

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.

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(CHAPTER 46)

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S 17/1956

Amended by

S 99/1959

S 97/1960

S 74/1974

S 29/2000

S 30/2000

2002 Edition

Amended by

S 48/2007

REVISED EDITION 2013

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SUBSIDIARY LEGISLATION

Rules made under section 52

FOREST RULES

Commencement: 1st January 1956

PART I

INTRODUCTORY

Citation.

1. These Rules may be cited as the Forest Rules.

Interpretation.

2. In these Rules, unless the context otherwise requires —

“converted timber” means wood which has been cut, sawn, hewn, split, shaped or fashioned from round timber or poles into pieces intended for use for any purpose other than as fuel;

“form” means a form in the Second Schedule;

“Identity Card” shall have the same meaning as in the National Registration Act (Chapter 19);

“mangrove” means all trees belonging to the genera *avicennia*, *bruguiera*, *ceriops*, *kandelia*, *rhizophora*, and *xylocarpus*;

“pole” means any section cut from a tree and having a girth of less than 3 feet at its larger end, which has not been further prepared for use than by removal of bark and projecting branches, and which is not intended to be sawn into converted timber;

“round timber” means any section cut from a tree which has not been prepared for use otherwise than by removal of bark and branches and either rough squaring or longitudinal division into not more than four pieces in order to facilitate transport or conversion;

“sawmill” means any machine or collection of machines capable of being used for the mechanical conversion of timber but excludes portable power-operated chain saws used for cross-cutting timber.

PART II

SHIFTING CULTIVATION

3. *(Repealed by S 48/2007).*

PART IIA

[S 48/2007]

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.

PART III

TAKING OF FOREST PRODUCE

(A) STATE LAND

No taking of forest produce except under licence.

4. Subject to the provisions of these Rules, no person shall except under and in accordance with the conditions of a licence in Form 1, 2 or 3, issued by the Director —
[S 48/2007]

(a) fell, cut, tap, saw, convert or injure by fire or otherwise any tree on State land;

[S 48/2007]

(b) burn to charcoal any timber on State land; or

(c) cut, collect or remove, on or from State land, any forest produce included in the First Schedule.

Periods and conditions of licences.

5. (1) Licences in Form 1 may be issued and thereafter renewed for any period not exceeding 12 months, or such longer period as the Director may approve.

[S 48/2007]

(2) No such licence shall be transferable and every such licence shall be subject to such conditions, in addition to those provided for by the Act and these Rules, as the Director may cause to be endorsed thereon.

(3) Licences in Forms 2 and 3 may be issued and thereafter renewed for a period, in the case of Form 2, not exceeding one month and in the case of Form 3, not exceeding 3 months, and shall not be transferable.

[S 48/2007]

(4) A licence in Form 3 is personal to the holder and may not extend to any other person whether employed by him or not.

(5) The Director may, in his discretion, limit the number of licences to take forest produce within any area specified by him and the volume of forest produce to be taken by any licensee.

[S 48/2007]

Deposit.

6. (1) Before the issue of a licence in Forms 1 and 3, the applicant shall deposit with the Director such sum of money as the Director may require, and such further sums as the Director may require during the currency of the licence. Failure to deposit such further sums will render the licence liable to cancellation.

[S 48/2007]

(2) On default being made in the payment at the prescribed time of any money due as royalty or otherwise in respect of such licence, the Director may withdraw from the sum or sums deposited under sub-rule (1) and credit to forest revenue the sum so due, and may prohibit the cutting or removal of forest produce under the licence until an equivalent sum has been redeposited.

For the purposes of this rule, all sums of money deposited in the name of a licensee shall be deemed to have been deposited in respect of each and all licences held by him.

(3) A licence may be cancelled at any time by the Director for breach or non-compliance with any of its conditions, and in the event of such cancellation the licensee shall have no claim to the return of any money paid to or deposited with the Government, nor to any damages on account of such cancellation, nor to any forest produce remaining within the area covered by such licence, and the ownership of any forest produce so remaining shall vest in the Government free from all encumbrances.

Sub-licences for workmen.

7. (1) When a licensee employs workmen for the purpose of his licence, there may be issued at the discretion of the officer empowered to issue licences one, and not more than one, sub-licence in Form 4 for each workman so employed.

(2) Such sub-licence shall bear the name of the workman to whom it is issued and his Identity Card number, and shall be endorsed by the holder of the main licence or his authorised agent who will be held responsible for the acts of the sub-licensee.

[Subsidiary]

- (3) No such sub-licence shall —
- (a) be transferable;
 - (b) be issued for a period exceeding 6 months; nor
 - (c) remain in force after the determination of the licence under which it was issued.

Prohibition on felling certain trees.

8. Except with the authorisation of the Director, no person shall fell any tree specified in the First Schedule having a girth less than the minimum prescribed in that Schedule.

[S 48/2007]

Privileges to natives of Brunei Darussalam.

9. (1) Any native of Brunei Darussalam may cut and remove from State land, or with the permission of the owner from alienated land, any timber, attap or other forest produce, which may be necessary for —

- (a) the construction or repair of a dwelling house for the permanent abode of himself and his family;
- (b) the construction or repair of temporary huts on any land lawfully occupied by him;
- (c) the construction or repair of his boats, landing places and fishing stakes;
- (d) the fencing of his land, for firewood for his own domestic consumption; or
- (e) 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.

(2) Forest produce for the purposes stated in sub-rule (1) may be taken free by individuals for their own use.

(B) RESERVED LAND

(OTHER THAN RESERVED FORESTS)

No cutting etc. without permission of person having control of land.

10. (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 published 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 with the permission of the person having control of such reserved land.

[S 48/2007]

(2) All forest produce removed from such land shall be liable to royalty at the rates prescribed in the First Schedule.

(C) RESERVED FORESTS

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 in such form as he may determine.

(3) The Director 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.

[S 48/2007]

[Subsidiary]

(D) ALIENATED LAND

No removal of forest produce except under licence.

12. (1) Subject to any legal or customary right, no forest produce included in the First Schedule shall be removed from any alienated land except under and in accordance with the conditions of a licence in Form 1, 2 or 3 issued by a Forest Officer.

(2) A licence issued under sub-rule (1) may be issued to the owner of such land or, with his consent, to any other person and forest produce removed thereunder shall be liable to royalty at the rates prescribed in the First Schedule.

PART IV

LIABILITY AND PAYMENT OF ROYALTY

Forest produce to be liable to royalty.

13. All forest produce, cut, sawn, converted, collected, or removed under a licence in Form 1, 2 or 3 issued under rule 4, 10 or 12, or a permit issued under rule 11, shall be liable to royalty at the rates prescribed in the First Schedule:

Provided that no royalty shall be payable on any such produce —

(a) which not having been removed from the area to which the licence refers, may be declared by a Forest Officer not below the rank of Senior Forestry Assistant to be unsaleable by reason of its quality and situation; or
[S 48/2007]

(b) which has been taken under a licence in Form 2 or 3 issued by or with the authority of the Director for the purpose of any work of public utility or for any other purpose specified in such licence to be free from payment of royalty.

Premium may be charged.

14. The Director may charge a monthly fee or premium in addition to, or *in lieu* of, royalty for the right to take forest produce under licence in Form 1.

[S 48/2007]

Place, time and manner of payment of royalty.

15. (1) Royalty accrued and other payments due under these Rules shall be payable at such times and place and in such manner as may be specified in the licence, or if no time, place or manner of payment be so specified, then on demand made by the Director.

[S 48/2007]

(2) In the event of any dispute over the correct name of any forest produce or class under which royalty is to be charged, the decision of the Director shall be final.

PART V

CONTROL OF FOREST PRODUCE IN TRANSIT

Forest produce to be taken for measurement or check to checking station.

16. All forest produce cut or collected under licence in Form 1, 2 or 3, or under permit within a reserved forest, shall be taken to the nearest checking station or to such other place as may be specified on the licence or permit or prescribed by the Director, to be measured, weighed or counted, and shall not be removed thence nor moved past any other checking station or Customs barrier unless —

(a) it is accompanied by a removal pass in Form 5, or such variant as may be approved by the Director and signed by such person as the Director may authorise in that behalf; and

(b) it bears, if timber, a Government hammer mark indicating that it has been assessed for royalty and any other charges to which it may be liable:

Provided that —

- (i) for forest produce taken under licence in Form 2 or 3, the licence itself shall be taken as the equivalent of a removal pass; and
- (ii) the Director may exempt from all or any of the provisions of this rule any timber on which he is satisfied that royalty has been previously paid, while such timber is in transit between a seller and a buyer in the ordinary course of trade.

Duties of drivers etc. of vehicles.

17. (1) The driver or person in charge of any vehicle, boat, or raft containing forest produce shall —

(a) stop at every checking station on the route by which such forest produce is conveyed and at any time or place if called upon to do so by any Forest Officer, Police Officer or Customs Officers;

(b) surrender on demand, in exchange for a duplicate removal pass issued by any officer referred to in paragraph (a), any removal pass as is referred to in rule 16; and

(c) render such assistance as may be necessary to enable an adequate examination and measurement of such produce by such officer.

[Subsidiary]

(2) If there is reason to believe that any money is payable to Government in respect of any forest produce in transit, such produce may be detained at a checking station or such other place as the detaining officer may direct until such money has been paid or until enquiry regarding its origin has been made.

(3) Forest produce removed from alienated land by virtue of any legal or customary right vested in the owner of such land shall be accompanied by a removal pass referred to in rule 16 from the owner of such land, stating his name and the locality of the land, which shall on demand be produced to the officer in charge of a checking station, or any Forest Officer.

[S 48/2007]

Restriction on transportation of forest produce by night.

18. No forest produce shall be moved between the hours of 7 p.m. and 7 a.m. unless it is accompanied by a valid removal pass or duplicate removal pass as is referred to in rules 16 and 17 and, if such forest produce be timber, unless it also bears the Government hammer mark referred to in rule 16.

Export and import of forest produce.

[S 48/2007]

19. The export of timber from, or import of timber into, Brunei Darussalam is prohibited except under the conditions of an export or import permit issued by the Director:

[S 48/2007]

Provided that in his discretion the Director may issue an export or import permit for highly processed or finished timber products and also such categories of timber which in his opinion are unsuitable for further processing within Brunei Darussalam by reason of species or size.

[S 48/2007]

PART VI

GENERAL

Sawmills to be licensed.

20. (1) No person shall erect or operate a sawmill except under and in accordance with the conditions of a licence in Form 6 issued by the Director.

(2) The fee payable for such licence shall be \$20 per sawbench *per annum*.

(3) For the purposes of this rule, a "sawbench" is any bench or machine that will take a circular saw of 48" diameter or larger, or a band or frame saw.

(4) On the erection or operation of a sawmill without a licence in Form 6 or on breach of any condition to which the licence in Form 6 is expressed to be subject, the Director may apply to a Magistrate for an order in court to close the sawmill concerned and the Magistrate shall, on being satisfied there is sufficient cause, thereupon order the proprietor to close the sawmill *sine die* or for such time as he shall in his discretion consider fit.

Licences and sub-licences to be carried.

21. (1) The person named in any licence in Form 1, 2 or 3 shall keep such licence upon his person while at work, and at other times have it in his possession or at his workshed or usual place of residence.

[S 48/2007]

(2) The person named in any sub-licence shall keep it either on his person or at the place where he sleeps.

Licences to be returned within 10 days of expiry.

22. (1) The person named in any licence or permit shall return it to the office of issue within 10 days of expiry thereof together with all sub-licences issued in connection with such licence.

(2) A penalty not exceeding \$50 may be imposed by the Director for failure to comply with this rule, and this penalty shall be in addition to any compensation paid or fine imposed by a court for taking forest produce without a valid licence or permit.

Boundaries of licence area to be kept clear.

23. Every holder of a licence in Form 1, Form 3 or permit to take forest produce shall ensure that the boundaries of his area are clearly defined and maintained on the ground to the satisfaction of the District Forest Officer.

[S 48/2007]

Roads and rentises to be cleared of timber.

24. A holder of a licence or permit to take timber who fells trees, or whose sub-licensees fell trees, across any public road or renties forming the boundary of a reserved forest or compartment of a reserved forest shall clear all such trees or portions of trees off the road or rentis to the satisfaction of the Director; and if —

(a) he fails to do so notice may be served on him to carry out the work by a certain date; and

(b) he fails to comply with the notice the Director may employ labour to do the work and debit the cost to the licensee's account.

[Subsidiary]

List of employees.

25. (1) The headman of every body of persons living or working together in any occupation having for its object the cutting or removal of timber or forest produce under licence, shall cause a working board, containing a full and correct list of all persons so employed or engaged, to be exhibited in a conspicuous place in the main entrance to the house or workshed, and every person whose name is contained in the list shall be provided with a licence or sub-licence.

(2) Every name appearing in such lists, licence or sub-licence as are referred to in sub-rule (1) shall be written in Roman script and, in the case of a Chinese name, in both Roman script and Chinese characters, and every such list, licence or sub-licence shall specify the Identity Card number of every person named therein.

Property marks to be registered.

26. (1) Private marks placed on timber by licence or permit holders of designs approved by the Director may be registered for a period of not more than a year at one time in the office of the District Forest Officer within whose jurisdiction the marks are to be used.

(2) The Director may at any time cancel the registration of such marks as are referred to in sub-rule (1) and may, at his discretion, impose a fee of not more than \$15 for their registration and renewal.

Removal of forest produce after expiry of licence or permit.

27. For the purposes of section 48, if on the expiry of a licence or permit, the holder thereof requests permission to remove any forest produce cut or collected before the expiry thereof, the Director or the Officer who issued the licence or permit may endorse upon the licence or permit, as the case may be, the words "extended till (date) for removal only" and such endorsement shall entitle the holder of the licence or permit to remove forest produce as aforesaid until the date specified, but no forest produce shall be freshly cut or felled after the original date of expiry of the licence or permit.

Fees.

27A. The fees prescribed in the second column of the Third Schedule shall be payable in respect of the services specified in the first column thereof.

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.

[S 48/2007]

PART VII

POWERS OF OFFICERS

Power to issue licences and sub-licences and to collect forest revenue.

28. (1) The power to issue licences in Form 2 or 3 or sub-licences in Form 4 and to collect forest revenue may be exercised by any Forest Officer in charge of a forest checking station.

(2) Licences in Form 1, and permits in forest reserves, shall be issued only by the Director.

Power to cancel licences and permits.

29. Breach of any provision of these Rules or of any condition to which a licence or permit is expressed to be subject shall, in addition to any other penalty provided by the Act or by these Rules, render the licence or permit liable to cancellation by order of the Director, and shall, if the Director so directs, render liable to confiscation any forest produce taken under such licence at the time of, or subsequently to, such breach.

PART VIII

PENALTIES

Offences.

30. Whoever —

(a) *(deleted by S 48/2007)*;

(b) fells, cuts, taps, saws and converts or injures any tree, or burns charcoal, or cuts, collects or removes any forest produce, in contravention of rules 4 and 10;

[S 48/2007]

(c) fell any tree specified in the First Schedule in contravention of rule 8;

[S 48/2007]

(d) *(deleted by S 48/2007)*;

(e) removes any forest produce from alienated land in contravention of rule 12(1) or 17(3);

(f) fails to stop at a checking station in contravention of rule 17(1);

(g) moves forest produce by night in contravention of rule 18;

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[Subsidiary]

(h) fails to observe the provisions for keeping licences in Form 2 or 3 and sub-licences in contravention of rule 21; or

(i) fails to maintain a list of employees in contravention of rule 25,

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

Further offences.

31. Whoever contravenes the provisions of rule 16, 19 or 20 is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years.

FIRST SCHEDULE

(rules 4(1)(c), 10(2), 12, 13 and 30(c))

FOREST PRODUCE

Class I(i) TREES & TIMBERS

(A) HEAVY HARDWOODS

Rate of royalty: \$20 per ton converted and \$15 per ton in the round.

<i>Vernacular of Trade name</i>	<i>Alternative names</i>	<i>Botanical name</i>	<i>Minimum felling girth in feet</i>
Belian	Malangangia	Eusideroxylon sp.	5
Gerang buaya	Giam	Hopea spp.	5
Mang		Hopea pentanervia	4
Merbau		Intsia spp.	5
Nyatoh batu		Palaquium ridleyi	5
Nyireh batu		Xylocarpus granatum	3
Resak batu		Vatica & Cotylelobium	4
Selangan batu	Tekam	Shorea & Hopea spp.	5
Selangan merah		Shorea spp.	5
Semala		Cantleya corniculata	5
Semayor		Shorea inaequilateralis	4
Tembusu		Fagraea spp.	4
Teruntum	Geriting	Lumnitzera spp.	4
Upun batu		Upuna borneensis	5
Upun penyiau		Shorea geniculata	5

(B) KAPOR BUKIT (Dryobalanops spp. except Kapor paya Drobalanops Rappa)

Rate of royalty: \$15 per ton converted and \$7.50 per ton round.

FIRST SCHEDULE — (continued)

- (C) RAMIN (*Gonystylus* sp.)
Rate of royalty: \$16 per ton converted and \$8 per ton round.
- (D) TULONG (*Agathis* sp.) (Trade name — Bindang)
Rate of royalty: \$16 per ton converted and \$8 per ton round.
- (E) ALL OTHER TIMBERS
Rate of royalty: \$12 per ton converted and \$6 per ton round.

Class I(ii) POLES (any species)

2 feet and not more than 3 feet in girth	\$12 per 100
One foot and less than 2 feet in girth	\$8 per 100
Less than one foot in girth	\$2 per 100

Class I(iii) NIBONG

Round	\$4 per 100
Split	80 cents per 100

Class I(iv) SHINGLES (ATTAPS)

Shingles of class IA timber	\$1.70 per 1000
Shingles of other timber	\$1 per 1000

Class II

Firewood (Stacked)

Mangrove and <i>Casuarina</i> spp.	2 cents per cu. ft.
Other species	1 cent per cu. ft.
Charcoal. Mangrove	30 cents per pikul
Bark. Mangrove	20 cents per pikul

Minor Forest Produce

Getah jelutong, and other kinds of getah as fixed by the Director	10% <i>ad valorem</i>
Rattans	50 cents per pikul

PRODUCE TAKEN UNDER LICENCE FORM 3

(A) Timber

(a) Logs, sawn and hewn stock	\$5 per month
(b) Pole	\$2 per month

[Subsidiary]

FIRST SCHEDULE — *(continued)*

(B) Nibong	\$2 per month
(C) Firewood	
(a) Mangrove and Casuarina (Ru)	\$5 per month
(b) Other sorts	\$2.50 per month
(D) Rattans	\$1 per month

SECOND SCHEDULE

(rule 2)

FORMS

FORM 1

FOREST DEPARTMENT, BRUNEI DARUSSALAM
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 and move to the prescribed place of
examination examination 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

Minimum size of trees

The kind

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 thereof.

[S 48/2007]

SCHEDULE — (continued)

FORM 2

LICENCE TO TAKE FOREST PRODUCE
ON PREPAYMENT OF ROYALTY

No. of Licence

This licence authorises
of to take from within the locality hereunder specified
such forest produce as is hereunder specified and on which royalty has been prepaid vide
receipt No.

Locality

The kind

The quantity

Date of issue

Date of expiration

.....
Director of Forestry

Special conditions

SCHEDULE — (continued)

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.

[S 48/2007]

SCHEDULE — (continued)

FORM 4

SUB-LICENCE UNDER LICENCE/PERMIT No.

(Not Transferable)

No. of Sub-licence

This Sub-licence authorises
of to take, as agent of the holder of
licence/permit No. and subject to the terms thereof,
such forest produce as is described in the said licence or permit.
Issued free.

Date of issue

* Date of expiration

.....
Director of Forestry

* Not more than 6 months after date of issue.

[S 48/2007]

SCHEDULE — (continued)

FORM 5

REMOVAL-PASS FOR FOREST PRODUCE
TAKEN UNDER LICENCE OR PERMIT

The Forest Rules

No.

This Pass authorises to remove past the
Customs Station at the forest produce hereunder described, which has
been taken under licence/permit No. and belongs to

<i>Kind of produce</i>	<i>No. of quantity</i>	<i>Length</i>	<i>Width</i>	<i>Thickness</i>	<i>Cubic contents</i>
Total					

Vehicle or Boat No.

Destination

Date

.....
Forest Officer

This Pass must be kept in the possession of the driver of the vehicle or person in charge of the forest produce.

SCHEDULE — (continued)

FORM 6

LICENCE TO OPERATE A SAWMILL
ISSUED UNDER THE FOREST RULES

No. of Licence

This licence authorises
of to operate a sawmill, as specified hereunder,
for a period of one year, subject to any rule or order made under the Forest Act (Chapter 46).

I Site

- (a) District
- (b) Site
- (c) Title to site
- (d) Description of, and title to log ponds

II Description of Sawmill

- (a) Type of mill
- (b) Type, make, horse-power and number of engine
- (c) Saw benches —
 - (1)
 - (2)
 - (3)
 - (4)
 - (5)
 - (6)
- (d) Possible annual output (in tons)

III Conditions

1. The licensee shall pay a fee of \$20 per year (or for any part of a year) for each saw-bench.
2. No machinery shall be added to the mill and no structural changes made without the written permission of the Director of Forestry.
3. In any year the output of the mill shall not fall below 50% of the possible annual output as estimated above.

SCHEDULE

FORM 6 — (continued)

- 4. This licence does not entitle the licensee to any rights to cut or collect timber.
- 5. Special conditions —

.....

.....

.....

.....

.....

- 6. In the event of any breach of condition 1, 2, 3 or 5 above, the Director of Forestry may refuse to renew this licence.

Date of issue Date of expiry

Annual fee \$

.....

Director of Forestry
Brunei Darussalam

Constitution of forest reserves under section 4

NOTE. There have been constituted forest reserves known by the names below, the boundaries whereof and the rights to which they are subject being set out in the Subsidiary Legislation referred to below.

Forest Reserves	Reference Subsidiary Legislation 1956 (Revised Edition)
Anduki	p. 256
Andulau	p. 257
Badas	p. 262
Labu	p. 262
Ladan Hills	p. 263
Peradayan	p. 264
Selirong	p. 264
	Annual Subsidiary Legislation
Batu Apoi	S 14/1958
Berakas	S 71/1957
Labi Hills	S 15/1958

SCHEDULE — (continued)

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

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

SCHEDULE

FORM 7 — (continued)

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

[S 48/2007]

THIRD SCHEDULE

(rule 27A)

FEES

SERVICES	FEES
1. Administration	
(a) Contractor registration fee	\$10
(b) Quotation form	\$5
(c) Tender forms	\$15
2. Import Permits	
(a) by lorries	\$20
(b) by barges	\$40
3. Timber preservation	
(a) for Government Agencies	\$50 per cubic metre
(b) for public	\$75 per cubic metre
4. Kiln drying	\$100 per cubic metre
5. National Park	
(a) Entrance fee	
(i) Students	\$2 per person
(ii) Non-students	\$5 per person
(b) Park certificate	\$5
(c) Park accommodation	
(i) Chalet Type A	\$15 per person per night
(ii) Chalet Type B	\$10 per person per night
(iii) Chalet Type C	\$8 per person per night
(iv) Chalet Type D	\$8 per person per night
(d) Linen, pillowcases, blankets, and the like	\$10
6. Application for new concessions	\$100

THIRD SCHEDULE — (continued)

7. Tree marking, per 100 trees or part thereof	\$50
8. Boundry survey and demarcation of new concession area	\$500
9. Form II	\$10
10. Sub-licence	\$2
11. Issue and renewal of sawmill; furniture maill, being a machine or group of machines capable of being used for further processing of timber, rattan or bamboo into furniture or furniture arts; woodworking mill, being a machine or group of machines capable of being used for further processing of converted timber, rattan and bamboo into finished or semi-finished products other than rough sawn timber; preservation; and kiln drying plant licences, being a licence for a chamber capable of conditioning timber into the desired level of moisture content through the application of thermal, electrical, solar and chemical processes	Discretionary
12. Issue and renewal of logging licence	\$100
13. Use of Bakau landing area	
(a) for Permit holders (annual rental)	\$500
(b) for importers (per landing), per month	\$100
14. Sale of wood samples	
(a) loose samples (minimum set of 5)	\$10
(b) deluxe set (set approximately 30)	\$80

[S 48/2007]

FOURTH SCHEDULE

(rule 27B)

FOREST CESS

Rate of cess *per annum* is \$4 per cubic metre multiplied by the total volume of logs under the annual quota of a sawmill.

[S 48/2007]

**FOREST ACT
(CHAPTER 46)**

NOTIFICATION OF APPROVAL UNDER RULE 14

S 163/1971

REVISED EDITION 2013

SUBSIDIARY LEGISLATION

Notification of approval under rule 14

His Majesty the Sultan and Yang Di-Pertuan in Council has given approval to the Director of Forestry to charge a monthly fee or premium in addition to, or *in lieu* of, royalty for the right to take forest produce under licence in Form I with effect from 1st January 1960.

