

LAWS OF GUYANA

TIMBER MARKETING ACT

CHAPTER 67:04

Act

30 of 1973

Amended by

2 of 1979

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30 of 1973

**CHAPTER 67:04**

**TIMBER MARKETING ACT**

**An Act to provide for the control of the sale and use of timber and for purposes connected therewith.**

[29<sup>th</sup> APRIL, 1974]

Short title.

1. This Act may be cited as the Timber Marketing Act.

Interpretation.  
[2 of 1979]

2. In this Act—

“approved grading rules” means any prescribed grading rules or grading rules approved by the Conservator;

“approved preservative treatment” means any prescribed method of preservative treatment or any method of preservative treatment approved by the Conservator;

“article” means anything, other than a building, in the manufacture or construction of which or any part thereof timber of any species has been or is being used;

“authorised timber grader” means a person who holds a valid licence to grade timber issued by the Conservator;

“branded” means stamped in accordance with the provisions of this Act;

“building” includes any structure or any part thereof, but does not include any building intended to have a life of less than two years nor any structure wherein the complete destruction of any sapwood on any component part thereof does not detrimentally affect the use or service for which the structure is intended;

“building operation” includes any one or more of the following operations, that is to say—

- (a) erecting, re-erecting, altering, adding to, constructing, reconstructing, building, rebuilding, renovating, repairing, plastering, panelling, lining or decorating any building (whether carried on at the site or elsewhere and whether above or below the surface);
- (b) affixing to any building any fixtures or fittings;

“Commission” means the Guyana Forestry Commission;

“Conservator” means the Conservator of Forests;

“equilibrium moisture content” means the moisture content at which the timber does not tend to absorb moisture from, or lose moisture to, the surrounding atmosphere;

“export” means to take or cause to be taken out of Guyana;

“forest officer” means a person authorised by the Conservator under section 3 to perform the functions of a forest officer under this Act;

“forest produce” includes timber and trees;

“graded timber” means timber which has been classified, marked and branded as prescribed;

“grading rules” means rules for the classification of timber;

“marked” means marked in accordance with the provisions of this Act;

“preservative treated” means treated by chemical substance with the object of protecting any timber from attack by wood destroying insects, animals, fungi, or any other plants, or of increasing its resistance to fire; and the expression “preservative treatment” has a corresponding meaning;

“registered brand” means a brand approved and registered by the Conservator under this Act;

“sapwood” means the outer layers of the wood of a tree in which its food materials are conveyed and stored during the life of the tree;

“sell” includes barter, and offer or expose for sale;

“senior officer” means any forest officer of or above the rank of Assistant Conservator of Forests;

“timber” includes a tree or any ligneous part of a tree whether standing, fallen or felled, and all wood, whether or not sawn, split, hewn or otherwise cut up or fashioned and includes plywood and veneers;

“timber marketing inspector” means a person authorised by the Conservator under section 3 to perform the functions of a timber marketing inspector.

Authorisation of forest officers and timber marketing inspectors.  
[2 of 1979]

3. (1) The Conservator acting on behalf of the Commission may, from time to time, authorise in writing any person to perform the functions of a forest officer or a timber marketing inspector for the purposes of this Act and may revoke any such authority at any time.

(2) Every authorisation issued under this section shall be personal to the holder thereof and shall expire on the 31st December of the year in which it is issued.

#### GRADING

Restriction on sale of timber not graded.

4. No person shall sell—

- (a) any timber described or held out as graded timber unless the timber has been graded in accordance with approved grading rules, and marked and branded by an authorised timber grader as prescribed;
- (b) any timber or article described as being ‘kiln dried’, ‘air dried’, ‘dry’ or ‘seasoned’ unless—
  - (i) such timber or article at the time of sale conforms with the specifications as to moisture content approved, from time to time, by the Conservator or as may be prescribed; or
  - (ii) the specification of moisture content to which the timber

(including the timber used in the manufacture or construction of the article) has been dried as at the date of sale of the timber or article is clearly shown on the invoice of sale, or is clearly stated in the offer of sale.

False specification as to moisture content.

5. Any person who, in connection with the sale of any timber or article, issues or delivers any false specification or makes any false statement or representation concerning the moisture content to which that timber (including the timber used in the manufacture or construction of the article) has been dried at any time is guilty of an offence.

### PRESERVATION

Restriction on sale of timber not preservative treated.

6. No person shall—

- (a) sell any timber or article described or held out as being preservative treated, unless the timber or article has been treated with an approved preservative treatment by a process of timber preservation approved by the Conservator and is branded with a registered brand;
- (b) sell any timber or article described or held out as being free from sapwood susceptible to attack by insects, unless such sapwood has been previously removed therefrom or treated with an approved preservative treatment.

Registration of brands to be affixed to preservative treated

7. (1) The owner or person in control of a plant for the preservative treatment of timber which is to be sold as



timber. preservative treated or to be used in the manufacture of an article to be sold as preservative treated shall register with the Conservator a brand of a form and design to be approved by the Conservator and with such brand shall brand or cause to be branded all timber treated by the plant, prior to the removal of the timber therefrom.

(2) A person shall not brand or permit or allow to be branded with a registered brand any timber other than timber treated in the plant for the preservative treatment of timber with respect to which such brand is registered by the Conservator.

## MARKETING

Restriction on export of timber.

8. (1) No person shall export or enter for export any timber except under an export certificate as prescribed.

(2) No person shall export any timber under an export certificate unless each piece of timber whether within a bundle or not conforms with the provisions of this Act.

Persons authorised to issue export certificates.

9. No person other than a senior officer or a timber marketing inspector shall issue an export certificate for timber.

Guarantee of certificate of a senior officer or a timber marketing inspector.

10. A senior officer or a timber marketing inspector shall have power to issue timber marketing certificates and a timber marketing certificate shall be deemed to be a guarantee that at the time of inspection the timber actually inspected by the senior officer or timber marketing inspector, as the case may be, was of the exact specification or quality shown in the certificate.

Prohibition of false export certificates or timber marketing certificates.

11. Any person who signs, issues or uses in respect of any timber any document being or purporting to be an export certificate or a timber marketing certificate under this Act knowing or having reason to believe that the document is

false either wholly or in any material particular is guilty of an offence.

Trade names of timber.

12. (1) The Conservator may, by notice published in the Gazette, assign a trade name to the timber of any species or alter the trade name of the timber of any species or alter the description of, or add or delete the trade name or description of, the timber of any species.

(2) No person shall sell any timber of any species to which a trade name has been assigned pursuant to subsection (1) except under the trade name assigned to it by the Conservator.

(3) Notwithstanding anything contained in subsection (2), timbers to which trade names have been assigned by the Conservator, may be sold as mixed or unclassified if sold and accepted as such.

Restriction on the use of registered brands and authorised marks.

13. No person, other than a senior officer, or a timber marketing inspector, or an authorised timber grader, may use a registered brand or a mark which is authorised under this Act.

#### MISCELLANEOUS

Powers of Conservator and other officers.

14. (1) The Conservator or any forest officer or timber marketing inspector may—

(a) where he has reasonable cause to believe that an offence against this Act has been committed—

(i) enter at any reasonable time any premises or place where timber or any article is stored for sale for the purpose of inspecting the timber or article;

- (ii) inspect any timber or article being conveyed to any place;
- (iii) search any person or any package, parcel, stack, conveyance, storage shed or building under the control of any person,

and may retain for as long as is necessary for the purpose of any examination, investigation, inquiry or legal proceedings any timber or article or preservative solution found by him as a result of such inspection or search,

- (b) require the production of books, documents or other records for the purpose of examination by him if he believes that they contain or are likely to contain any information relevant to the enforcement of this Act and may take possession of such books, documents or records for the purpose of investigating any entries therein and may make copies thereof, or extracts therefrom;
- (c) require any person found in possession of any timber or article, or preservative solution or carrying out, or doing any work in the course of, or for the purpose of, carrying out any building operation, or manufacturing, or doing any work in the course of, or for the purpose of, manufacturing any article, or producing or using any preservative solution to furnish his name and address and, if such timber or article or preservative solution was acquired by him from

another person, the name and address of the person from whom he obtained such timber or article or preservative solution.

(2) A forest officer or a timber marketing inspector shall produce his authorisation —

- (a) to the owner or occupier of any premises or place which he enters pursuant to subsection (1);
- (b) to the person in possession or control of any timber, article, preservative solution, package, parcel, stack, conveyance, storage shed or building,

if the owner or occupier or other person aforesaid, as the case may be, requires him to do so.

(3) The owner or occupier of any premises or place entered by a forest officer or a timber marketing inspector pursuant to subsection (1) and every person found therein shall give the forest officer or timber marketing inspector all reasonable assistance in his power and furnish him with such information as he may reasonably require.

(4) Any timber or article seized under this Act may, at the option of the forest officer or a timber marketing inspector, be kept or stored in the place where it was seized or may, at the direction of the forest officer or timber marketing inspector, be removed to any other proper place

Power of  
Conservator  
and other  
officers to  
charge fees.  
[2 of 1979]

15. (1) It shall be lawful for the Conservator, a forest officer or a timber marketing inspector to charge such fees as may be prescribed for performing any function under this Act.

(2) The Conservator or a forest officer or a timber marketing inspector may, in any case, decline to make an inspection, process an application, carry out a test or grade any timber or article unless the prescribed fees are paid in advance.

(3) All fees charged pursuant to this section shall be paid to the Commission.

Return of  
timber or  
article.

**16.** If the Conservator or a forest officer or a timber marketing inspector acting under the provisions of this Act tests or investigates or causes to be tested or investigated any timber or article in respect of which he suspects an offence has been committed, and is satisfied that no such offence has been committed, he shall promptly return such timber or article to the person from whom it was taken, and shall pay compensation to the owner thereof if the timber or article cannot be returned to the owner without prejudice to the owner.

Prosecution of  
offences.

**17.** (1) All penalties, fines and costs in relation to this Act may be imposed, sued for, prosecuted, realised and recovered in the manner provided by the Summary Jurisdiction Acts.

(2) Any such proceedings for any offence against this Act may be instituted within eighteen months from the time when the offence was committed.

Penalties  
under this  
Act not  
substituted  
for others.

**18.** Nothing in this Act shall be deemed to prevent anyone from being prosecuted under any other law for an act or omission which constitutes an offence under this Act, or from being liable under that other law to any higher punishment or penalty than is provided by this Act.

Counterfeiting  
and other  
offences.

**19.** Any person who—

(a) counterfeits or fraudulently or

without lawful authority possesses or uses upon forest produce any registered brand or mark used by virtue of this Act;

- (b) counterfeits, fraudulently alters, obliterates, defaces, destroys or removes any stamp, brand, mark, sign, licence, permit, certificate, document or receipt used or issued under this Act;
- (c) uses a registered brand or a mark authorised under this Act except for the purpose for which the brand or mark has been registered or authorised;
- (d) fails to safeguard against the unauthorised use of any brand issued to him;
- (e) marks any timber with a mark so similar to any authorised mark that it may be or can be mistaken therefor;
- (f) fraudulently issues any licence, permit, document or certificate,

is guilty of an offence.

Obstruction an  
offence.

**20.** Any person who obstructs, hinders, prevents or interferes with, any other person acting under the provisions of this Act in the exercise of any of the functions conferred on him by this Act, or who fails to afford such assistance as he is reasonably required to render to any such person, is guilty of an offence.

Bribery  
prohibited.

**21.** (1) If any person authorised to perform any function under this Act takes a bribe, gratuity, recompense, or reward, in connection with the exercise of his functions under this Act, he is guilty of an offence.

(2) Anyone who gives or offers, or procures to be given or offered, any bribe, gratuity, recompense, or reward to, or makes any collusive agreement with, any person to induce him in any way to neglect his duty under this Act or to do, conceal, or connive at any act whereby any of the provisions of this Act may be evaded is guilty of an offence.

Other offences.

**22.** Any person who contravenes, or fails to comply with, the provisions of section 4, 6, 7, 8, 9, 12(2) or 13 is guilty of an offence.

Falsification of  
proof.  
[2 of 1979]

**23.** (1) In any proceedings against any person for any offence against this Act a document purporting to be a certificate under the seal of the Commission or the hand of the Conservator that—

- (a) a brand or mark used for branding or marking timber was or was not on any date or during any period specified in the certificate registered or authorised under this Act; or
- (b) a preservative treatment of timber was or was not on any date or during any period specified in the certificate an approved preservative treatment, shall be prima facie evidence of the facts stated in such certificate.

(2) Where in any proceedings under this Act an offence is proved in regard to any portion or sample of timber or article such offence shall prima facie be deemed to have been proved with regard to the whole lot of timber or articles

from which that portion or sample was taken.

Penalty.  
[6 of 1997]

24. (1) Any person who commits an offence against this Act is liable to a fine of sixty-five thousand dollars and to imprisonment for a term of twelve months.

(2) Where a person is convicted for an offence against this Act the court may, in addition to any penalty imposed, order the timber in respect of which the offence was committed to be forfeited to the State or where the person convicted is not the owner thereof, an additional fine equal to its value at the time of the commission of the offence.

Recovery of  
expenses.  
[2 of 1979]

25. Any person convicted of an offence against this Act in respect of any timber or article may be liable for reasonable costs, charges and expenses incurred in handling, storing, transporting, or otherwise dealing with such timber or article and any sum for which any such person is liable shall be recoverable by the Commission from him by action as a civil debt.

Power to  
accept  
compensation  
for offences.

26. Notwithstanding any other provisions of this Act, the Conservator or any Assistant Conservator of Forests may, in any case he deems proper and in substitution for any proceedings, accept on behalf of the State a sum of money by way of compensation from any person reasonably suspected of a contravention of this Act not being an offence under section 19(a), (b) or (e):

Provided that such compensation shall be accepted only where the person reasonably suspected of such contravention has expressed in writing his willingness that the contravention as aforesaid shall be so dealt with.

Civil remedy  
reserved.

27. Nothing contained in this Act shall prejudice the right of the State or of anyone to sue for and recover at common law or otherwise compensation for or in respect of damage or injury caused by an offence against this Act.



Regulations.

28. The Minister may make regulations generally for the purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing standards of classification for forest produce;
- (b) prescribing the methods for the determination of moisture content of timber;
- (c) prescribing any matter or thing relating to the grading of timber;
- (d) prescribing any matter or thing relating to the drying or seasoning of timber;
- (e) requiring particulars to be furnished in respect of any preservative treatment, and the ingredients and methods thereof, the approval of any preservative treatment and the registration of brands to be used for the purposes of this Act and the form of brands so used;
- (f) prescribing the ingredients to be used and the methods of preservative treatment to be adopted for the purposes of this Act;
- (g) prescribing any matter or thing relating to the preservative treatment of timber;
- (h) prohibiting or regulating the

marketing of forest produce;

- (i) prescribing any matter or thing relating to the marketing of forest produce;
  - (j) regulating the marking or branding of timber, including the registration, authorisation, possession and use of marks or brands;
  - (k) relating to the registration of premises where timber is stored, seasoned, graded, preservative treated, or is stored, for the purposes of marketing;
  - (l) prescribing the records, returns and other documents to be kept and furnished for the purposes of this Act;
  - (m) prescribing methods for determining whether or not any timber contains starch;
  - (n) prescribing the fees to be charged for any matter or thing under this Act including the registration of brands or the authorisation of marks, the making of any inspection, test or application, or for the approval of a preservative treatment;
  - (o) prescribing anything which is required to be prescribed.
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**SUBSIDIARY LEGISLATION**

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**TIMBER MARKETING REGULATIONS**  
**ARRANGEMENT OF REGULATIONS**

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## REGULATIONS

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Reg. 7/1974  
1/1977  
2/1979

**TIMBER MARKETING REGULATIONS**

*made under section 28*

Citation.

1. These Regulations may be cited as the Timber Marketing Regulations.

[Subsidiary]

*Timber Marketing Regulations***GRADING**

Application to  
be authorised  
timber grader.

2. (1) Application for a licence to be an authorised timber grader shall be made in writing to the Conservator and shall contain such information and particulars as the Conservator may require.

(2) The application shall be accompanied by the prescribed fee.

(3) The licence may be issued by the Conservator if he is satisfied by means of examinations and any other procedures which he may institute that the applicant is competent to grade timber.

Conditions  
attached to  
authorisation  
of timber  
grader.

3. (1) Every licence issued to an authorised timber grader is personal to the holder thereof and expires on the 31st December of the year in which it is issued or at such earlier time as may be provided for under these Regulations.

(2) A licence issued to an authorised timber grader may be subject to such conditions as the Conservator may think fit to impose.

Refusal of  
application to  
be timber  
grader.

4. (1) The Conservator may, in his discretion, refuse to issue a licence to a person to grade timber or, where he has previously issued such a licence, the Conservator may revoke or suspend the licence in any case where he is satisfied that timber has not been graded in accordance with approved grading rules by the authorised timber grader or where in the opinion of the Conservator the authorised timber grader has performed his duties negligently.

(2) In the event of the revocation or suspension of a licence by the Conservator the person to whom the licence was issued shall not use the registered brand and shall forthwith return to the Conservator the licence and the branding hammer issued to him by the Conservator.

Register of authorised timber graders to be kept.

5. The Conservator shall keep a register of all authorised timber graders in such form as he may determine.

Application for branding hammer.

6. Every authorised timber grader shall apply in writing to the Conservator for a branding hammer and a registered brand and shall pay the prescribed fee for the use of such hammer and shall deposit with the Conservator the prescribed fee for the issue of the branding hammer; the sum of money deposited for the issue of a branding hammer shall be refunded to the applicant when he ceases to perform the functions of an authorised timber grader and returns the branding hammer issued to him by the Conservator.

Ownership of branding hammer.

7. (1) All branding hammers used for grading timber is the property of the State and shall be issued by the Conservator.

(2) A branding hammer shall be returned to the Conservator on demand being made therefor by him from the person to whom it was issued.

(3) Where a branding hammer has been lost the authorised timber grader shall make a report immediately in writing to the Conservator setting out the circumstances under which the loss occurred and where the Conservator is of the opinion that due care was not taken to safeguard the hammer he may revoke the licence issued to the authorised timber grader and the sum of money deposited for the issue of the branding hammer shall be forfeited if the Conservator is satisfied that the hammer is lost.

Record of registered brands.

8. (1) The Conservator shall keep a record in such form as he may determine of all registered brands and branding hammers.

(2) The record shall show the date of registration of

[Subsidiary]

*Timber Marketing Regulations*

the brand, the name of the authorised timber grader to whom it is issued, and an imprint of the brand.

Inspection of record of registered brands and imprints.

9. (1) The record of registered brands and the imprints of the registered brands may be inspected by any person upon payment of the prescribed fee.

(2) Each authorised timber grader, if so requested by a forest officer or a timber marketing inspector, shall provide an imprint of his brand on a piece of timber applied to the timber in the manner that such timber is normally branded by him.

Timber to be graded according to grading rules and marked and branded.

10. An authorised timber grader shall grade timber in accordance with approved grading rules and shall mark the timber indelibly with the identifying number of the grading rule under which the timber is being graded and the classification which he assigns to the timber under such grading rule and shall then brand the timber with his registered brand.

Examination of grading rules.

11. The Conservator shall keep a record of approved grading rules which may be examined upon application in writing to the Conservator and upon payment of the prescribed fee.

Application of brand and marks to graded timber.

12. An authorised timber grader shall apply his brand to the end grain of timber which he has graded and shall apply the other marks required under regulation 10 either to the end grain or side grain of the timber so that the shortest distance measured along the surface of the timber from the centre of his brand to the furthest point of such markings shall not exceed nine inches.

Offence of branding timber before grading.

13. An authorised timber grader shall not brand such timber with his registered brand before he has applied the grade marks to such timber.

## LAWS OF GUYANA

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Cap. 67:04

*Timber Marketing*

[Subsidiary]

*Timber Marketing Regulations*

Unauthorised use of hammer or brand.

14. No person shall permit the use by any other person of any hammer or brand issued to him.

Timber incorrectly graded.

15. Where a timber marketing inspector or a senior officer is of the opinion that the grade marks are incorrectly applied to any timber he may cancel such grade marks in a manner approved by the Conservator and such timber shall no longer be deemed to be graded timber.

Application for grading or inspection of timber.  
[2/1979]

16. Any person who wishes timber to be graded by an authorized timber grader of the Commission or to be inspected by a timber marketing inspector shall apply in writing to the Conservator and shall pay the prescribed fee.

Dispute of timber grade.

17. (1) Where any dispute arises concerning the correctness of the grade assigned to any timber, the aggrieved person may appeal in writing to the Conservator whose decision is final.

(2) The aggrieved person shall at the time of making his appeal deposit the prescribed fee for investigating his complaint and the deposit shall be refunded if the Conservator allows the appeal

### SEASONING

Record of timber stacked for air seasoning to be kept.

18. The owner of any timber offered for sale or intended for the manufacture of an article for sale as 'air dried' or 'dry' timber or which has been stacked for air drying shall keep records which shall show the number of the stack, the date stacking was completed and the number of tiers or layers in the stack; in addition, on each stack there shall be written the date stacking was completed and the number of the stack.

Determination of moisture content of

19. The moisture content of any timber or article is determined by the standard oven drying method carried out



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[Subsidiary]

*Timber Marketing Regulations*

timber or  
article.  
[Reg. 1/ 1977]

as follows –

- (a) selection of test pieces for oven drying where laboratory facilities are available at the location of the timber or article to be tested –
  - (i) in the case of sawn or planed lumber, a test piece shall be cut 1 inch long along the grain and full cross section, not less than 18 inches from an end or from the centre of the piece of lumber to be tested;
  - (ii) in the case of articles, a test piece of suitable size shall be cut from any portion of the article;
- (b) selection of test pieces for oven drying where laboratory facilities are not available at the location of the timber or article to be tested and where it is not convenient to transport the entire amount of timber or the article to the laboratory –
  - (i) in the case of sawn or planed lumber, a sample measuring at least 12 inches long along the grain and the full cross section shall be cut at least 18 inches from an end or from the centre of

the piece;

- (ii) in the case of an article, a sample measuring at least 12 inches long along the grain shall be cut from any selected point;
  - (iii) each sample selected as in subparagraphs (i) and (ii) of this paragraph shall, immediately after cutting, be placed in a separate sealed dry moisture proof container and transported to the laboratory for testing; on arrival at the laboratory a test piece as described in paragraph (a) shall be cut from the sample;
- (c) the standard oven drying method for the determination of moisture content of any timber or article shall be carried out as follows –

immediately after cutting, the test piece shall be weighed to an accuracy of 1 in 500, placed in an oven maintained at 100-105 °C and dried for at least twenty-four hours until its weight is constant to 1 part in 500 over any further two hours oven drying period. The percent moisture content shall be calculated by the following formula -

[Subsidiary]

Timber Marketing Regulations

$$MC \% = \frac{W_g - W_o}{W_o} \times 100$$

Where MC % = percent moisture content

Mg = weight of test piece before drying

Wo = weight of test piece after drying

### PRESERVATION

Application for approval of a preservative treatment.

**20.(1)** Application for approval of a preservative treatment for timber shall be made in writing to the Conservator and shall contain the following information –

- (a) the name and address of the person applying for approval of the preservative treatment;
- (b) the purpose for which the preservative treatment is required;
- (c) the ingredients of the preservative treatment to be used;
- (d) the species, nature and dimensions of the timber to be treated;
- (e) the methods by which the preservative is to be applied;
- (f) the methods of determining the concentration of preservative in treating solution or medium;
- (g) a certified report or statement providing evidence of the efficacy of the preservative treatment for which the approval is sought;
- (h) any other information which the

Conservator may require.

(2) Every such application shall be accompanied by the prescribed fee.

Conditions regarding approval of a preservative treatment.

21. In respect of any approval of a preservative treatment, the Conservator may specify in writing all or any of the following conditions which shall be observed in respect of the application of the preservative treatment to timber –

- (a) the preservative to be used;
- (b) the method of application of the preservative;
- (c) the minimum concentration of preservative to be placed in the timber to be treated, and the distribution of the preservative in such timber;
- (d) the method of determining the concentration of preservative in the timber treated or proposed to be treated and in the treating solution or medium;
- (e) the precautions (if any) to be taken to maintain the protection given by the preservative treatment;
- (f) the records to be kept in relation to such preservative treatment;
- (g) the purpose for which the preservative treatment is approved;

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- (h) any other conditions which the Conservator may deem necessary.

Refusal  
suspension or  
revocation of  
approval of a  
preservative  
treatment.

22.(1) The Conservator may, in his discretion refuse any application for approval of a preservative treatment or where he has previously approved of a preservative treatment, the Conservator may revoke or suspend any such approval in any case where he is subsequently satisfied that such preservative treatment does not afford the protection for which it is intended or that the conditions imposed in respect of such approval are not being observed.

(2) In the event of the revocation or suspension of any such approval the brand registered in respect of such treatment shall not be used.

Preservative  
treatment to be  
carried out to  
satisfaction of  
Conservator.

23.(1) The owner or other person in control of a plant for the preservative treatment of timber shall institute and maintain, to the satisfaction of the Conservator, control of his preservative treatment by the use of such methods of treatment, processes, inspections, and tests as will ensure that every preservative treatment will comply with the relevant approved preservative treatment.

(2) The owner or other person in control of a preservative treatment plant shall permit any forest officer or timber marketing inspector to take away samples of preservative solution or preservative treated timber for the purposes of testing or analysis.

(3) If the forest officer or timber marketing inspector is satisfied with the result of the tests or analysis, he shall except as may otherwise be agreed between him and the owner or other person in control of the preservative treatment plant, pay compensation for the sample of preservative solution or preservative treated timber taken away by him if the said preservative solution or preservative treated timber cannot be returned to the owner or other person in control of

the preservative treatment without prejudice to the owner.

Conditions regarding protection afforded.

24. Where the Conservator is of opinion that a preservative treatment will be affected by sanding, planing or sawing of the timber subsequent to the application of the preservative treatment thereto, he may impose as a condition of his approval of such preservative treatment that the seller of such timber shall supply each purchaser thereof with a written statement setting out the circumstances in which the protection afforded by the preservative treatment will be so affected and any subsequent treatment necessary to maintain that protection.

Records of approvals of preservative treatment to be kept.

25. The Conservator shall keep a record in such form as may be determined by him of all approvals of preservative treatments.

Application for approval and registration of a brand for preservative treatment.

26.(1) Application for approval and registration of a brand to be used in connection with a plant for the preservative treatment of timber shall be made in duplicate in writing to the Conservator and shall contain the following information –

- (a) the name of the person who owns or is in control of the plant for the preservative treatment of timber;
- (b) the address of the premises;
- (c) the form, size and description of timber on which the brand is to be used;
- (d) the proposed form and design of the brand;

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- (e) the details of the approved preservative treatment to be used;
- (f) the reference number of the preservative treatment approval certificate issued by the Conservator;
- (g) any other information which the Conservator may require.

(2) Every such application shall be accompanied by the prescribed fee.

Form and design of brand to be approved by Conservator.

**27.** A brand shall not be used until the Conservator has approved of its form and design.

All preservative treated timber to be branded.

**28.** The owner or person in control of a plant for the preservative treatment of timber shall brand or cause to be branded with the brand approved by the Conservator all preservative treated timber exposed or offered for sale.

Record of registered brands for preservative treated timber to be kept.

**29.** The Conservator shall keep a record in such form as he may determine of all registered brands for preservative treated timber; the record shall show the date of the registration of the brand, the name of the owner of the brand, the design of the brand, and the approved preservative treatment with which the timber is to be, treated before the brand is applied to it.

Record of imprints of registered brands to be kept.

**30.**(1) The owner of each registered brand shall furnish the Conservator with an imprint of the approved brand.

(2) The Conservator shall retain such imprints.

Inspection of

**31.** The record of registered brands and the imprints

record of registered brands and imprints.

of the registered brands may be inspected by any person upon payment of the prescribed fee.

Provision of facsimile of brand to forest officers or timber marketing inspectors.

**32.** The owner of a registered brand for preservative treated timber, if so requested by a forest officer or timber marketing inspector, shall provide an imprint of the brand on a piece of timber, applied to the timber in the manner that treated timber is normally branded by the owner of the brand or his agent.

Description of preservative treated timber.

**33.** In respect of any approval of a registered brand to be used in connection with preservative treated timber the Conservator may require that the branded timber be described and such description may include the following particulars –

- (a) the destructive agency for which the timber has been treated;
- (b) the efficacy of the preservative treatment;
- (c) the permanency or otherwise of such efficacy;
- (d) whether or not the protection of such timber is maintained on re-sawing;
- (e) any subsequent treatment required to ensure continued protection;
- (f) any other description which the Conservator may require.

Removal of preservative treated timber.

**34.** The owner or person in control of a plant for the preservative treatment of timber shall on the removal from



the plant of any timber branded with a registered brand cause to be forwarded therewith a copy of the description, if any, required by the Conservator with respect to that brand.

### MARKETING

Application for timber marketing certificate of inspection.

35.(1) Application for a timber marketing certificate shall be made in writing to the Conservator and shall contain the following information –

- (a) the name of the producer;
- (b) the address of the producer;
- (c) the location of the timber;
- (d) a complete description of the timber and the number of pieces;
- (e) a detailed specification of the timber to be inspected;
- (f) the grade description of the timber in terms of the approved grading rule;
- (g) the grade marks on the timber;
- (h) the name of the authorised timber grader;
- (i) the registered number of the grader;
- (j) the date of grading;
- (k) any other information which the Conservator may require.

(2) Every such application shall be accompanied by the prescribed fee.

Notice of inspection required.

36. Timber Marketing Inspectors shall be given at least forty- eight hours' notice of any inspection required.

Labour for inspecting to be provided by owner or consignor.

37. When application for a timber marketing certificate in respect of any timber is made such timber shall be stacked in convenient parcels to admit of inspection piece by piece by a timber marketing inspector at the mill of the owner or loading beach or such other convenient place as shall be agreed upon by the timber marketing inspector and the owner or consignor, and the owner or consignor shall provide all necessary labour for handling and shall bear the cost thereof.

Inspection of timber.

38.(1) Timber presented for inspection shall be displayed and shown in such manner as may be required by the timber marketing inspector for the purpose of facilitating its inspection by him. In any case where sufficient labour is not provided for the satisfactory handling of timber at any inspection, the timber marketing inspector may decline to inspect the timber.

(2) A timber marketing inspector has power to direct the manner and places for storing and stacking timber that is subject to inspection and to define the spaces which shall be maintained for means of access, to direct the removal of rejected or condemned timber from the parcel of timber submitted for inspection, to decline inspection of any timber which, in his opinion, does not conform with the information furnished in the application, and to defer inspection, of any timber which, in his opinion, is likely to develop defects on being exposed to weather.

(3) A senior officer may at any time inspect any timber that has been inspected or is capable of being inspected by a timber marketing inspector and may call for

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and shall be shown any documents containing the order, contract or specification for such timber.

No obligation to inspect timber.

**39.** Nothing in these Regulations shall impose any obligation to inspect timber or to grant a timber marketing certificate provided that in any case in which payment for inspection has been accepted the amount paid shall be refunded if the inspection is not made.

Power of timber marketing inspector to call for documents.

**40.** When a timber marketing inspector examines any timber for the purpose of issuing a timber marketing certificate he is entitled to call for and shall be shown by the owner or consignor all documents relating to that timber which gives any information regarding the specification, quality, species and measurements required and he shall, before issuing a timber marketing certificate, check that each piece of timber has been graded by an authorised timber grader and satisfy himself that the timber he inspects and brands conforms with the requirements as to specification and quality shown on the application for a timber marketing certificate.

Expiry of timber marketing certificate.

**41.** Every timber marketing certificate expires on the sixtieth day after the date of inspection or at such earlier time as the Conservator may determine.

Application for export certificate.

**42.** Application for an export certificate shall be made in writing by the exporter of the timber to the Conservator and shall contain the following information –

- (a) the number of the timber marketing certificate;
- (b) the name of the timber marketing inspector;
- (c) the date of inspection;

- (d) the result of the inspection;
- (e) the name of the vessel;
- (f) the port of final destination;
- (g) the consignee;
- (h) the owner or consignor of the timber;
- (i) the marks and brands on the timber;
- (j) description of the timber;
- (k) the name of the authorised timber grader;
- (l) any other information which the Conservator may require.

Issue of export certificate.

43. No export certificate shall be issued unless the timber marketing certificate in respect of that timber certifies that the timber inspected complies with the grade description and specification shown on the application for a timber marketing certificate.

Expiry of export certificate.

44.(1) Every export certificate expires on the same date of expiry as the timber marketing certificate for such timber and the export certificate upon expiry is not valid for use in the export of timber.

(2) The Conservator may cancel an export certificate if, subsequent to the issue thereof, the timber in his opinion has suffered any deterioration in regard to specification or quality and the export certificate is not valid for use in the export of timber.

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Records to be kept of forest produce.

45. Any person who sells, offers or exposes for sale, or exports any forest produce shall keep and submit records in such form and give such particulars as the Conservator may direct and shall produce such records for inspection on the demand of any forest officer or timber marketing inspector.

Bill of lading or invoice to be delivered to Conservator.

46. The exporter of timber shall within twenty-four hours of the departure of the vessel by which the timber was exported deliver to the Conservator a certified copy of the bill of lading and the invoice of sale in respect of the timber exported.

Export of timber.

47. No timber shall be exported, or prepared for export, or entered or offered for export unless it has been marked and branded by an authorised timber grader, inspected by a timber marketing inspector, and in respect of which a timber marketing certificate and an export certificate have been issued and all royalties and fees owing to the State have been paid.

Authorisation of timber marketing inspector.

48. Where any person has been authorised by the Conservator to perform the functions of a timber marketing inspector the authorisation may be of a general nature, or may be restricted to the inspection of certain kinds or qualities of timber, or to the inspection of timber for export to specified ports or countries.

Refusal or suspension of authorisation of timber marketing inspector.

49. The Conservator may refuse to issue or renew any authorisation or may suspend or revoke any such authorisation on the grounds that he is not satisfied with the qualifications or experience of the holder or applicant or with the manner in which the holder has performed his functions.

Form of marks and brands to be approved by the Conservator.  
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50. The marks and brands used by the officers of the Commission or by timber marketing inspectors shall be in such form as shall be approved by the Conservator.

Obligation to obliterate mark from resawn timber.

51. When the owner of a piece of marked timber desires to resaw it or otherwise alter its condition he shall before doing so effectively obliterate the mark so that it cannot be mistaken for an authorised mark.

Fees

52. The fees to be prescribed for the several matters as mentioned in these Regulations shall be as set out in the Schedule.

Schedule.

Penalty for breach of regulations.

53. Any person who contravenes, or fails to comply with, regulation 4(2), 7(2), 9(2), 10, 12, 13, 14, 18, 19, 22(2), 23(1), 23(2), 24, 27, 28, 30(1), 32, 34, 38, 40, 43, 45, 46, 47, or 51, or any requirement made thereunder, is guilty of an offence.

SCHEDULE

TABLE OF FEES

	\$ c.
1. For licence to be an authorised timber grader...	5.00
2. For the use of a branding hammer ... ..	40.00
3. Deposit for issue of branding hammer ... ..	100.00
4. For inspection of record of registered brands and imprints ... ..	2.00
5. For examining records of approved rules ...	2.00
6. For grading timber by an authorised timber grader of the Forest Department: (i) poles, piles, round logs ... .. 50c per price (ii) fashioned timber the cross section of which is 64 sq. Ins. and above 1.00 „ „ (iii) fashioned timber the cross section of which is between 24.1 sq. ins. and	

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<p>63.9 sq ins ... .. .70 " "</p> <p>(iv) fashioned timber the cross section of which is 24 sq. ins. and below .02</p> <p>" "</p> <p>(v) sleepers of approved species ... .50</p> <p>" "</p>	
<p>7. Fee for inspection of timber by a timber marketing inspector</p> <p>(i) Poles, piles, round logs ... .. .30 per piece</p> <p>(ii) fashioned timber the cross section of which is 64 sq. ins. and above .60 "</p> <p>" "</p> <p>(iii) fashioned timber the cross section of which is between 24.1 sq. ins. and 63.9 sq. ins. ... .. .40 " "</p> <p>(iv) fashioned timber the cross section of which is 24 sq inches and below .02</p> <p>" "</p> <p>(v) sleepers of approved species ... .30</p> <p>" "</p> <p>Minimum charge for inspection</p>	<p>3.00</p>
<p>8. For investigating any dispute</p>	<p>30.00</p>
<p>9. For filing and application for approval of a preservative treatment ... .. .</p>	<p>30.00</p>
<p>10. Application for approval and registration of a brand to be used for preservation treatment of timber ... .. .</p>	<p>5.00</p>
<p>11. For filing any application for timber marketing certificate ... .. .</p>	<p>1.00</p>