

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO.94 OF 2015

The Forests Act, 2015

(Act No. 4 of 2015)

The Forests (Export of Timber) Regulations, 2015

IN EXERCISE of the powers contained in section *sixty-four* of the Forests Act, 2015, the following Regulations are made:

1. These Regulations may be cited as the Forests (Export of Timber) Regulations, 2015. Title

2. In these Regulations unless the context otherwise requires— Interpretation
 - “ Concession licence ” has the meaning assigned to it in the Act;
 - “ exporter ” means a holder of a concession licence or timber merchant who exports forest produce;
 - “ finished timber products ” means timber products which have been processed and are in component pieces;
 - “ forest officer ” has the meaning assigned to it in the Act;
 - “ inspector ” has the meaning assigned to it in the Standards Act; Cap. 416
 - “ letter ” means a letter of credit;
 - “ permit ” means a forest produce export permit issued under these Regulations;
 - “ plantation ” has the meaning assigned to it in the Act;
 - “ plantation tree ” means a tree from a plantation;
 - “ planted species ” means cultivated trees;
 - “ quota ” meant the maximum volume of timber which an exporter may export at a time, calculated as a percentage of the total production;
 - “ sawn timber ” means timber which has been sawn by a sawmill or pitsaw in accordance with a customer’s specifications;
 - “ timber ” has the meaning assigned to it in the Act;
 - “ timber merchant ” means a person who buys and sells timber or timber products but does not hold a concession licence; and

“ timber products ” means sawn timber and includes cant wood with cross ends of selected timber species and finished timber products.

Timber eligible for export

3. (1) Subject to these Regulations, the following timber may be exported:

- (a) sawn timber;
- (b) railway sleepers which shall be drilled on both sides;
- (c) poles from planted species;
- (d) finished timber products; or
- (e) plantation trees

(2) Despite subregulation (1), the Director may grant a permit for the export of any other timber the Director may, in consultation with the Minister, consider necessary in the interest of the Republic.

(3) An exporter shall not export any of the following:

- (a) charcoal;
- (b) non-finished timber products from national forests; and
- (c) peelers and saw logs of any species.

Restriction on use of species of timber

4. A person shall not use any of the following species of timber to manufacture railway sleepers:

- (a) *Azelia quanzensis* (Mupapa);
- (b) *Entandrophragma* spp.(Mofu);
- (c) *Faurea Saligna* (Saninga);
- (d) *Guibourtia coleosperma* (Muzauli);
- (e) *Khaya nyasica* (Mululu);
- (f) *Pericopsis angolensis* (Mubanga);
- (g) *Pterocarpus angolensis* (Mukwa); and
- (h) *Pterocarpus chrysothrix* (Mukula)

Application for permit

5. (1) Subject to subregulation (3), a holder of a concession licence or timber merchant may apply to the Director for a permit in Form I set out in the Schedule.

(2) The Director shall, within thirty days of the receipt of an application, notify the applicant of the decision of the Director in respect of the application.

(3) Notwithstanding subregulation (1), a timber merchant who does not have a written agreement with a holder of a concession licence authorising the timber merchant to export timber of the concession licence is not eligible to apply for a permit.

6. (1) The Director shall reject an application for a permit if—
- (a) the applicant fails to meet the requirements of the Act;
 - (b) the permit issued to the applicant was cancelled by the Director; or
 - (c) the applicant is convicted of an offence under the Act or any other written law.
- (2) The Director shall, where the Director rejects an application under subregulation (1), inform the applicant of the reasons for the rejection in Form II set out in the Schedule.
7. (1) The Director shall, where the applicant meets the requirements of the Act, issue a permit in Form III set out in the Schedule.
- (2) A permit shall be valid for six months from the date of issue.
8. (1) An application for the renewal of a permit shall be made to the Director in Form IV set out in the Schedule at least three months before the expiry of the permit.
- (2) The Director may within thirty days of receipt of an application for the renewal of a permit, renew the permit if the applicant meets the requirements of the Act and has complied with the terms and conditions of the permit.
- (3) The Director shall, where the Director renews a permit, endorse the renewal on the permit.
- (4) A permit that is not renewed by the Director lapses on its date of expiry.
9. A holder of a permit may, where a permit is lost, damaged or defaced, apply to the Director for a duplicate permit in Form V set out in the Schedule.
10. (1) The Director may suspend or cancel a permit if the holder—
- (a) obtained the permit by fraud or deliberate or negligent submission of false information or statements; or
 - (b) contravenes any terms and conditions of the permit or the Act.
- (2) The Director shall, before suspending or cancelling a permit, notify the holder in writing of the intention to suspend or cancel the permit specifying the reasons for the intended suspension or cancellation of the permit and require the holder to show cause, within a period of thirty days, why the permit should not be suspended or cancelled.

Rejection of application for permit

Issuance of permit

Application for renewal of permit

Application for duplicate permit

Suspension or cancellation of permit

(3) A notice of intention to suspend or cancel a permit shall be in Form VI set out in the Schedule.

(4) The Director shall suspend a permit if the holder of the permit fails to take remedial measures within the period specified in the notice issued under subregulation (2).

(5) A notice of the suspension or cancellation of a permit shall be in Form VII set out in the Schedule.

Register of permits

11. (1) The Department shall keep and maintain a register of permits in Form VIII set out in the Schedule.

(2) The register referred to in subregulation (1) shall be kept at the offices of the Department and shall be open to inspection by the public at such times and upon payment of an inspection fee determined by the Director.

Restriction on quantities of timber to be exported

12. (1) Subject to subregulation (2), an exporter who is a holder of a concession licence shall not export more than seventy-five percent of the timber produced by such exports.

(2) Subregulation (1) does not apply to the export of—

- (a) planted species; or
- (b) finished timber products.

(3) For purposes of subregulation (1), timber exported by a timber merchant under an agreement referred to in regulation 5(3) shall be included in the export quota of the exporter who is a holder of a concession licence.

Clearance before export

13. A forest officer shall—

- (a) mark timber produce before it is exported; and
- (b) issue a clearance certificate in Form IX set out in the Schedule.

Inspection before export

14. A forest officer, a police officer or an inspector shall inspect a consignment of timber intended for export, in order to ascertain that—

- (a) the timber matched the order submitted by the buyer;
- (b) the timber procured has been procured in accordance with the provisions of the Act;
- (c) the timber bears an export mark; and
- (d) is accompanied by documents from the area of origin.

Export procedure

15. An exporter shall not export timber unless that exporter has received a confirmed order for the export of the timber specifying the desired timber and the quantity required.

- (2) The exporter shall issue to the buyer a quotation stating—
- (a) the price, either free on board, or cost insurance and freight, of the timber;
 - (b) the quantity of the timber; and
 - (c) the quality of the timber.

(3) The exporter shall, when requested to do so by the buyer, send to the buyer, a sample of the specified forest produce to be exported.

(4) The exporter shall issue a proforma invoice, when the buyer accepts the quotation, stating the—

- (a) timber specification;
- (b) quantity of the timber;
- (c) price of the timber;
- (d) delivered term of the timber;
- (e) receiving bank; and
- (f) validity of the offer

(5) The buyer shall open an irrevocable confirmed letter or use a telegraphic transfer of funds through the exporter's bank.

(6) The exporter's bank shall advise the supplier when an irrevocable letter or a telegraphic transfer of funds is received.

(7) The exporter's bank shall issue an export declaration form comprising the—

- (a) permit;
- (b) customs bill of entry; and
- (c) customs declaration.

(8) The exporter shall submit the export declaration form accompanied by the following documents to a customs official:

- (a) a commercial invoice;
- (b) a packing list;
- (c) shipping consignment notes;
- (d) timber export permit;
- (e) a written agreement (where applicable);
- (f) records of production (where applicable); and
- (g) clearance certificate.

(9) An exporter shall only ship the export timber upon completion of the formalities referred to in subregulation (1) to (8).

(10) The exporter shall present the documents listed in subregulation (8) to the exporter's banker for payment on—

- (a) completion of all export formalities; and
- (b) receipt of the export timber by the buyer.

Inspection
by customs
officer

16. A customs officer shall—

- (a) inspect the consignment of timber to be exported and the clearance certificate at the port of exit;
- (b) verify whether or not the details on the clearance certificate match the consignment of timber; and
- (c) endorse the clearance certificate with the appropriate results of such inspection.

Revocation
of S.I No. 7
of 1997 and
transitional
provisions

17. (1) The Forests (Timber Export) Regulation, 1997 are revoked.

(2) Despite subregulation (1), a licence issued under the revoked regulations shall remain valid until its expiration or revocation.

SCHEDULE

(Regulations 5, 6, 7, 8, 9, 10, 11 and 13)

PRESCRIBED FORMS

Form I

(Regulation 5(1))

ORIGINAL: Exporter

DUPLICATE: ZRA (Exit Port)

TRIPLICATE: FDHQ – Records

QUADRUPPLICATE: Retained for Audit



REPUBLIC OF ZAMBIA

The Forests Act, 2015

(Act No. 4 of 2015)

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APPLICATION FOR TIMBER EXPORT PERMIT		
Please complete in block letters	Shaded fields for official use only	Application No.
		Date and Time
Information Required	Information Provided	✓
PARTICULARS OF APPLICANT		
1.	(a) Surname: (BLOCK CAPITALS) (b) Other Names:	
2.	Concession License No.:	
3.	Nationality: (a) Identity No./Passport No. (b) Place of Issue (c) Date of Issue (dd/mm/yyyy)	
4.	Contact Details Residential Address: (a) Telephone (Cell) No.: (b) Fax No.: (c) Email Address:	
5.	Business Premises:	
6.	Province/District:	
7.	Timber Mark No.:	
8.	TPIN (Payer Identification Number)	
TO EXPORT THE FOREST PRODUCE SPECIFIED BELOW:		
9.	<i>S/N</i> Species (Botanical and common name)	<i>Type of Procedure</i> <i>Quantity (M³)/Metric Tonnes</i>

10.	Place of Loading:	
11.	Destination:	
12.	Buyer's Name:	
13.	Intended End Use:	
14.	Proposed Port of Exit	

DECLARATION AND SIGNATURE

I declare that the information I have stated in this application is correct and truthful to the best of my knowledge and belief. I understand that submission of false information shall render the application void and that if approval is granted, it shall be revoked and the permit cancelled.

Particulars of the person signing on behalf of the Applicant

.....

Name *Designation*

.....

Signature *Date*

FOR OFFICIAL USE ONLY

General Receipt No:.....
 Amount (ZMW):
 Date of Submission:
 Application Number:
 Place and Date:
 Designation of Approving Officer: Signature:.....
 Application approved/not approved:.....

OFFICIAL STAMP

Note: Attach copies of documents referred to in particulars

Form II

(Regulations 6(2))

ORIGINAL: Exporter

DUPLICATE: ZRA (Exit Port)

TRIPPLICATE: FDHQ – Records

QUADRUPPLICATE: Retained for Audit



REPUBLIC OF ZAMBIA

The Forests Act, 2015

(Act No. 4 of 2015)

The Forests (Export of Timber) Regulations, 2015

NOTICE OF REJECTION OF APPLICATION

- 1. Here insert the full names and address of the application
- 2. Here insert the reference No. of the application
- 3. Here insert type of application

To (1).....
.....

IN THE MATTER OF (2) you are notified that your application for (3).....has been rejected by the Director on the following grounds:

- (a).....
- (b).....
- (c).....
- (d).....

Dated this day of, 20.....

Director

Form II

(Regulations 6(2))

ORIGINAL: Exporter

DUPLICATE: ZRA (Exit Port)

TRIPLICATE: FDHQ – Records

QUADRUPPLICATE: Retained for Audit



REPUBLIC OF ZAMBIA

The Forests Act, 2015

(Act No. 4 of 2015)

The Forests (Export of Timber) Regulations, 2015

NOTICE OF REJECTION OF APPLICATION

- 1. Here insert the full names and address of the application
- 2. Here insert the reference No. of the application
- 3. Here insert type of application

To (1).....
.....

IN THE MATTER OF (2) you are notified that your application for (3).....has been rejected by the Director on the following grounds:

- (a).....
- (b).....
- (c).....
- (d).....

Dated this day of, 20.....

.....

Director

Form IV
 (Regulation 8(1))
 ORIGINAL: Exporter
 DUPLICATE: ZRA (Exit Port)
 TRIPPLICATE: FDHQ – Records
 QUADRUPLICATE: Retained for Audit



REPUBLIC OF ZAMBIA
The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Export of Timber) Regulations, 2015

APPLICATION FOR RENEWAL OF TIMBER EXPORT PERMIT		
Please complete in block letters	Shaded fields	Application No.
	for official use only	Date and Time
<i>Information Required</i>	<i>Information Provided</i>	√
1. Permit No.:		
2. Name(s) of permit holder:		
3. Address:		
(a) Telephone No.:		
(b) Fax No.:		
(c) Mobile Phone No.:		
(d) Email address:		
4. Appendix		
Report of activities undertaken in the past three months.		
Name of Applicant (individual or authorised representative)		
Date:		Signature:
FOR OFFICIAL USE ONLY		
Received by:		Receipt No:
Amount Received:		
.....		
Serial No. of application:		
<div style="border: 1px solid black; width: 150px; height: 50px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> OFFICIAL STAMP </div>		

FOR OFFICIAL USE ONLY

Date of Submission:

Application Number:

Payments Receipt Number:

Application Accepted (Proceed for Inspection):
.....

Application Rejected (Notify applicant on deficiencies:
.....

OFFICIAL
STAMP

Form VI
 (Regulation 10(3))
 ORIGINAL: Exporter
 DUPLICATE: ZRA (Exit Port)
 TRIPLICATE: FDHQ – Records
 QUADRUPPLICATE: Retained for Audit



REPUBLIC OF ZAMBIA
The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Export of Timber) Regulations, 2015

NOTICE OF INTENTION TO SUSPEND/CANCEL
 TIMBER EXPORT PERMIT

- (1) Here insert the full names and address of holder of permit To (1).....

 IN THE MATTER OF (2) you are notified that
- (2) Here insert the Permit No. the Director intends to *suspend/cancel your permit on the following grounds:
 (a)
 (b)
 (c)
 (d)

Accordingly, you are requested to show cause why your permit should not be suspended/cancelled and to take action to remedy the breaches set out in paragraphs..... (above) within thirty days of receiving this notice. Failure to remedy the said breaches shall result in the *suspension/cancellation of your permit.

Dated this..... day of 20.....

(3)Signature of Director (3).....
 Director

*Delete as appropriate

Form VII
(Regulation 10(5))
ORIGINAL: Exporter
DUPLICATE: ZRA (Exit Port)
TRIPLICATE: FDHQ – Records
QUADRUPPLICATE: Retained for Audit



REPUBLIC OF ZAMBIA
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NOTICE OF SUSPENSION/CANCELLATION OF
TIMBER EXPORT PERMIT

(1) Here insert
the full
names and
address of
holder of
Permit

TO: (1).....
.....

(2) Here insert
the Permit
No.

IN THE MATTER OF (2)you are notified that
your permit has been suspended/cancelled for a period of.....
on the following grounds:

- (a).....
- (b).....
- (c).....
- (d).....

Dated this day of 20.....

(3)

Director

(3) Signature of
the Director

(Regulation 13)
ORIGINAL: Exporter
DUPLICATE: ZRA (Exit Port)
TRIPLICATE: FDHQ – Records
QUADRUPPLICATE: Retained for Audit



REPUBLIC OF ZAMBIA
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PERMIT NO.....

CLEARIFICATE

SECTION A

- (1) Here insert the full names and address of holder of Permit To (1)

 IN THE MATTER OF (2)you are notified that your export has been cleared/not cleared for a period of on the following grounds:
- (2) Here insert the Permit No. (a).....
 (b).....
- (3) Signature of the Director (c).....
 (d).....

SECTION B

(To be filled by the Provincial Forest Officer)

I have checked the timber and found to be/not to be correct the amount as stated above, which is/is not hammer marked. Timber marking hammer No..... belonging to Forest Officer (name) was used. The item/documents stated in Section A have been inspected. I recommend that the timber can/cannot be exported.

Date: Name:
Signature: Job title:

SECTION C

(To be filled by the Forestry Department)

I certify that the exporter has/has not fulfilled the conditions required to export timber hence this application to export timber has been/has not been approved.

Officer's name:

Rank:

Signature:

Date stamp:

SECTION D

(To be filled by Zambia Bureau of Standards)

I certify that the exporter of this timber has/does not have the required grade of timber, hence this consignment has been approved/has not been approved for export.

Officer's name:

Rank:

Signature:

Date stamp:

SECTION E

(To be filled by the Zambia Revenue Authority Officer at the port of exit)

I certify that the details on this certificate and the document provided are consistent with the contents on the truck. Officer's name:

Rank:

Signature:

Date stamp:

.....Dated thisday of20.....

(3)

Director

SECOND SCHEDULE

	PRESCRIBED FEES	Fee Units
<i>Timber Export Certificate</i>		
Issuance		16,667
Renewal		10,000
Duplicate		6,667
Fees for conducting a search of the Register		167

C. GIMBU,
*Minister of Lands, Natural Resources and
Environmental Protection*

LUSAKA

1st December, 2015

[MLNREP/]