

Enforcement Rules for the Forestry Act

The Enforcement Rules for the Forestry Act (hereinafter referred to as the Enforcement Rules) were first proposed and duly passed for implementation by the government of the Republic of China, effective 31 January 1935.

On 28 February 1948, the Enforcement Rules were amended and promulgated by Ministry of Agriculture and Forestry.

On 10 January 1956, the Enforcement Rules were amended and promulgated by Ministry of Economic Affairs.

On 13 February 1969, Articles 6, 60 and 66 were amended and promulgated by Ministry of Economic Affairs per (58) Security Provisions Order No. 05526.

On 30 June 1987, the Enforcement Rules were amended to a total of 27 articles by Council of Agriculture, Executive Yuan per (76) Agriculture & Forestry Order No. 6101097.

On 31 August 1998, Article 25 was deleted by Council of Agriculture, Executive Yuan per (87) Agriculture & Forestry Order No. 87137941.

On 19 January 2000, Articles 3, 5, 11, 13, and 19 were amended and promulgated by Council of Agriculture, Executive Yuan per (89) Agriculture & Forestry Order No.88163608.

Chapter I General Provisions

Article 1

The Enforcement Rules are regulated in accordance with Article 57 of the Forestry Act (hereinafter referred to as this Act).

Article 2

Whereas, the ownership of the forest and all forest rights other than ownership, except for those registered according to act as publicly or privately held, shall summarily belong to the state.

Article 3

Whereas state forest(s), public forest(s), and private forest(s) as used in Article 3 of this Act are defined as follows:

1. A state forest means a forest belonging to the nation and in the territory of the nation, but without an owner.
2. A public forest means a forest held by a direct municipality, county (city), town, village or legal

public entity.

3. A private forest means the ownership of a forest acquired by a private citizen or private legal entity.

Chapter II Forestry Administration

Article 4

The term 'undeveloped mountains, lands', as used in Article 6 of this Act, shall include all mountains, hills, coasts, beaches and fields in state, public and private holding that are left idle and are unsuitable for producing agricultural crops.

Article 5

Whereas lands classified for forestry may not be used for other purposes, except with the consent of the direct municipality or county (city) government agency. Approved exemptions must be presented to and duly approved jointly by the central government agency and the Ministry of Internal Affairs and shall not be subjected to the limitation clause.

For lands whose use category is not yet classified but designated as forestland by other acts, land use may not be changed, except as provided in the preceding paragraph.

Article 6

Should a public forest be appropriated by the state as provided in Article 7 of this Act, the central government agency shall, three (3) months in advance, notify said public forest administrative authority. Before the takeover procedure is completed, the said administrative authority shall still be responsible for the protection thereof.

Where the said forest administrative authority has any objections, it shall explicitly present the grounds within one (1) month of the day the said notification is served, to the central government agency for review.

Article 7

When a public forest or private forest is appropriated by the state, forest of equal value may be given to the forest owner in lieu of compensatory payment.

Article 8

Should a public forest or private forest be appropriated by the state, as provided in Article 7 of this Act, the Land Act or the regulations governing the management of public assets shall be obeyed.

Article 9

When the remaining parts of a public forest or private forest appropriated by the state are too small in size, or the terrain is so uneven that comparable use of the forest remnant is impossible,

the forest owner may request collective appropriation by the state.

Article 10

Should a private forest be appropriated by the state, and written objections filed by parties of interest within the promulgation period, the provision of Article 59 of the Land Act shall be obeyed.

Article 11

In the case of an application for lease, sublet or allocation of state forestland or public forestland as provided in Section 1, Article 8 of the Act, the applicant shall explicitly declare the following in the application. The application, with relevant proof documents and via the local government agency of the forestland, must be filed to the central or direct municipal government agency, then be discussed with other relevant organizations. The application must include the:

1. Name or nomenclature of the applicant;
2. Location of the required forestland;
3. Required land area;
4. Relevant application plan approved by the authority governing the proposed business.

Article 12

Whenever punitive actions of limitation or prohibition are to be imposed according to Article 11 of this Act, they shall be duly promulgated, and notice shall be served to the forest owner, landowner and parties of other land rights.

Chapter III Forest Business Applications

Article 13

When a state forest is partitioned, the central government agency shall assign staff, joined by staff from the relevant direct municipal or county (city) government, to survey and measure the segments in the field. The segments shall be shown on a map which, with other relevant information, must be presented to the central government agency for joint approval with the Ministry of Internal Affairs.

For the said partitioning, the following three (3) criteria shall be taken into account:

1. Administrative territory;
2. Ecological communities;
3. Watersheds.

Article 14

To convert sections of national forest to business areas, the administrative government agency of the forest area shall study the forest area, forest status, land status, traffic conditions and natural environment and, according to the business plan, outline establish business, and then present the findings to the central government agency for approval.

Experimental forests for academic research shall comply with the preceding stipulation.

Article 15

The legal entity consigned to manage the business of a public forest, according to paragraph one, Article 12 of this Act, shall have the ability to manage a forestry business, and shall have serving the public interest as the goal.

Article 16

If local residents inside a state forest area are accustomed to collecting weeds, withered branches or fallen leaves, the organization managing the forest area may issue collection permits for specific areas, seasons and species.

Article 17

If a forest owner needs to use another's land for transporting forest equipment or assets, as provided by Article 20 of this Act, and negotiation is discordant or impossible, the forest owner shall detail the grounds and negotiation status, and file the following information with the government agency for mediation in conjunction with relevant local authorities:

1. Application plan;
2. Location map of land;
3. Area required;
4. Usage period;
5. Name and address of the landowner or the party of other rights;
6. Current status of the land and whether there are fixed objects.

Article 18

If a forest owner needs to use another's land to transport forest equipment and products, or use, alter or remove implements in a water course, which must be done without endangering the water supply or peoples' lives, the owner shall negotiate with the landowner or other interest-holders as provided by Article 20 of this Act. Where negotiation is discordant or impossible, the forest owner shall detail the grounds and negotiation status, and address the following issues. They should be filed with the government agency for mediation in conjunction with relevant local authorities:

1. Plan for usage, alteration or removal;
2. Types and locations of the tools and supplies to be used, altered, removed;
3. Name and address of the owner, or party of other rights, of the tools and supplies to be used, altered, removed;
4. A schedule and the duration of usage, alteration or removal.

Chapter IV Conservation Forest

Article 19

Should the managing organization of a state forest or public forest deem it necessary to classify the forest under its jurisdiction as conservation forest as provided in Article 22 of this Act, the grounds for classification shall be stated explicitly. The grounds, together with an attached field survey map, shall be presented to the central government agency for approval. When approval has been granted, the managing organization shall notify the direct municipality or county (city) government agency in writing.

Article 20

Where it is necessary to classify a private forest as conservation forest as provided in Article 22 of this Act, the procedures stipulated in Article 26 and 27 of this Act shall be obeyed.

Article 21

Applications for the classification or declassification of a conservation forest, as provided in Article 26 of this Act, shall have a relevant application form and location map providing the following information:

1. The name, location and area of the forest to be classified or declassified;
2. The grounds for classification or declassification;
3. The name and address of the applicant. For a legal entity or organization, the name and address, and its representative and the names of responsible person's must be provided.

Article 22

The compensation stipulated by Article 31 of this Act shall be investigated and reviewed by the local government agency.

The sum of the said compensation shall be calculated according to the value of the bamboo and logs or the reforestation cost. This information shall be filed with the central government agency, via the local government agency, for approval.

Chapter V Forest Protection

Article 23

To apply for a prescribed burn as provided in paragraph 1, Article 34 of this Act, an application together with a schematic shall be filed with the governing police institution five (5) days in advance.

The said controlled burn is limited to the purposes of opening up wasteland for cultivation, land development or eradication of insects.

Article 24

In the event of biological damage or disturbance to the forest, the forest owner, in addition to taking actions to eliminate or prevent the above, may also request the local administrative

authority to provide guidance and assistance.

Chapter VI Supervision and Incentives

Article 25

Deleted

Article 26

In the case of a petition for a tax discount or exemption, as provided in Article 46 of this Act, the relevant procedures, as regulated by the Tax Act, shall be complied with when applying to the local taxation authority.

Chapter VII Supplementary Provisions

Article 27

The Enforcement Rules take effect on the day of promulgation.