

Legal Notice No. 12 of 1978.

THE REPUBLIC OF THE GAMBIA.

THE FOREST ACT 1977
(Act No. 9 of 1977)

REGULATIONS
(Under Section 30 of the Act)

The Forest Regulations, 1978

1 —(1) THESE REGULATIONS may be cited as the Forest Regulations, 1978, and shall be deemed to have come into force on 1st January 1978. Short title
and
commence-
ment

(2) These Regulations shall apply to all forests, all lands at the disposal of Government, and all lands in the provinces:

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.

2. In these Regulations, unless the context otherwise requires, the terms and phrases defined in the Forest Act, 1977, shall have the meaning as assigned to them under that Act, and, in addition Interpreta-
tion

“The Act” means the Forest Act, 1977;

“protected land” means any area specified in Regulation 1(2) to which these Regulations apply;

“sale” means sale, barter, exchange, offer or expose for sale, or transfer.

3. Except as provided in the Act or any Regulations made there under, no person shall on any protected lands Prohibited
Acts

- (a) cut, fell, burn, uproot, injure, or remove any protected tree;
- (b) cut, fell, burn, uproot, injure, or remove any tree, pole, sapling, or bamboo for the purpose of sale;
- (c) cut or remove any wood for conversion to charcoal for the purpose of sale;
- (d) cut or remove any firewood for the purpose of sale;
- (e) collect any fibre, rubber, gum or other substance of like nature for the purpose of sale;
- (f) extract or collect any palm wine from any species of palm trees;
- (g) take or gather any palm nuts, palm kernels, or tree fruits for the purpose of sale;

(h) take or gather any wild honey for the purpose of sale.

Power to protect trees and forest produce	4 (1) The Minister may, by notice in the Gazette, declare any tree to be a protected tree, and any forest produce obtained from any protected land to be protected minor forest produce, and may amend, add to or withdraw any such classification in like manner.
Schedule Two	(2) The species of trees listed in Schedule Two of these Regulations shall be protected species pursuant to this Regulation.
Head Chief etc. responsible for fire control	5. The Head Chiefs, sub-chiefs, and headmen of districts, sub-districts, towns and villages shall be responsible for the protection of lands situated in their districts, sub-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.
Setting fires prohibited	6. Except as provided in Regulations 7, no person shall set any fire on any protected land.
Power to allow fires	7. (1) The Conservator of Forests may, by notice in the Gazette, allow the setting of fires on any protected 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. (2) Such notice shall be posted on the boundaries of any forest to which it relates and at least during the times to which it relates. (3) Where protective burning is to be done, such notice shall be published and posted at least eight days before the burning to allow area villages to take all necessary safety precautions.
Controlled burning of pasture land permitted	8. Burning of pasture or farmland is permitted only where — (a) The areas to be burned are delimited and protected by strips of land cleared of bush and grass; and (b) the burning is supervised by farmers or other concerned persons to ensure that the fire is kept within the designated limits.
Public assistance in fighting fires	9. Any authorized Forest Officer 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.
Smoking controlled	10. The Conservation of Forests may by notice in the Gazette prohibit or control smoking by any person in any forest.
Wind erosion areas	11.—(1) Except for woody vegetation strips left intact for anti-erosion purposes, any farming area declared under section 27 of the Act to be a wind-erosion area must retain a minimum of twenty mature trees per hectare or sixty young trees per hectare. (2) The felling or mutilation of any vegetation in any strip of wooded area left entirely for anti-erosion purposes is forbidden except under the express approval and management of the Forestry Department and any person who contravenes this regulation shall be guilty of an offence.

LICENCES

12.—(1) No person shall exploit any forest produce the value of which is over 500 Dalasis except in accordance with the terms and conditions of a valid licence issued by the Forestry Department.

Licences to
exploit
forestry

(2) Applications for licences to exploit forest produce under this Regulation shall be made in the prescribed form to the Conservator of Forests.

(3) Any licence issued under this Regulation shall be registered and shall be valid for such periods of time and subject to such conditions and the payment of such fees, including registration fees and stamp duties, as the Conservator of Forests may prescribe from time to time according to the circumstances of each case.

(4) Any conditions prescribed under subsection (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, and an advance deposit in an amount equal to not more than the estimated royalties for a six months period.

(5) Any licence issued under this Regulation shall prescribe the amount of the annual minimum royalty for exploitation of the forest produce as determined by Schedule One:

Schedule One

Provided that a grace period of up to one year from the commencement of the licence period during which no minimum royalty is payable may be granted to any licensee by the Minister.

13.—(1) A licence to exploit forest produce may be issued by the Conservator of Forests through utilizing the Government Tender Board procedure.

Use of tender
board to
issue certain
licences

(2) The Conservator of Forests may, with the approval of the Minister, 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 he may request.

(3) The procedures to be followed with respect to the calling of tenders shall be as prescribed in the appropriate Financial Instructions.

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(4) The Conservator of Forests may require that fees and royalties be payable in addition to the amounts in any accepted tender.

(5) The Major Tender Board shall not be bound to accept the highest tender.

14. Any licence to exploit forest produce issued through the tender process pursuant to Regulation 13 of these Regulations may be terminated—

Termination
of licences
issued
through
tender

(a) by the Minister:

- (i) if the licensee or any of his agents or servants fails to comply fully with any of the conditions of such licence;
 - (ii) if the licensee becomes insolvent or his business is wound up or declared bankrupt under any law in force in The Gambia or any other country;
- (b) by the licensee by giving the Minister six months notice in writing of his intention to terminate the licence.

PERMITS

General
provisions
of permits

15.- (1) Any permit issued under section 37 of the Act or any permit authorising any acts enumerated under Regulation 3 of these Regulations shall be in such form as may be approved by the Conservator of Forests, shall bear a passport size photograph of the holder, 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:

Provided that no permit shall be issued in respect of timber or minor forest produce the value of which is over five hundred Dalasis.

(2) Any such permit shall be valid for six months from the date of issue at which time it shall automatically expire, except that the Supervisor of Forests may, in his discretion, extend a permit for further periods not exceeding six months in any one extension or twelve months in the aggregate of extensions, and for each extension a pro-rata fee shall be payable.

(3) Any 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 authorised officer shall be guilty of an offence.

(4) Any permit shall not, except with the written permission of the Supervisor of Forests, authorize the holder to employ any person to assist with the activities authorized by the permit or to act on the holders 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 Supervisor of Forests shall be guilty of an offence.

(5) Any permit issued pursuant to these Regulations or section 37 of the Act may be cancelled at any time by the Conservator of Forests if the permit holder fails to comply with any of the conditions of such permit.

(6) Within fifteen days of the expiry or cancellation of any such permit the holder shall cause that permit to be returned to the office from which it was issued.

(7) Any person who, without the authorization of the Conservator of Forests, alters, defaces, or destroys any valid permit shall be guilty of an offence.

(8) Any 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.

15.—(1) The fees and royalties payable in respect of any permit issued under the Act or these Regulations shall be according to the rates set in the Tariff authorized under Regulation 21 of these Regulations and contained in Schedule One.

Fees and other security for permits Schedule One

(2) All fees payable with respect to any permit shall be paid prior to the issue of such permit.

(3) The Conservator of Forests may require any permit applicant or holder to deposit with the Accountant General a sum not exceeding five hundred Dalasis as security for the fulfilment of any obligations under the permit and such sum may be forfeited wholly or in part where such officer determine that permit applicant or holder has failed to fulfill any permit obligations.

17. Any tree 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 Supervisor of Forests as he may think fit, and the holder of the expired permit shall have no further right thereto.

Timber left after permit expired

18. 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.

Permits in licensed areas

19. Any holder of a permit authorizing the extraction or collection of palm wine from the oil palm (tengo) shall conduct such extraction or collections only:—

Special conditions for palm wine

(a) where the tree is at least 4 metres high and

(b) where tapping is done by incising the penduncles of male spadices and bunches;

and any person who contravenes this Regulation shall be guilty of an offence.

20. The holder of a fuel permit shall stack all firewood taken under such permit at such places and in such manner as may be specified by the local forest officer.

Special condition for fuel permit

GENERAL PROVISIONS

21.—(1) The Conservator of Forests 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.

Power to set fees.

(2) Such tariff shall be published in the Gazette and may in like manner be modified or cancelled from time to time as the Conservator of Forests may think fit.

Schedule One (3) The Tariff contained in Schedule One of these Regulations is prescribed pursuant to this Regulation.

Revenue to Area Councils 22.—(1) The Accountant General shall pay a royalty to each Area Council, with respect to the collection of any revenue from exploitation of forest produce that is within that Councils' area of jurisdiction but outside any Government forest parks and protected forests.

(2) The royalty shall be such percentage of the total revenue from the exploitation as may be determined from time to time by the Minister.

Transit passes required to transport certain forest produce 23.—(1) No timber, firewood, or charcoal may be transported in The Gambia except in accordance with a valid transit pass issued pursuant to this Regulation.

(2) Any local forest officer shall issue without fee and upon presentation of a valid permit for such produce a transit pass authorizing the transport of any timber, firewood, or charcoal within The Gambia.

(3) Any transit pass issued under this Regulation shall be in such form as may be prescribed by the Conservation of Forest, and shall be subject to such conditions as may be prescribed thereon or as the Conservator of Forests may specify, including conditions with respect to such strict expiry dates as may be specified from time to time.

(4) Any transit pass shall be valid for only one journey, shall accompany the produce to which it refers, and shall be produced on request to any forest or Police Officer.

Import of Forest produce 24.—(1) Any imported forest produce may be transported within the Gambia only—

(a) with a valid transit pass issued by an authorized officer of The Gambia; or with a valid customs document issued by The Gambia authorizing importation of such forest produce; and

(b) where the country of export issues an export document for such produce with a valid export document from the country of export.

Export of forest produce 25. The export of any forest produce is prohibited except with the written permission of the Minister:

Provided that lawful export of wood carvings and other souvenir objects made from forest produce may be done without prior permission from the Minister.

Injury to roadside trees 26.—(1) Except as provided in subsection (2) of this Regulation, no person shall cut, burn, destroy, or injure any tree which has been planted on the side of road or path except with the written consent of the Conservator of Forests or any other officer authorized on his behalf.

(2) Where prior notice is properly given to the local forestry officer, authorized officers of the departments of Posts and Telecommunications and The Gambia Utilities Corporation may, without fee or permit, fell or trim any tree interfering or likely to interfere with telephone or power lines.

27. (1) No sawmill or other manufacturing plant using wood as raw material shall be installed or operated without a valid licence issued by the Conservator of Forests. Special licence for wood manufacturing businesses required

(2) Licences authorizing the operation of any sawmill or other manufacturing plant shall be issued in such form as may be prescribed by the Conservator of Forests 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.

(3) Such licences shall be valid for one year from the date of issue and may be renewable yearly.

28. The Conservator of Forests 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. Power to require accounting and inspection of books

PENALTIES

29. (1) Any person who contravenes Regulations 11, 15, 19, 20, 26 or 28 of these Regulations shall be guilty of an offence and upon conviction shall be liable to a fine not less than 50 Dalasis or exceeding 250 Dalasis, or to imprisonment for a term not less than two weeks or exceeding six months, or both such fine and imprisonment. Penalties for specific offences

(2) Any person who contravenes Regulations 3, 5, 6, 8, 9, 10, 23, 24, 26 and 27 of these Regulations shall be guilty of an offence and upon conviction shall be liable to a fine not less than 100 Dalasis or exceeding 500 Dalasis, or to imprisonment for a term not less than one month or exceeding twelve months, or to both such fine and imprisonment.

30. 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 250 Dalasis or to imprisonment to a term not exceeding six months, or to both such fine and imprisonment. General penalty

MISCELLANEOUS

31. The Banjul and Kombo Saint Mary Lands Regulations, 1968 are hereby repealed. Repeals

SCHEDULE I—*Tariff* (made under Regulations 16 and 21)

1. Timber Trees:

<i>Botanical Name</i>	<i>Trade or Vernacular Name</i>	<i>Royalty per Tree</i>	<i>Minimum Girth</i>
Khaya Senegalensis	Jallo	D35.00	8 ft.
Chlorophora regia	Tumbuyiro	D35.00	8 "
Mytragina inermis	Faffo	D35.00	7 "
Ceiba pentandra	Bantango	D35.00	8 "
Acacia albida	Baransango	D35.00	5 "

<i>Botanical Name</i>	<i>Trade or Vernacular Name</i>	<i>Royalty per Tree</i>	<i>Minimum Grith</i>
<i>Cordyla africans</i>	Duto	D20.00	5 „
<i>Detarium Senegalensis</i>	Tallo	D20.00	6 „
<i>Parinari excelsa</i>	Mampato	D20.00	6 „
<i>Borassus aethiopium</i>	Sibo	D15.00	—
<i>Elaeis guinensis</i>	Tengo	D15.00	—
<i>Prosopis africana</i>	Kembo	D15.00	5 „
<i>Pterocarpus erinaceus</i>	Keno	D15.00	5 „
<i>Bombax buonopozensis</i>	Bunkungo	D15.00	6 „
<i>Daniellia oliveri</i>	Santango	D15.00	6 „
<i>Tamarindus indica</i>	Timbing	D15.00	5 „
All other species D10.00 per tree			

2. *Firewood*

Cutting firewood for sale D25.00 per annum plus D20.00 per lorry load and D0.50 per ox-cart load.

3. *Charcoal*

D25.00 per annum plus D0.60 per bag.

4. *Palm-Wine*

Tapping palm-wine D50.00 per annum.

5. *Posts—all species other than rhun: 0.25 per post.*

6. *Carvers permits (dead trees only): D50.00 per annum.*

7. *Fruit and Nuts—any species: D20.00 per annum*

8. *Palm mats and fans: D50.00 per annum.*

9. *Kirinting: D50.00 per annum*

10. *Raphia palm beds: D30.00 per annum.*

11. *Shrubs and grasses: (e.g. Wa Nyamo, Sisili Nyamo Bara jambo) D20.00 per annum.*

12. *Incense—Churai: D10.00 per annum.*

13. *Honey collection: No fee.*

SCHEDULE TWO—*Protected Species*
(made under Regulation 4)

(a) The following are Protected Species of Trees and Plants in the Gambia:

<i>Botanical Name</i>	<i>Trade or Vernacular Name</i>
<i>Acacia albida</i>	Baransango
<i>Bombax buonopozense</i>	Bunkungo
<i>Borassus aethiopium</i>	Sibu, Rhun
<i>Chlorophora regia</i>	Tumbuyiro
<i>Cordyla africana</i>	Duto/Dimbo
<i>Ceiba pentandra</i>	Bantango
<i>Detarium Senegalense</i>	Tallo
<i>Elaeis guinensis</i>	Tengo
<i>Khaya Senegalensis</i>	Jallo
<i>Mitragyna Stipulosa</i>	Faffo
<i>Parkia biglobosa</i>	Netto

<i>Botanical Name</i>	<i>Trade or Vernacular Name</i>
<i>Pterocarpus erinaceus</i>	Keno
<i>Parinari excelsa</i>	Mampato
<i>Prosopis africana</i>	Kembo
<i>Rhizophora mangle</i>	
<i>Rhizophora racemosa</i>	Mankwo
<i>Rhizophora harnisoni</i>	
<i>Laguncularia racemosa</i>	Batanmanko
<i>Tamarindus indica</i>	Timbingo

(b) All exotic forestry species introduced to the Gambia and all trees within Forest Parks shall be protected species.

MADE at Banjul this 2nd day of February 1978.

Y. CEESAY,
*Minister of Agriculture and Natural
 Resources*