowed to be grown by the holder thereof.

Use permit not capable of assignment etc.

22E. (1) A use permit shall not be capable of assignment.

(2) Every use permit shall terminate on the death or dissolution, as the case may be, of the holder thereof.

Use permit may be suspended or revoked.

22F. A use permit may be suspended or revoked in the manner and to the extent provided in sections 22J, 22K and 22L as if a use permit were a licence referred to in those sections.

Movable property remaining on land on expiration or revocation of use permit.

22G. (1) Any movable property brought upon the land covered by a use permit may be removed by the owner thereof during the term of the use permit.

(2) However if any movable property remains on such land for more than 90 days after the expiry or revocation of the use permit, the Director may dispose of the property in such manner as he considers fit, and may recover from the owner thereof or the holder of the use permit such expenses as are incurred by him in disposing of such property.

Buildings to vest in Government on determination of licence etc.

22H. (1) On the expiry of a licence or use permit, there shall, subject to subsection (3), vest in the Government all buildings on the land (by whomsoever erected) other than any temporary construction that is capable of being removed.

(2) Subject to subsection (3), no compensation shall be payable by the Government in respect of any building vested in it pursuant to subsection (1).

(3) Subsections (1) and (2) shall have effect subject to any provision to the contrary in the use permit.

Power to issue licences or permits by tenders etc.

22I. Any permission —

(a) to take forest produce from a reserved forest or State land by way of a licence; or

(b) to occupy or carry out any activity upon any land in a reserved forest by way of a use permit;

may be granted by the Director —

- (i) after he has caused to be invited tenders in respect thereof;
- (ii) after he has negotiated an agreement in respect thereof; or
- (iii) in such other manner or by such other process as he may consider appropriate in the circumstances of any particular case.

Director may order cessation of operations.

22J. (1) Where the Director has reason to believe that a licensee has contravened any of the provisions of this Act or of a licence, he may, by serving a notice on such licensee, order him, his servants and agents to cease immediately all operations in the licensed area or any part thereof.

(2) Any person who fails to comply with such a notice is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 5 years or both; and, if the offence is a continuing one, to a further fine of not exceeding \$1,000 for every day or part of a day during which the offence has continued.

Director may cancel notice.

22K. The Director may at any time cancel a notice referred to in section 22J(1) if he considers it just and expedient to do so.

Suspension and revocation of licence following service of notice.

22L. (1) Except where a notice referred to in section 22J(1) is sooner cancelled under section 22K, the Director shall, within 60 days of the service

thereof, require the licensee named in the notice to appear before him to show cause why his licence should not be suspended or revoked.

(2) A person called upon to show cause under subsection (1) shall be supplied by the Director with particulars in writing of the contravention alleged against him, and he may appear in person or be represented by any person authorised by him in writing.

(3) If, after the hearing, the Director is satisfied that the licensee has contravened any of the provision of this Act or of the licence, he may —

(a) revoke the licence; or

(b) suspend the licence for such period as he may determine.

(4) A person aggrieved by any decision of the Director under subsection (3) may, within 30 days of the receipt by him of the decision, appeal to the Minister whose decision shall be final.

(5) A decision of the Director under subsection (3) shall be of immediate effect notwithstanding any pending appeal under subsection (4).

PART IIB

[S 47/2007]

FOREST DEVELOPMENT FUND

Forest Development Fund.

22M. (1) The Minister may establish a fund to be known as the Forest Development Fund.

(2) The Fund shall be administered by the Forest Development Fund Committee consisting of the following members —

(a) the Minister, who shall be the Chairman;

(b) the Permanent Secretary of the Ministry of Finance or his representative;

(c) the Director; and

(d) the Director of Environment, Parks and Recreation.

(3) The Forest Development Fund Committee shall be responsible for the due conservation of the Fund.

Money to be paid into Fund.

22N. (1) Once the Fund has been established, there shall be paid into the Fund —

(a) forest cess collected under section 22P;

(b) any moneys, fee, donation or grant paid to the Government for carrying out a reforestation plan;

(c) any moneys or grant that may be appropriated by the Government for the purpose of the Fund; and

(d) all moneys collected for the purpose of silvicultural works and other related operations.

(2) All moneys paid into the Fund shall —

(a) be deposited with any bank licensed under the Banking Order, 2006 (S 45/2006) or the Islamic Banking Order, 2008 (S 96/2008);

(b) be invested in accordance with the provisions of any written law relating to trustees.

Purposes of Fund.

22O. Subject to the prior approval of the Forest Development Fund Committee, the Fund shall be used for the following purposes —

(a) the preparation and implementation of programmes relating to forest conservation, rehabilitation programmes and silvicultural works;

(b) the recruitment of personnel including consultancy services, the procurement of equipment and the development of

infrastructural facilities necessary to undertake activities in paragraph (a);

(c) the promotion and awareness building of the general public on activities related to the management, development and conservation of forest resources.

Forest cess.

22P. (1) For the purposes of the Fund, there shall be payable to the Government a forest cess in respect of any forest produce, as may be specified in rules made under this Act, removed from any reserved forest, State land, reserved land or alienated land, at such rate as may be prescribed.

(2) Subsection (1) does not apply to the removal of forest produce by a licensee who carries into effect a forest rehabilitation programme as may be required by the terms of his licence.

PART III

PENALTIES AND PROCEDURE

Power to arrest without warrant.

23. (1) Any forest officer or police officer may, without a warrant, arrest any person reasonably suspected of having been concerned in a forest offence punishable with imprisonment for one month or upwards if —

(a) such person —

(i) refuses to give his name and residence; or

(ii) gives a name and residence which there is reason to believe is false: or

(b) there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the officer in charge of the nearest police station or, if the offence is compoundable under section 32, before an officer empowered under that section to accept compensation:

Provided that in the latter case, if the arrested person refuses to compound the alleged offence, such officer empowered under section 32 shall forthwith send such arrested person to the officer in charge of the nearest police station.

Furnishing of information to forest officer.

23A. (1) A forest officer may require any person —

(a) in possession, custody or control, or engaged in the taking, removal, conversion or trading of, any forest produce; or

(b) in charge or control of a conversion plant,

to furnish him with such information or documents which, in his opinion, is necessary for the exercise of his powers or the performance of his duties under, or the enforcement of the provisions of, this Act.

(2) Any person so required who, without reasonable excuse —

(a) fails or refuses to submit the required information or documents to the forest officer;

(b) in submitting any required information, knowingly or recklessly, makes any statement that is false in any material particular; or

(c) with intent to deceive, submits a document that is false in any material particular,

is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 5 years or both.

[S 47/2007]

Power of investigation.

23B. In relation to an offence against this Act, a forest officer shall have the same powers of investigation of a police officer under Chapter XIII of the Criminal Procedure Code (Chapter 7).

[S 47/2007]

Search with warrant.

24. (1) Any forest officer or police officer may by warrant, enter any building, place or land and search, seize and remove —

(a) any forest produce in respect of which any offence against this Act has or is suspected to have been committed; and

(b) any machinery, equipment, tool, book, document or other thing that he reasonably believes to furnish evidence of the commission of that offence.

[S 47/2007]

(2) Every forest officer seizing any property under this section shall place on such property, or on the receptacle, if any, in which it is contained, a mark indicating that the property has been so seized and shall, so soon as may be make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

[S 47/2007]

Provided that, in any case, where such property has been seized in connection with an offence dealt with by a forest officer in the exercise of his power under section 32 or committed by some person unknown or who cannot be found, it shall not be necessary to report to a Magistrate the seizure thereof.

(3) Any forest officer or police officer acting under subsection (1) may —

(a) break open any door of any building or place or any fence, enclosure, gate or other obstruction to the land, in order to effect entry therein;

(b) remove by force any obstruction to such entry, search, seizure and removal as he is empowered to effect under subsection (1);

(c) detain any person found in the building or place or on the land until it has been searched.

[S 47/2007]

Search without warrant.

24A. A forest officer or a police officer may exercise, in respect of any building, place or land, all the powers referred to in section 24 without warrant if—

(a) it appears to him that there is reasonable cause to believe that there is concealed or deposited in that building or place or on that land any forest produce in respect of which an offence against this Act is being or has been committed; and

(b) he has reasonable grounds for believing that by reason of the delay in obtaining a warrant, the forest produce is likely to be removed.

[S 47/2007]

Power to stop and search conveyances.

24B. (1) If any forest officer or police officer has reasonable suspicion that any conveyance is carrying forest produce in contravention of this Act or in respect of which an offence against this Act is being or has been committed, he may stop and examine that conveyance.

(2) The person in control or in charge of the conveyance shall, if required to do so by the forest officer or police officer—

(a) stop the conveyance and allow the forest officer or police officer to examine it;

(b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the forest officer or police officer considers necessary to make.

(3) Any person who fails or refuses to comply with any requirement of a forest officer or police officer under subsection (2) is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 5 years or both.

[S 47/2007]

Forest produce to be Government property.

24C. All forest produce situate, lying, growing or having its origin within a reserved forest or State land shall be the property of the Government, except where the rights to such forest produce have been specifically disposed of in accordance with the provisions of this Act or of any other written law.

[S 47/2007]

Presumption that forest produce belongs to Government.

25. When in any proceedings taken under this Act or in consequence of anything done under this Act a question arises as to whether any forest produce is the property of the Government, such produce shall be deemed to be the property of the Government until the contrary is proved.

Presumptions.

25A. In any proceedings for an offence against this Act, in so far as it may be necessary to establish the offence charged, it shall be presumed until the contrary is proved that —

(a) any map, plan or chart purporting to be made by the authority of the Director is so made and is accurate;

(b) any mark placed on any tree, timber or any boundary mark of an area under a licence or permit within a reserved forest or State land placed by or under the authority of a forest officer has been so placed and is accurate;

(c) any person found within a reserved forest or State land in possession of any forest produce has taken or removed such forest produce without a licence or permit issued under this Act; and

(d) any person found within a reserved forest or State land in possession of any machine, equipment or conveyance intends to take or remove forest produce.

[S 47/2007]

Certificate of Director admissible.

25B. (1) In any proceedings under this Act, a certificate signed by the Director stating —

- (a) the value of any produce;
- (b) the amount of royalty, premium, cess and other charges payable in respect of any forest produce; or
- (c) the cost of repairing any damage caused by an offender, shall be admissible in evidence and shall be evidence of its contents, including the facts stated therein, without proof of the signature to such certificate.

(2) The provisions of this section shall apply notwithstanding anything contained in any other written law or rule of evidence to the contrary.

[S 47/2007]

Offences in reserved forest.

26. Subject to the provisions of section 21 —

- (i) whoever commits an offence against the provisions of section 19(b), (d) or (e) or against the provisions of section 7 and whoever kindles, keeps or carries any fire burning in contravention of section 20 or of any instructions to ensure the safety of reserved forests which the Director may notify in the manner prescribed by rule made under section 52(2)(v), is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years;
- (ii) whoever commits an offence against the provisions of section 19(a) or (c) is guilty of an offence and liable on conviction to a fine and imprisonment for one year;
- (iii) whoever commits an offence against the provisions of section 19(f) is guilty of an offence and liable on conviction to a fine and imprisonment for one year;
- (iv) whoever commits an offence against the provisions of section 19(g) is guilty of an offence and liable on conviction to a fine and imprisonment for one year.

Prohibition on taking of forest produce from reserved forest unless licensed etc.

26A. (1) No person shall take any forest produce from a reserved forest except under the authority of a licence or a use permit issued by the Director or in accordance with any other written law.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$500,000, imprisonment for a term not exceeding 5 years or both.

(3) Any person convicted of an offence under subsection (2) may, in addition to any penalty imposed on the conviction, be ordered to pay, in respect of any forest produce unlawfully taken, to the Government —

(a) a sum not exceeding ten times the royalty, premium and cess;

(b) a sum not exceeding ten times the value of such forest produce; and

(c) any other charges payable.

[S 47/2007]

Littering in reserved forest.

26B. (1) No person shall litter in a reserved forest.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

(3) A person contravenes subsection (1) if he causes an unpleasant smell or degrades the beauty or the appearance of property, or detracts from the natural cleanliness or safety of property, by intentionally —

(a) discarding or depositing any rubbish, trash, garbage, debris or other refuse;

(b) draining, or causing or permitting to be drained, mining sludge, industrial effluent, sewage or the drainage from a cesspool,

septic tank, recreational or camping vehicle waste-holding tank or other contaminated source; or

(c) permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he is operating or which is under his control.

[S 47/2007]

Unlawful possession of forest produce.

27. (1) Any person found in possession of any forest produce upon which the royalty or other payment to the Government due in respect of such forest produce has not been paid or made is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years.

(2) In any prosecution under this section the onus of proving that the royalty or other payment in respect of such forest produce has been paid or made shall be upon the person found in possession of such forest produce.

Offences committed by licensee or holder of permit.

27A. Where any offence against this Act is committed by any person in relation to a licence or any permit issued under this Act, such licensee or holder of that permit is deemed to have committed that offence.

[S 47/2007]

General penalty.

27B. Any person who commits any offence against this Act and any rules made thereunder is liable, if no other penalty is provided, on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 5 years or both.

[S 47/2007]

Penalty for breach of rules.

28. Subject to the provisions of sections 54 and 55, whoever commits a breach of any rule made under section 52 for the breach of which no penalty is expressly provided by rule made under section 52, is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years.

Penalty for wrongful seizure.

29. (1) Whoever, being a forest officer or police officer, vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act is guilty of an offence and liable on conviction to a fine of \$5,000 and imprisonment for one year.

(2) Any fine imposed under the provisions of this section or any portion thereof shall, if the convicting court so directs, be given as compensation to the person aggrieved by such seizure.

Penalty for counterfeiting or defacing or possessing implements for counterfeiting marks on trees and timber and altering boundary marks.

30. Whoever, with intent to cause wilful damage or injury to the public or to any person or to cause wrongful gain as defined by the Penal Code (Chapter 22) —

(a) knowingly counterfeits upon any tree or timber, or has in his possession any implement for counterfeiting, a mark used by forest officers to indicate that such tree or timber is the property of the Government or of some person or that it may lawfully be felled or removed by some person;

(b) unlawfully or fraudulently affixes to any tree or timber a mark used by forest officers or registered in the name of another person;

(c) alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of a forest officer; or

(d) alters, removes, destroys or defaces any boundary mark of a reserved forest or of any land proposed to be included in a reserved forest,

is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years.

Fines under section 26 etc.

30A. In determining any fine to be imposed under section 26, 27, 28 or 30 or under any rules made under section 52, the court shall take into

consideration any loss, injury or damage, or whatsoever nature, caused to or sustained by the Government, the public generally or any section of the public, or any person, whether or not such loss, injury or damages is of a nature to be able to be quantified or fully expressed in terms of money.

Double penalty in certain cases.

31. If a breach of any of the provisions of this Act or of any rule made thereunder is committed —

- (a) after sunset and before sunrise;
- (b) after preparation for resistance to the execution of any law or any legal process; or
- (c) after a previous conviction for a like offence,

the convicting court may inflict double the penalty prescribed for such offence.

Protection of informers.

31A. (1) Except as provided in this section, no witness in any civil or criminal proceedings shall be obliged or permitted to disclose the name or address of an informer or the substance and nature of the information received from him or to state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or are liable to inspection in any civil or criminal proceedings contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such passages to be concealed from view or to be obliterated so far only as may be necessary to protect the informer from discovery.

(3) If on trial for any offence against this Act the court after full inquiry into the case believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the court is of the opinion that justice cannot fully be done between the parties thereto without the discovery of the informer, it shall be lawful for the court to require the

production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.

[S 47/2007]

Power to compound forest offences.

32. (1) The Director and any forest officer empowered thereunto by name or office by the Minister by public notification —

(a) may accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in section 29 or 30, a sum of money not exceeding \$1,000 by way of compensation for the offence which such person is suspected of having committed; and

[S 47/2007]

(b) when any property has been seized as liable to confiscation, may release the property on payment of the value thereof as estimated by such officer,

and all sums so received shall be credited to revenue.

(2) On the payment of such sum of money or such value or both, as the case may be, the suspected person, in custody shall be discharged, the property, if any, shall be released, and no further proceedings shall be taken against such person or property, unless the property consists of forest produce in which case such forest produce shall be forfeited.

[S 47/2007]

(3) Any power vested in a forest officer by notification under this section may at any time be withdrawn by the Minister by public notification.

Compensation for damage caused by commission of forest offence.

33. (1) When any person is convicted of removing, felling, cutting, ringing, marking, lopping or tapping any tree or timber, or of injuring them by fire or otherwise, in contravention of this Act, the convicting court may, in addition to any other penalty which it may award, order such person to pay to the Government such compensation for such tree or timber, in respect whereof the offence was committed, as it deems just.

(2) If the person convicted of the offence committed is as the agent or servant of another person, the convicting court may, unless after hearing such other person it is satisfied that the commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in subsection (1).

Confiscation subject of, or used of property in committing, forest offence.

34. (1) When any person is convicted of a forest offence, all forest produce which is not the property of the Government and in respect of which such offence has been committed, and all tools, boats, conveyances and cattle used in the commission of such offence, shall be liable by order of the convicting court, to confiscation.

(2) Such confiscation may be in addition to any other penalty prescribed for such offence.

(3) Any order made under this section shall be subject to the provisions of Chapter XXXVII of the Criminal Procedure Code (Chapter 7) so far as such provisions are applicable.

Disposal of produce subject of offences.

35. When the trial of any forest offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of the Government or has been confiscated, be delivered to such forest officer as the court may order, and, in any other case, may be disposed of in such manner as the court may order.

Power to take possession of and dispose of property subject of, or used in commission of, forest offence when the offender is unknown or cannot be found.

36. (1) When there is reason to believe that a forest offence has been committed by a person who is unknown or cannot be found, all property seized in respect thereof under section 24 shall, unless it has been disposed of under section 35, be taken possession of, and may be disposed of, by a forest officer expressly empowered in that behalf under section 51; but no such property shall be sold or otherwise disposed of until the expiration of one month from the date of seizure of such property or without hearing the

person, if any, claiming any right thereto and the evidence, if any, which he may produce in support of his claim.

(2) When possession is taken of any property under this section, the forest officer so taking possession shall either cause a notice thereof to be served upon any person whom he has reason to suspect to be interested in the property or publish such notice in any way he thinks fit.

Sale of perishable property seized.

37. A Magistrate or a forest officer specially empowered in that behalf under section 51 may, notwithstanding anything contained provided in this Act, direct the sale of any property seized under section 24 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property had it not been sold.

Appeal against act under section 36.

38. (1) Any person claiming to be interested in any property seized under section 24 may, within one month from the service or publication of a notice in respect of such property by a forest officer under section 36(2), prefer an appeal against the taking possession of such property to His Majesty the Sultan and Yang Di-Pertuan.

[S 47/2007]

(2) The order of His Majesty the Sultan and Yang Di-Pertuan made on such appeal shall be final.

[S 47/2007]

Vesting in Government of property taken possession of.

39. When possession has been taken of any property under section 36, and —

(a) the period limited by section 38 for preferring an appeal against such taking possession has elapsed and no such appeal has been preferred; or

(b) on an appeal against such taking possession, His Majesty the Sultan and Yang Di-Pertuan has confirmed such taking possession in respect of the whole or a portion of such property,

[S 47/2007]

such property or portion, as the case may be, shall vest in the Government free from all encumbrances.

Power to release property seized and to withdraw charges.

40. Notwithstanding anything contained provided in this Act, any forest officer empowered under section 32 to compound forest offences may at any time direct the release of any property seized under section 24 which is not the property of the Government and the withdrawal of any charge made in respect of such property.

Recovery of money due to Government.

41. (1) All money other than fines, payable to the Government under this Act or on account of the price of any produce or of expenses incurred in the execution of this Act in respect of any forest produce may, if not paid when due, be recovered in the manner provided by law for the recovery of fines.

(2) When any money becomes recoverable under the provisions of subsection (1), the Director or other forest officer authorised by him in writing may, if the amount does not exceed \$10,000, apply *ex parte* in a summary way to the Court of a Magistrate, and in any other case, to the High court, for the levy of the amount due, and such Court shall thereupon proceed to levy such amount, as if it were a fine.

(3) If any person whose property has been seized under the authority of subsection (2) disputes the propriety of such seizure, he may apply to the Court which ordered such seizure for an order to stay the proceedings, and the Court after making such inquiry as may be necessary shall make such order in the premises as may seem just.

Charges on forest produce for money due to Government.

42. (1) When any such money as is referred to in section 41(1) is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by the Director or by any forest officer authorised, either specially or generally, by the Director in writing in that behalf and may be retained by him until such amount has been paid.

(2) If such amount is not paid when due, the forest officer may sell the produce by public auction and the proceeds of sale shall be applied in the first instance in payment of the amount due.

(3) The surplus, if any, if not claimed within 2 months by the person entitled thereto, shall be forfeited to the Government.

Unclaimed timber.

43. (1) Timber found adrift, beached, stranded or sunk, or which is not in the possession or under the control of any person, shall be deemed to be the property of the Government unless or until any person establishes his right thereto as provided in this Act.

(2) Such timber may be collected by any forest officer or other person duly authorised under this Act and may be brought to any convenient place pending action under section 44.

Public notice of timber collected under section 43.

44. (1) Public notice of timber collected under section 43(2) shall, from time to time, as occasion may require, be given by a forest officer expressly empowered under section 51.

(2) Such notice shall contain a description of the timber and shall require any person claiming the timber to make his claim to the Director within a period not less than one month from the date on which such notice is given.

Procedure on claim to timber.

45. (1) When any such claim is made as provided under section 44(2), the Director may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for doing so or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Director may either deliver the timber to any of such persons as he deems to be entitled thereto or may refer the claimants to the civil court pending the receipt of an order from such court for its disposal.

Disposal of unclaimed timber.

46. When no claim is made within the period prescribed by section 44(2), or when such claim has been made and rejected, the ownership of the timber shall vest in the Government free from all encumbrances or, when the timber has been delivered to another person under section 45(2), the timber shall vest in such other person free from all encumbrances not created by him.

Payment to be made by claimant before delivery of timber.

47. (1) No person shall be entitled to recover possession of any timber collected as provided under section 43(2) until the amount of any reasonable expenses incurred in collecting, moving, storing and disposing of the timber has been paid to the forest officer or other person entitled to receive the same.

(2) If any dispute arises as to the amount of expenses payable under this section, the matter shall be referred to the Minister, whose decision thereon shall be final.

Forest produce not removed by licensee to become property of Government.

48. Forest produce cut or collected under licence or permit in accordance with the provisions of this Act or of any rules made thereunder shall, unless removed from the area to which the licence or permit applies within a period of one month from the expiry of such licence or permit or within such further period as the Director may in any particular case allow, become the property of the Government free from all encumbrances.

Forest officers not to trade.

49. No forest officer shall, as principal or agent, trade in forest produce, or be or become interested in any lease of or charge on any forest or forest produce or in any contract for working any forest.

No liability for loss or damage.

50. The Government shall not be responsible for any loss or damage which may occur in respect of any forest produce while at a checking station or while detained elsewhere for the purposes of or under the provisions of this Act or in respect of any timber collected under section 43(2).

His Majesty the Sultan and Yang Di-Pertuan may invest forest officers with certain powers.*[S 47/2007]*

51. (1) His Majesty the Sultan and Yang Di-Pertuan may invest any forest officer either specially or generally with all or any of the following powers —

[S 47/2007]

(a) issue such search warrants as may be issued by the court under the Criminal Procedure Code (Chapter 7);

(b) grant permission such as is referred to in sections 21 and 55;

(c) take possession and dispose of property under section 36;

(d) direct the sale of perishable property under section 37;

(e) give public notice under section 44(1) of timber collected under section 43(2).

(2) All or any of the powers specified in subsection (1)(a) to (e) inclusive may be exercised by the Director.

PART IV

RULES

His Majesty the Sultan and Yang Di-Pertuan may make rules.*[S 47/2007]*

52. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make rules to carry out the objects and purposes of this Act.

[S 47/2007]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may —

(a) regulate or prohibit the kindling of fires on State land and prescribe the precautions to be taken to prevent the spreading of fires;

(b) regulate, by licensing or otherwise, or prohibit the felling, cutting, ringing, marking, lopping, tapping or injuring by fire or otherwise, of any trees or timber, the sawing, conversion or removal of timber, and the collection and removal of other forest produce:

Provided that in the case of land which now is or may hereafter be alienated, no licence shall be issued except to the owner of such land or with his consent;

(c) regulate or prohibit the manufacture of bark or the burning of charcoal;

(d) regulate the free grant, or the grant at reduced rates, of forest produce;

(e) regulate by licensing or otherwise the sale, purchase or storage of forest produce;

(f) prohibit any dealings in specified kinds of forest produce and make it an offence to be found in possession thereof;

(g) prescribe the routes by which alone forest produce may be imported into, exported from or moved within Brunei Darussalam;

(h) regulate or prohibit, either absolutely or conditionally, the export from or the import into Brunei Darussalam of any forest produce or class or description of forest produce;

(i) prohibit the collection or removing of forest produce without a pass from an officer authorised to issue the same or otherwise than in accordance with the conditions of such pass and provide for the issue, production and return of such passes;

(j) in the case of timber formed into a raft or fastened to the sea-shore or any river bank, prohibit the loosening or setting adrift of such timber by any person not the owner thereof or not acting on behalf of the owner or of the Government;

(k) provide for the stoppage, reporting, examination and marking of forest produce in transit;

(l) establish checking stations to which forest produce is to be brought by the person in charge of it for examination or for the realisation of money due to the Government in respect thereof or in order that a mark may be affixed thereto for the purposes of this Act, and prescribe the conditions under which forest produce is to be brought to, detained at, and removed from such checking stations;

(m) provide for the management and control of such checking stations;

(n) prohibit, absolutely or subject to conditions, either generally or within specified limits, the establishment of saw-mills and saw-pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any property marks on the timber, and the possession of marking hammers or other implements used for marking timber;

(o) regulate the use of marks for timber and the registration of such marks, authorise the refusal or cancellation of the registration of such marks, prescribe the time for which the registration of such marks is to hold good and limit the number of such marks which may be registered by any one person;

(p) provide for the issue of licences to be in possession of marking hammers;

(q) regulate the collection and disposal of timber mentioned in section 43;

(r) regulate the manner of publication of public notice under section 44;

(s) declare by what forest officer or class of forest officers the powers or duties conferred or imposed by or under this Act or any rules made under this section are to be exercised or performed;

(t) *(deleted by S 47/2007)*;

(u) regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act or under any rules made under this section or from the Treasury;

(v) prescribe the manner of notifying instructions of the Director under section 26(i);

(w) prescribe the fees, royalties and payments for forest produce, and the manner in which such fees, royalties or other payments are to be levied, whether in transit or partly in transit or otherwise;

(x) prescribe fees for passes under paragraph (i), for registration of marks under paragraph (o) and for licences issued under this Act or under any rule made under this section;

(y) generally prescribe fees payable under this Act or under any rule made under this section;

(z) prescribe forms to be used under rules made under this section;

(za) prescribe the penalties with which the contravention of any rules made under this section shall be punishable, but so that such penalties shall not exceed those prescribed by section 28;

[S 47/2007]

(zb) provide for the management of recreational forests and national parks;

[S 47/2007]

(zc) regulate the establishment and development of forest plantations, including the choice of species and sites to be planted;

[S 47/2007]

(zd) regulate the use of any road situated within a reserved forest by motor vehicles through the issuance of road permit and prescribe the fees to be charged;

[S 47/2007]

(ze) regulate or prohibit the entry of potentially harmful exotic species, including pests and disease;

[S 47/2007]

(zf) regulate or prohibit wilful trespass in any manner in or upon any State land;

[S 47/2007]

(zg) regulate the procedures for bio-prospecting and the export of forest genetic materials, as well as the schedule of fees and royalty to be charged;

[S 47/2007]

(zh) regulate the management and protection of traditional forest related knowledge in relation to intellectual property rights;

[S 47/2007]

(zi) prescribe the terms and conditions, including fees, rents, and payments, for use of or occupation of lands in reserved forests;

[S 47/2007]

(zj) prescribe any matter required to be prescribed under this Act.

[S 47/2007]

(3) In any rules made under this section, the Minister may direct that any specified rule or rules shall not apply to any particular class of forest produce or to any particular part of Brunei Darussalam.

[S 47/2007]

(4) All rules made under this section shall be published by public notification.

Certain rules not to extend to act done within reserved forest.

53. No rule made under section 52(2)(b), (c), (d), (e), (n), (w), (x) and (y) shall, except as may be expressly provided therein, extend to prohibit, regulate or authorise any act done within the limits of any reserved forest.

Special provisions in favour of natives.

54. Subject to any general provision in any rules made under section 52 prohibiting or regulating the cutting and removal of any specified form of forest produce, or prohibiting or regulating the cutting and removal of all or any forest produce in any specified locality, nothing in any rules made under section 52 shall be deemed to prohibit the cutting and removal from State land or, with the permission of the owner, from alienated land by —

- (a) any native of Brunei Darussalam; or
- (b) any such other person or class of persons as the Minister may by declaration designate,

of any timber, atap or other forest produce which may be necessary —

- (i) for the construction or repair of a dwelling house for the permanent abode of himself and his family;
- (ii) for the construction or repair of temporary huts on any land lawfully occupied by him;
- (iii) for the construction or repair of his boats, landing places and fishing stakes;
- (iv) for the fencing of his land;
- (v) for firewood for his own domestic consumption; or
- (vi) for the construction, repair or upkeep of any work for the common benefit of the native and other inhabitants of the locality in which he lives to whom the provisions of this section apply.

Saving of acts done by permission.

55. Nothing in any rule made under section 52 shall be deemed to prohibit any act done with the permission in writing of a forest officer expressly empowered under section 51 to grant such permission.

Liability of directors etc.

56. Where a body corporate is guilty of an offence against this Act, every director and other person concerned in the management of the body corporate shall be guilty of the like offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.