

THE FOREST RULES

(Made under section 95)

(Incorporating amendments made up to 22nd November, 1973)



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PROTECTED TREES

1.—(1) These Rules may be cited as the Forest Rules.

(2) Rules 3 to 16 inclusive and rules 18 to 21 inclusive shall not apply to any forest reserve, protected forest or communal forest unless it is expressly stated that they shall apply, or unless they are expressly stated to apply in terms of any licence or permit issued in respect of such forests.

2. In these Rules

“fell” includes burn, injure or remove;

“fruit tree” includes any wild tree of the species assam (*Mangifera* spp.), berangan (*Castanopsis* spp.), dabei (*Canarium* spp.), durian (*Durio* spp.), sibu or rambutan hutan (*Nephelium* spp.) and kandis, kendong or mangis tedong (*Garcinia* spp.);

“height” means the distance parallel with the vertical axis of a tree, measured on the side of the tree on which the ground is highest;

“licence area” means any land covered by any licence or permit issued under section 51;

“marketable tree” means a tree of any kind mentioned in the First Schedule from which at least two merchantable logs can be obtained;

"merchantable log" means -

(a) in the case of belian, a straight log not less than six feet in length and three feet in mid-girth under bark;

(b) in the case of ramin, a straight log not less than six feet in length and three feet in mid-girth under bark;

(c) in the case of all other species, a straight log not less than twelve feet in length and not less than four feet six inches in mid-girth under bark;

Provided that -

(i) any log with the following or less than the following deviations from the straight shall be considered straight, that is to say—

(a) for logs six feet and not exceeding nine feet in length, the maximum deviation shall be one and a half inches;

(b) for log exceeding nine feet in length, one inch shall be added to the maximum deviation cited in subparagraph (a) of paragraph (i) of this proviso for every three feet, or part of three feet, of additional length.

The above allowances refer to logs that deviate from the straight in one direction only. If a log deviates from the straight in two opposite directions, the log shall be classed as straight if the sum of the maximum deviations from the straight in each direction is not greater than the allowances stated above;

(ii) a log shall not be classed as merchantable:-

(a) if its volume is reduced by more than one-third by branch knots exceeding three inches in diameter, shakes, shatters and decay; or

(b) if its heart is spongy, brittle or hollow, unless it has an average thickness of not less than five inches of sound timber measured in a radial direction;

For the purposes of this paragraph, defects caused by fungi or insects that have occurred after the tree has been felled shall be ignored;

(iii) if a tree is not so cross-cut as to ensure that as much merchantable timber as possible is obtained from it, its merchantable contents shall be assessed as if it had been so cross-cut;

“permanent forest” means forest reserve, protected forest or communal forest;

“section” means a section of the Ordinance;

“Section Forest Officer” means any forest officer who is directly responsible to the Conservator for the administration of the Ordinance and of these Rules in any part of Sarawak.

COLLECTION OF FOREST PRODUCE

3. No person holding a licence or permit to take timber of recognised as a casual worker under section 56 shall, on any Stateland including permanent forest, fell any tree if the girth of the tree, when measured above buttresses or, in the case of a tree without buttresses, when measured at a height of four feet and three inches above the ground, is less than such minimum girth as may be prescribed by the

Conservator for that tree in any particular area.

4. (1) No person shall, on any Stateland, without the permission in writing of the District Officer, Divisional Agricultural Officer or Section Forest Officer, fell any tree of a kind specified in the Second Schedule.

(2) No person shall, in any permanent forest, without the permission in writing of the Section Forest Officer, fell any tree of a kind specified in the Second Schedule.

(3) No permission under this rule shall be granted unless the officer to whom the application is made is satisfied that the application is made in good faith for the purpose of clearing land for farming or that the tree is dangerous or otherwise constitutes a nuisance.

5. No person shall fell or otherwise injure any tree for the purpose of collecting fruit or damar.

6. Rules 3, 4 and 5 shall apply also to the taking of forest produce under right or privilege from permanent forests.

7. (1) No person shall fell or collect timber as a casual worker under section 56 unless he holds a letter of authority issued by a forest officer not below the rank of Junior Assistant Forest Officer, specifying the locality and period within which he may work as a casual worker, and the kind of produce that he may collect.

(2) Such letter of authority shall not be valid for more than twelve months from the date of issue, and there shall be no right to renewal.

(3) Such forest officer may refuse to recognise any person as a casual worker, and may at any time cancel any letter of authority already issued if the holder thereof commits any breach of the Ordinance or of these Rules.

8. (1) All trees felled under licence or permit or by casual workers, for the propose of conversion into timber, shall be cut at a height not exceeding twelve inches or, in the case of a buttressed tree, immediately above the buttresses.

(2) In addition to any penalty imposed by law for a breach of this rule, royalty shall be payable on all timber wasted by felling in contravention of this rule.

9. (1) All trees felled under licence or permit or by a casual worker, for the purpose of conversion into timber, shall be cross-cut in such manner as to ensure that as much merchantable timber as possible is obtained therefrom.

(2) In the event of non-observance of this rule, royalty shall be payable as if the tree had been so cross-cut.

10. Every holder of a licence to take timber or fuel shall confine his felling operations to such part or parts of this licence area as the Section Forest Office may from time to time direct.

11. (1) Subject to the provisions of rules 3 and 4, the holder of any licence to take timber, unless such licence specifies the kind or kinds of timber to be taken, shall fell all marketable tree within his licence area, and shall not remove his felling operations from one part of his licence area to another until all marketable trees in the first part have been felled or assessed for royalty.

(2) Royalty to such amount as may be assessed by a forest officer shall be payable on any marketable tree not felled.

12. (1) Except with the express permission of the Conservator, no tree of a kind specified in the First Schedule shall be felled for the construction of any road, railway, skidway, ropeway or other route used for the extraction of timber of other forest produce from a licence area, unless its removal is necessary for the proper alignment of such route.

(2) No royalty shall be payable on any timber used for the construction of such extraction routes.

13. (1) No person shall, on any Stateland, strip any tree of the species *palaquium gutta*, commonly known as getah rian, nyatoh rian or getah taban merah, of more than one-third of its leaves at any one time, or remove any branch exceeding one inch in girth at its point of junction with the main stem, or take any leaves from any such tree that is of girth less than ten inches, measured at a height of four feet and six inches.

(2) No person shall, on any Stateland, tap any tree of the kind referred to in paragraph (1) otherwise than in accordance with the following conditions -

(a) no tree shall be tapped if its girth is less than twenty inches, measured at a height of four feet and six inches;

(b) no cut shall be made that penetrates the wood;

(c) cuts shall be not less than eight inches apart;

(d) cuts shall be as nearly as possible parallel and vertically one above the other;

(e) no cut shall be V-shaped;

(f) the length of a cut shall not exceed the quarter girth of the tree at the point where it is made;

(g) not more than two series of cuts shall be made on the same tree.

(3) No person shall tap any getah rian tree, the tapping of which has been prohibited by a Section Forest Officer.

14. No person shall, in any permanent forest, tap any tree, of a species that yields damar, otherwise than in accordance with the following conditions -

(a) the tree tapped shall be at least four feet in girth when measured above the buttresses or, in the case of a tree without buttresses, when measured at a height of four feet and six inches;

(b) no cut shall exceed eight inches in length and eight inches in width;

(c) there shall be left around every cut a clear surface of bark of not less than eighteen inches in width;

(d) no damar shall be taken from any tree until such damar has completely hardened.

15. No person shall, in any permanent forest, tap any tree of the genus *Dipterocarpus*, commonly know as keruing, unless the girth of finch tree is at least six feet when measured at a height of four feet and six inches, or above the buttresses.

16. (l) No person shall, in any forest reserve or protected forest, tap any tree belonging to the genus *Dyera*, commonly known as jelutong, otherwise than in accordance with the following conditions -

(a) the tree tapped shall be of girth not less than three feet and six inches, or of such other minimum girth as the Conservator may approve, when measured at a height of four feet and six inches;

(b) no cut shall extend above twelve feet, measured from the ground, or below three feet, measured from the ground;

(c) no cut shall be made that penetrates the wood;

(d) no cut shall extend over a surface in width greater than half the circumference of the tree;

(e) no knife that has a diameter greater than three quarters of an inch or a total length, including the handle, exceeding six feet shall be used for tapping.

(2) Any holder of a licence to take jelutong in any forest reserve or protected forest shall, or shall cause his servants or agents to -

(a) fix to each tree tapped a serial number in a manner approved by the Section Forest Officer;

(b) measure the girth of each tree tapped at the time when the serial number is fixed;

(c) supply to the forest officer in charge of the division or district a list of all trees tapped, with their serial numbers and girths, and the name of the tapper responsible for each tree; and thereafter promptly notify that forest officer of any changes in such list.

(3) No person shall tap any jelutong tree, the tapping of which has been prohibited by a Section Forest Officer.

17. No person shall use any chemical for the coagulation of getah jelutong, other than phosphoric acid or such other coagulant as the Conservator may from time to time approve.

(Rules 18 has been revoked)

19. Every holder of a licence to take forest produce shall ensure that the boundaries of his licence area, or any part of his licence area prescribed under rule 10, are clearly defined and maintained on the ground to the satisfaction of the Section Forest Officer.

20. Except with the prior approval of the Conservator in each case, not more than one licence to take the same kind of produce shall be issued in any one licence area.

REMOVAL OF FOREST PRODUCE

21. (1) All merchantable timber, and all forest produce other than timber, collected under licence on Stateland, including forest reserves and protected forests, shall be removed from the forest within one month of the date of felling or collection thereof, or within such longer period as the Section Forest Officer may, in any particular case, expressly permit.

(2) In addition to any penalty imposed by law for a breach of this rule, any such timber or other forest produce not removed within the specified time shall be liable to payment of royalty, and the licensee or other person responsible for the breach of this rule shall have no further right of property in such timber or forest produce.

(3) Any person who collects timber or other forest produce as provided for in subsection (1) of section 65, and who fails to remove such timber or other forest produce within one month of the date of felling or collection thereof, shall cease, at the expiration of that month, to have any claim to, or ownership of, such timber or other forest produce.

22. (1) Subject to any condition specified in his licence, every licensee shall, in respect of all forest produce cut or taken under licence, before the forest produce is removed from the licence area, accurately complete or cause to be completed a statement in such form as may be prescribed by the Conservator.

(2) All forest produce cut or removed under licence shall before any use is made thereof, be taken for checking to a place endorsed on the licence or to such place as a Section Forest Officer may from time to time approve, and the place so endorsed or approved is hereinafter referred to as a "Forest Checking Station".

(3) The methods of measurement of timber and other forest produce for assessment of royalty or other payments due under the Ordinance shall be in accordance with instructions issued from time to time by the Conservator.

(4) Any forest officer may refuse to measure any forest produce if it is presented for examination in such manner that an exact assessment of its value is unduly difficult.

(5) No forest produce shall be removed to any place from any Forest Checking Station unless the person actually removing it is in possession of removal pass in Form IX in the Schedule to the Forest (Forms) Rules relating to such produce, issued under the hand of a forest officer and, if it is timber, unless it bears the prescribed Government hammer-mark denoting that it has been assessed for royalty.

23. The Section Forest Officer may require the production for checking, in accordance with rule 22, of any forest produce taken or removed under permit.

24. A Section Forest Officer shall have authority to give permission for the purpose of section 60.

25. (1) Every holder of a licence to take timber shall register with the Conservator a mark as the distinguishing mark of such timber;

Provided that the Conservator may refuse to register any mark that is similar to, or likely to be confused with, a mark already registered by any other licensee or which in the opinion of the Conservator is not suitable for the purpose of marking timber.

(2) All logs taken under licence shall, before removal from the licence area, be clearly hammer-marked at each end and at the middle with the registered mark of the holder of the licence under which such logs were taken or removed.

(3) A fee of ten dollars shall be charged for each mark registered under this rule.

26. (1) A surcharge of 5% shall be paid on any payment due by way of royalty or fee under the Ordinance or these Rules and made 15 days after the date when it becomes due and thereafter at the rate of 5% per calendar month or any part of a calendar month if the payment continues to remain unpaid.

(2) Where no date is fixed for any payment to be made, it shall be deemed to become due as soon as demand for its payment has been served.

(3) The Conservator may, in any case in which he considers that the circumstances so warrant, extend the time for payment under paragraph (1) to any time not exceeding three months after the date when such payment becomes due.

26A. No royalty shall be payable on timber taken for use as and subsequently used for fishing stakes or pepper posts:

Provided that any such timber taken from any Forest Reserve or Protected Forest shall be liable for such payment as the Conservator may determine under paragraph (c) of section 49.

EXPORT OF TIMBER

27. No belian whether in log, sawn or hewn form shall be exported to any place outside Sarawak without the permission in writing of the Conservator.

28. (1) When, by the laws of any importing country, an inspection certificate is required to certify that timber is apparently free from infection by fungi and insects, the exporter may request inspection by a forest officer who, if he is satisfied that there is no visible sign of such

infection, shall issue a certificate in Form VIII in the Schedule to the Forest (Forms) Rules.

(2) No Charge shall be made for such inspection but the exporter shall pay any reasonable cost of transport incurred or provide such transport at his own expense.

(Rules 29, 30 and 31 have been revoked)

32. When any inspection is made under rule 28, the exporter shall present the timber in a manner convenient and suitable for inspection, and any timber inspector may refuse to inspect any timber which, in his opinion, has not been presented in such manner:

Provided that any timber inspector refusing to inspect timber in accordance with this rule shall, without unnecessary delay, report the full circumstances of his refusal to the Section Forest Officer, who may give such directions as he may deem appropriate.

PENALTIES

33. Whoever -

(a) fells or injures any tree in contravention of rule 3, 4 or 5;

(b) uses any tree of the kinds specified in the First Schedule for the construction of extraction routes in contravention of paragraph (l) of rule 12;

(c) collects any getah rian, damar, keruing oil or getah jelutong in contravention of rule 13, 14, 15 and 16;

(d) fells any tree in contravention of rule 8;

(e) collects forest produce as a casual worker without authority in contravention of rule 7;

(f) fails to observe the conditions of any licence or permit, in contravention of rule 10;

(g) uses, in the coagulation of getah jelutong, any substance that, in the opinion of the Conservator, is deleterious, in contravention of rule 17;

(h) fails to remove forest produce from his licence area within the time specified by rule 21;

(i) removes timber from alienated land in contravention of rule 24; or

(j) fails to observe the provision relating to property marks, in contravention of rule 25;

shall be guilty of an offence: Penalty, imprisonment for three months and a fine of one hundred dollars.

34. A contravention of paragraphs (1), (2) or (5) of rule 22, or rule 23, shall constitute an offence: Penalty, imprisonment for six months and a fine of one hundred dollars.

GENERAL

35. The Conservator may, of his own motion or on the application of any party aggrieved by the exercise of any discretion vested by these Rules in any forest officer, other than the Conservator, made within thirty days from such exercise, review any discretion exercised by a forest officer under these Rules.

36. The Conservator may, by writing under his hand, exempt any person from any of these Rules.

FIRST SCHEDULE**(Rule 2)****LIST OF MARKETABLE TREES**

Botanical Name	Standard Vernacular Name
Agathis spp.	Bindang
Calophyllum spp.	Bintangor
Combretocarpus rotundatus	Keruntum
Cotylelobium spp.	Resak
Cratoxylon spp.	Geronggang
Dacrydium spp.	Sempilor
Dactylocladus stenostachys	Jongkong
Dipterocarpus spp.	Keruing
Dryobalanops spp.	Kapur
Durio spp.	Durian
Eusideroxylon malagangai	Malagangai
Eusideroxylon zwageri	Belian
Fagraea gigantea	Tembusu hutan
Gonystylus bancanus	Ramin telur
Hopea spp.	Giam, Chengal
Hopea spp.	Selangan
Intsia palembanica	Merbau
Lauraceae	Medang
Lumunitzera littorea	Teruntum
Melia excelsa	Runggu
Mezzettia spp.	Kepayang babi
Palaquium spp.	Nyatoh
Parashorea spp.	White Seraya, Peran
Pseudosindora spp.	Sepetir paya
Sandoricum spp.	Klampu
Shorea albida	Alan, Alan bunga
Shorea inaequilateralis	Semayur
Shorea pachyphylla	Kerukup, Urat mata
Shorea spp.	Red Meranti, Perawan
Shorea spp.	White Meranti
Shorea spp.	Yellow Meranti, Lun
Shorea spp.	Selangan batu
Sindora spp.	Sepetir
Tetramerista spp.	Entuyut
Upuna borneensis	Penyau

SECOND SCHEDULE**(Rule 4)****PROTECTED TREES**

Botanical Name	Standard Vernacular Name
Casuarina equisetifolia	Ru laut
Dipterocarpus oblongifolius	Ensurai
Shorea gysbertsiana	Engkabang jantung
Shorea splendida	Engkabang bintang