

Reprint  
as at 12 November 2018



**Forests (Planted Indigenous Forest Certificate)  
Regulations 2007**  
(SR 2007/27)

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 26th day of February 2007

Present:

His Excellency the Governor-General in Council

Pursuant to sections 67C, 67D, and 72 of the Forests Act 1949, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

**Contents**

		Page
1	Title	2
2	Commencement	2
3	Purpose	2
4	Interpretation	2
5	Application for certificate	3
6	Issuing of certificate	3
7	Purpose of certificate	4

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry for Primary Industries.**

*Register*

8 Register of certificates 4

**Regulations****1 Title**

These regulations are the Forests (Planted Indigenous Forest Certificate) Regulations 2007.

**2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

**3 Purpose**

The purpose of these regulations is to establish a mechanism for certifying that a forest is a planted indigenous forest for the purposes of Part 3A of the Forests Act 1949.

**4 Interpretation**

(1) In these regulations, unless the context otherwise requires,—

**Act** means the Forests Act 1949

**certificate** means a planted indigenous forest certificate issued under these regulations

**map** means a diagram or aerial photograph that shows—

- (a) the boundary of the land to which the application for certification relates; and
- (b) the areas within that defined boundary where the indigenous timber trees or tree ferns have been planted

**milling statement** means a statement issued by the Secretary under section 67D(1)(b)(i)(C) to confirm that the timber being milled has been or will be harvested from a planted indigenous forest

**owner**—

- (a) means a person who owns any landholding; and
- (b) includes—
  - (i) the owners of a landholding owned by 2 or more persons; and
  - (ii) a group of owners of a landholding.

(2) Terms defined in the Act and used but not defined in these regulations have the same meanings as in the Act.

## **5 Application for certificate**

- (1) This regulation applies to an owner of land where seedlings of any indigenous timber trees or tree ferns have been planted on land that was not indigenous forest land immediately before—
  - (a) the planting; or
  - (b) the land was prepared for planting.
- (2) An owner, or, if more than 1 person is an owner of the land, all the owners jointly or their authorised representative, may apply in writing to the Secretary for a certificate.
- (3) An application must include—
  - (a) evidence of the landholding in the land to which the application relates, such as a copy of—
    - (i) the current record of title; or
    - (ii) *[Revoked]*
    - (iii) in the case of Māori land for which no record of title has been issued, the title order and a current list of owners issued by, or available from, the Māori Land Court; and
  - (b) a map of the land to which the application relates; and
  - (c) evidence that the land was not indigenous forest land immediately before—
    - (i) the planting; or
    - (ii) the land was prepared for planting; and
  - (d) evidence, that may include photographs, to show the species of indigenous timber trees or tree ferns planted.
- (4) Before determining an application, the Secretary may request any further information that in his or her opinion is necessary to enable the Secretary to determine the application.

Regulation 5(3)(a)(i): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Regulation 5(3)(a)(ii): revoked, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Regulation 5(3)(a)(iii): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

## **6 Issuing of certificate**

- (1) The Secretary may issue a certificate if and only if he or she is satisfied that the land to which the certificate relates—
  - (a) is planted with seedlings of indigenous timber trees or tree ferns; and
  - (b) was not indigenous forest land immediately before—
    - (i) the planting; or

- (ii) the land was prepared for planting.
- (2) The Secretary must exclude from the certificate any part of that land that the Secretary considers does not wholly comprise planted indigenous forest.

#### **7 Purpose of certificate**

- (1) The purpose of a certificate issued under regulation 6 is to provide evidence of the existence of a planted indigenous forest for the purpose of issuing a milling statement.
- (2) However, a certificate issued under regulation 6 does not limit the obligations of—
  - (a) the Secretary under section 67C or 67D of the Act; or
  - (b) the owner under any enactment or rule of law.
- (3) To avoid doubt, the fact that a certificate has not been issued under regulation 6 must not be used as evidence that indigenous timber trees or tree ferns are not planted indigenous forest.

#### *Register*

#### **8 Register of certificates**

As soon as is reasonably practicable after the commencement of these regulations, the Secretary must set up and maintain a register that includes a copy of all certificates issued under regulation 6.

Diane Morcom,  
Clerk of the Executive Council.

## **Reprints notes**

### **1    *General***

This is a reprint of the Forests (Planted Indigenous Forest Certificate) Regulations 2007 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Land Transfer Act 2017 (2017 No 30): section 250