

GOVERNMENT NOTICE NO. 28

FORESTRY ACT, 1997

(No. 11 OF 1997)

FOREST RULES, 2001

IN EXERCISE of the powers conferred by section 86 of the Forestry Act, 1, HARRY IAN THOMSON, Minister of Natural Resources and Environmental Affairs, make the following Rules—

PART I—PRELIMINARY

1. These Rules may be cited as the Forest Rules, 2001. Citation
2. In these Rules, unless the context otherwise requires— Interpretation
- “assembly” has the meaning assigned thereto in the Local Government Act; No. 42 of 1998
- “firewood” means all straight parts of a tree which do not exceed two metres in length and includes all crooked and unsound parts of any size;
- “log” means all sound, straight parts of a tree which are more than two metres long and more than twenty centimetres mean diameter;
- “pole” means all sound, straight parts of a tree which are more than two metres long but not more than twenty centimetres mean diameter;
- “protected trees” means the trees specified in the First Schedule;
- “public road” has the meaning assigned thereto in the Public Roads Act; Cap. 69:02
- “stacked cubic metre” means a stack of firewood one metre in length, in width and in height;

PART II—PROHIBITION AND OFFENCES AND FIRE PROTECTION IN FOREST RESERVES

3. No person shall, without a licence in that behalf issued under these Rules, do or cause to be done in a forest reserve any of the following acts— Acts prohibited without a licence
- (a) fell, cut, take, work, burn, injure or remove any tree or forest produce;
- (b) squat, reside, erect any building, hut or cattle enclosure;
- Provided that nothing in this paragraph shall require the issue of a licence in any case where a person resides in a forest reserve under the terms of a lease granted by the Minister responsible for land;
- (c) graze or pasture livestock or permit livestock to trespass;
- (d) clear, cultivate or break up land for the construction of any road, for cultivation, or for any other purpose whatsoever;
- (e) pursue, kill or capture animals or birds;

- (f) alter or remove any beacon, boundary mark or fence;
- (g) camp in any forest reserve, without observing the rules from time to time affecting such camping; and
- (h) keep bees or collect honey or beeswax.

Precautions
by those
contiguous
with a reserve

4. The Director of Forestry may require the owner or occupier of any land contiguous to a forest reserve to take such reasonable precautions to prevent a fire spreading from such land into a forest reserve as the Director of Forestry may specify in writing from time to time.

Director of
Forestry shall
have bound-
aries indicated

5. The Director of Forestry shall cause the boundaries of every forest reserve to be indicated in as clear a manner as he considers reasonable in all the circumstances.

PART III—VILLAGE FOREST AREAS

Acts
prohibited
without
Village
Natural
Resources
Management
Committee
permission

6. No person shall, without the permission in writing of the Village Natural Resources Management Committee in whose name a village forest area has been registered—

- (a) squat or reside or erect any building, hut or cattle enclosure;
- (b) graze or pasture livestock or permit livestock to trespass;
- (c) clear, cultivate or break up land for cultivation or otherwise;
- (d) alter or remove any beacon, boundary mark or fence;
- (e) fell, cut, take, work, burn, injure or remove any tree or forest produce;

(f) set fire to any grass or undergrowth; or

(g) keep bees or collect honey or beeswax,

in the village forest area.

7. No person shall, for any purpose whatever, kindle any fire within a village forest area without taking all reasonable and proper precautions to prevent damage to any forest produce within such village forest area.

PART IV—LICENCES

Special
conditions on
licences

8.—(1) There may be endorsed on any licence issued under the Act special conditions.

(2) Special conditions referred to in subrule (1), may relate to one or more of the following—

(a) the provision by the licensee of a deposit, guarantee, surety, security, liquidated damages or sum of money to be drawn upon or confiscated for non-fulfilment or breach of the conditions of the licence;

(b) the information which may be required to be given to a forestry officer by the licensee, concerning his operations and concerning the transport, manufacture production, output, sale, use, export or import of the forest produce taken under his licence, the records to be kept by him and the returns to be submitted to a forestry officer;

(c) the liability of the licensee for damage to trees or other forest produce due to his negligence or to the negligence of his officers, agents or servants;

(d) the methods by which and the order in which operations of exploitation, fire protection and fire fighting should be carried out;

(e) the measuring or computing or recording of forest produce by methods other than those specified in these Rules; and

(f) the construction, layout and operation of tramway, waterways and roads for the extraction of forest produce, and the transport of such produce to depots or along specified routes or for any other purpose whatsoever.

9. No licence shall grant exclusive rights.

10. No person shall take, purchase or be in possession of any forest produce to which a licence relates except with the authority of the licensee.

11. All forest produce derived from the operations of a licensee, except the produce which the licensee is authorized to take under the terms of his licence, shall remain the property of the Government.

12.—(1) The royalties to be paid in respect of forest produce taken, or for cutting and taking, under licences issued under these Rules shall be those set out in the Second Schedule:

Provided that the Director of Forestry may dispose of planted trees or forest produce derived from forest reserves or public land or from artificially established plantations.

(2) The fees to be paid in respect of licences for—

- (a) camping;
- (b) residing in rest-houses, lodges, cottages or huts;
- (c) operating business;
- (d) import or export of forest produce;
- (e) scientific collection of forest produce;
- (f) the grazing of livestock; and
- (g) the keeping of bees,

shall be those set out in the Third Schedule.

13.—(1) No licence to cut forest produce shall, in the absence of express provision to that effect, be deemed to authorize the cutting of a protected tree or a tree situate within—

- (a) a forest reserve;
- (b) a strip of land situated within or on either side of a watercourse;
- (c) protected hill slope; or
- (d) eight metres of a public road.

(2) A strip of land shall be deemed to be situated on either side of a watercourse if it is situated within a minimum width of one metre and a maximum of eight metres from the banks of the watercourse:

Limits on
licences
Persons who
may take
under licence
Produce
derived from
operations of
licence
Fees and
Royalties

Cutting
of trees

Provided that the width of the strip of land may be increased or decreased, subject to a maximum of eight metres, by the Minister issuing a notice to the occupier of the land.

PART V—FELLING CONDITIONS

Height of cutting point

14. Unless otherwise stated in the licence, trees shall not be cut higher than forty-five centimetres from the ground.

Manner of cutting

15. All felling, cutting, exploitation, conversion and other operations performed under licence shall be carried out in such manner as to cause the least possible waste of, or damage to, forest produce and stump.

Disposal of waste

16. All branch wood, slash, and waste left in any forest reserve shall, within one month of the felling of the tree or trees from which such branch wood or waste was derived, be cut up and drawn clear for a distance of not less than five meters from all growing trees and fresh stumps.

PART VI—MEASUREMENT AND REMOVAL OF FOREST PRODUCE

Volume of timber fires

17. Unless otherwise laid down in any licence—

(a) the volume of timber in a log shall be calculated by multiplying the length from end to end, by the mean cross-sectional area, as determined from the mean diameter measured under bark;

(b) the volume of a stand shall be calculated by multiplying the stand area by the stocking and the mean tree volume; and

(c) the diameter of a pole shall be the diameter measured at the butt end over bark.

Stacking of firewood

18. All firewood cut under licence shall be assembled in stacked cubic metres before removal or conversion into charcoal, unless the Forestry officer who issued the licence shall have endorsed on the licence permission to stack in any other manner.

Removal of produce

19. No sawn timber, logs or poles shall, unless permission to the contrary be endorsed on the licence, be removed until such produce has been measured or checked by a forestry officer.

Time for removal of produce

20. All forest produce cut under licence shall, unless permission to the contrary be endorsed on the licence, be removed within three months of the date of the expiration of the licence.

Until fees paid, produce is Government property

21. Until fees have been paid forest produce licensed to be taken and removed shall remain the property of the Government and may not be charged, hypothecated, mortgaged, sold, ceded or assigned, nor may any lien be created thereon.

PART VII—OFFENCES AND PENALTIES

Offence and Penalty

22. Any person who contravenes any of the provisions of these Rules or any of the conditions of any licence granted to him under these Rules shall be guilty of an offence and liable to a fine of K1,000 and to imprisonment for three months.

FIRST SCHEDULE

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PROTECTED TREES

Botanical Name	Vernacular Name
<i>Adina microcephala</i>	Mwenya, Chonya, Mgweya, Mung'ona, Mwina, Mungwina, Mluona
<i>Azelia quanzensis</i>	Mkongomwa, Msokosa, Mnangaliondo, Ipapa, Mpapa, Mpapadende
<i>Borassus aethiopum</i>	Mvumo, Mdikwa, Makoma, Mulala
<i>Bridelia micrantha</i>	Msopa, Chisopa, Mpasas, Mlewezi, Msongamino, Mwisya
<i>Burkea africana</i>	Mkalati, Kalinguti, Kawidzi, Kawidzu, Nakapanga
<i>Colophospermum mopane</i>	Tsanya, Sanya, Ntsano, Mopani, Mpani,
<i>Cordia africana</i>	Mtondo
<i>Cycas crinita</i>	Mgwalangwa, Mkomkoma, Makoma, Mulala
<i>Khaya anthotheca</i>	Mbawa, Muwawa, Bulamwiko
<i>Pterocarpus angolensis</i>	Mlombwa, Mtumbati, Mbira, Nawazi
<i>Terminalia sericea</i>	Naphini, Nyapini, Mpini, Nalinsi, Mkodoni, Mpululu, Njoyi
<i>Widdringtonia cupressodes</i>	Mkungudza
<i>Dalbergia melanoxylon</i>	Phingo, Nanyula, Kasalusalu
<i>Percopsis angolensis</i>	Muwanga

SECOND SCHEDULE

r. 13 (1)

ROYALTIES

I. INDIGENOUS TREES

Class	Botanical Name	Vernacular name	Per tree K t	
Class I	<i>Khaya nyasica</i>	Mbawa, Muwawa, Bulamwiko	1,500 00	
	<i>Entandrophragma excelsum</i>	Mukarikari, Mululu	1,500 00	
	<i>Adina microcephala</i>	Mwenya, Chonya, Mwina, Mungwina, Mung'ona, Mgweya, Mluona	1,500 00	
	<i>Chlorophora excelsa</i>	Ngunda, Mvule	1,500 00	
	<i>Combretum imberbe</i>	Msimbiti	1,500 00	
	<i>Trichilia emetica</i>	Msikidzi, Msyunguti	1,500 00	
	<i>Colophospermum mopane</i>	Tsanya, Sanya, Mopani, Mpani	1,500 00	
	<i>Dalbergia melanoxylon</i>	Manyula, Phingo, Kasalusalu	1,500 00	
	<i>Pterocarpus angolensis</i>	Mkulo, Mkuru, Ndepa, Mpale, Nachuse, Mbalitsa, Melelesi, Nachase, Mlombwa	1,500 00	
	<i>Percopsis angolensis</i>	Muwanga	1,500 00	
	Class II	<i>Ocotea usambarensis</i>	Botoko	1,200 00
		<i>Srombosia scheffleri</i>	Mvivi	1,200 00
		<i>Entandrophragma caudatum</i>	Nayalai, Ngundangoma, Nagawale	1,200 00

Class	Botanical Name	Vernacular name	Per tree K t
	<i>Apodytes dimidiata</i>	Mzaza	1,200 00
	<i>Buttadayva nyasica</i>	Mbule	1,200 00
	<i>Albizia gummifera</i>	Mtangatanga, Bua, Chikwani, Chikolola, Mpepe, Kalankanga, Skanya	1,200 00
	<i>Pidtandenia buchananii</i>	Mkweranyani, Mkuwi, Mviho Mcheujeu, Mtidi, Kangubwe, Mzunjere, Msingati	1,200 00
	<i>Azelia quanzensis</i>	Mkongomwa, Msambafumu, Mpapadende, Mpapa, Ipapa	1,200 00
	<i>Newtonia buchananii</i>	Mkweranyani	1,200 00
	<i>Podocarpus species</i>	Nanjula, Mwenye, Mkachi, Nkanguni, Mkute, Kawidzi	1,200 00
	<i>Burkea africana</i>	Mkalati, Mkalakati	1,200 00
	<i>Bombax stoltzii</i>	Mtonjemanga	1,200 00
	<i>Swartzia madagascarensis</i>	Chinyenya, Kampango	1,200 00
Class III	<i>Chrosphyllum species</i>	Mutu, Chifira, Njundo, Njale, Namazuwa, Mlombeya	900 00
	<i>Sterculia species</i>	Msetanyani, Njale	900 00
	<i>Diospyros mesopiliformis</i>	Msumwa, Mchenje, Mchenya, Njelenje	900 00
	<i>Dialiopsis africana</i>	Mtalala, Mlimbauta, Masakala, Mtutumuko, Chiwangalanya	900 00
	<i>Faurea species</i>	Muses, Chinsese, Chiere	900 00
	<i>Mitragyna rubrostipulata</i>	Mufwafwada	900 00
	<i>Cordyla africana</i>	Mtondo	900 00
	<i>Polyscias fulva</i>	Mpembati, Mukwajo, Mwaja	900 00
	<i>Sclerocarya caffra</i>	Mtondowoko, Mfula, Mzere, Msewe	900 00
	<i>Terminalia-sericea</i>	Naphini, Mpululu, Njoyi, Nalinsi, Gonondo	900 00
	<i>Ficallhoa laurifolia</i>	Ndopa, Mlunganya, Muuse	900 00
	<i>Bridelia micrantha</i>	Mpasa, Msopa, Mlewezi, Msongamiso	900 00
	<i>Hagenia anthelmintica</i>	Mkwerete, Mkhwale	900 00
	<i>Parinari species</i>	Mvula, Mukanjaula, Mukantana	900 00
	<i>Acacia albida</i>	Msangu Msangusangu	900 00
	<i>Rauvolfia caffra</i>	Mwimbi, Mvumbamvula, Nanyungu, Munyezani	900 00
Class IV	<i>Parkia filicoida</i>	Mkundi	700 00
	<i>Xymalos monospora</i>	Mulaka, Mpelekeso, Nakaswaga, Chikakalaka	700 00

Class	Botanical Name	Vernacular name	Per tree metre K t
	<i>Fagara species</i>	Papwe, Mkurungu, Mlunguchulu	700 00
	<i>Vitex doniana</i>	Mphindimbi, Mfuru, Msimpsya, Mpyuambya, Mpsyimpsya ..	700 00
Class V	All other non-planted spices	..	700 00
Class VI	<i>Widdringtonia</i>		
	<i>nodiflora</i>	Mkungusa, Mkungudza ..	1,000 00
	<i>Juniperus procera</i>	Mulanje, Changalume ..	1,000 00
2. EXOTIC TREES			
	<i>Cypress</i>	Mkunguza	650 00
	<i>Pinus species</i>	Mkungusa, Payini	650 00
	<i>Eucalyptus species</i>	Bulugamu	600 00
	<i>Gmelina arborea</i>	Malayina	475 00
3. POLES			
	<i>Species</i>	<i>Butt diameter under bark (in centimetres)</i>	<i>Per pole K t</i>
	<i>Eucalyptus</i> and other exotic species not elsewhere specified in this Schedule	less than 6	30 00
		6 but less than 8	35 00
		8 but less than 10	40 00
		10 but less than 12	45 00
		12 but less than 14	50 00
		14 but less than 16	55 00
		16 but less than 18	60 00
		18 but less than 20	65 00
		20 and over	by volume
	Indigenous species	less than 6	35 00
		6 but less than 8	40 00
		8 but less than 10	45 00
		10 but less than 12	50 00
		12 but less than 14	60 00
		14 but less than 16	65 00
		16 but less than 18	70 00
		18 but less than 20	75 00
		20 and over	by volume

4. FUELWOOD		Per stacked cubic metre (excluding transportation)
		K t
Planted fuelwood, cut and stacked by the purchaser		200 00
Planted fuelwood, ready stacked		200 00
Unplanted fuelwood, cut and stacked by the purchaser		450 00
		Per head load
		K t
Planted fuelwood		6 00
Unplanted fuelwood		7 00
5. BAMBOO		Per pole
<i>Butt diameter (in centimetres)</i>		K t
Less than 5		5 00
5 but less than 10		10 00
10 and over		20 00
6. PALMS		Per tree
<i>Botanical Name</i>	<i>Vernacular Name</i>	K t
<i>Phoenix reclinata</i>	Kanjedza, Kachinda	1,000 00
<i>Hyphaene crinata</i>	Ngwalangwa, Makoma	1,000 00
<i>Borassus aethiopicum</i>	Mvumo, Makoma	1,000 00
		Per leaf
		K t
Other palm leaves		5 00
7. PLANTS		Per plant
		K t
Wild cycads and succulents		3,500 00
8. OTHER FOREST PRODUCE		
Royalties in respect of other forest produce may be determined by agreement.		

THIRD SCHEDULE

r. 13(2)

FEES

	Per person per night
	K t
1. <i>Camping</i>	
Camping at rest-house with functioning refrigeration	75 00
Camping at rest-house without refrigeration	60 00
Camping at permanent camp site in forest reserve	50 00
Camping at any other place in a forest reserve other than at a permanent camp site	30 00
Hut occupation	50 00
Children under 5 years of age	No fee

2. REST-HOUSE OCCUPATION	<i>Per person per night</i>
	K t
Kasito Lodge	150 00
Kasito Rest-house	120 00
Kazela (MCF)	150 00
Children under 5 years	No fee
3. BEE KEEPING	<i>Per bee hive, per annum</i>
	K t
Commercial beekeepers	100 00
Community groups	Free
4. GRAZING	<i>Per head per annum</i>
	K t
Commercial	5 00
Communal grazing	Free
5. BUSINESS OPERATION	<i>per annum</i>
	K t
(a) Pit sawing	
Acceptance fee	50 00
Operational fee	40 00
Residential fee, per hut	40 00
(b) Mobile sawmill	
Acceptance fee	500 00
Operational fee	6,000 00
Residential fee, per square metre	50 00
(c) Stationary sawmill	
Acceptance fee	2,000 00
Operational fee	6,000 00
Residential fee, per square metre	50 00
(d) Lodges/Camps/Rest-houses/Huts	
Acceptance fee	1,000 00
Operational fee	6,000 00
Residential fee, per square metre	50 00
(e) Charcoal production from exotic species	
Acceptance fee	50 00
Kilns, per kiln	200 00
Retorts, per retort	400 00
Hut	40 00
	<i>per month</i>
	K t
(f) Other businesses, per hut	40 00
Fees in respect of other businesses may be determined by agreement.	
6. SCIENTIFIC COLLECTION PERMIT	<i>per annum</i>
	K t
Acceptance fee	200 00
Operational fee	1,000 00
Export fee	1,000 00
Import fee	200 00

7. NON-SCIENTIFIC AND COMMERCIAL PERMIT							<i>per annum</i>
							K t
Export fee	..	..	..	..	..	..	2,000 00
Import fee	..	..	..	..	..	..	500 00

Made this 11th day of March, 2001.

H. I. THOMSON
 Minister of Natural Resources
 and Environmental Affairs

(FILE NO. 47/1/1/VOL. III/130)

GOVERNMENT NOTICE No. 29

FORESTRY ACT, 1997

(No. 11 OF 1997)

FORESTRY (COMMUNITY PARTICIPATION) RULES, 2001

IN EXERCISE of the powers conferred by section 32 of the Forestry Act, 1, HARRY IAN THOMSON, Minister of Natural Resources and Environmental Affairs, make the following Rules—

PART I—PRELIMINARY

- Short title 1. These Rules may be cited as the Forestry (Community Participation) Rules, 2001.
- Interpretation 2. In these Rules, unless the context otherwise requires—
 “community” includes village natural resources management committees, local authorities, by whatever name called, non-governmental organizations and the private sector.

PART II—COMMUNITY PARTICIPATION

- Objectives of community participation 3. The objectives of community participation shall be—
 (a) to promote co-management of forest resources;
 (b) to sustainably manage forests on customary land;
 (c) to empower the community in the management of forest resources in forest reserves and forests on customary land;
 (d) to promote community tree-planting and management;
 (e) to promote the role of men, women and the youth in the management of forest resources;
 (f) to enhance sustainable management, conservation and utilization of forest resources; and
 (g) to share costs and benefits between the Department of Forestry and the community in regard to forest produce from customary land forests and forest reserves.
- Duties of a community 4.—(1) A community shall have the responsibility of conserving and managing the forest resources within its area of jurisdiction in collaboration with the Director of Forestry.

(2) Without derogating from the generality of the provisions of sub-rule (1), a community shall have power to—

- (a) develop a ^{licensing} ~~recording~~ system in collaboration with the Director of Forestry;
- (b) enforce any forestry regulations as mandated by the Director of Forestry;
- (c) seize any forest produce reasonably believed to have been obtained in contravention of the Act; and
- (d) to convey to the Board and the Director its recommendations on the conservation and management of forest resources.

5. A community may, for the proper management of its affairs, under these Rules, form such committees as the community may deem appropriate. Committees of a community

6. A community shall adopt a constitution by which the operations of that community shall be governed. Constitution of a community

7. A community shall, with the assistance of the Director of Forestry, prepare a management plan for purposes of ensuring sustainable forest management, conservation and utilization. Management plan

8. The Director of Forestry shall have access to all records kept by a community pursuant to these Rules. Access to records

9. Except where it is unnecessary or impracticable to do so, regulations and any other subsidiary legislation related to the sustainable conservation, management and utilization of forestry resources shall not be made or amended unless the Director of Forestry has carried out consultations with the community. Consultations on forestry plans, regulations, etc.

10. A community may request meetings with the Director of Forestry to discuss management plans, regulations or any other subsidiary legislation or amendment thereto. Meetings with the Director

Made this 11th day of March, 2001.

H. I. THOMSON
Minister of Natural Resources
and Environmental Affairs

(FILE NO. 47/11/VOL. III/130)