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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 203/33 (vii).

FOREST CONSERVATION ORDINANCE (CHAPTER 451)

REGULATIONS made by the Minister of Environment and Renewable Energy by virtue of the powers vested in him under Subsection (1) of Section 64 read with Sections 23A, 23B, 23C, 23D and 28(3) of the Forest Conservation Ordinance (Chapter 451).

SUSIL PREMAJAYANTHA,

Minister of Environment and Renewable Energy.

Battaramulla,
26th November 2014.

Regulations

1. (1) These Regulations may be cited as the Forest Conservation (Registration of Timber Depots and Property Marks) Regulation No. 01 of 2014 and shall come into operation with effect from 08.12.2014.

(2) The provisions of these Regulations shall apply within all Administrative Districts of Sri Lanka.

2. Every application for a Certificate of Registration made under Section 23B of the Ordinance, to carry on the business of a timber depot in terms of Section 23A of the Ordinance, shall be substantially in the Form set out in Schedule I to these regulations :

Provided however, any person who carries on the business of a timber depot, by virtue of a Certificate of Registration obtained prior to the coming into operation of these regulations, under the Forest Regulation No. 3 of 1979 published in *Gazette Extraordinary* No. 68/14, of December 26, 1979 shall not be required to obtain a Certificate of Registration under these regulations and the Certificate of Registration so obtained shall be deemed to be a Certificate of Registration issued under these regulations.

3. An application to carry on the business of a timber depot referred to in regulation 2 that engages in the activities specified in Column I of Schedule II to these regulations shall be refused, if such timber depot is situated within the minimum aerial distance to a State forest or a forest plantation, as specified in Column II thereof.



4. (1) Upon issuing a Certificate of Registration to carry on the business of a timber depot, the Conservator - General of Forests shall also issue a permit authorising the person to whom the Certificate of Registration was issued to engage in the business of a timber depot. The application form for a permit shall be substantially in the Form set out in Schedule III to these regulations.

(2) The Certificate of Registration and the permit shall be in such Form as set out in Schedules IV and V respectively to these regulations. Unless earlier cancelled, the Certificate of Registration shall be valid for so long as the business of the timber depot shall be in operation and the permit shall be valid for the period mentioned in the said permit.

5. (1) The fee for registration specified in Column II of Schedule VI to these regulations shall be paid to the Conservator - General of Forests for issuing a Certificate of Registration to engage in the particular business activity specified in the corresponding entry in Column I of that Schedule.

(2) The annual fee specified in Column III of Schedule VI to these regulation shall be paid to the Conservator - General of Forests for issuing a permit to engage in the particular business activity specified in the corresponding entry in Column I of that Schedule for the period specified therein :

Provided however, any person who has obtained a permit which is valid for the current year, in terms of the provisions of Forest Regulation No. 3 of 1979 published in *Gazette Extraordinary* No. 68/14 of December 26, 1979, prior to the coming into operation of these regulations shall not be required to pay the annual fee for the current year.

6. The owner of the timber depot shall exhibit in a conspicuous place in the depot, the Certificate of Registration and the permit issued in respect of such timber depot.

7. (1) Where a timber depot is registered under Section 23B of the Ordinance, the Conservator - General of Forests shall assign a property mark which is unique to that timber depot.

(2) The size, form and distinctive figure and letter which shall be used in such property mark shall be of such dimension as the Conservator - General of Forests shall determine at the time of the registration of a particular timber depot, taking into consideration the administrative district and other similar requirements.

(3) Upon determination of the property mark the Conservator - General of Forests shall forthwith notify the owner of the timber depot, that a property mark of the given dimension has been issued to him and such owner shall have the property mark made out of metal and affixed onto a piece of timber in such manner as would appear to be capable of being embossed.

(4) The owner of the timber depot shall thereafter impress the property mark on a sheet of paper being a square having a length of twenty centimetres (20 cm) in each side. He shall also affix his name, date and signature thereon and forward the same to the Divisional Forest Officer of the area within which his timber depot is situated, within one month of such mark being issued to him.

8. All logs and sawn timber stored in a timber depot including the timber sold from such timber depot shall be stamped with the property mark issued to the respective depot.

9. (1) The following registers containing a record of the transactions of each day shall be maintained by the owner of the timber depot :-

(a) a register substantially in the Form specified in Schedule VII to these regulations relating to logs of timber ;
and

(b) a register substantially in the Form specified in Schedule VIII to these regulations relating to the sawn timber.

(2) The stock of timber as appearing in the registers maintained in a timber depot shall at all times tally with the physical stock of timber in the timber depot.

10. An officer authorized to inspect timber depots by virtue of the provisions of the Ordinance may enter any timber depot at any reasonable time for the purpose of inspecting the logs and sawn timber stored therein and the records of transaction of such timber depot. It shall be the duty of the owner of the timber depot to make available to any authorized officer all timber, registers and records maintained by him and render all assistance which may be required of him for the purpose of facilitating the inspection of the timber depot by the forest officer.

11. Where an inspection is carried out in respect of any timber depot by an officer referred to in regulation 10, it shall be the duty of the owner thereof, to prove that all timber stored was legally in his possession and control.

12. (1) (a) The Certificate of Registration issued by the Conservator - General of Forests in respect of a timber depot shall be transferable to another person, only upon both the registered owner and the prospective owner forwarding a request to the Conservator - General of Forests or to the officer authorized in that behalf by the Conservator - General of Forests.

(b) Where the Conservator - General of Forests or the officer authorized by the Conservator General of Forests in that behalf approves the transfer of the registration of the timber depot to the name of the prospective owner the previous Certificate shall forthwith be cancelled and a Certificate of Registration and a permit enabling him to carry on the business of the timber depot shall be issued to the new owner subject to the provisions of these regulations.

(c) The prospective owner shall be required to pay the fees specified in Schedule VI hereto in respect of such Certificate of Registration and permit.

(2) (a) Every request for a transfer of Registration in terms of paragraph (1), shall be accompanied by an application of the prospective owner substantially in the Form set out in Schedule I and a statement that the new owner has himself verified the stock of logs and sawn timber in the depot with the entries in the Register.

(b) In case the figures in the register do not tally with the stock of logs and sawn timber in the depot, a statement setting out the reason for the discrepancies shall be submitted to the Conservator-General of Forests along with the relevant request.

13. It shall be lawful for the owner of a timber depot, the registration of which has been cancelled, in terms of section 23C of the Ordinance, to sell, with the approval of the Conservator-General of Forests, within three months from the date of such cancellation, his entire stock in trade to the owner of any other registered timber depot or to any other person authorized by the Conservator-General of Forests for his personal use. An officer authorized by the Conservator-General of Forests shall issue a permit for transportation of any such stock of timber.

14. (1) An application for the renewal of a permit to carry on the business of a timber depot shall be substantially in the Form set out in Schedule III to these regulations and shall be submitted to the Conservator-General of Forests at least one month prior to the expiration of the current permit.

(2) The annual fee specified in Schedule VI to these regulations shall be paid for the renewal of a permit to carry on the business of a timber depot.

(3) If the owner fails to submit the application for renewal within the time specified in paragraph (1), he shall pay to the Conservator-General of Forests, ten *per centum* of the prescribed permit fee as a surcharge, for each month or part thereof during which he has so delayed to apply for renewal after the expiration of the permit. The failure to renew the permit for the period of more than six months, without a valid reason, shall cause the cancellation of the Certificate of Registration.

15. (1) Where the registered owner of a timber depot whose registration and permit has been suspended intends to commence the business of a timber depot after the period of such suspension has expired, he shall apply for a fresh Certificate of Registration and a permit before the expiry of a period of one month from the date on which the period of suspension is to expire. No Certificate of Registration or permit shall be granted if he delays to do so within the specified period.

(2) Where there has been a delay, as specified in paragraph (1), the Conservator-General of Forests shall inform the owner in writing of the refusal of granting the Certificate of Registration and the permit by registered post.

(3) The owner of the timber depot may appeal to the Conservator- General of Forests within thirty days of the date of suspension of the permit upon receipt of the notice by registered post.

(4) If sufficient and justifiable reasons have not been given by the owner of the timber depot within the period referred to in paragraph (1), the Conservator - General of Forests shall confirm the refusal of granting the Certificate of Registration and the permit of the timber depot and shall notify the owner of the timber depot of the same by registered post.

16. (1) If the registered owner of a timber depot intends to close his timber depot for a specified period, he shall inform in writing to the Conservator-General of Forests of his intention within a period of at least thirty days prior to the intended date of closure. A notice of closure of a timber depot issued by the Conservator-General of Forests shall be in the Form set out in Schedule IX to these regulations and be valid for a maximum period of two years from the date of issue.

(2) Where an owner of a timber depot who has closed his timber depot in terms of paragraph (1), wishes to commence the business of the timber depot once again, he shall renew the Certificate of Registration and the permit issued to him for such purpose:

Provided however, the registration of that particular timber depot shall not be renewed after a period of two years from the date of its closure and if the owner wishes to reopen his timber depot, he shall act in accordance with the provisions of regulations 3 and 4 hereof and shall obtain a fresh Certificate of Registration by submitting a fresh application.

(3) The owner of the timber depot referred to in paragraph (2) shall along with a copy of the letter sent informing about the intended closure of the depot, apply to the Conservator-General of Forests, at least thirty days prior to the date of reopening the same. After carrying out a proper investigation the Conservator-General of Forests may issue the relevant Certificate of Registration and the permit to recommence the business of the timber depot from the date on which the request was received .

(4) No arrears, registration fees or any surcharge shall be recovered for the period of closure of the timber depot on the issuance of a fresh Certificate of Registration and a permit as referred to in paragraph (3).

17. The following provisions shall apply to a mobile timber saw mill, in addition to the provisions of these regulations other than the provisions of regulations 3, 6, 9, 10 and 11 :-

- (a) every mobile timber saw mill shall be used solely for the purpose of sawing timber felled in accordance with the provisions of the Ordinance and any regulation made thereunder, within the private land upon which such mobile timber saw mill is located;
- (b) any person who intends to saw timber using a mobile timber saw mill shall, prior to starting the sawing activities, obtain from the Range Forest Officer or Divisional Secretary of the area within which the mobile timber saw mill is operated a certificate to confirm that the timber has been obtained from a private land;

Provided however, any person who holds a felling permit used for felling trees under the Felling of Trees (Control) Act (Chapter 452) shall not be required to obtain a certificate under this regulation;

- (c) the certificate referred to in sub-paragraph (b) shall be substantially in the Form specified in Schedule X to these regulations;
- (d) when sawing is being carried out, the operator shall have in his possession the Certificate of Registration and the permit that were issued for the saw mill and the certificate referred to in sub-paragraph (b) ;

- (e) the hand tractor or trailer to which the mobile timber saw mill is fixed shall be registered with the Commissioner-General of Motor Traffic and shall possess a Vehicle Revenue Licence in respect of the current year. When sawing is being carried out the said licence shall be in the possession of the machine operator at all times ;
- (f) the registration of the mobile timber saw mill shall be carried out only within the Divisional Secretary's Division where the applicant permanently resides ;
- (g) the applicant shall be the registered owner of the hand tractor to which the mobile timber saw mill is fixed;
- (h) the minimum aerial distance from a State forest or a forest plantation to the land where the sawing is being carried out shall not be less than 200 metres ;
- (i) when applying for the renewal of the permit, the Annual Vehicle Revenue Licence of the hand tractor shall be submitted ;
- (j) a mobile timber saw mill shall not be fixed to any vehicle or a machine other than the hand tractor or trailer mentioned in the Certificate of Registration ;
- (k) the blade of the saw that is used for the mobile timber saw mill shall be less than 75 centimeters (30 inches) in diameter ;
- (l) a mobile timber saw mill shall be operated only from 06.00 am to 06.00 pm of each day ; and
- (m) an officer authorized to inspect timber depots by virtue of the provision of the Ordinance may, inspect any mobile timber saw mill at any time when the saw mill is being operated and it shall be the duty of the owner of the mobile timber saw mill and the owner of the land in which the mobile timber saw mill is being operated, to render all assistance required therefor.

18. In these regulations -

“Certificate of Registration” means a Certificate of Registration required to be obtained under section 23A of the Ordinance to carry on the business of a timber depot ;

“Conservator - General of Forest” means the Conservator - General of Forests appointed in terms of the Ordinance;

“mobile timber saw mill” means a saw mill which is not permanently fixed to the ground, mounted on a hand tractor and used to saw timber ;

“Ordinance” means the Forest Conservation Ordinance (Chapter 451) ;

“owner of the timber depot” includes an agent or any employee administering the timber depot ;

“permit” means a permit required to be obtained under section 23A of the Ordinance to carry on the business of a timber depot ;

“timber depot” shall have the same meaning assigned to that expression under the Ordinance.

19. The Forest Regulations, No. 3 of 1979 published in *Gazette Extraordinary* No. 68/14 of December 26, 1979 as amended from time to time and last amended by *Gazette Extraordinary* No. 429/8 of November 26, 1986 and the Notification made under Section 28 published in *Gazette Extraordinary* No. 80/7 of March 20, 1980 are hereby rescinded without prejudice to anything done thereunder.

SCHEDULE I

(Regulation 2 and 12)

FOREST CONSERVATION ORDINANCE (CHAPTER 451)

APPLICATION FOR THE REGISTRATION OF A TIMBER DEPOT (SECTION 23B)

FOREST DEPARTMENT

1. Full Name of the Applicant :.....
Permanent Address :.....
NIC number :.....
(If the applicant is a company a copy of the Certificate of Registration should be annexed)
2. Address of the place where the timber depot is or will be located :.....
.....
Name of the Land :.....
Owner of the Land :.....
(Please submit documentary proof of ownership)
3. Name of the timber depot :.....
4. Nature of the timber depot :.....

Mark “✓” within the relevant cage indicating the category to which the nature of the business of the timber depot.

- | | |
|--|--------------------------|
| (a) sawmill | |
| (i) Sawmill (Only for Sawing) | <input type="checkbox"/> |
| (ii) mobile timber sawmill (Only for Sawing) | <input type="checkbox"/> |
| (b) timber sales outlet | |
| (only for sale of timber and machines cannot be Used) | <input type="checkbox"/> |
| (c) timber seasoning or processing factory | |
| (sawing of logs and sale of timber not permitted) | <input type="checkbox"/> |
| (d) carpentry shed | |
| (storing of logs and sale of timber not permitted) | <input type="checkbox"/> |
| (e) timber furniture shop | |
| (only for the sale of finished furniture. Use of machines not permitted) | <input type="checkbox"/> |
| (f) fire wood shed | <input type="checkbox"/> |

5. Description of the Location of the timber depot:
 - i. District :.....
 - ii. Divisional Secretary Division :.....
 - iii. Grama Niladhari Division :.....
 - iv. Local Govt. Area :.....

6. In the case of a mobile timber sawmill;
 - i. Registration No. of the hand tractor :.....
 - ii. Registration No. of the trailer :.....
(Copy of the Certificate of Registration and Revenue License should be attached)

7. The Divisional Secretary's Division where the mobile timber sawmill is to be used :.....
8. The date on which the business was started or is to be started :.....
9. Validity period of the Environmental Protection License :.....
(Please attach a copy)

I do hereby certify that the information provided in this application are true and accurate to the best of my knowledge.
I hereby agree to carry on the business of the timber depot according to the Forest Conservation Ordinance (Chapter 451) and regulations published under the Forest Conservation Ordinance.

.....
Signature of the Applicant.

Date :.....

NB :— This application shall be submitted in triplicate to the Divisional Forest officer of the area. Applications of Colombo district except Hanwella and Padukka Divisional Secretary's areas shall be submitted to the Regional Deputy Conservator of Forests, No 60, Akuragoda Road, Pelawatttha, Thalangama South. Application of Hanwella and Padukka Divisional Secretary's Areas shall be submitted to the Divisional Forest Officer at Kaluthara.

SCHEDULE II

(Regulation 3)

Column I	Column II		
Nature of the timber depot	The minimum aerial distance to the timber depot from the State owned forest not less than 40 ha. / forest plantation not less than 20 ha.		
	Within Municipal Council limits (in Km)	Within Urban Council limits (in Km)	Within Pradeshiya Sabha limits (in Km)
I. Sawmills	1	1	2
2. Timber sales outlets	0.5	0.5	1
3. Timber seasoning or processing factories	0.5	0.5	1
4. Carpentry sheds	0.5	0.5	1
S. Timber furniture shops		Distance limit is not applicable	
6. Firewood sheds	0.5	0.5	1

SCHEDULE III

(Regulation 4 and 14)

FOREST CONSERVATION ORDINANCE (CHAPTER 451)

APPLICATION FOR THE PERMIT TO CARRY OUT THE BUSINESS OF A TIMBER DEPOT (SECTION 23B)

FOREST DEPARTMENT

1. Full name of the owner of the timber depot :
Permanent Address :
National Identity Card No:
(If the applicant is a company the Certificate of Registration should be annexed.)
2. Address of the timber depot :
3. Name of the timber depot :
4. (a) Registration No. of the timber depot :
(b) Date of first registration :
5. Nature of the timber depot :
6. Period of validity of the permit obtained last :
(attach a copy of the last permit)
7. Period for which the new permit is requested :
8. In the case of Mobile sawmill :
 - i Registration Number of the hand tractor :
 - ii Registration Number of the trailer :
 - iii Validity period of the revenue licence :
(attach a copy attach a copy of the revenue licence)
9. The Divisional Secretary's Division in which the mobile timber saw mill is to be operated :
.....
10. Particulars of forest offences relating to the timber depot, if any :
11. Validity period of the Environmental Protection License :
(attach a copy)

I do hereby certify that the information provided in this application are true and accurate to the best of my knowledge.
I hereby agree to carry on the business of the timber depot according to the Forest Conservation Ordinance (Chapter 451) and regulations under the Forest Conservation Ordinance (Chapter 451).

Date :

.....
Signature of the Owner of the Timber Depot

NB.—This application shall be submitted in duplicate to the Divisional Forest officer of the area. Applications of Colombo district except Hanwella and Padukka Divisional Secretary's Areas shall be submitted to the Regional Deputy Conservator of Forests, No. 60, Akuregoda Road, Palawatte, Thalangama South. Applications of Hanwella and Padukka Divisional Secretary's Areas shall be submitted to the Divisional Forest Officer at Kalutara.

SCHEDULE IV

(Regulation 4)

FOREST CONSERVATION ORDINANCE (CHAPTER 451)

CERTIFICATE OF REGISTRATION OF TIMBER DEPOT (SECTION 23B)

FOREST DEPARTMENT

District :

Registration No :

1. Name of the timber depot :
2. Address of the timber depot :
3. Details of the owner of the timber depot :

- i. Full name :
- ii. Permanent address :
- iii. National Identity Card No :

4. Nature of the timber depot :

5. In cases of a mobile timber saw mill

- i. Registration number of the hand tractor :
- ii. Registration number of the trailer :
- iii. The Divisional Secretary's Division where the mobile timber saw mill can be operated :

6. Property Mark Assigned to the timber depot :

.....
Conservator-General of Forests / Deputy
Conservator of Forests/ Divisional Forests Officer.

Date

..... Forest office,
.....

Request shall be made without any delay to the officer who issued the Certificate of Registration when the nature of the timber depot needs to be changed or any other matter.

SCHEDULE V

(Regulation 4)

FOREST CONSERVATION ORDINANCE (CHAPTER 451)

PERMIT TO CARRY OUT A BUSINESS OF A TIMBER DEPOT (SECTION 23 B)

District :

Registration No :

The timber depot that had been registered with the Forest Department bearing above registration number under section 23B of the Forest Conservation Ordinance is hereby granted permission to carry on the business of a timber depot as mentioned below fromto.....unless the registration of the timber depot is cancelled earlier, as per the orders of the Forest Conservation Ordinance.

1. Name of the timber depot :
2. Address of the timber depot :
3. Full Name and address of the owner of the timber depot
 - i. Full Name :
 - ii. Permanent Address :
 - iii. NIC No :
4. Nature of the timber depot :
5. In the case of mobile timber saw mill :
 - i Registration Number of the hand tractor :
 - ii Registration Number of the trailer :
 - iii The Divisional Secretary's Division where the mobile timber saw mill can be operated :
6. Property Mark Assigned of the timber depot :

.....
Conservator-General of Forests / Deputy
Conservator of Forests/ Divisional Forests Officer.

Date

..... Forest office,
.....

Conditions

The owner of the timber depot or his agent shall not act in contravention of any of the provisions of the Forest Conservation Ordinance (chapter 451) or any regulation made thereunder.

SCHEDULE VI

(Regulations 5, 12 and 14)

Column I	Column II	Column III
Nature of the timber depot	Fee for Registration Rs.	Annual fee for permit and it's renewal Rs.
1. Sawmill	5000.00	5000.00
2. Mobile timber sawmill	5000.00	5000.00
3. Timber sales outlet	3000.00	3000.00
4. Timber seasoning and processing factory	5000.00	5000.00
5. Carpentry workshop	750.00	750.00
6. Wooden furniture shop	500.00	500.00
7. Firewood shed	150.00	150.00

SCHEDULE VII

(Regulation 9)

[illegible]

(Regulation 9)

[illegible]

SCHEDULE IX

(Regulation 16)

FOREST CONSERVATION ORDINANCE (CHAPTER 451)

NOTICE FOR THE CLOSURE OF THE TIMBER DEPOT

1. Full name of the owner of the timber depot :.....
.....
.....

Permanent Address :.....
.....
.....
2. Name of the timber depot and the address
.....
.....
3. Registration Number :.....
4. Nature of the timber depot :
 - a.
 - b.
 - c.
 - d.
 - e.
5. If mobile timber sawmill, registered numbers of the hand tractor and the trailer :
.....
6. Registered Divisional Secretary's area :.....
.....
7. Applying period for the closure of the timber depot : fromto
.....
8. Reason for the closure and date of application :.....
.....
9. Approved period for the closure from..... to

Hereby you are permitted to close your timber depot during the above period without paying fees for the permit. When you wish once again to commence the business of the timber depot, you shall obtain a permit for such purpose, by informing the officer who issued the Certificate of Registration, in writing, by registered post, along with a copy of this notice, thirty days prior to the date of reopening of the timber depot.

.....
Conservator-General of Forests / Deputy
Conservator of Forests/ Divisional Forests Officer.

Date of issue :

SCHEDULE X

(Regulation 17)

THE FOREST CONSERVATION ORDINANCE (CHAPTER 451)

FOREST DEPARTMENT

The certificate issued by the Range Forest Officer/Divisional Secretary to a person who wishes to saw timber from a mobile timber saw mill confirming the fact that the timber to be sawn is obtained from a private land.

1. Name of the applicant :
2. Address :
3. Name of the land :
4. (i) Range :
- (ii) Beat :
- (iii) Forest Field Assistant Division :
5. Divisional Secretary's Division/Grama Sevaka Division :/.....
6. Deed/Grant/Gazette/Permit number and date of registration :
7. (i) Plan Number :
- (ii) Lot Number :
8. Description of timber :

Tree/Logs No.	Species	Measurements of Timber (m/cm)		
		Brest Height Girth	Girth in Centre	Length
1				
2				
3				
4				
5				
6				
7				

9. No. of trees/Logs :
10. Officer's hammer mark :
11. I hereby certify that the above timber (trees/logs) is located in the above mentioned private land and permission is granted to saw that timber within that particular land using a mobile timber sawmill for a period of days from.....to.....

.....
Range Forest Officer/Divisional Secretary.

On the..... day of.....
at the office of the.....

Copy - Beat Forest Officer/Grama Seva Niladhari.