

THE STATUTES OF THE REPUBLIC OF SINGAPORE

TIMBER INDUSTRY ACT
(CHAPTER 325)

Act
64 of 1973
Amended by
29 of 1982

REVISED EDITION 1985

Timber Industry Act

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An Act to promote, regulate and improve the timber industry and trade and for matters connected therewith.

[11th April 1974]

PART I

PRELIMINARY

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires —
 “Board” means the Trade Development Board established under section 3 of the Trade Development Board Act;

Cap. 330.

“export”, with its grammatical variations and cognate expressions, means to take or cause to be taken out of Singapore by any means or to place timber in any form of conveyance for the purposes of taking the timber out of Singapore by any means to any place:

Provided that timber taken out of Singapore by the same aircraft or ship by which it was brought into Singapore shall not be deemed to be exported unless after being brought into Singapore the timber has been landed or transhipped within Singapore;

“exporter” means a person who exports timber;

“grader” means a person who holds a valid certificate of competency in the grading of timber issued by the grading authority;

“grading authority” means, until otherwise declared by the Minister by notification in the *Gazette*, the chief executive officer of the Trade Development Board;

“import”, with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by any means;

“licence” means a licence issued under this Act;

“licensee” means a holder of a valid licence;

Cap. 57.

“manufacturer” means any person who is registered under the Control of Manufacture Act in respect of any timber or carries on the business of processing, seasoning or preserving timber;

- “member” means a member of the Board;
- “mill” means any building or factory used wholly or partly for manufacturing, processing, seasoning or preserving timber;
- “packer” means a person who carries on the business of packaging or bundling timber;
- “supplier” means a person who supplies timber;
- “timber” means any of the products set out in the Schedule;
- “yard” means any area or place used for storing, packaging or bundling timber.

PART II*

REGULATION OF THE TIMBER TRADE AND INDUSTRY

3. No person shall export timber or carry on business as an exporter unless he is the holder of a licence authorising him to do so. [21]

Licensing of exporter.

4.—(1) Any person who desires to obtain a licence shall make an application in the prescribed form to the Board for the grant of a licence.

Application for a licence.

(2) Upon receiving an application under subsection (1), the Board shall consider the application and may grant a licence, with or without conditions, or refuse to grant a licence.

- (3) The Board shall refuse to grant a licence if —
- (a) satisfactory evidence has not been produced to show that the applicant is a fit and proper person to hold a licence;
 - (b) the applicant or, if the applicant is a company, any of its officers holding a managerial or executive position has been convicted of any offence involving dishonesty, fraud or moral turpitude; or
 - (c) the Board considers it in the public interest to do so.

*The whole of former Parts II, III, VI and VII and sections 16 to 19 of Part IV were repealed by Act 29 of 1982. Parts V and VIII are in this Edition renumbered as Parts II and III.

(4) The Board may at any time vary or revoke any of the existing conditions of a licence or impose conditions or additional conditions thereto.

(5) The Board shall, before taking any action under subsection (4), notify its intention to take such action to the licensee concerned and shall give the licensee an opportunity to submit reasons why the conditions of his licence should not be so varied or revoked.

(6) Where a licence is subject to conditions, the licensee shall comply with those conditions.

(7) No person who is not an incorporated person shall be licensed under this section unless there is in respect of the business a valid certificate of registration of business issued under any written law in force in Singapore relating to the registration of businesses.

(8) Any person who is aggrieved by a decision of the Board under this section may, within one month of being notified of the decision of the Board, appeal against that decision to the Minister whose decision shall be final.

[22]

Annual
licence fee.

5. Every licensee shall pay such annual licence fee as may be prescribed. [23]

Revocation
of licence.

6.—(1) The Board may by order revoke a licence —
(a) if it is satisfied that the licensee —

- (i) has ceased to carry on the business for which he has been licensed or if the licensee, being a company, goes into liquidation, is wound up or otherwise dissolved;
- (ii) has improperly obtained his licence contrary to the provisions of this Act;
- (iii) is no longer a fit and proper person to continue to hold a licence;
- (iv) being a company, any of its officers holding a managerial or executive position has been convicted of an offence involving fraud, dishonesty or moral turpitude;

- (v) is exporting timber or carrying on business as an exporter in such a manner as renders him unfit to continue to hold a licence;
- (vi) is contravening or has contravened any of the provisions of this Act or any regulations made thereunder; or
- (vii) being a company, any of its officers holding a managerial or executive position has been convicted of an offence under this Act or any regulations made thereunder; or

(b) if it considers it in the public interest to do so.

(2) The Board shall, before revoking a licence under subsection (1), give the person concerned notice in writing of its intention to do so specifying a date, not less than 21 days after the date of the notice, upon which the revocation shall, subject to subsections (5) and (6), take effect and calling upon the person concerned to show cause to the Board why the licence should not be revoked.

(3) When the Board has revoked a licence under subsection (1) it shall forthwith inform the licensee concerned by notice in writing of the revocation.

(4) The licensee whose licence has been revoked may, within 14 days of the receipt of the notice referred to in subsection (3), or such extended period of time as the Minister may allow, appeal in writing against the revocation to the Minister whose decision shall be final.

(5) An order of revocation shall not take effect until the expiration of a period of 14 days after the Board has informed the licensee concerned of the order.

(6) If within that period the licensee concerned gives due notice of appeal to the Minister the order shall not take effect unless the order is confirmed by the Minister or the appeal is for any reason dismissed by the Minister. [24

7.—(1) Where an order of revocation becomes effective under section 6, the licensee concerned shall cease to export timber or carry on business as an exporter.

Effect of
revocation
of licence.

(2) Subsection (1) shall not prejudice the enforcement by any person of any right or claim against the licensee

concerned or by the licensee concerned of any right or claim against any person arising out of or concerning any matter or thing done before the revocation of the licence. [25

Registration
of grader.

8.—(1) No person, other than an employee of the Board, shall grade or carry on the business of grading timber unless he is registered under this Act as a grader.

(2) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both. [26

Registration
of supplier,
packer or
manufac-
turer.

9.—(1) No person shall carry on business as a supplier, packer or manufacturer unless he is registered under this Act as a supplier, packer or manufacturer, as the case may be.

(2) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both. [27

Unlicensed
exporter
not to
recover
money.

10. No person shall be entitled to bring any proceedings in any court to recover any money, fee, gain or reward for any timber exported by him in the course of his business as an exporter unless he was the holder of a licence at the time of exporting the timber. [28

Unre-
gistered
grader not
to recover
money.

11. No person shall be entitled to bring any proceedings in any court to recover any money, commission, fee, gain or reward for any service done or performed by him as a grader unless he was registered under this Act as a grader at the time of doing or performing that service. [29

Unre-
gistered
supplier,
manufac-
turer or
packer not
to recover
money.

12. No person shall be entitled to bring any proceedings in any court to recover any money, commission, fee, gain or reward for any timber supplied by him or service done or performed by him as a supplier, packer or manufacturer unless he was registered under this Act as a supplier, packer or manufacturer, as the case may be, at the time of

supplying the timber or doing or performing any such service. [30

PART III

MISCELLANEOUS

13.—(1) Subject to subsection (3), the Chairman or any officer of the Board so authorised in writing by the Chairman may enter any registered business premises of an exporter or any mill or yard and carry out such inspection and examination as he may consider necessary, and may seize and detain any books, documents or other things found in the premises entered that may furnish evidence of the commission of an offence under this Act or any regulations made thereunder. Power to enter premises, carry out inspection and examination and prohibit sale or export of timber.

(2) A person making an entry under subsection (1) may be accompanied by any other person or persons he considers necessary.

(3) If the Chairman or any officer of the Board authorised under subsection (1) has reason to believe that an offence under this Act or any regulations made thereunder has been committed in respect of any timber found in the course of the inspection and examination under this section, he may prohibit the sale or export of the timber by —

(a) sealing, marking or packaging the timber in such manner as to clearly indicate that the timber is subject to prohibition; and

(b) posting in a conspicuous part of the premises a prohibitory notice in such form as the Chairman thinks fit.

(4) Any person who sells or exports timber in contravention of the prohibition imposed under subsection (3), or in any manner tampers with the seal, mark, packing or prohibitory notice placed, carried out or posted under that subsection shall be guilty of an offence. [44

14.—(1) The court before which a prosecution is held for an offence committed in respect of timber which has been subjected to a prohibitory notice under section 13 may, if it is satisfied that an offence has been committed in respect of the timber and notwithstanding that no person may have Disposal of prohibited timber.

been convicted thereof, order the forfeiture or destruction of the timber, as to the court thinks just.

(2) Any timber that has been forfeited under subsection (1) shall be sold by the Board and the proceeds of the sale thereof shall be paid into the Consolidated Fund, less any sum that may be certified by the Chairman of the Board as having been incurred by the Board in effecting the prohibition under section 13 and in carrying out the sale under this section.

(3) If the court does not make an order under subsection (1) or if no prosecution has been initiated in respect of any timber that has been subjected to prohibition under section 13 within two months of the imposition of the prohibition, the prohibition shall be deemed to have been lifted. [45]

Power to
amend
Schedule.

15. The Minister may, from time to time, after consulting the Board, amend the Schedule. [46]

Obstructing
officers of
Board.

16. Any person who obstructs or hinders the Chairman, the chief executive officer of the Board or an officer or agent of the Board acting in the discharge of his duty under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both. [48]

Proceedings
to be
conducted by
officers of
Board.

17. Any proceedings in respect of an offence under this Act or any regulations made thereunder may be conducted by an officer of the Board or an officer of the Government authorised in writing in that behalf by the chief executive officer of the Board. [49]

Sanction
of Public
Prosecutor.

18. No court shall take cognizance of an offence under this Act or any regulations made thereunder except with the sanction of the Public Prosecutor. [50]

General
penalties.

19. A person who contravenes, fails to comply with or commits an offence under this Act or any regulations made thereunder for which no special penalty is provided by this

Act shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both. [51

20. Where an offence under this Act or any regulations made thereunder is committed by a body corporate and it is proved to have been committed with the consent or connivance of or to be attributable to an act or default on the part of a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly. [52

Offence
by body
corporate.

21.—(1) The Board may, with the approval of the Minister, make such regulations as are necessary for carrying into effect the provisions of this Act. Regulations.

(2) Without prejudice to the generality of subsection (1), such regulations may —

- (a) prescribe the standards and methods of grading, processing, seasoning, preserving and packaging or bundling timber and the fees payable for grading;
- (b) regulate and control all stages of the export production of timber from the procurement of logs to the export of timber;
- (c) provide for stress grading and inspection of timber;
- (d) provide for the training of graders;
- (e) prescribe the type or form of statistical returns to be submitted by exporters, manufacturers, packers and suppliers;
- (f) provide for the maintenance of proper standards of conduct in the carrying out of the timber trade and industry and deal with infringements thereof;
- (g) prescribe the manner of applying for registration under this Act, the particulars to be supplied by an applicant, the manner of registration, the conditions to be imposed and the form or forms of certificates to be issued upon registration; and

(h) prescribe the fees to be charged in respect of anything done under or by virtue of this Act.

(3) All regulations made under this section shall be published in the *Gazette*. [20

THE SCHEDULE

Sections 2 and 15.

Definition of Timber

1. Chip or particle boards.
2. Fibre boards.
3. Ground wood.
4. Knock-down furniture.
5. Laminated boards.
6. Logs.
7. Mouldings.
8. Plywood.
9. Sawn timber.
10. Veneer.
11. Wood chips.