

Provided that where an application is rejected or granted with conditions, the District Forest Extension Officer shall inform the owner or occupier of his or her right of appeal under section 16.

(5) The Commission may from time to time by notice in the *Gazette* publish a standard form for any undertaking referred to in subsection (3), suitably adapted to the district, area or locality where such undertaking may apply.

Application for forest produce movement or export permit

14. (1) In accordance with section 65 of the Act, any person wishing to transport or export—

- (a) any consignment of timber exceeding 0,5 cubic metres shall, for each consignment apply to the District Forest Extension Officer in the district where the timber is procured for a forest produce movement or export permit in **Form FC1** together with the prescribed fee; or
- (b) forest produce craftwork intended for sale or trade, shall apply to the District Forest Extension Officer in the district where the forest produce used to make the craftwork is procured, for a forest produce movement or export permit in **Form FC1** together with the prescribed fee;

whereupon the District Forest Extension Officer shall determine whether or not to issue a permit in **Form FC1A**.

(2) The District Forest Extension Officer may, subject to subsection (4), refuse to issue a permit on the grounds that—

- (a) the manner in which the timber or forest produce in question is being procured in the district concerned—
 - (i) is injurious to the sustained yield of any tree species from which the timber or forest produce is derived; or
 - (ii) will likely result in—
 - A. damage to the locality, climatic factors or soil erosion; or
 - B. interference with natural water courses or supplies; or

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

- C. general deterioration of the locality; or
 - D. interference with or the hindrance of the natural regeneration of vegetation; or
 - E. a general shortage of timber in the locality;
- or
- (b) the restriction in the movement of the timber or forest produce concerned is necessary for the purpose of combating any fungus, bacterial or viral disease or insect or parasite pests affecting the timber or forest produce in question; or
 - (c) the movement in question involves the export of timber or forest produce in contravention of Forest (Control of Timber) (Export of Unprocessed and Primarily Processed Indigenous Hardwood) Regulations, 2001, published in Statutory Instrument 112 of 2001; or
 - (d) the movement in question is in contravention of section 4 of the Communal Land Forest Produce Act [*Chapter 19:04*].

(3) Where the movement of the timber or forest produce in question involves movement across the boundaries of two or more districts it shall only be necessary for the person wishing to transport the timber or forest produce in question to apply for a forest produce movement or export permit in the district where such timber or forest produce is obtained.

(4) If the person applying for a forest produce movement or export permit makes a written undertaking to the satisfaction of the District Forest Extension Officer to remedy or mitigate the damage, injury, deterioration or interference that may result from the procuring of the trees or forest produce in question, the District Forest Extension Officer may issue the permit subject to compliance with such undertaking.

(5) If the District Forest Extension Officer rejects an application for a forest produce movement or export permit the District Forest Extension Officer shall notify and give reasons to the applicant concerned in **Form FC1**:

Provided that where an application is rejected or granted with conditions the District Forest Extension Officer shall inform the applicant of his or her right of appeal under section 16.

(6) The Commission may from time to time by notice in the *Gazette* publish a standard form for any undertaking referred to in subsection (4), suitably adapted to the district, area or locality where such undertaking may apply.

Approval of agreements by local authorities in terms of Chapter 19:04

15. If a local authority within whose area of jurisdiction any communal land is located intends, pursuant to any delegation to it of the powers of the Minister under the Communal Land Forest Produce Act [Chapter 19:04] to—

- (a) issue a licence in terms of section 5 of that Act (that is to say a licence to exploit any forest produce situated in any natural forest or plantation growing on public or state land within that communal land); or
- (b) enter into any agreement in terms of section 6 of that Act (that is to say an agreement with any person to exploit forest produce situated in any natural forest or plantation growing on public or state land within that communal land);

the Chief Executive Officer of the local authority concerned shall notify the District Forest Extension Officer in **Form FC11** or a substantially similar form together with a prescribed fee.

(2) The District Forest Extension Officer or any person on his or her behalf shall immediately upon receiving notification under subsection (1) conduct all necessary inspections and make any necessary recommendations to ensure that the forest produce in question is sustainably exploited.

Appeals

16. (1) Any person who is aggrieved by a decision of—

- (a) the Provincial Forest Extension Officer to—
 - (i) reject an application for a licence in terms of section 6; or

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

- (ii) grant an application for a licence subject to conditions;
- or
- (b) a licensing authority to—
 - (i) reject an application for a licence in the circumstances specified in section 6(5); or
 - (ii) grant an application subject to conditions in the circumstances specified in section 6(5); or
 - (iii) cancel a licence in terms of section 9; or
 - (iv) suspend a licence in terms of section 9; or
 - (v) amend a licence in terms of section 10(1)(c) or (d);or
- (c) a District Forest Extension Officer to—
 - (i) refuse permission for the cutting or removal of indigenous timber in terms of section 13(2); or
 - (ii) refuse to issue a forest produce movement or export permit in terms of section 14(2);

may appeal in **Form FC12** (or in a substantially similar form) together with the prescribed fee within 14 working days from the date he or she is notified of the decision in accordance with section 6(6), 13(4) or 14(5), as the case may be.

- (2) An appeal referred to in—
 - (a) subsection (1)(a) or (1)(i) or (ii) shall be addressed to the General Manager of the Commission and lodged with the licensing authority to whom the application for the licence was made, for onward transmission by the licensing authority to the General Manager; or
 - (b) subsection (1)(b)(iii), (iv) or (v) shall be addressed to the Provincial Forest Extension Officer for the district in whose province the application for the licence was made and lodged with the licensing authority for onward transmission to the Provincial Forest Extension Officer;or

- (c) subsection (1)(c) shall be addressed to the Provincial Forest Extension Officer for the district in whose province the notification or application for the permit was made, and lodged with the District Forest Extension officer concerned for onward transmission to the Provincial Forest Extension Officer.

(3) Subject to subsection (4), the period between the lodging of the appeal in terms of subsection (1) and its determination shall not exceed thirty days, and if the appeal has not been determined after that period it shall be deemed (except in the case of an appeal against the rejection of an application for a licence or conditional granting or suspension or cancellation of a licence) to have been determined in favour of the appellant.

(4) An appellate authority may before deciding an appeal request the appellant to make such further written submissions or supply such further information as he or she considers will be of assistance in determining the appeal, in which event the thirty day period referred to in subsection (3) shall be extended by a further period so that the appeal may be determined on a date no later than sixty days from the date when the appeal was lodged.

(5) On an appeal under this section, the appellate authority may confirm, vary or set aside the decision or action appealed against.

(6) Upon making his or her determination, the appellate authority shall notify the determination to the appellant and the licensing officer or District Forest Extension Officer concerned by remitting back two copies of **Form FC12** wherein the appellate authority shall state his or her reasons for the determination.

(7) If the determination is favourable to the appellant the licensing officer or the District Forest Extension Officer shall within seven working days from the date of such notification, grant to the appellant the licence or permit in question.

(8) For the avoidance of doubt it is declared that where—

- (a) an appellant whose application for a licence or permit has been rejected or whose licence or permit is granted conditionally or whose licence has been suspended or cancelled; and

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

- (b) the appeal has not been determined timeously in accordance with subsection (3);

such appellant has a right under the Administrative Justice Act [Chapter 10:28] to apply to the High Court to compel the appellate authority to furnish reasons why the determination of his or her appeal has not been made timeously and for such other relief that the High Court may grant under that Act:

Offences and penalties

17. Any person who provides any information in or together with an application for any licence or permit under these regulations knowing that such information is false or not having reasonable grounds for believing that such information is true shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment not exceeding six months or to both such fine or such imprisonment.

FIRST SCHEDULE (Section 2(1))

FEES

<i>Section</i>	<i>Description</i>	<i>Form</i>	<i>Fees</i> \$US
6(1)	Application for firewood trader's licence (Corporate)	FC2	20,00
6(1)	Application for firewood trader's licence (Individual)	FC2	5,00
6(1)	Application for timber trader's licence (Corporate)	FC2	20,00
6(1)	Application for timber trader's licence (Individual)	FC2	5,00
	Application for flue- or flame-curing firewood licence	FC3	5,00
8(2)(b)	Issuance of firewood trader's licence (Corporate)	FC4	100,00
8(2)(b)	Issuance of firewood trader's licence (Individual)	FC4	20,00
8(2)(b)	Issuance of timber trader's licence (Corporate)	FC5	100,00
8(2)(b)	Issuance of timber trader's licence (Individual)	FC5	20,00
8(2)(b)	Issuance of flue- or flame-curing firewood licence	FC6	20,00
8(6)	Application for renewal of firewood trader's licence (Corporate)	FC7	20,00
8(6)	Application for renewal of firewood trader's licence (Individual)	FC7	5,00

S.I. 116 of 2012

<i>Section</i>	<i>Description</i>	<i>Form</i>	<i>Fees</i> \$US
8(6)	Application for renewal of timber trader's licence (Corporate)	FC7	20,00
8(6)	Application for renewal of timber trader's licence (Individual)	FC7	5,00
8(6)	Application for renewal of flue- or flame-curing firewood licence—	FC7	
	First year		10,00
	Second year		20,00
	Third year		60,00
	Fourth and subsequent years		80,00
10(3)	Application for amendment of licence	FC8	5,00
10(5)	Application for replacement of licence	FC9	10,00
11(2)(b)	Electronic copy of the register of licences		5,00
11(2)(b)	Hard copy of the register of licences		1,00 per page
13(1)	Inspection for indigenous timber under A2 farms or privately owned commercial farms	FC10	10,00
13(1)	Inspection for indigenous timber for other farms and properties	FC10	5,00
15	Fee under section 15	FC11	5,00
14(8)	Forest produce movement or export permit—	FC1	
	10 cubic metres and below	FC1	100 or 1% of the export value which ever is greater. 10 or 1% of the export value which ever is greater.
	11 cubic metres and above	FC1	100 or 1% of the export value which ever is greater. 10 or 1% of the export value which ever is greater.
16	Appeal fee	FC12	5,00

**Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012**

SECOND SCHEDULE (*Section 2(1)*)

FORMS

Table of contents

Form FC1:	Application for Forest Produce Movement or Export Permit.
Form FC1A:	Forest Produce Movement or Export Permit.
Form FC2:	Application for Firewood Trader's Licence or Timber Trader's Licence.
Form FC3:	Application for Flue- or Flame cured Firewood Licence.
Form FC4:	Firewood Trader's Licence
Form FC5:	Timber Trader's Licence.
Form FC6:	Licence to obtain Firewood for Flue- or Flame-curing.
Form FC7:	Application to renew a Firewood Trader's Licence, Timber Trader's Licence or Flue- or Flame-curing Firewood Licence.
Form FC8:	Application to amend licence.
Form FC9:	Application for replacement of a Licence.
Form FC10:	Notice of Intention to dispose of Indigenous timber.
Form FC11:	Notice of intention to exploit forest produce in communal land
Form FC 12:	Notice of Appeal.

FORM FC1

FORESTRY COMMISSION



FC1

SERIAL No.

APPLICATION FOR FOREST PRODUCE MOVEMENT OR EXPORT PERMIT

Issued in accordance with the (Control of Firewood, Timber and Forest Produce) Regulations, 2012

Explanatory Notes

- Three copies of this Form must be completed by the applicant, two of which the applicant must deliver to the licensing officer/District Forest, Extension Officer.
- If the spaces provided in this Form are insufficient an applicant may affix attachments to this Form.
- Applicant is reminded to apply for separate licences for each district in which he or she wishes to sell or trade in firewood or timber.
- Despite the above bullet, if the applicant sources his or her firewood or timber exclusively from a plantation the applicant is only required to obtain a licence in the district where the plantation is located or if the firewood or timber is sourced from two or more plantations in two or more districts the applicant can choose whichever one of those districts he or she wants to be licensed in.
- Where an ID number of an individual is required by this Form to be given the individual may give his or her National Registration Number, Driver's Licence Number or Passport Number and must indicate beside the number which of the foregoing he or she is using.
- Applicants are warned that the deliberate provision of any false information in or together with this application is a criminal offence.

District:

Name of Applicant:

ID No. Company Registration No.:

Physical Residential Address of Applicant:

.....

.....

.....

**Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012**

Tel. No.: Cell No: E-mail Address:

Vehicle Registration No.:

Nature of Consignment:

- Timber (*describe species and quantity in cubic metres or quantities of each species if more than one species*):

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

- Forest produce (*describe the same and quantity in cubic metres*):

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

- Forest produce craftwork (*describe the same and quantity*):

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

Source(s) of Consignment (*Give the address(es) or location(s) from where the timber or forest produce intended to be transported is obtained*):

.....
.....

If the source of the Consignment is from a firewood trader, timber trader or other person identify the firewood trader, timber trader or other person:

.....

Destination of Consignment (*If for export, state both port of exit and country of export*):

.....

If for export estimated value of consignment:

Proposed date of movement or export of consignment is between

..... to

Declaration by applicant:

I declare that the particulars given by me in this Form are to the best of my knowledge and belief true.

Signature of applicant:

.....

If signed in a representative capacity state in what capacity:

.....

FOR OFFICIAL USE ONLY

.....

Name of Officer

.....

Designation

Signature:

Date and Stamp

Receipt No.:

Application No. :

Permit Number (if granted):

Approved Yes: No:

If No give reasons for rejection:

.....

.....

.....

.....

.....

NOTIFICATION PARTICULARS

The decision on this application was notified to the applicant:

On:

Signed:

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

FORM FC1A

FORESTRY COMMISSION



FC1A

SERIAL No.

FOREST PRODUCE MOVEMENT OR EXPORT PERMIT

Issued in accordance with the (Control of Firewood, Timber and Forest
Produce) Regulations, 2012

District:

Name of Permit Holder:

ID No. Company Registration No:

Physical Residential Address of Permit Holder:

Vehicle Registration No.:

Nature and Quantity of Consignment:

Destination of Consignment:

Value of Consignment in the case of export:

This permit is valid from to

Name of issuing officer

Designation

Signature:

Date and Stamp

--

Receipt No.:



FC2

SERIAL No.

Forest (Control of Firewood, Timber and Forest Produce) Regulations, 2012

**APPLICATION FOR FIREWOOD TRADER'S LICENCE OR
TIMBER TRADER'S LICENCE**

Explanatory Notes

- Three copies of this Form must be completed by the applicant, two of which the applicant must deliver to the licensing officer District Forest Extension Officer.
- If the spaces provided in this Form are insufficient an applicant may affix attachments to this Form.
- Applicant is reminded to apply for separate licences for each district in which he or she wishes to sell or trade in firewood or timber.
- Despite the above bullet, if the applicant sources his or her firewood or timber exclusively from a plantation the applicant is only required to obtain a licence in the district where the plantation is located or if the firewood or timber is sourced from two or more plantations in two or more districts the applicant can choose whichever one of those districts he or she wants to be licensed in.
- Where an ID number of an individual is required by this Form to be given the individual may give his or her National Registration Number, Driver's Licence Number or Passport Number and must indicate beside the number which of the foregoing he or she is using.
- Applicants are warned that the deliberate provision of any false information in or together with this application is a criminal offence.

Nature of application: Firewood Trader's Licence/Timber Trader's Licence
(*delete inapplicable*) for the district of

APPLICANT DETAILS

1. Name, ID No., physical address and contact details of person making application:

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

**Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012**

2. If the person making this application is not the person in whose name the licence will be issued but is acting in a representative capacity state:

(a) Name, ID No. (Company Registration No.), physical address and contact details of person in whose name this licence will be issued:

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

(b) In what capacity are you acting on behalf of that person (e.g corporate person, lawyer etc):

.....
.....

3. Give the address or location of the farm on which the tobacco is grown (district ward and name/plot number) of the farm:

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

4. Are you already licensed as a vendor in the district in which you are making this application? Yes/No (*delete inapplicable*). If Yes, please supply the local authority vendor licence number:

.....

5. Is the place(s) where you are selling or trading in firewood or timber different from address(es) given under items 2 and 5? Yes/No (*delete inapplicable*). If Yes, specify addresses of all such places in the district:

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

6. What are the source(s) of firewood or timber to be sold in the district, whether obtained within or outside the district, and describe the type of firewood or timber being sold (if the source of the firewood or timber is exclusively from

a plantation, give the location of the plantation, whether inside or outside the district):

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

7. Are you selling or trading in firewood or timber in any other district? Yes/ No
If Yes, name the districts:

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

8. Estimated volumes of firewood or timber sold or traded in per week in the district (cubic metres):

.....
.....

Declaration by applicant:

I declare that the particulars given by me in this Form are to the best of my knowledge and belief true.

Date: Signature of applicant:

FOR OFFICIAL USE OF LICENSING AUTHORITY ONLY

.....
Name of issuing officer *Designation*

Signature:

Date and Stamp



9. Receipt No.:

10. Application No.:

11. Date of transmission of this application to the Provincial Forest Extension Officer:

.....

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

12. Recommendation of local authority (*fill in where appropriate*)—

(a) Approval without conditions recommended:

(b) Approval recommended subject to the following conditions:

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

(c) Rejection recommended for the following reasons:

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

FOR OFFICIAL USE OF PROVINCIAL FOREST EXTENSION OFFICER ONLY

13. Provincial Forest Extension Officer unable to process application due to the following reasons:

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

14. Approved without conditions:

15. Approved subject to the following conditions:

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

S.I. 116 of 2012

16. Rejected for the following reasons:

.....

.....

.....

.....

17. Date of transmission of application back to licensing authority:

Signature:

Date and Stamp



NOTIFICATION PARTICULARS

The decision on this application was notified to the applicant:

On:

Signed:

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

Form FC3

FORESTRY COMMISSION



FC3

SERIAL No.

Forest (Control of Firewood, Timber and Forest Produce) Regulations, 2012

**APPLICATION FOR FLUE- OR FLAME-CURING FIREWOOD
LICENCE**

Explanatory Notes

- Three copies of this Form must be completed by the applicant, two of which the applicant must deliver to the licensing officer/District Forest Extension Officer.
- If the spaces provided in this Form are insufficient an applicant may affix attachments to this Form.
- The applicant must apply for a licence in the district where he or she grows tobacco that is to be flue- or flame-cured (where he or she grows tobacco in two or more districts he or she must apply for a licence in each district).
- Where an ID number of an individual is required by this Form to be given the individual may give his or her National Registration Number, Driver's Licence Number or Passport Number and must indicate beside the number which of the foregoing he or she is using.
- Applicants are warned that the deliberate provision of any false information in or together with this application is a criminal offence.

Nature of Application: Flue- or flame-curing firewood licence for the district of:

APPLICANT DETAILS

1. Name, ID No., physical address and contact details of person making application:

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

2. If the person making this application is not the person in whose name the licence will be issued but is acting in a representative capacity state—

(a) Name, ID No. (Company Registration No.), physical address and contact details of person in whose name this licence will be issued:

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

S.I. 116 of 2012

- (b) In what capacity are you acting on behalf of that person (e.g. corporate person, lawyer etc):
3. Give the address or location of the farm on which the tobacco is grown (district/ward and name/plot number) of the farm:
4. What are the source(s) of firewood for flue- or flame-curing tobacco whether obtained within or outside the district:
5. What hectareage of tobacco requiring flue- or flame-curing have you grown in the season immediately preceding the date of this application (ha):
6. Do you use any other source of energy other than firewood to flue- or flame-cure your tobacco? Yes or No. If Yes (please specify):

Declaration by applicant:

I declare that the particulars given by me in this Form are to the best of my knowledge and belief true.

Date: Signature of applicant:

FOR OFFICIAL USE OF LICENSING AUTHORITY ONLY

.....
Name of officer

.....
Designation

Signature:

Date and Stamp

--

1. Receipt No.:

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

2. Application No.:
3. Date of transmission of this application to the Provincial Forest Extension Officer:
4. Recommendation of licensing authority (*fill in where appropriate*):
 - (a) Approval without conditions recommended:
 - (b) Approval recommended subject to the following conditions:
.....
.....
.....
.....
 - (c) Rejection recommended for the following reasons:
.....
.....
.....
.....

**FOR OFFICIAL USE OF PROVINCIAL FOREST EXTENSION
OFFICER ONLY**

1. Provincial Forest Extension Officer unable to process application due to the following reasons:
.....
.....
.....
.....
2. Approved without conditions:
3. Approved subject to the following conditions:

S.I. 116 of 2012

4. Rejected for the following reasons:

.....

.....

.....

.....

5. Date of transmission of application back to licensing authority:

Signature:

Date and Stamp

--

NOTIFICATION PARTICULARS

The decision on this application was notified to the applicant:

On:

Signed:

Forest (Control of Firewood, Timber and Forest Produce)
Regulations, 2012

Form FC4

FORESTRY COMMISSION



FC4

SERIAL No.

FIREWOOD TRADER'S LICENCE

Issued in accordance with the (Control of Firewood, Timber and Forest
Produce) Regulations, 2012

District: Licence No.:

Name of Local Authority:

Name of Trader:

ID/Company Registration No.:

Physical/Residential Address:

Physical Address(es) of Trading site(s):

.....

.....

Source(s) of firewood within or outside the district:

.....

.....

.....

Tel. No.: Cell No.: E-mail Address:

Expiry Date: 31st December of the year:

Signature of Issuing Officer:

Designation:

Date and Stamp

Renewal Endorsements:

This licence was renewed for the period ending the 31st of December of year:

Signature of Renewing Officer:

Date and Stamp