



BELIZE

**TIMBER INDUSTRY ACT
CHAPTER 341**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

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TIMBER INDUSTRY ACT

5

Amendments in force as at 31st December, 2000.



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CHAPTER 341

TIMBER INDUSTRY

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CHAPTER 341

TIMBER INDUSTRY

CAP. 270,
R. E. 1980-1990.
4 of 1955.
40 of 1963.

[By Order]¹

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

Short title.

2. In this Act, unless the context otherwise requires-

Interpretation.

“Appropriate Officer” means the officer nominated by the Ministry of Finance for the purposes of this Act;

“Committee” means the Committee constituted by section 7;

“export” means export from Belize;

“export certificate” means an export certificate granted under this Act;

“Fund” means the Fund established by section 5;

“graded lumber” means lumber graded and marked or passed unmarked in accordance with the provisions of this Act and any rules made thereunder;

“grader” means a grader authorised under section 14;

“lumber” includes shooks, slats, blocks, box-boards, flooring, ceiling and siding, shingles and sleepers but not any other article manufactured from such wood nor firewood or poles;

“Minister” means the Minister responsible for Natural Resources;

1. This Act was not in force by 31st December, 2000.

“timber” includes a tree when it has fallen or been felled, or any part of such tree, and includes lumber.

Export levy.

3.-(1) The Minister may, by Order published in the *Gazette*, impose a levy on all timber exported from Belize.

(2) An Order under subsection (1) may fix different rates of levy for different timbers and may further provide that any specified timber shall be exempt from the levy either wholly or to the extent stated in such Order.

(3) The rate of the levy imposed under this section shall remain in force until a new rate is imposed in the manner provided in subsection (4).

(4) The rate of levy may be altered not later than 30th September in any year and such altered rate shall come into force on 1st January next following the date of the Order.

(5) The levy imposed by any Order made under this section shall be paid to the Comptroller of Customs by the exporter at the time of export and shall, in default of payment when due, be recoverable by the Accountant General as a debt due to the Crown.

Chief Forest Officer's power of exemption.

4. The Chief Forest Officer may exempt any timber cut for exhibition or experiment from payment of the levy.

Establishment of Fund.

5.-(1) There shall be established a Lumber Industry Fund (hereinafter called “the Fund”) which shall consist of-

- (a) all monies collected from the levy on timber at the rate for the time being in force under any Order made under section 3;
- (b) such other contributions or donations as may from time to time be made to the Fund.

(2) The Fund established under subsection (1) shall be lodged with the Accountant General and shall be placed by him to a separate deposit account in the name of the Lumber Industry Committee.

(3) The Appropriate Officer shall, with the advice and consent of the Committee, be responsible for the expenditure of the Fund for the objects and purposes set out in section 6.

(4) If any difference of opinion should arise between the Appropriate Officer and the Committee regarding the expenditure of the Fund, the matter shall be referred to the Minister for decision.

(5) The Chief Forest Officer shall keep account of the receipts and disbursements in connection with the Fund and shall render such statements of revenue and expenditure as the Committee may require.

(6) Within a reasonable time after the expiration of each year, the Committee shall cause to be prepared a statement of the receipts and disbursements during the previous year, and every such statement shall be subject to audit and shall be published in such manner as the Minister may direct.

6. The Fund shall be devoted to all or any of the following purposes-

Purposes to which funds may be devoted.

- (a) research, investigation, advertisement and market extension work in connection with the Belize lumber industry;
- (b) the remuneration of a grading inspector and such other staff as the Committee may require;
- (c) the payment of travelling and out-of-pocket expenses to members of the Committee at rates to be approved by the Minister;
- (d) any other service which in the opinion of the Committee is

calculated to promote the welfare of the lumber industry or the economic utilisation and marketing of timber.

Establishment of Lumber Industry Committee.

7.-(1) There shall be constituted a Committee to be known as the Lumber Industry Committee which shall consist of-

- (a) the Appropriate Officer, who shall be Chairman;
- (b) the Chief Forest Officer, who shall be Deputy-Chairman; and
- (c) such other members as the Minister shall appoint.

(2) The Committee shall be a body corporate having perpetual succession and a common seal, and shall be capable in law of suing and being sued, and of purchasing, holding and alienating land and other property, movable or immovable.

Powers of Minister.

8. The Minister may make regulations for the following purposes-

- (a) the application to any kind of lumber of the provisions of section 9;
- (b) the restriction or prohibition of the movement of any kind of lumber from Belize either by kind or by quantity;
- (c) prescribing the powers and duties of the Committee;
- (d) generally for the better carrying out of the provisions of this Act.

No export except under certificates of export.

9.-(1) No person shall export any lumber to which this Act applies without a valid export certificate issued in that behalf by the Chief Forest Officer or by some person authorised by him to issue such a certificate.

(2) The export certificate shall be produced to the Comptroller of Customs.

(3) Export certificates shall be issued only in respect of graded lumber.

(4) Every export certificate shall expire six months after the date of issue.

10. No person shall-

(a) export lumber except through such places or ports of exit as the Chief Forest Officer may, by notice in the *Gazette*, declare to be places or ports of exit for the purposes of this section; or

(b) export any lumber in respect of which an export certificate has been issued except in the state in which it was when the export certificate was issued.

Particular restrictions on export.

11. Where any graded lumber is in the opinion of the Chief Forest Officer, or of a person authorised by him in writing in that behalf, so handled or stored whilst in transit that such lumber is not in the state in which it was when the export certificate was issued, then the export certificate in respect of such lumber may be cancelled by the authority which issued such export certificate.

Power to cancel certificate in cases of bad handling or storage in transit.

12. No person shall sign, issue or use in respect of any lumber, whether such lumber is lumber to which this Act applies or not, any document being or purporting to be an export certificate under this Act knowing or having reason to believe that the same is false, either wholly or in any material particular.

Prohibition of false export certificate.

13.-(1) The Chief Forest Officer may authorise in writing any person to be a grader or inspecting grader for the purpose of carrying out the provisions of this Act.

Chief Forest Officer to authorise graders.

(2) An inspecting grader authorised under subsection (1) shall inspect and report on the work of other graders and may revise or reverse their decisions

on the grade of any lumber.

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

(4) The Chief Forest Officer may refuse to issue or to renew any authorisation under this section 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 carried out his duties.

Inspection of
lumber by grader.

14.-(1) When any application is made to a grader to inspect and grade any lumber, such lumber shall be stacked in parcels to admit of inspection piece by piece by the grader at the owner's mill or such other place as the grader shall require.

(2) A grader may refuse to grade lumber if for any reason he considers that it is in an unfit condition for grading.

(3) All handling charges in connection with grading or in connection with any check on grading shall be at the expense of the owner or consignor who shall provide all necessary labour.

Marking of
lumber.

15.-(1) No person other than a grader shall mark any lumber, whether such lumber is timber to which this Act applies or not, with a mark which is the same as a mark prescribed by any rules made under this Act.

(2) No person shall mark any lumber, whether such lumber is lumber to which this Act applies or not, with a mark so similar to any mark prescribed by any rules made under this Act that it may be or can be mistaken therefor.

(3) When the owner of a piece of marked lumber desires to resaw it or otherwise to alter its state, he shall before doing so effectively obliterate the

mark so that it cannot be mistaken for a mark prescribed under any rule under this Act.

16.-(1) The Chief Forest Officer may by notice in writing require any person exporting any lumber to furnish him with such particulars in respect of such exports as may be specified in such notice.

Information may be required.

(2) Any person who-

- (a) fails to furnish such particulars within one month from the receipt of such notice; or
- (b) makes any false statement in respect of such particulars,

commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

17.-(1) No person shall own or operate a sawmill or any processing plant for the purpose of converting logs, wood or other forest produce into lumber unless such person is in possession of a valid licence issued under this Act or any regulations made thereunder in respect of such sawmill or processing plant.

Sawmill owners to obtain licence to operate.

(2) An applicant for a sawmill or processing plant licence shall furnish to the Chief Forest Officer satisfactory proof of his being entitled to use such land for the purpose of operating a sawmill or processing plant.

(3) Applications for such licences shall be submitted in writing to the Chief Forest Officer not later than 1st November in the year preceding that for which the licence is required.

(4) All licences issued under the provisions of this Act or any instruments made thereunder shall expire on 31st December in the calendar year for which it is valid.

- Chief Forest Officer to forward applications to Lumber Industry Committee.
- 18.-(1) The Chief Forest Officer shall, before the 31st December in every year, submit all applications for sawmill or processing plant licences to the Committee which shall direct the Chief Forest Officer whether or not such licences shall issue.
- (2) The Committee may, in addition to any conditions which may be prescribed by regulations made under section 19, attach special conditions to any such licence.
- Power of Committee to make regulations.
19. The Committee may, subject to the approval of the Minister, make regulations for the following purposes-
- (a) for determining the conditions which may be attached to sawmill and processing plant licences;
 - (b) for prescribing the forms of such licences;
 - (c) for prescribing the fees which may be charged on the issue of such licences.
- Appeal against decision of Committee.
20. Any person who feels aggrieved by the refusal of the Committee to grant a licence under this Act or whose licence has been revoked by the Committee may, within twenty-one days of the notification of such refusal or revocation, as the case may be, appeal to the Minister whose decision shall be final.
- Penalties.
21. Any person who contravenes section 9, 10, 12, 15 or 17 commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months and the court in addition may order-
- (a) that the timber in respect of which the contravention or failure occurred shall be forfeited; or

- (b) where the person convicted is not the owner of the timber, that the person pay an additional fine equal to the value of such timber at the time of export or movement, as the case may be.

22. Any person aggrieved by the decision of any grader may, within thirty days after the notification of such decision, appeal against the decision to the Chief Forest Officer. Appeal to Chief Forest Officer from grader.

23. Any person aggrieved by any decision of the Chief Forest Officer made in pursuance of this Act may, within thirty days of the notification of such decision, appeal against the decision to the Minister, whose decision shall be final. Appeal to Minister from Chief Forest Officer.

24. The Chief Forest Officer may, subject to the approval of the Minister, make rules with respect to any of the following matters- Chief Forest Officer to make regulations.

- (a) the procedure on application for export certificates and the forms of such certificates;
- (b) the place or places to which lumber may be exported under such certificates;
- (c) the procedure on application for the grading of lumber and the grade or grades of timber in respect of all or different classes and form of timber;
- (d) the fees to be paid in respect of grading and services connected therewith;
- (e) the marks to be placed on timber, the method of placing and the registration of such marks.

25. This Act shall come into operation on such day as the Minister may, by Order publish in the *Gazette*, appoint. Commencement.