

THE FOREST REGULATIONS, 1998

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THE FOREST REGULATIONS 1998

<p>Short title and commencement.</p>	<p style="text-align: center;">The Forest Regulations, 1998</p> <p style="text-align: center;">made under section 88 of the ACT</p> <p style="text-align: center;">Part I. - PRELIMINARY</p> <p>1. (1) These regulations may be cited as the Forest Regulations, 1998, and shall be deemed to have come into force on the first day of _____ 1998</p> <p>(2) These Regulations shall apply to all forests and forest trees:</p> <p style="padding-left: 40px;">Provided that these Regulations shall not apply to any area for which a notice of withdrawal has been issued pursuant to section 3 of the Act.</p>
<p>Interpretation.</p>	<p>2. In these Regulations, unless the context otherwise requires</p> <p>"the Act" means the Forest Act 1997;</p> <p>"sale" means sale, barter, exchange, offer or expose for sale, or transfer;</p> <p>"protected trees and forest produce" are trees or forest produce which, due to their features, occurrence or commercial value, shall require special attention to ensure their conservation.</p>
<p>Power to set fees.</p>	<p style="text-align: center;">PART II. - GENERAL PROVISIONS</p> <p>3. (1) The Director shall prepare a tariff (hereinafter referred to as "the tariff") specifying the rates of fees and royalties to be paid for anything authorized under the Act or these regulations and may set different rates for different kinds and species of forest produce.</p> <p>(2) Such tariff shall be published in the Gazette and may in like manner be modified or cancelled from time to time as the Director may think fit.</p>
<p>First Schedule.</p>	<p>(3) The tariff contained in the first Schedule of these regulations is prescribed pursuant to this regulation.</p>

<p>Import of forest produce.</p>	<p>4. (1) Any imported forest produce may be transported within The Gambia only -</p> <p>(a)with a valid movement permit issued by the Forestry Department of The Gambia; and with a valid customs document issued in The Gambia authorizing importation of such forest produce; and</p> <p>(b)where the country of export issues an export document for such produce, with a valid export document from the country of export or with a valid forest service document of the country of origin.</p>
<p>Export of forest produce.</p>	<p>5. The export of any forest produce is prohibited except with the written permission of the Secretary of State.</p> <p>Provided that lawful export of wood carvings and other souvenir objects made from forest produce may be done without prior permission from the Secretary of State.</p>
<p>Power to require accounting and inspection of books</p>	<p>6. The Director may require licence or permit holders to render such returns and accounts as he may specify and to submit their books for inspection at such intervals as he may require.</p>
<p>National forest inventory</p>	<p>PART III. - MANAGEMENT PLANS AND FOREST INVENTORIES</p> <p>7. The design of the national forest inventory shall be the responsibility of the Director and the inventory shall be designed as a sampling inventory with prestratification using the forest cover classification specified in the second Schedule.</p>
<p>Second Schedule</p>	<p>8. (1) Forest inventories in forest parks conducted under section 93 of the Act shall be carried out every ten years or less if the Director may decide otherwise.</p>
<p>Forest inventories in forest parks</p>	<p>(2) The forest inventory in a forest park shall be designed in such a way that the standard error of the standing volume estimate does not exceed fifteen percent.</p> <p>(3) The following parameters shall be assessed for every tree equal to or over ten centimeters diameter at breast height:</p> <ul style="list-style-type: none"> (a) tree species (b) diameter at breast height (c) total height (d) stem height (e) decay classes

<p>Forest inventories in community forests and private natural forests</p>	<p>(f) mortality</p> <p>(g) stem form</p> <p>(h) exploitability</p> <p>(3) Tree regeneration shall be assessed by counting all the trees with a diameter less than ten centimeters and located within a circular plot whose radius shall be determined by the Director.</p>
<p>Management plans for forest parks</p>	<p>9. Any forest inventory conducted under sections 94 and 95 shall be realized under the standards set by the Director.</p> <p>10. (1) Management plans prepared under section 96 of the Act, shall cover a period not exceeding ten years.</p> <p>(2) Any subsequent management plan for a forest park shall be prepared not later than one year before the expiry of the previous management plan.</p> <p>(3) Management plans shall be prepared by a professional forester from the Forestry Department or a qualified consultant.</p> <p>(4) The Director shall specify the content of the management plans.</p> <p>(5) Each management plan shall be approved by the Director.</p>
<p>Management plans for community forests</p>	<p>11. (1) A simple preliminary management plan shall be prepared for every proposed community forest under a Preliminary Community Forest Management Agreement for a period of three years.</p> <p>(2) Any management plan prepared for a community forest under section 97 of the Act, shall cover a period of five years.</p> <p>(3) Any subsequent management plan for a community forest shall be prepared not later than six months before the expiry of the previous management plan.</p> <p>(4) The management plan shall be prepared by the forest committee with the assistance of the Divisional Forest Officer or any Forest Officer he may designate or a qualified consultant.</p> <p>(5) The Director shall specify the minimum standard of the</p>

<p>Management plan for private natural forests</p>	<p>management plans.</p> <p>(6) Each management plan shall be approved by the Director or by any Forest Officer he may delegate.</p> <p>12. (1) Any management plan prepared for a private natural forest under section 99 of the Act, shall cover a period of ten years.</p> <p>(2) Any subsequent management plan for a private natural forest shall be prepared not later than one year before the expiry of the previous management plan.</p> <p>(3) The management plan shall be prepared at the owner's expenses by a professional forester recognized by the Forestry Department.</p> <p>(4) The Director shall specify the minimum standards of the management plans.</p> <p>(5) The management plan shall be approved by the Director or by any Forest Officer he may delegate.</p>
<p>Powers to protect trees and forest produce.</p> <p>Second Schedule.</p> <p>Conditions to ensure regeneration of forests</p>	<p style="text-align: center;">PART IV. - FOREST PROTECTION</p> <p>13. (1) The Secretary of State may, by Notice published in the Gazette, declare any tree or forest produce to be a protected tree or a protected forest produce, and may amend, add to or withdraw any such classification in like manner.</p> <p>(2) The species of trees listed in the second Schedule of these regulations shall be protected species pursuant to this regulation.</p> <p>14. (1) Any forest clearing authorized under sections 97, 99, 100 and 101 of the Act shall be regenerated with forest trees within a period of two years either by natural regeneration or by planting.</p> <p>(2) The tree species considered for regeneration shall be those indicated in the management plan.</p> <p>(3) The minimum tree density required after two years shall not be less than one thousand tree per hectare.</p> <p>(4) Where there is a failure to comply with this Regulation, the clearing shall be replanted within the next planting period with the adequate number of plants.</p> <p>(5) A forest committee that, or the owner of a private</p>

Forest trees outside forests	<p>natural forest who fails to comply with this Regulation commits an offence and shall be liable on conviction to a fine equivalent to the cost of the plantation as determined by the Director.</p> <p>15. No person shall cut , fell, burn, uproot, injure, or remove any forest tree outside forests without obtaining a permit from the Forestry Department.</p>
District heads etc. and communities responsible for fire control.	<p>16. District heads, town or village heads and communities shall be responsible for the protection of lands situated in their districts, town or villages from the ravages of forest and bush fires, and where they have been found guilty of any neglect of duty with such fires they may be held liable to the penalty prescribed for contravention.</p>
Forest committees responsible for fire control in community forests and community controlled state forests	<p>17. The forest committees shall be responsible for the protection of their community forest and the community controlled state forests under their responsibility from the ravage of forest and bush fires, and where they have been found guilty of any neglect of duty with such fires as prescribed in the Community Forest Management Agreement they may be held liable to the penalty prescribed for contravention.</p>
Private natural forest owners responsible for fire control	<p>18. Owners of private natural forest shall be responsible for the protection of their natural forest, and where they have been found guilty of any neglect of duty with such fires they may be held liable to the penalty prescribed for contravention.</p>
Definition of negligence and liability in case of forest or bush fires	<p>19. For any bush or forest fire where the person responsible for the fire cannot be found or its responsibility cannot be established, the community where the fire originated shall be liable to the penalty prescribed for contravention.</p>
Setting fires prohibited.	<p>20. Except as provided in regulations 21 and 22 of these Regulations, no person shall set any fire on any land.</p>
Power to allow fires and controlled burning for forest protection	<p>21. (1) The Director may allow the setting of fires on any land for any protective or other purpose for any specified area and period of time, and subject to such conditions as he may think fit.</p> <p>(2) The Divisional Forest Officer or any person acting under his instruction, shall inform villages in the immediate vicinity of any forest park at least 4 days before any burning, to allow the villages of the area to take necessary safety precautions.</p> <p>(3) Forest committees and private forest owners, shall inform the Divisional Forest Officer and the villages in the immediate vicinity where the controlled burning will take place at least 4 days before the burning.</p>
Controlled burning of	<p>22. Burning of farmland or of pasture outside of forest areas is permitted only where -</p>

<p>pasture land or farmland permitted.</p> <p>Public assistance in fighting fires.</p> <p>Smoking prohibited.</p> <p>Wind and water erosion area.</p> <p>Injury to roadside trees.</p>	<p>ed by strips of land cleared of bush and grass; and</p> <p>ncerned persons to ensure that the fire is kept within the designated</p> <p>23. Any Forest Officer, District or village heads may request any person to assist in controlling or extinguishing any bush or forest fire, and any person who unreasonably refuses such request shall be guilty of an offence.</p> <p>24. Smoking by any person in any forest is prohibited.</p> <p>25. (1) Except for woody vegetation strips left intact for anti-erosion purposes, any farming area declared under section 77 of the Act to be a wind or water-erosion area shall retain a minimum of twenty mature trees per hectare or sixty young trees per hectare.</p> <p>(2) No person shall fell or mutilate any vegetation in any strip of wooded area left entirely for anti-erosion except with the express approval the Forestry Department and any person who contravenes this regulation shall be guilty of an offence.</p> <p>26. (1) Except as provided in this regulation, no person shall, cut, burn, destroy, or injure any tree which has been planted by any governmental institutions on the side of a road or path except with the written consent of the Director or any Forest Officer authorized on his behalf.</p> <p>(2) Where prior notice is given to the local Forest Officer, an authorized officer of the Telecommunications and the water and electricity utilities may, without fee or permit, trim any tree interfering or likely to interfere with telephone or power lines, but where felling is necessary, special permission shall be sought from the Director for which the tariff in force may apply.</p>
<p>General provisions for licences to exploit forestry produce</p>	<p style="text-align: center;">PART V. - LICENCES</p> <p>27. (1) No person shall exploit or process any forest produce for any commercial purpose, except in accordance with the terms and conditions of a valid licence issued by the Forestry Department.</p> <p>(2) Applications for licences to exploit forest produce under this regulation shall be made in the prescribed form, to the Director;</p> <p>(3) Any licence issued under this regulation shall be registered and subjected to such conditions and the payment of such fees, including registration fees and stamp duties as the Director</p>

	<p>may prescribe from time to time according to the circumstances of each case.</p> <p>(4) Any licence issued under this regulation shall bear a passport size photograph of the holder stamped with a Forestry Department stamp.</p> <p>(5) A licence holder shall carry the licence with him at all times when engaged in any activity authorized by the licence, and any person who fails to produce such licence on request to any authorized officer shall be guilty of an offence.</p> <p>(6) Any conditions prescribed under sub-section (3) of this regulation may include, but shall not be limited to, conditions concerning the specific forest produce to be exploited, the areas of exploitation and specific period of time allowed.</p> <p>(7) Any licence issued pursuant to these regulations or the Act may be cancelled at any time by the Director if the licence holder fails to comply with any of the conditions of the licence.</p>
Special licence for wood processing business required	<p>28. (1) No sawmill or other processing plant using wood as raw material shall be installed and operated without a valid licence issued by the Director or an authorized Forest Officer.</p> <p>(2) Licences authorizing the operation of any sawmill or other processing plant shall be issued in such form as may be prescribed by the Director and shall be subject to such conditions as may be appropriate for each circumstance and the payment of such fees as may be prescribed in the tariff.</p>
Fees and other security for licences	<p>29. (1) All fees payable with respect to any licence shall be paid prior to the issue of such licence.</p> <p>(2) All licences shall be paid in full regardless of the date of issue.</p> <p>(3) The Director may require any applicant or a holder thereof to deposit with the Accountant-General a sum not exceeding the fee payable in respect of the license as security for the fulfillment of any obligations under that licence, and such sum may be forfeited wholly or in part where the Director determines that such applicant or holder has failed to fulfil any obligation under the licence.</p>
Use of tender board to issue certain licences	<p>30. (1) A licence to exploit forest produce may be issued by the Director through the Government Tender Board procedure.</p> <p>(2) The Director may, with the approval of the Secretary of State, call upon the Government Major Tender Board to invite, examine and adjudicate upon tenders to exploit such specified forest produce in such specified areas and pursuant to such conditions as</p>

Termination of licences issued through tender	<p>he may request.</p> <p>(3) The procedures to be followed with respect to the calling of tenders shall be as prescribed in the appropriate Financial Instructions.</p> <p>(4) The Director may require that fees and royalties be payable in addition to the amounts in any accepted tender.</p> <p>(5) The Major Tender Board shall not be bound to accept the highest tender.</p> <p>31. Any licence to exploit forest produce issued through the tender process pursuant to regulation 30 of these Regulations may be terminated -</p>
Special conditions for palm wine	<p>is to comply fully with any of the conditions of such licence;</p> <p>is wound up or declared bankrupt under any law in force in The her country;</p> <p>six months notice in writing of his intention to terminate the licence.</p> <p>32. Any holder of a licence authorizing the extraction or collection of palm wine from the oil palm or rhun palm shall conduct such extraction or collection only -</p> <p>nd</p> <p>of male spadices;</p> <p>and any person who contravenes this regulation shall be guilty of an offence.</p> <p>33. The holder of a firewood producer licence shall stack all firewood taken under such licence at such places and in such manner as may be specified by the local Forest Officer.</p>
Special condition for firewood producer licence	<p style="text-align: center;">PART VI. - PERMITS</p> <p>34. (1) Any permit issued under the Act or any permit authorizing any acts enumerated under regulation 15 of these regulations shall be in such form as may be approved by the Director, shall be stamped with a Forestry Department stamp, and shall be issued subject to such conditions as may be printed on the form and such other conditions as may be prescribed at the time of issue:</p> <p>(2) Any such permit shall be valid for the period specified</p>

<p>General provisions for permits</p>	<p>on the permit at which time it shall automatically expire.</p> <p>(3) A permit holder shall carry the permit with him at all times when engaged in any activity authorized by the permit, and any person who fails to produce such permit on request to any authorized officer shall be guilty of an offence.</p> <p>(4) A permit shall not, except with the written permission of the Divisional Forest Officer, authorize the holder to employ any person to assist with the activities authorized by the permit or to act on the holder's behalf, and any permit holder who transfers the permit to any other person or who allows any other person to use such permit without the prior approval of the Divisional Forest Officer shall be guilty of an offence.</p> <p>(5) Any permit issued pursuant to these Regulations or the Act may be cancelled at any time by the Director if the permit holder fails to comply with any of the conditions of the permit.</p> <p>(6) Within fifteen days of the expiry or cancellation of any permit the holder shall cause the permit to be returned to the office from which it was issued.</p> <p>(7) Any person who, without the authorization of the Director, alters, defaces, or destroys any valid permit shall be guilty of an offence.</p> <p>(8) A permit holder shall pay compensation to the owners of any property which is damaged by such permit holder in the exercise of any rights conferred by the permit.</p> <p>35. (1) All fees payable with respect to any permit shall be paid prior to the issue of such permit.</p> <p>(2) The Director may require any applicant or a holder thereof to deposit with the Accountant-General a sum not exceeding the fee payable in respect of the permit as security for the fulfillment of any obligations under the permit, and such sum may be forfeited wholly or in part where the Director determines that such applicant or holder has failed to fulfil any obligation under the permit.</p>
<p>Fees and other security for permits</p>	<p>36. (1) No forest produce shall be transported in The Gambia except in accordance with a valid movement permit issued pursuant to this regulation.</p> <p>(2) Any local Forest Officer shall issue without fee, and upon presentation of a valid licence or permit for such produce a movement permit authorizing the transport of any forest produce within The Gambia.</p>

<p>Movement permit required to transport certain forest produce</p> <p>Timber left after permit expires</p> <p>Permits in licenced areas</p>	<p>(3) Any movement permit issued under this regulation shall be in such form as may be prescribed by the Director, and shall be subject to such conditions as may be prescribed thereon or as the Director may specify, including conditions with respect to such strict expiry dates as may be specified from time to time.</p> <p>(4) Any movement permit shall be valid for only one journey, shall accompany the produce to which it refers, and shall be produced on request to any Forest Officer or police officer.</p> <p>37. Any log or timber from a tree lawfully derived, which has not been removed from the place of felling on the expiry of the authorizing permit may be disposed of by the Divisional Forest Officer as he may think fit in accordance with section 104 of the Act, and the holder of the expired permit shall have no further right thereto.</p> <p>38. Where a permit is issued for an area where a licence has already been granted, the terms of the permit shall be read subject to the terms of the licence and shall not in any way affect the terms of the licence, and such permit shall authorize the taking of any tree or forest produce specified in the licence only with the prior approval of the licence holder.</p>
<p>Exploitation of forest produce in community forests</p> <p>Exploitation of forest produce by community members</p>	<p>PART VII. - AUTHORIZATION OF EXPLOITATION IN COMMUNITY FORESTS</p> <p>39. (1) Any exploitation of forest produce in a community forest for commercial purpose shall be done in accordance with the management plan and with a valid licence or permit issued to the forest committee by the Forestry Department and under the provision of section 90 of the Act.</p> <p>(2) Any licence or permit holder operating in a community forest shall carry the licence or the permit with him at all times when engaged in any activity authorized by the licence or the permit or when engaged in transporting any forest produce obtained under such licence or permit, and any person who fails to produce such licence or permit on request to any authorized officer shall be guilty of an offence.</p> <p>40. No community member shall exploit any forest produce for non commercial use in a community forest without the consent of the forest committee which may request the payment of fees according to the rate set out in the by-laws and in accordance with the</p>

<p>Penalties for specific offences.</p> <p>General penalty.</p> <p>Repeals.</p>	<p>management plan.</p> <p style="text-align: center;">PART VIII. - PENALTIES</p> <p>41. (1) Any person who contravenes any of regulations 6, 32, 33 and sub-sections (1), (2), (3), (4), (5) and (6) of section 34 of these regulations shall be guilty of an offence and upon conviction shall be liable to a penalty of class I.</p> <p>(2) Any person who contravenes any of regulations 15, 25, 26 and sub-section (3) of section 21 of these regulations shall be guilty of an offence and upon conviction shall be liable to a penalty of class II.</p> <p>(3) Any person who contravenes any of regulations 16, 17, 18, 23, 24, 36 and sub-section (7) of section 34 of these regulations shall be guilty of an offence and upon conviction shall be liable to a penalty of class III.</p> <p>(4) Any person who contravenes any of regulations 4, 20, 22 and 28 of these regulations shall be guilty of an offence and upon conviction shall be liable to a penalty of class V.</p> <p>42. (1) Any person who contravenes any of these regulations shall be guilty of an offence and shall upon conviction, if no specific penalty is prescribed therefor, be liable to a fine not exceeding a penalty of class IV, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.</p> <p>(2) The penalty classes specified in Schedule III of the Act shall apply to these Regulations.</p> <p style="text-align: center;">PART IX. - MISCELLANEOUS</p> <p>43. The Forest Regulations, 1978, are hereby repealed.</p>
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FIRST SCHEDULE

TARIFF

A- TIMBER PERMIT WITH EFFECT FROM 1.8.98

1. Timber trees

Botanical Name	Trade or Vernacular Name	Timber Permit	
1. Cordyla africana	Dutto	D	210.00
2. Erythrophleum guineense	Talimbaro	D	525.00
3. Borassus aethiopium	Sibo	D	210.00
4. Elaeis guineensis	Tengo	D	157.50
5. Prosopis africana	Kembo	D	105.00
6. Pterocarpus erinaceus	Keno	D	210.00
7. Bombax costatum	Bunkungo	D	315.00
8. Daniellia oliveri	Santango	D	210.00
9. Khaya senegalensis	Jallo	D	840.00
10. Ceiba pentandra	Bantango	D	525.00
11. Rhizophora Spp. (Masts)	Manko	D	125.00
12. Rhizophora Spp. (Roofing poles)		D	1.25 /m ³
13. All other trees		D	105.00
14. Fence posts (dead wood only)		D	1.60
15. Gmelina fence post		D	1.90
16. Gmelina poles		D	1.10 /m ³
17. Gmelina logs		D	157.50
18. Gmelina boat mast		D	10.50

B- ROYALTIES WITH EFFECT FROM 1.8.98

1. Firewood	D	10.50 /m ³
2. Mats	D	15.00
3. Kirintings	D	10.50
4. Palm beds	D	50.00
5. Fruits and nuts 1 bag or container	D	10.50

C- LICENCES WITH EFFECT FROM 1.8.98

1.	Firewood (dead wood only)	D	525.00	P.A.
2.	Vendor	D	525.00	P.A.
3.	Assistant for fuelwood collection	D	262.50	P.A.
4.	Tapping palm wine	D	420.00	P.A.
5.	Palm kernel nuts	D	105.00	P.A.
6.	Wood carvers (dead wood only)	D	157.50	P.A.
7.	Fruits and nuts (other than palm fruits and baobab)	D	210.00	P.A.
8.	Mats	D	300.00	P.A.
9.	Fans and basket	D	210.00	P.A.
10.	Kirintings	D	210.00	P.A.
11.	Rhun palms	D	1050.00	P.A.
12.	(Raphia) palm beds	D	300.00	P.A.
13.	Pit sawers	D	1050.00	P.A.
14.	Honey collection		Free	
15.	Licenses for re-saw machines	D	1575.00	P.A.
16.	License sawmills	D	10,500.00	P.A.

SECOND SCHEDULE

PROTECTED SPECIES

(a) The following are Protected Species of Trees anywhere in The Gambia:

<i>Botanical Name</i>	<i>Trade or Vernacular Name</i>
<i>Acacia albida</i>	Baransango
<i>Azelia africana</i>	Lengko
<i>Bombax costatum</i>	Bunkungo
<i>Borassus aethiopum</i>	Sibo, rhun
<i>Chlorophora regia</i>	Tumbuyiro
<i>Cordyla africana</i>	Duto/Dimbo
<i>Ceiba pentandra</i>	Bantango
<i>Detarium senegalense</i>	Tallo
<i>Elaeis guineensis</i>	Tengo
<i>Khaya senegalensis</i>	Jallo
<i>Mitragyna stipulosa</i>	Faffo
<i>Parkia biglobosa</i>	Netto
<i>Pterocarpus erinaceus</i>	Keno
<i>Parinari excelsa</i>	Manpato
<i>Prosopis africana</i>	Kembo
<i>Rhizophora mangle</i>	Mankwo
<i>Rhizophora racemosa</i>	"
<i>Rhizophora harrisonii</i>	"
<i>Laguncularia racemosa</i>	Batamanko
<i>Tamarindus indica</i>	Timbingo

(b) All trees within Forest Parks shall be protected species.

THIRD SCHEDULE

FOREST COVER CLASSES

No.	Designation	Definition
I	Mangrove A	mangroves over 7 m high, mostly Rhizophora
II	Mangrove B	mangroves less than 7 m high, mostly Avicennia
III	Gallery forests	forests along water courses with trees over 7 m high
IV	Closed forest	forests on well drained soils with a crown cover of 50% or more
V	Open forest	forests on well drained soils with a crown cover of 10 - 50 %
VI	Tree and shrub savanna	tree and shrub vegetation on well drained soils with less than 10% crown cover or with trees less than 11 m high
VII	Tree and shrub savanna with previous cultivation	tree and shrub savanna with signs of previous cultivation
VIII	Fields stocked with trees	cultivated areas on well drained soils with a crown cover of at least 10%
IX	Fields with no or few trees	cultivated fields with no or few trees
X	Cultivated swamps	mainly rice fields near water courses
XI	Non-cultivated swamps	areas with some vegetation near water courses, but not cultivated
XII	Vegetation free areas	salty soils without vegetation near water courses
XIII	Areas of water	
XIV	Areas occupied by towns and villages	