

REPUBLIC OF VANUATU

THE FORESTRY (AMENDMENT) ACT No. 14 OF 1985

Arrangement of Sections

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3. Commencement.

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To provide for certain amendments to the Forestry Act No. 14 of 1982.

BE IT ENACTED by the President and Parliament as follows:-

INTERPRETATION

1. In this Act "the Principal Act" means the Forestry Act No. 14 of 1982.

AMENDMENT OF THE PRINCIPAL ACT

2. The Principal Act is amended as follows:-

(a) In section 1 by -

(i) deleting the word "Director" and the definition thereof;

(ii) inserting the words "the Director of Agriculture" immediately after the word "means" in the definition of the words "forest officer";

(iii) adding the following word and definition immediately after the definition of the words "forest officer" -

"Minister" means the Minister for the time being responsible for matters relating to the proper management, control, development, utilisation and preservation of forest and timber resources";

(b) By deleting the words "the Director with the approval of" in subsection (2) of section 12;

(c) By substituting the following section for section 17 -

"SUSPENSION OR CANCELLATION OF TIMBER LICENCE

17. The Minister may when the holder of a timber licence has been convicted of an offence against this Act suspend or cancel the timber licence.";

(d) By substituting the following subsection for subsection (2) of section 22 -

"(2) Any person aggrieved by such direction may appeal in writing to the Supreme Court and the Court may affirm, vary or quash the direction. Such decision of the Court shall be final. In no circumstances shall an appeal result in a stay of any such direction.";

- (e) By substituting "Minister" for "Director" wherever the expression appears throughout the Principal Act;
- (f) By deleting subsection (2) of section 2 and adding thereto the following new subsections -
 - "(2) The Minister may from time to time either generally or particularly delegate any of his powers and functions under this Act to any forest officer or any officer holding or acting in any office of the Public Service.
 - (3) Subject to any general or specific directions given by the Minister, the forest officer or the officer to whom any powers or functions are delegated may exercise those powers or functions in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.
 - (4) Every forest officer or officer purporting to act in accordance with a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.
 - (5) Any delegation under this section may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or specified classes of offices.
 - (6) Every delegation shall be revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Minister."

COMMENCEMENT

- 3. This Act shall come into force on the day of its publication in the Gazette.