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THE FOREST ACT
(CAP.323)

REGULATIONS

(Made under section 106(1)(a))

THE FOREST (SUSTAINABLE UTILIZATION OF LOGS, TIMBER, WITHIES,
POLES OR CHARCOAL) REGULATIONS, 2019

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THE FOREST ACT
(CAP.323)

REGULATIONS

(Made under section 106(1)(a))

THE FOREST (SUSTAINABLE UTILIZATION OF LOGS, TIMBER, WITHIES,
POLES OR CHARCOAL) REGULATIONS, 2019

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Forest (Sustainable Utilization of Logs, Timber, Withies, Poles or Charcoal) Regulations, 2019.
- Interpretation 2. In these regulations, unless the context otherwise requires:
- Cap.323 “Act” means the Forest Act;
 “authorized officer” means any forest officer or other officer or persons authorized in writing by the Minister or Director to exercise any power or to discharge any duty under the Act or these Regulations or other subsidiary legislation under the Act;
 “briquettes” means a densified bio fuel having a cubic, rectangular, prismatic or cylindrical shape, produced from tree leaves, branches, twisted trunks, stamps, roots, wood chips, saw mill debris and any other forest produce debris compressed at a high pressure, carbonized or un carbonized;
 “charcoal for domestic consumption” means charcoal not exceeding 50kgs in possession of person on transit or at specific place or premises;
 “Chief Executive” means the Chief Executive of Tanzania Forest Services Agency;
 “Director” means the person for the time being exercising the functions of the Director of Forestry;

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- “District Forest Produce Harvesting Committee” means the Committee established under regulation 4 of these Regulations;
- “exotic tree species” means species of trees grown in a non native environment, sometimes are also known as introduced tree species or non-indigenous tree species, which includes but not limited to *Pinus*, *Patula*, *Eucalyptus* species and the like;
- “road” means any path and every way over which the public has a right of way and includes river, a bridge or culvert or water ways;
- “logs” means the stem of a tree or a length of a stem or branch after felling, crosscutting and trimming but does not include a pole;
- “Minister” means a Minister for the time being responsible for forest;
- “timber” means any wood or tree which has been felled or cut and all wood whether unsawn, hewn, sawn or machined, split or otherwise cut up or fashioned and shall include lumber, flooring strips, shingles and slippers but does not include any article manufactured from such wood or firewood;
- “poles” any rounded wood which is the size of sapling and mature tree from any tree species such as bamboo, *agave sesalana* or *eucaliptus*;
- “vehicle” means a vehicle of any description whatsoever and howsoever drawn or propelled, and includes a vessel and an aircraft;
- “withies” small branches or saplings of different tree species or from pruning with the size of less than or equal to four centimetre diameter.

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Poles or Charcoal)*

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PART II

MATTERS RELATING TO FELLING OF TREES FOR PRODUCTION OF LOGS,
TIMBER, WITHIES, POLES OR CHARCOAL

- Harvesting Plan
- 3.-(1) The Director shall cause to be prepared a Harvesting Plan in the following areas:
- (a) production National Forest Reserves;
 - (b) production Local Authority Forest Reserves;
 - (c) production Village Forest Reserves;
 - (d) community based Forest Reserves; and
 - (e) forests on general land, village land except Wildlife Management Areas established under the Wildlife Conservation Act.
- Cap.283
- (2) The Harvesting Plan shall be in accordance with the approved Management Plan of the respective production forest.
- (3) No applications for issuance of harvesting licence of forest produce shall be considered for approval save as there is proof of existence of Harvesting Plan prepared and approved by the Director.
- Harvesting Committee
- 4.-(1) There is hereby established a Committee to be known as the District Forest Produce Harvesting Committee, hereinafter to be referred to as District Committee.
- (2) The District Committee shall be composed of the following members-
- (a) the District Commissioner, who shall be a Chairperson;
 - (b) the District Land and Natural Resources Officer;
 - (c) the District Forest Officer;
 - (d) the Chairman of the village responsible for the forest to be harvested;
 - (e) the Village Executive Officer of the village where the forest produce is to be harvested; and
 - (f) the District Forest Manager who shall be the Secretary to the Committee.
- (3) Where a forest to be harvested is taken care of by more than one village, the Chairperson and the Village Executive Officer of the village taking care of the forest subject of harvesting shall be members of the Committee for purposes of subregulations (2)(d) and (e).

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|---------------------------------|--|
| Functions of District Committee | <p>5. The District Committee shall be responsible for-</p> <ul style="list-style-type: none">(a) receiving, considering and determining applications for endorsement and issuance of harvesting licence of forest produce for purposes of-<ul style="list-style-type: none">(i) logs;(ii) timber;(iii) poles;(iv) firewood (for business);(v) charcoal; and(vi) withies.(b) receiving and correlate Harvesting Plan with the applications for the forest produce; and(c) receiving reports on the harvesting activities from the District Forest Officer or the District Forest Manager. |
| Meetings of the Committee | <p>6.-(1) The District Committee shall meet at least once a year in its ordinary meeting.</p> <p>(2) Where circumstances allow, and after the approval of the Chief Executive, the District Committee may meet for extraordinary meetings.</p> <p>(3) The quorum for every meeting of the District Committee shall be not less than half of a total number of members, including the Chairperson and Secretary of the Committee.</p> <p>(4) The cost of the meeting of the District Committee shall be borne by the Chief Executive.</p> |
| Application for harvesting | <p>7.-(1) A person shall not be considered to be granted a licence under these Regulations, unless such person:</p> <ul style="list-style-type: none">(a) is a citizen of Tanzania;(b) is a registered as a forest produce dealer under the Forest Regulations, 2004;(c) possesses a valid business licence';(d) possesses a Tax Identification Number (TIN);(e) possesses appropriate technology as shall be specified by the Director for harvesting the forest produce applied for; and(f) has paid the appropriate fees as prescribed in the Forest Regulations, 2004. <p>(2) A person intending to apply for a licence for felling trees for logs, timber, withies, poles or charcoal production</p> |

GN. No.
153 of 2004

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Poles or Charcoal)*

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shall:

- (a) in the case of a production National Forest Reserve or forests in general land areas, submit an application to the District Forest Manager;
- (b) in the case of production Local Government Authority Forest Reserve areas, submit an application to the District Forest Officer; and
- (c) in the case of village forests areas, submit an application to the respective Village Executive Officer who shall submit the same to the District Forest Officer.

(3) The District Forest Manager or the District Forest Officer shall submit the applications to the District Committee for consideration, approval or otherwise.

Allocation certificate

8.-(1) The Chairperson of the District Committee shall, before closure of the meeting, issue to successful applicants a signed non-transferable Forest Produce Allocation Certificate as prescribed in the Schedule to these Regulations.

(2) The District Committee shall within a period of fourteen days in writing, inform all unsuccessful applicants indicating the reasons for the decision.

(3) A successful applicant shall submit an application for felling licence through a prescribed form as stipulated in the First Schedule of the Forest Regulations, 2004 accompanied with a Forest Produce Allocation Certificate.

GN. No. 160 of 2004

Species to be harvested

9. A person licensed to fell trees for purposes of logs, timber, withies, poles or charcoal production shall not fell tree species other than those specified in the felling licence.

Methods for charcoal production

10.-(1) The Chief Executive shall provide guidelines for methods of charcoal production which are efficient, significantly offsets carbon dioxide, reduces deforestation and ensures eco-system resilient to climate change.

(2) Any person who produces charcoal in contravention of subregulation (1) commits an offence and upon conviction, shall be liable to a fine of not less than one million but not exceeding three million shillings or imprisonment of a term of not less than six months but not exceeding one year or to both such fine and imprisonment.

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Poles or Charcoal)*

GN. No. 417 (contd.)

Record
keeping

11.-(1) A person registered as a dealer in logs, timber, withies, poles or charcoal shall keep record of sources of logs, timber, withies, poles or charcoal, copies of allocation certificate, licences and transit pass.

(2) A registered dealer in logs, timber, withies, poles or charcoal shall not engage in trade on logs, timber, withies, poles or charcoal with an unlicensed producer.

(3) An authorized officer may at any time enter the premises in which the storage, wholesale or retail trade in logs, timber, withies, poles or charcoal is being undertaken for purposes of inspection.

(4) Any person who contravenes the provision of this regulation commits an offence and upon conviction shall be liable to a fine of not less than of one million shillings but not exceeding two million shillings or three times the value of the forest produce whichever is greater or to imprisonment for a term of not less than one year but not exceeding two years or to both.

Cancellation
of a Forest
Produce
Allocation
Certificate

12.-(1) The District Committee may at any time before the expiration of the Forest Produce Allocation Certificate, cancel the allocation made under these Regulations.

(2) The District Committee shall, before exercising its powers under subregulation (1),-

- (a) ensure that there is sufficient evidence that a person allocated with the Forest Produce Allocation Certificate fails to satisfy any or a combination of any of the conditions stipulated under the Act or these Regulations;
- (b) is satisfied that it is in the public interest to cancel the allocation; or
- (c) ensure that a person concerned is granted a right or an opportunity to be heard in relation to his conduct.

Logs, timber
or charcoal
production for
commercial
GN. No.
160 of 2004

13. Any person who intends to harvest trees for logs, timber, withies, poles or charcoal for commercial purposes from a private land shall obtain permit from the District Forest Manager and pay royalties as stipulated in the Fourteenth Schedule of the Forest Regulations, 2004 as amended from time to time:

Provided that the District Forest Manager shall not issue

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such permit unless that person has a letter from the Village or *Mtaa* Executive Officer verifying ownership of the trees to be harvested.

Logs, timber
or Charcoal
for house hold
coproduction
for household
consumption

14. Any person who intends to fell trees for logs, timber, withies, poles or charcoal production from private farm for household consumption shall obtain a permit from Village or *Mtaa* Executive Officer.

Felling of
trees for farm
preparation

15.-(1) Any person who intends to fell trees for farm preparation and or other land use purposes shall obtain a permit from the District Forest Manager after approval of the District Forest Produce Harvesting Committee.

(2) Any person who contravenes the provision of subregulation (1) commits an offence and upon conviction shall be liable-

- (a) in the case of a farm from one acre to fifty acres, to a fine of not less than three million shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding two years or to both such fine and imprisonment;
- (b) in case the of a farm above fifty acres, to a fine of not less than ten million shillings but not exceeding twelve million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both such fine and imprisonment.

PART III

TRANSPORTATION AND SALE POINTS OF LOGS, TIMBER,
WITHIES, POLES OR CHARCOAL

Movement
and transport

16.-(1) Any person evacuating, hauling or transporting logs, timber, withies, poles or charcoal on transit shall ensure that the forest produce transported are lawfully obtained.

(2) Any person evacuating, hauling or transporting logs, timber, withies, poles or charcoal except charcoal for domestic consumption shall pass through the roads or routes and checkpoints stipulated on the Transit Pass for inspection purposes.

(3) Any person who contravenes this regulation, commits an offence and is liable on conviction:

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Poles or Charcoal)*

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- (a) where the forest produce was obtained legally, to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or imprisonment for a term of not less than three months;
- (b) where the forest produce was obtained illegally, on top of the penalties prescribed under the Act for offences of unlawful possession of forest produce, to a fine of one million shillings or three times the market value of the forest produce whichever is greater or imprisonment for a term not less than two years but not exceeding seven years and the forest produce shall be confiscated to the Government, and
- (c) where the transporter is a habitual offender, besides the fine or imprisonment provided for under this regulation, the mechanically propelled vehicle on which the forests produce were loaded and transported with, shall be confiscated to the government.

Time for
Transportation
of Logs,
Timber,
Charcoal and
Withies

17.-(1) Transportation of logs, timber, withies, poles and charcoal for commercial purposes shall be conducted from 6.00 am to 6.00 pm on the routes and means of transport stipulated in the transit pass.

(2) Notwithstanding to the provision of subregulation (1), transportation of logs, timber, poles and withies from exotic species may be conducted during day and night hours.

Transportation
of logs,
timber,
charcoal for
domestic use

18.-(1) A person transporting logs, timber, withies, poles or charcoal for domestic consumption on any road shall be required to show proof of a receipt indicating that the logs, timber, withies, poles or charcoal were purchased from a registered and licensed dealer.

(2) A person who contravenes this regulation commits an offence and upon conviction shall be liable to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or three times the market value of the forest produce whichever is greater or imprisonment for a term of not less than six months but not exceeding one year and the forest produce shall be confiscated to the Government.

Prohibition of
sale in
unregistered

19.-(1) A person shall not exhibit for sale any logs, timber, withies, poles or charcoal in unregistered yard, stores, sites or selling centres.

*Forest (Sustainable Utilization of Logs, Timber, Withies,
Poles or Charcoal)*

GN. No. 417 (contd.)

stores (2) Any person who contravenes subregulation (1) commits an offence and upon conviction shall be liable to a fine of not less than five million shillings and not exceeding ten million shillings or to imprisonment of a period not less than six months and not exceeding two years and confiscation to the Government of the forest produce.

Movement of logs, timber, withies, poles or charcoal 20.-(1) A person shall not move any logs, timber, withies, poles or charcoal for commercial purpose unless that person is in possession of the following documents:
(a) a Forest Produce Allocation Certificate;
(b) a transit pass;
(c) a licence to fell and collect forest produce; and
(d) a certificate of registration as a forest produce dealer; and
(e) a government receipt.

(2) A person who buys the forest produce from the holder of the Forest Produce Allocation Certificate shall be required to get copies of the Forest Produce Allocation Certificate, the licence to fell and collect forest produce and original copy of transit pass, certificate of registration as a forest produce dealer and government receipt.

(3) A person who contravenes the provisions of this regulation commits an offence and upon conviction shall be liable to a fine of not less than five million shillings but not exceeding ten million shillings or imprisonment for a term of not less than three years but not exceeding five years.

Prohibition of export of charcoal 21.-(1) A person shall not export charcoal other than briquettes, unless such person has a valid permit issued by the Minister in accordance with the provisions of the Act or subsidiary legislations made thereunder.

(2) A person who contravenes subregulation (1) commits an offence and is liable on conviction to a fine of not less than five million shillings but not exceeding ten million shillings or imprisonment for a term of not less than one year but not exceeding five years and the forest produce shall be confiscated to the Government.

PART IV
MISCELLANEOUS PROVISIONS

*Forest (Sustainable Utilization of Logs, Timber, Withies,
Poles or Charcoal)*

GN. No. 417 (contd.)

Appeal 22.-(1) A person aggrieved by the decision of the District Committee under regulation 12, may appeal to the Minister within thirty days from the date the decision was made.

(2) The decision of the Minister shall be final but a person aggrieved by the decision of the Minister, may make an application for administrative review to the High Court.

General penalty 23. Any person who contravenes any provision of these Regulations for which no specific penalty is provided shall be liable on conviction, to a fine of five hundred thousand shillings or a term of imprisonment of six months or to both such fine and imprisonment.

Revocation of GN. No. 70 of 2006 and GN. No. 68 of 1999 24. The Forest (Charcoal Preparation, Transportation and Selling) Regulations, 2006 and *Kanuni za Usafirishaji wa Mazao ya Misitu za Mwaka 1999*, are hereby revoked.

SCHEDULE

(Made under regulation 8)

FOREST PRODUCE ALLOCATION CERTIFICATE
(Non transferrable)

Place of Issue:.....
Date of Issue:.....
Date of expiry (subject to compliance with regulations):.....
Issued to:.....
Name of person and address):.....
Place of harvesting forest produce (subject to issuance of a felling licence):
.....

Description of the forest produce:

Description of Forest Produce	Species	Quantity (m ³ for trees, bundles)
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<i>(logs, timber, charcoal)</i>		<i>or weight</i>

Special conditions attached to the Certificate:

1. This is not a felling licence.
2. It is not transferrable

.....
Chairperson, District Harvesting Committee
Date:
Official seal

.....
Secretary, District Harvesting Committee
Date:
Official seal

Dodoma,
20th May, 2019

HAMISI A. KIGWANGALLA,
Minister for Natural Resources and Tourism