

FORESTS

THE FOREST REGULATIONS [ARRANGEMENT OF REGULATIONS]

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SECTION 68-THE FOREST REGULATIONS *Regulations by the Minister*

*Statutory
Instruments*
98 of 1976
31 of 1978
58 of 1988
5 of 1990
64 of 1990
65 of 1990
93 of 1991
68 of 1992
5 of 1994
62 of 1996
48 of 1997
Act No. 13 of 1994

PART I

PRELIMINARY

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| <p>1. These Regulations may be cited as the Forest Regulations.</p> <p>2. The fees and prices to be paid to the Forest Department in respect of the felling or taking of indigenous forest produce and of other acts requiring a licence or receipt shall be those set out in parts I and II of the First Schedule</p> <p>(As amended by S.I. No. 58 of 1988 and No. 5 of 1990)</p> | <p>Title</p> <p>Fees and prices chargeable for indigenous forest produce</p> |
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| 3. Any forest officer of or above the rank of Forester and duly authorised in that behalf by the Chief Conservator may, subject to such general or special directions as the Chief Conservator may think fit, sell waste or off-cuts from a plantation, mill or depot in such manner as to obtain the best advantage. | Disposal of waste or off-cuts |
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PART II

FELLING CONDITIONS

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| 4. A forest officer who issues any licence to cut or take indigenous timber shall determine whether the fees for such timber shall be calculated per tree or by the volume of timber in the tree or by any other method of measurement. | Method of payment for indigenous timber |
| 5. A forest officer who issues any licence to cut or take plantation timber, poles or fuelwood, or who sells or disposes of such produce shall determine whether the fees for such produce shall be paid by the volume or by number or by any other method. | Method of payment for plantation produce |
| 6. All trees cut under a licence to provide timber or poles and all plantation trees cut under a licence shall, unless otherwise stated on such a licence, be felled by sawing. | Use of saws for felling |
| 7. All trees cut under a licence shall, unless otherwise stated on such a licence, be cut within thirty centimetres from the ground: | Height of stumps |

Provided that any tree cut under a licence and having a buttress or root swelling may, with the permission of a forest officer, be cut at a point immediately above such buttress or swelling.

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| 8. The stump of any tree cut under a licence which the licensee has been permitted to fell by axe shall, unless otherwise stated on such a licence, be trimmed by axe around the perimeter of the stump immediately after felling. | Trimming of stumps |
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- 9.** Within one month of the felling of any tree or trees in a coupe in any area of indigenous forest, the licensee shall, unless it is otherwise stated on any licence held by him, cut up all branchwood and waste derived from such felling and shall draw clear such branchwood or waste for a distance of not less than two metres from all growing trees and fresh stumps, and the branchwood or waste shall be placed or piled in such manner as may be directed by a forest officer. In the event of the licensee failing to carry out the work, the same may be done by employees of the Forest Department and the cost of the work may be recovered from the licensee.
- Disposal of waste in indigenous forests
- 10.** Immediately after the felling of any tree in a coupe in any plantation, the licensee shall, unless it is otherwise stated on his licence, cut up all branchwood and waste derived from such felling and shall pile such branchwood or waste in such manner as may be directed by a forest officer.
- Disposal of waste in plantation
- 11.** (1) Any tree damaged in the course of any felling, logging or extraction operations by a licensee shall be felled by the licensee within one month of it being so damaged:
- Felling of damaged trees
- Provided that, with the permission of a forest officer, such tree shall not be felled if the damage is restricted to the breakage of dead branches or small numbers of live branches and if the top and main stem of the tree are undamaged.
- (2) The licensee shall be liable to pay to the Forest Department the cost of felling and removing any damaged tree if this work is done by the employees of the Forest Department on behalf of the licensee.
- 12.** A licensee shall take all reasonable precautions to avoid causing damage to any Forest Department road, other than fair wear and tear, and to any Forest Department telephone line, power line, building, installation or equipment, and shall, as may be required by a forest officer and without unnecessary delay, make good any such damage.
- Making good damage to Forest Department roads and installations

PART III

MEASUREMENT AND REMOVAL OF FOREST PRODUCE

13. For the purposes of felling and taking forest produce under a licence, unless otherwise stated on any such licence-

Measurement of
timber, poles
and fuelwood

(a) the volume of timber in a log shall be determined from the longest length of the log measured from end to end in metres and centimetres and rounded down to the nearest ten centimetres multiplied by the underbark cross-sectional area of the mid-point of the log as determined by a tape reading in rounded down centimetre diameter-classes; and the result shall be expressed in cubic metres calculated to three or more decimal places as may be directed by the Chief Conservator:

Provided that-

(i) in the case of an abnormality at the mid-point of the log, the cross-sectional area shall be taken as the mean of the two cross-sectional areas immediately above and below the abnormality;

(ii) the cross-sectional area may, at the discretion of a forest officer, be measured over the bark and the measurement reduced by deducting an allowance for bark thickness as may be directed by the Chief Conservator;

(iii) if the log is defective, the forest officer may make an allowance for the defect, and if a licensee is not in agreement with the allowance made, he shall have the right to appeal to the Chief Conservator whose decision shall, unless otherwise stated on any licence held by the licensee, be final;

(b) the diameter or diameter-class of an indigenous pole shall be determined by the diameter at the butt end over bark;

(c) the diameter or diameter-class of a plantation pole shall be determined by the top diameter under bark;

(d) the volume of fuelwood in a stack shall be the stacked volume and shall be determined from the length, width and height of the stack, and the volume shall be expressed in cubic metres, calculated to the nearest three decimal places of figures.

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| 14. All fuelwood cut or taken under a licence, other than fuelwood licensed by the headload, shall, before removal, unless otherwise stated on such a licence, be stacked in stacks each one metre in width, one metre in height and three metres in length. | Stacking of fuelwood |
| 15. All indigenous or plantation poles cut or taken under a licence shall, before removal, be stacked in stacks as may be directed by a forest officer. | Stacking of poles |
| 16. All bamboos cut or taken under a licence shall, before removal, unless otherwise stated on such a licence, be stacked in bundles of ten. | Stacking of bamboos |
| 17. All headload bundles of thatching grass cut under a licence shall, before removal, unless otherwise stated on such a licence, be stacked in stacks of ten headload bundles. | Stacking of thatching grass |
| 18. The Forest Department shall not in any way be held responsible for the safe keeping of any forest produce which has been licensed and left in the forest, mill, plant, depot, nursery or sales office: | Forest Department not responsible for losses |

Provided that nothing herein contained shall be construed as exempting the Forest Department or any employee thereof from liability for loss caused to any person by reason of negligence, malice or fraud on the part of the Forest Department or of any employee thereof.

PART IV

PROTECTION FROM FIRE

19. A licensee shall, unless it is otherwise stated on any licence held by him, be responsible for the prevention of fire in any coupe in which he is licensed to work, and, if any fire breaks out within or in the vicinity of the coupe, the licensee and his employees or agents, if any, shall immediately take effective steps to extinguish the fire.	Licensee to prevent and to extinguish fire in coupes
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20. A licensee shall, unless it is otherwise stated on any licence held by him, execute within the coupe in which he is licensed to work such fire-protection works, including the clearing of fire-breaks and the burning of branchwood and waste, as may be required by a forest officer:	Licensee to carry out fire-protection works
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Provided that, unless a forest officer gives written permission to the contrary, no burning of branchwood or of waste may be carried out except under the supervision of a forest officer.

21. In the event of a licensee failing to carry out fire-protection works to the satisfaction of a forest officer, the work may be done by employees of the Forest Department and the cost of the work recovered from the licensee.	Licensee's failure to carry out fire-protection works
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22. No person shall, within any National Forest or Local Forest-	Restrictions concerning smoking, carrying of matches, etc.
(a) smoke, where by notice smoking is prohibited;	
(b) kindle, carry or throw down any fire, match, lighter, torch or other lighted or combustible material or article within, or adjacent to, any nursery, forest, plantation, mill, plant or depot, except as may be permitted under the conditions of a licence:	

Provided that any forest officer, or any other employee of the Forest Department acting under the authority of a forest officer, may do any of such acts for the purpose of controlled burning or of other forest operation.

23. Any forest officer may, in any National Forest or Local Forest, order any person to extinguish or surrender to him any fire, match, lighter, torch or other lighted or combustible material or article if in the opinion of such officer the extinguishing or surrender of such material or article is necessary to safeguard any nursery, forest, plantation, mill,	Forest officer may order surrender of cigarettes, etc.
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plant or depot from the possibility of damage by fire, and any person who is given such order shall promptly comply with such order.

PART V

OBSTRUCTION OF ROADS AND RIVERS

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| <p>24. Any tree or forest produce which as a result of a licensee's operations obstructs, or is liable if left to obstruct, any road, track, way-leave, fire-break, drain or river in a National Forest or Local Forest shall be removed immediately by the licensee.</p> | <p>Licensee not to obstruct roads, etc.</p> |
| <p>25. Any forest officer may order a licensee or his employee or agent or any driver or other person in any vehicle carrying or used for carrying forest produce to remove any tree or forest produce which is obstructing, or which is liable if left to obstruct, any road, track, way-leave, fire-break, drain or river in a National Forest or Local Forest, and it shall not be good grounds for refusing to comply with such order that the person so ordered did not cause such obstruction or, as the case may be, potential obstruction.</p> | <p>Removal of forest produce obstructing roads, etc.</p> |
| <p>26. Forest produce taken under a licence shall be transported in such a way that it cannot fall off when any vehicle in which it has been loaded is being driven normally along a road or track, and any forest officer may stop any such vehicle being used to transport forest produce and order that such produce be reloaded or secured to his satisfaction before permitting such vehicle to proceed.</p> | <p>Loading of vehicles</p> |

PART VI

SEIZURE OF PROPERTY AND DETENTION OF DOMESTIC ANIMALS

<p>27. A forest officer or police officer seizing, pursuant to section <i>sixty-four</i> of the Act, any property, shall list any such property, other than domestic animals, on the form set out in the Second Schedule and shall hand the original of the form to the person suspected of committing an offence with respect to that property. If such person is not available, the officer having custody of the property seized shall retain the original.</p>	<p>Seizure of property</p>
<p>28. Any domestic animal seized pursuant to section <i>sixty-four</i> of the Act or any domestic animal found straying or being grazed without a licence in a National Forest or Local Forest may be detained in any enclosure or kraal in or near such forest for a period not exceeding seven days.</p>	<p>Detention of domestic animals</p>
<p>29. Any domestic animal detained pursuant to regulation 28 shall be sent to a public pound before the expiry of seven days from the date on which such animal was seized unless such animal is restored to its owner as a result of the owner agreeing to pay a sum of money by way of compensation or unless a court has issued an order for the disposal of such animal.</p>	<p>Impounding of domestic animals</p>
<p>30. The owner of any domestic animal detained pursuant to regulation 28 shall pay a fee to cover the cost of sustenance of such animal:</p>	<p>Fees to be paid when domestic animals are detained</p>
<p>Provided that such fee shall not exceed the fee prescribed in the Public Pounds and Trespass Act.</p>	<p>Cap. 253</p>
<p>31. No forest officer shall be held responsible for the loss or death of or damage to any property seized pursuant to regulation 27 or loss or death of or injury to any domestic animal detained pursuant to regulation 28:</p>	<p>Immunity of forest officers</p>
<p>Provided that this regulation shall not apply where such loss, death, damage or injury was caused by such officer's negligence, malice or fraud.</p>	

PART VII

DEPOSITS, LICENCES AND RECEIPTS

32. A licensee may be required to deposit a sum of money to be drawn upon for non-compliance with the conditions of a licence held by him and the sum to be so deposited shall be assessed by any forest officer. A general receipt shall be issued acknowledging receipt of the sum of money accepted as a deposit.

Licensee may be required to deposit money

PART VIII

DEMARCATION OF BOUNDARIES

33. As soon as possible after the declaration of any area of land to be a *National Forest or *Local Forest, the Chief Conservator shall cause the boundaries of the area to be demarcated.

Demarcation of forest boundaries

* The Forest Department has been requested to undertake a revision of the descriptions of areas of National Forests and Local Forests so that all such descriptions are brought up to date in terms of the metric system. Such a revision, it is hoped, will eliminate other anomalies and inconsistencies, particularly as regards duplication of numbers, which arose as a result of the conversion of certain former Forest Reserves and Protected Forest Areas into National Forests and Local Forests.

34. The boundaries of a National Forest or Local Forest shall, except where such boundaries are formed by natural features, roads, way-leaves or railways, consist of cleared lines not less than three metres wide or, where any boundary follows open land, lines or beacons or posts:

Types of boundaries permitted

Provided that any such boundaries may also include a boundary road, path, scuffled line, fire-break or fence.

- 35.** The boundary beacons of a National Forest or Local Forest shall be the type specified in the Land Survey Act: Boundary beacons. Cap. 188

Provided that beacons consisting of wooden posts at least two metres high above ground level and at least fifteen centimetres in top-diameter shall, pending the erection of permanent beacons, be acceptable as boundary beacons for the purpose of the Act.

- 36.** Where a Forest Department notice-board is affixed to any boundary beacon of a National Forest or Local Forest or is displayed at any point along the boundary of such a forest, the notice-board shall include a Forest Department symbol. Symbol to be included on Forest Department notice-boards

- 37.** The boundaries of any National Forest or Local Forest demarcated as described in regulations 33 to 35 shall be the recognised boundaries of such forest for the purposes of the Act, until such boundaries have been surveyed and demarcated in accordance with the provisions of the Land Survey Act. Recognition of boundaries of forests Cap. 188

FIRST SCHEDULE

PART I

FEES AND PRICES FOR FOREST PRODUCE

<i>Item No.</i>	<i>Type of Produce</i>	<i>Fees per Tree</i>
	A-TIMBER	<i>Fee Units</i>
001	Afzelia quanzensis (Mupapa, Mwande)	60
002	Albesia species (Musase, Mutanga)	50
003	Baikiaca plurijuga (Mukusi, Mikeshi, Zambia Teak)	100
004	Entandrophragma species (Mofu, Mofwe, Mupumena)	80
005	Erythrophleum Africanum (Kaimbi, Mukosa, Mubako)	68
006	Faurea Saligna (Saninga, Mushokoso)	88
007	Guibourtia coleasperma (Muzauli, Mushibi)	60
008	Khaya nyasica (Mululu, Mbewa)	60

009	Mitragyna stipulosa (Mupa)	60
010	Pericopsis angolensis (Mubanga)	60
011	Pterocapus angolensis (Mukwa, Mulombwa, Mulombe, Mukula)	100
012	Danniella alsteeniana (Mukulabushiku)	80
013	Other species	40

B-POLES AND BAMBOOS FOR SALE

021	Poles not exceeding 14 centimetres butt diameter	1
022	Poles between 15 centimetres and 19 centimetres butt diameter	2
023	Poles between 20 centimetres and 24 centimetres butt diameter	3
024	Poles between 25 centimetres and 30 centimetres butt diameter	5
025	Bamboos	520 canes

<i>Item No.</i>	<i>Type of Produce</i>	<i>Fees per Tree</i>
C-FUEL WOOD FROM INDIGENOUS TREES FOR SALE		
		<i>Fee Units</i>
031	Stacked in cubic metres	10 cubic metre
032	In cords 1 metre 3 1 metre 3 3 metre	30 cord
033	In head loads	2/head load
034	Charcoal	30/code

D-HUT MATERIAL FOR LICENCE CAMPERS IN

	GAZETTED FORESTS	<i>Fee Units</i>
0041	For temporary hut	10
0042	For semi permanent huts built with poles	15

	E-MISCELLANEOUS	<i>Fee Units</i>
0053	Barkrope in headload bundles taken from trees felled for timber, poles or firewood	1/bundle
0054	Top soil when available for collection per 5 ton truck	10/ton
0055	Other forest produce collected	
	(i) Caterpillars	Free
	(ii) Masuku	Free
	(iii) Diospyros	Free
	(iv) Parinari fruit	Free
	(v) Pyprus	Free
	(vi) Palm leaves	Free

F-CONVEYANCE OF	<i>Fee Units</i>
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0061	Timber (Sawn)	15/cubic metre
0062	Firewood	10/cubic metre
0063	Charcoal	2/standard grain bag measure

PART II

	FEES FOR SERVICES	<i>Fee Units</i>
0073	Sites in national and local forests, sites for sawmill	100 per hectare per year
	Timber depots, logging camps and other installations	100 per hectare per year
	and depots	
<i>(As amended by S.I. No. 48 of 1997)</i>		

SECOND SCHEDULE

(Regulation 27)

LIST OF PROPERTIES SEIZED

List of properties seized by-

Name:.....

Bank:.....
.....

Identity Card No:.....
.....

<i>Serial No.</i>	<i>Description of Property (other than domestic animal)</i>	<i>Quantity</i>
.....	
<i>Date</i>		<i>Signature of Officer</i>