

ACTS SUPPLEMENT

No. 7

7th June, 2002

*To the Gazette of the United Republic of Tanzania No. 23. Vol. 83. Dated 7th June, 2002
Printed by the Government, Dar es Salaam, by Order of Government.*

THE FOREST ACT, 2002

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Interpretation.

PART II

THE OBJECTIVE OF THIS ACT

3. The objectives.
4. Types of forests.
5. Director of forestry.
6. Appointment and functions of officers.
7. Information to members of the public.
8. Relations between the Ministry, local authorities and other forest management authorities.
9. Conflict of interest.
10. Establishment of the National Forestry Advisory Committee.

PART III

MANAGEMENT PLANS

11. Forest management plans.
12. Outline of the forest management plans.
13. Detailed forest management plans.
14. Village land forest management plans.
15. Private forest management plans.
16. Joint management agreements.
17. Removal of trees in specified circumstances.
18. Environmental Impact Assessment required for certain developments.

PART IV

PRIVATE FORESTS

19. Forestry dedication covenants.
20. Application for concession.
21. Use of land as private forest land and concession.

79.-(1) There is hereby established a fund to be known as the Tanzania Forest Fund.

Establishment
of Tanzania
Forest Fund

(2) the funds and resources of the Fund shall consist of-

- (a) a levy of two per cent of every prescribed fee payable under this Act;
- (b) a levy of three per cent of any royalty payable under this Act;
- (c) grants, donations, bequests or such sums contributed by any private individuals, corporate bodies, foundations, or international organisations or funds within or outside the Country.
- (d) Any sums realised by the sale of any forest produce confiscated under any of the provisions of this act;
- (e) Any income generated by any project financed by the Fund, due allowance being made for any necessary expenses which must be met by any such project.
- (f) Any such funds acquired from various sources.

(3) The Fund shall be managed by the Forest Fund Trustees who shall be appointed by the Minister.

(4) The composition and procedures of the Trustees shall be as provided for in the Second Schedule to this Act.

80. The objects and purposes of the Fund are to-

Purposes of
the Fund

- (a) promote awareness of the importance of the protection, development and sustainable use of forest resources through public education and training;
- (b) promote and assist in the development of community forestry directed towards the conservation and protection of the forest resources of the country through the making of grants and providing advice and assistance to groups of persons wishing to form themselves into a group;
- (c) promote and fund research into forestry;
- (d) assist in enabling Tanzania to benefit from international initiatives and international funds directed towards the conservation and protection of biological diversity and the promotion of sustainable development of forest resources;
- (e) assist groups of persons and individuals to participate in any public debates and discussions on forestry and in particular to participate in processes connected with the making of an environmental impact assessment provided under section 18;
- (f) assist groups of persons and individuals to ensure compliance with this Act;
- (g) promote such other activities of a like nature to those set out in this section as will advance the purposes of this Act.

81.-(1) The Trustees shall-

- (a) establish one or more separate accounts in a bank certified into which all monies received by the Fund shall be paid in and out;
- (b) keep books of accounts and maintain proper records of its operations in accordance with commercial accounting standards;

Administrati-
on of the
Fund

- (c) prepare annual estimates of income and expenditure and adhere to any such estimates;
- (d) ensure that the operations of the Fund are exercised in an economical and efficient manner;
- (e) make grants to applicants for funds in accordance with such procedures and such criteria as may be prescribed;
- (f) manage the resources of the Fund in a prudent and business like manner;
- (g) prepare and publish an annual report which shall include-
 - (i) an account of the operations of the Fund during the year covered by the report;
 - (ii) a set of audited accounts;
 - (iii) such other matters as may be prescribed;
- (h) appoint such full-time and part-time staff as seems to the Trustees to be appropriate and necessary to ensure that the matters referred to in this section are implemented;
- (i) take all such other action which shall advance the objects and purposes of the Fund.

82.-(1) The Fund shall keep books of accounts and maintain proper records of its operations in accordance with acceptable accounting standards.

Accounts and financial audit

(2) The Fund shall at any time, and at the end of each financial year have the accounts of the Fund audited by the Controller and auditor-General or by a firm of auditors certified by the Controller and Auditor-General to be a firm capable of undertaking such work on such terms and conditions as the Fund may determine.

(3) The Trustees shall prepare and Annual Report in relation to each year ended 30th June and submit it to the Authority before 30th November in that year.

(4) The Annual Report shall provide detailed information regarding the activities of the Fund during the previous year ended 30th June and any additional information requested by the Ministry, thereafter the Minister shall table in the National Assembly the Annual Report of the Fund.

(5) Subject to the provisions of subsection (4) the Annual Report of the Fund shall include the financial Statements of the Fund for the immediately proceeding year and the auditors report based on the aforementioned Statements.

(6) Where the Minister is of the opinion that the Trustees are not carrying out their functions in a proper and reputable manner, he shall give them such directions in writing to ensure that they carry out their functions in a proper and reputable manner or he may take other necessary measures.

83.-(1) The Fund is hereby exempted from payment of any import, and other duties, taxes and levies in respect of its operations, capital property or documents or any other transaction, deed, agreement, fees or promissory note to which it is a party but

Fund exempted from taxes etc.

such exemptions shall be in accordance with other written laws governing financial matters.

(2) Notwithstanding the provisions of subsection (1), the employees of the Authority shall be liable to pay taxes, duties and excise on their transactions just like any other employee of the Government.

PART XI

OFFENCES AND PENALTIES

84.-(1) Any person who, without an existing right, or permit or other lawful authority under this Act within a forest reserve-

- (a) enters into the forest reserve;
- (b) performs any act which is prohibited by section 26 or which is prohibited by a forest management or other agreement;
- (c) obstructs any existing road, path or water course
- (d) covers any tree stump with brushwood or earth or by any other means whatsoever conceals, destroys, or removes such tree stump or any part thereof;
- (e) damages, defaces, alters, shifts, removes, or in any way whatsoever interferes with any beacon, fence or other boundary mark or notice, or notice board,

shall be guilty of an offence against this Act.

(2) If any person, without lawful excuse, the burden of proof of which shall be on him is found within, or in the vicinity of any forest reserve or has in his possession any implement for cutting, taking, working or rendering any forest produce, he shall be guilty of an offence against this Act.

(3) If any livestock are found grazing or depastured in or entering any forest reserve such livestock shall be presumed, unless the contrary is shown to have been grazed, depastured or allowed to enter by the authority of the owner and of the person, if any, actually in charge of such livestock.

(4) The Director may by notice published in the Gazette exempt the whole or any part of any forest reserve from the application of the provisions of subsection (2) subject to such terms and conditions as he may think fit and any such notice shall be-

- (a) exhibited in a conspicuous place in the offices of all local authorities within whose area of jurisdiction any part of the forest reserve to which the notice applies is situate or is contiguous thereto; and
- (b) given publicity to in such manner as is customary in the area or as is otherwise calculated to bring it to the attention of all persons living in or in the vicinity of or deriving their livelihood from or using on a regular basis any part of the forest reserve.

Offences in forest reserves

SECOND SCHEDULE

(Made under Section 19)

THE TRUSTEES

1.-(1) The Trustees shall consist of members whose numbers shall be not less than seven and not more than nine including-

- (a) a person of proven quality and integrity who has achieved high office or distinction within the country and shall be appointed by the President who shall be the Chairman;
- (b) a senior representative from the Ministry responsible for finance;
- (c) a senior representative from Ministry responsible for forestry;
- (d) a member from an institution concerned with training in forestry and allied matters;
- (e) a qualified and registered accountant;
- (f) a legally qualified person holding office in the Attorney-Generals' Chambers, nominated in that behalf by the Attorney-General;
- (g) a member from non-governmental organisations concerned with the conservation of the natural resources of Tanzania;
- (h) one person representing local government, and
- (i) a member from the forestry research institution.

(2) Not less than three of the Trustees shall be women.

The Trustees shall elect from amongst their number a Vice-Chairman who shall hold office for two years but shall be, subject to remaining a Trustee eligible to be re-elected for one further term of two years.

2. The Trustees shall hold office for three years and except where their membership is terminated for misconduct or other sufficient reason, shall be eligible to be re-appointed for one further term.

MEETING AND PROCEDURAL MATTERS

3. An officer responsible for financial matters of the Fund shall attend the meetings of the Trustees when matters connected with the management of the Fund are discussed.
4. The Quorum at any meeting of the Trustees shall be the Chairman or Vice-Chairman and not less than three other Trustees.
5. (1) An ordinary meeting of the Trustees shall be convened by the Chairman and the notice specifying the place, date, and time of, and agenda for, the meeting together with the papers for the meeting shall be sent to each Trustee at his usual place of business or residence not less than fifteen days before the date of the meeting.

(2) The Chairman, or in his absence the Vice-Chairman shall be bound to convene a special meeting of the Trustees upon receipt of a request in writing in that behalf signed by not less than three Trustees

(3) A Trustee who has any interest, direct or indirect in any matter coming before the Trustee shall, as soon as is reasonably practicable, disclose the nature of that interest to the Chairman or Vice-Chairman and shall not, thereafter, take part in any deliberations or decision on that matter.

(4) Subject to the provisions of this Schedule, the Trustees may regulate their own proceedings.

ANNUAL REPORT

6. The Trustees shall prepare an annual report and set of audited accounts and shall submit that report to the Minister who shall lay it before the Parliament.

THIRD SCHEDULE

(Made under Section 108)

1. The Forests Ordinance, Cap. 389.
2. The Export of Timber Ordinance, Cap. 288
3. The Grass Fires Ordinance, Cap. 135

Passed in the National Assembly on the 23rd April, 2002.

KIPENKA M. MUSSA,
Clerk of the National Assembly