

FORESTRY DEVELOPMENT AUTHORITY
REGULATION NO 3
REGULATION ON WAYBILLS

WHEREAS, the Act creating the Forestry Development Authority approved November 1, 1976 and published December 20, 1976, has inter alia, conferred upon the Forestry Development Authority the power to control the transportation and export of forest products by land, water or air (Section 4 f); and

WHEREAS, said Act has also conferred upon the Forestry Development Authority the power to promulgate, issue, amend and rescind forestry rules and regulations to assure the accomplishment of all the policies and objectives of the Forestry Development Authority (Section 4 j) and n); and

WHEREAS, the rules and regulations on waybills by the former Bureau of Forest Conservation - Ministry of Agriculture - especially of July 30, 1975 - Ref. No. 2115-7 - need upgrading;

NOW, THEREFORE, the Forestry Development Authority does hereby rule and regulate:

PART I. DEFINITIONS

Section 1. Definitions:

- (a) FDA - Forestry Development Authority;
- (b) Producer - Anyone, natural person or company, transporting timber or causing timber to be transported;
- (c) Timber - Logs, sawn lumber, plywood, veneer and such other products that may be defined and added from time to time by an amendment to this Regulation;
- (d) Revenue and Finance Law - Act Adopting a New Revenue and Finance Law of the Republic of Liberia, approved May 24, 1977, published June 20, 1977, together with the implementing Stumpage Fee Regulation (Bulletin) of the Forestry Development Authority in force at the time.

PART II. GENERAL OBLIGATIONS

Section 2. Obligatory Waybills:

Subject to the provisions below, all Timber being transported in or from a forest area to a timber processing plant or to an export port, or from a timber processing plant to another timber processing plant or to an export port shall be accompanied by the "FDA Export Log Waybill" the "FDA Export Waybill for Processed Wood Products" or the "FDA Local Log Waybill" as the case may be, for which FDA may prescribe the forms and number of carbon copies from time to time.

Section 3. Waybill Books to be bought from FDA:

3.1 The FDA shall print and serialize the required waybill forms in

different colours and shall have all kinds available at all times at the outlets designated in paragraph 3.2 below.

3.2 Each Producer shall buy at the price determined from time to time by FDA a supply of all kinds sufficient for his operations at either one of the following FDA-Offices:

- (a) FDA Regional Office
Region No. 1
County Administrative Building
Sanniquellie, Nimba County
- (b) FDA Regional Office
Region No. 2
County Administrative Building
Zwedru, Grand Gedeh County
- (c) FDA Regional Office
Region No. 3
 - (1) County Administrative Building
Voinjama, Lofa County
 - (2) County Administrative Building
Tubmanburg, Bomi Territory
- (d) FDA Headquarters
Cashier
Sinkor Old Road
Monrovia, Liberia

PART III. TIMBER ON BUSHLANDINGS AND ON TRANSIT

Section 4. Invoicing of Timber:

4.1 Each Producer shall in the bushlanding (storage depot) or in the timber processing plant, after due scaling and assessment by FDA, but before loading on trucks, through the Producer's representative, accurately scale all Timber and, fill in all the necessary information in the respective FDA Waybill required according to the destination of the Timber, in one original and the prescribed number of carbon copies.

4.2 The waybill and all of its copies shall correspond to and show the total Timber load of one truck only and shall after loading be signed:

- a) by the Producer's representative; and
- b) by FDA's scaler or duly authorized superior FDA officer.

Section 5. Copies of Waybills:

After due invoicing of all Timber according to Section 4 above, the Producer's representative shall:

- (a) keep the original of the waybill for his own record; and
- (b) hand all copies to the driver of the respective Timber truck.

Section 6. Transport:

No truck loaded with Timber for export or with local logs shall depart any bushlanding (storage depot) or Timber processing plant

except that the driver shall carry in his possession all copies of the respective waybill during the whole length of his journey to destination.

PART IV. EXPORT TIMBER AT THE PORT

Section 7. At FDA's Port Timber Inspector:

The driver of each truck loaded with Timber for export shall, before unloading, immediately present the loaded truck to FDA's Port Timber Inspector for inspection, at the same time delivering all copies of the "FDA Export Log Waybill" or of the "FDA Export Waybill for Processed Wood Products" as the case may be, to him.

Section 8. Duties of FDA's Port Timber Inspector:

FDA's Port Timber Inspector, upon presentation to him of the loaded Timber truck by the driver, but before unloading, shall, subject to the provisions in Section 9 below, ascertain that the Timber on the truck is identical with that listed on the respective waybill.

Section 9. Identification and Scaling of Timber:

9.1 FDA's Port Timber Inspector shall especially verify that the logs or bundles loaded are identical with those listed on the respective waybill by checking:

- (a) the number of each log or bundle, respectively;
- (b) the existence of the hammermark "RL/E" on each log; and
- (c) the species of each log or bundle.

9.2 In the event FDA's Timber Inspector discovers a log or bundle not listed on the respective waybill or a log or bundle without number and/or without hammermark, he shall especially and most accurately scale said log or bundle according to the accepted scaling standards and FDA-scaling rules.

9.3 FDA's Port Timber Inspector shall also scale such logs or bundles out of each truck load, as he sees fit, or the entire shipment, if necessary.

Section 10. Signing of Waybill:

In the event that due checking according to Section 9 above reveals no irregularities or discrepancies as compared with the respective waybill, FDA's Port Timber Inspector shall sign all copies of the respective waybill.

Section 11. Penalty Waybill:

In the event,

- a) a loaded Timber truck arrives at the FDA's Timber Inspector without any waybill; or
- b) a truck load includes a log or bundle not listed on the respective waybill; or

- c) a truck load includes a log or bundle without number and/or hammermark; or
- d) the due checking according to Section 9.3 above reveals any irregularities or discrepancies as compared with the respective waybill, FDA's Port Timber Inspector shall record and sign all his observations, especially scaling results, on the "FDA Penalty Waybill" the forms for which FDA may prescribe from time to time in one original and three carbon copies.

Section 12. Distribution of Waybill Copies:

After due signing FDA's Port Timber Inspector shall,

- (a) retain two copies, or, in the case of a Penalty Waybill, the original and one copy, and
- (b) deliver the remaining copies of the waybill to the driver of the respective Timber truck.

Section 13. Waybill Copy for Regional Forester:

FDA's Port Timber Inspector shall on Monday of each week transmit one copy of all waybill copies and the original of all Penalty Waybills collected during the previous week to the respective FDA Regional Office of that FDA Region from which the Timber originates.

Section 14. Waybill Copy for FDA-Headquarters:

FDA's Port Timber Inspector shall on the 1st and 15th day of each calendar month transmit to the FDA, Utilization Division, Monrovia, the other copy of all waybill and Penalty Waybill copies collected during the previous two weeks and also a computation of the enclosed waybill and Penalty Waybill copies including:

- (a) total volume (cbm)
- (b) volume of each species (cbm)
- (c) number/quantity of logs or bundles.

PART V. LOCAL LOGS AT THE SAWMILL

Section 15. At Sawmill:

Upon arrival at the respective sawmill, the driver of each truck loaded with logs shall immediately present the loaded truck to FDA's Sawmill Scaler for inspection, at the same time delivering all copies of the "FDA Local Log Waybill" to him.

Section 16. Duties of FDA's Sawmill Scaler:

FDA's Sawmill Scaler, upon presentation to him of the loaded truck by the driver, shall, subject to the provisions in Section 17 below, ascertain that the logs on the truck are identical with those listed on the respective waybill.

Section 17. Duties of FDA's Sawmill Scaler:

17.1 FDA's Sawmill Scaler shall especially verify that the logs loaded are identical with those listed on the respective waybill by checking:

- (a) the number of each log;
- (b) the existence of the hammermark "RL' on each log; and
- (c) the species of each log.

17.2 In the event FDA's Sawmill Scaler discovers a log not listed on the respective waybill or a log without number and/or without hammermark, he shall especially and most accurately scale said log according to the accepted scaling standards and FDA-Scaling rules.

17.3 FDA's Sawmill Scaler shall also scale such logs out of each truck load, as he sees fit, or the entire shipment, if necessary.

Section 18. Signing of Waybill:

In the event that due checking according to Section 17 above reveals no irregularities or discrepancies as compared with the respective waybill, FDA's Sawmill Scaler shall sign all four carbon copies of the respective waybill.

Section 19. Penalty Waybill:

In the event,

- (a) a truck loaded with logs arrives at a sawmill without any waybill; or
- (b) a truck load includes a log not listed on the respective waybill; or
- (c) a truck load includes a log without number and/or hammermark; or
- (d) the due checking according to Section 17.3 above reveals any irregularities or discrepancies as compared with the respective waybill,

FDA's Sawmill Scaler shall record and sign all his observations, especially scaling results, on the "FDA Penalty Waybill" according to Annex IV of this Regulation.

Section 20. Distribution of Waybill Copies:

After due signing, FDA's Sawmill Scaler shall,

- (a) retain two copies, or, in the case of a Penalty Waybill, the original and one copy, and
- (b) deliver the remaining copies to the manager of the respective sawmill.

Section 21. Waybill Copy for Regional Forester:

FDA's Sawmill Scaler shall on Monday of each week transmit one copy of all waybill copies and the original of all Penalty Waybills collected during the previous week to the respective FDA Regional Office of that Region from which the logs originate.

Section 22. Waybill Copy for FDA-Headquarters:

FDA's Sawmill Scaler shall on the 1st and on the 15th day of each calendar month transmit to the FDA, Utilization Division, Monrovia, the other copy of all waybill and penalty waybill copies collected during the previous two weeks and also a computation of the enclosed waybill and penalty waybill copies including:

- (a) total volume (cbm)
- (b) volume of each species (cbm)
- (c) number/quantity of logs.

PART VI. DUTIES OF REGIONAL OFFICE

Section 23. Comparison with Tally Sheets:

23.1 Upon receipt of the weekly waybills copies from FDA's Port Timber Inspectors and FDA's Sawmill Scalers, each FDA's Regional Office shall immediately reconcile the contents of all waybills with all respective official tally sheets of FDA.

23.2 FDA's Regional Office shall enter on each official FDA tally sheet in the column "Remarks" for each log:

- (a) the serial number of the respective waybill, and
- (b) any discrepancies between the official FDA tally sheet and any penalty waybill especially with respect to volume and species.

Section 24. Penalty Fees:

Upon receipt of a Penalty Waybill, each FDA's Regional Office shall immediately re-assess the respective Timber and bill the Producer according to the Revenue and Finance Law in the following manner:

- (a) Underscaling of Timber:
Five (5) times the respective fees for the underscaled log or bundle;
- (b) Total truck load without waybill:
Five (5) times the respective fees for all Timber on the truck;
- (c) Unnumber and/or non-hammermarked logs:
Four (4) times the respective fees for the respective unnumbered and/or non-hammermarked log;
- (d) Log or bundle not listed in FDA's official tally sheet:
Three (3) times the respective fees for the respective unlisted log or bundle;
- (e) Log or bundle not listed on respective waybill:
Three (3) times the respective fees for the respective unlisted log or bundle.

Section 25. Disappeared Logs and Waybills:

25.1 On the 30th day of each calendar month each FDA's Regional Office shall check:

- (a) the "Remarks" column of all tally sheets of the month whether each log assessed is accounted for by a waybill; and
- (b) all serial numbers of all waybill copies and Penalty Waybills received during the month whether any waybill is missing.

25.2 In the event that there is no waybill entry for a log or a waybill is missing, FDA's Regional Office shall conduct an investigation as to the whereabouts of that particular log or waybill and make a comprehensive report to the FDA, Utilization Division, Monrovia, not later than the 15th day of the following month.

Section 26. Reports from Regional Office:

Each FDA's Regional Office shall on the 1st and 15th day of each calendar month, transmit a detailed report on all discrepancies between FDA's official tally sheets and the waybills, especially on all re-assessments made, to the FDA, Utilization Division, Monrovia.

PART VII. REPEALERS AND EFFECTIVE DATE

Section 27. Repealers:

All prior rules and regulations concerning waybills are hereby repealed.

Section 28. Effective Date:

This Regulation shall become effective on January 1, 1979 and shall be announced in the public media and be published in "FDA Newsletter".

Monrovia, Liberia, November 24, 1978.

John T. Woods
MANAGING DIRECTOR

JTW/jj