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CONTENT

Act—

PAGE

The Forest Conservation and Management (Amendment) Act, 2026 269

**THE FOREST CONSERVATION AND
MANAGEMENT (AMENDMENT) ACT, 2026**

No. 15 of 2026

Date of Assent: 29th May, 2026

Date of Commencement: 16th June, 2026

AN ACT of Parliament to amend the Forest Conservation and Management Act and for connected purposes

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Forest Conservation and Management (Amendment) Act, 2026.

Short title.

2. The Forest Conservation and Management Act, (in this Act referred to as “the principal Act”), is amended in section 2—

Amendment of section 2 of Cap. 385.

(a) in the definition of “Institute” by deleting the words “the Science, Technology and Innovation Act” and substituting therefor the words “section 29G”;

(b) by inserting the following new definitions in proper alphabetical sequence—

“agro-silvopastoralism” means a production activity that combines pastoralism and agriculture in a partially wooded environment;

“allied natural resources” means natural resources associated with forestry including, water, soil, fauna and flora, air, minerals and non-wood forest products;

“buffer zone” means a designated transition area of vegetation not exceeding one hundred metres wide separating a forest from other land use types intended to reduce external pressures and protect forest areas;

“forest carbon” means the amount of carbon absorbed and stored by trees and other plants in a forest;

“Director-General” means the Director General of the Institute appointed under section 29T;

“ecosystem services” means the benefits humans obtain from natural ecosystems, arising from interactions

between living organisms and their environment and include the habitat for biodiversity, provision of essential resources like food and water, the regulation of environmental conditions such as climate and water quality, the support of life-sustaining processes like nutrient cycling and soil formation, tourism services such as recreation, hiking and aesthetic enjoyment and cultural benefits including rites of passage, prayers and other cultural activities;

“forest certification” means a voluntary process where an independent third party assesses the quality of forest management and production against set standards;

“forest cover” means an area of land covering a minimum of zero point five hectares, with trees of at least two meters in height and a canopy density of at least fifteen percent;

“lead agency” means a national government entity, county government or any other entity in which any written law vests functions of control or management or any element of forest resources;

“National Safeguards Information System” means a mechanism used to collect, monitor, and report how environmental and social standards are implemented in forest-related activities ensuring the protection of biodiversity, ecosystems, and the rights and livelihoods of local and indigenous communities;

“participatory forest management” means a forest management approach which deliberately involves the forest adjacent communities and other stakeholders in the management of forests within a framework that contributes to communities’ livelihoods;

“payment for ecosystem services” means incentives offered to owners or managers of ecosystem resources in exchange for managing their resources for the provision of ecological services by beneficiaries;

“Reduced Emissions from Deforestation and Forest Degradation” has the meaning assigned to it under section 2 of the Climate Change Act;

“Secretary” means the Secretary of Forest Regulation appointed under section 29B;

“timber grading” means the process of classifying wood based on its quality, strength, and appearance according to established regulations made under this Act.

3. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (d)—

Amendment of section 4 of Cap. 385.

“(da) promotion of efficient water harvesting and management technologies for tree growing in dryland areas.”

4. Section 7 of the principal Act is amended by inserting the following new subsections immediately after subsection (1) —

Amendment of section 7 of Cap. 385.

(1A) The headquarters of the Service shall be in Nairobi.

(1B) The Service may establish such other offices in Kenya to ensure reasonable access to its services.

5. Section 8 of the principal Act is amended by inserting the following new paragraphs immediately after paragraph (n)—

Amendment of section 8 of Cap. 385.

(na) collect revenue and charges due to the national government in regard to forest resources and services in accordance with the Public Finance Management Act;

(nb) provide security for public and provisional forests;

(nc) provide technical assistance to the county governments in the development of agroforestry and commercial forestry in community land.

6. Section 9 of the principal Act is amended in subsection (1) by deleting the words “nominated by a national body representing” appearing in paragraph (g)(ii) and substituting therefor the words “a representative of a registered community forest association;

Amendment of section 9 of Cap. 385.

7. Section 14 of the principal Act is amended in subsection (2) by deleting paragraph (c) and substituting therefor the following new paragraph—

Amendment of section 14 of Cap. 385.

(c) has a master’s degree in any of the following fields—

- (i) forestry;
- (ii) natural resource management;
- (iii) environmental studies;
- (iv) strategic management;
- (v) law;
- (vi) economics; or
- (vii) public administration;

8. Section 16 of the principal Act is amended by—

Amendment of
section 16 of Cap.
385.

- (a) deleting subsection (1) and substituting therefor the following new subsection—

(1) The Cabinet Secretary responsible for matters related to internal security may, on the advice of the Service, designate a specific cadre of the staff of the Service to be uniformed and disciplined officers of such ranks as shall be determined by the Service with the approval of the Cabinet Secretary.

- (b) inserting the following new subsections immediately after subsection (3)—

(4) The staff designated under subsection (1) shall undergo law enforcement and security training in an institution recognized by the Board.

(5) A person designated under subsection (1) shall take and subscribe to the Oath of Allegiance as set out in the Fourth Schedule.

(6) Without prejudice to the foregoing, the provisions of Part III and Part IV of the Independent Policing and Oversight Authority Act, shall apply, with the necessary modifications, to uniformed and disciplined officers under this Act.

9. Section 22 of the principal Act is amended in subsection (1) by deleting the words “as established under the Science, Technology and Innovation Act,”.

Amendment of
section 22 of Cap.
385.

10. The principal Act is amended by inserting the following new Parts immediately after section 29—

Insertion of new
Parts into Cap.
385.

PART IIIA— SECRETARY OF FOREST REGULATION

Directorate.

29A. (1) There is established the Directorate of Forest Regulation which shall be an office in the public service.

(2) The Directorate shall be headed by the Secretary of Forest Regulation.

Appointment of
Secretary.

29B. (1) The Secretary of Forest Regulation shall be competitively recruited and appointed by the Public Service Commission.

(2) A person shall be qualified to be appointed as a Secretary of Forest Regulation, if that person—

- (a) is a citizen of Kenya;
- (b) holds an undergraduate degree from a university recognized in Kenya;
- (c) has a postgraduate degree in any of the following fields—
 - (i) forestry;
 - (ii) botany;
 - (iii) environment;
 - (iv) natural resources; or
 - (v) plant ecology;
- (d) has had at least fifteen years' proven experience in the relevant field; and
- (e) meets the requirements of Chapter Six of the Constitution.

Functions of the
Secretary.

29C. (1) The Secretary of Forest Regulation shall—

- (a) advise the Cabinet Secretary on the development of national standards, codes, procedures and guidelines for participatory forest management, forest utilisation and

- forestry, forest products and services, and traceability systems for forest produce;
- (b) issue regulatory guidelines to persons and entities within the forestry sector, and make recommendations to county governments and other public bodies on forestry matters;
 - (c) monitor, inspect and audit compliance with this Act and the applicable standards in forest management and protection;
 - (d) advise and make recommendations to the Cabinet Secretary, the Service, county governments and other agencies on enforcement actions, suspension, variation or revocation of licences;
 - (e) establish and coordinate a national forest compliance and enforcement framework in consultation with relevant agencies;
 - (f) register, license and regulate forest certification experts, timber graders, and such other professionals as may be prescribed by any written law;
 - (g) develop professional standards and codes of conduct for licensed professionals under this Act;
 - (h) ensure linkage of the national forestry registry with national systems, including carbon registry mechanisms under the Climate Change Act;
 - (i) develop reporting requirements for actors in the forestry sector;

- (j) receive, review and analyse reports relating to forest-related activities;
 - (k) advise the Cabinet Secretary on regulatory risks, compliance status and corrective measures within the forestry sector;
 - (l) develop and monitor strategies for achieving and maintaining at least ten per cent tree and forest cover;
 - (m) monitor and provide regulatory oversight on ecosystem service payments, benefit-sharing mechanisms and other climate-related forestry initiatives;
 - (n) establish and maintain the National Safeguards Information System;
 - (o) receive and investigate complaints made to it by any individual or entity with respect to any matter concerning forestry management and make recommendations to relevant authorities;
 - (p) prepare and publish annual reports on the state of regulation in the forestry sector and submit to the Cabinet Secretary for tabling before Parliament; and
 - (q) perform such other functions as may be assigned by the Cabinet Secretary or provided under this Act or any other written law.
- (2) The Secretary of Forest Regulation or a duly authorized officer may—
- (a) issue compliance notices requiring remedial action for purposes of compliance with this Act;
 - (b) require any person or entity to produce records, data or

information necessary for regulatory oversight;

- (c) at all reasonable times enter and inspect any forestry activities in any premises or installations;
- (d) conduct audits and investigations to confirm compliance with this Act and applicable standards;
- (e) impose administrative sanctions to forest certification experts, timber graders, and such other professionals licensed by the Secretary;
- (f) recommend to the relevant authority the suspension, variation or revocation of licenses, permits or approvals;
- (g) refer any matter for prosecution to the relevant authority with respect to any offences committed under this Act; and
- (h) perform such other acts as may be necessary for the effective discharge of the functions of the Directorate.

Establishment and maintenance of registers.

29D. (1) The Secretary shall maintain a register that shall contain details of—

- (a) any standards, procedures and guidelines developed under this Act;
- (b) information on licences, permits and concessions; and
- (c) registered and licenced professionals in the forestry sector.

(2) A register maintained under this section shall be open for inspection by the members of the public at the Directorate.

Certification.

29E. (1) A forest certification required under this Act shall be undertaken by

experts registered and licensed by the Secretary.

(2) Any person undertaking certification contrary to the provisions of this Act commits an offence and shall upon conviction be liable to a fine not exceeding one million shillings or imprisonment of one year, or both such a fine and imprisonment.

Registration, etc of
timber graders.

29F. (1) A person shall not undertake timber grading unless the person is registered and licenced by the Secretary to undertake timber grading.

(2) Any person undertaking timber grading contrary to the provisions of this Act commits an offence and shall upon conviction be liable to a fine not exceeding one million shillings or imprisonment of one year, or both such a fine and imprisonment.

PART IIIB—KENYA FORESTRY RESEARCH INSTITUTE

Establishment of the
Kenya Forestry
Research Institute.

29G. There is established an institute to be known as the Kenya Forestry Research Institute, which shall be a successor of the Kenya Forestry Research Institute specified under paragraph 2 of the Fourth Schedule to the Science Technology and Innovation Act.

Cap. 511.

Headquarters of the
Institute.

29H. (1) The headquarters of the Institute shall be in Kiambu County.

(2) The Institute may establish research centres, innovation and incubation hubs within the counties and agro-ecological zones in Kenya.

(3) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or

disposing of movable and immovable property;

- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

Functions of the Institute.

291. (1) The Institute shall be the lead government agency in forestry research and development and shall, in relation to forestry and allied natural resources —

- (a) develop research and development programmes and technologies for the sustainable development of forestry and allied natural resources;
- (b) conduct national and regional expert training courses in forestry and allied natural resources;
- (c) disseminate research findings to support forestry development in the country; and
- (d) establish partnerships and cooperate with other research organisations and institutions of higher learning in joint research and training.

(2) Without prejudice to the generality of subsection (1), the Institute shall—

- (a) participate in the development and monitoring of national forest standards;
- (b) develop technologies for improved germplasm, tissue culture, biotechnology and provide quality tree seeds and seedlings;
- (c) develop forestry technologies and products for sustainable development;

- (d) develop and promote technologies for upscaling commercial forestry and agroforestry;
- (e) maintain a database for scientific and forestry research information;
- (f) develop standards on matters related to forestry research and development;
- (g) assess, map, control and develop procedures for the control of invasive species;
- (h) develop technologies and procedures for monitoring of forest health and biodiversity status;
- (i) conduct research, develop models and procedures for forest carbon estimation and quantification in collaboration with relevant stakeholders;
- (j) develop certification standards for tree seeds in collaboration with the Kenya Plant Health Inspectorate Service;
- (k) undertake tree seed production;
- (l) undertake policy research in forestry and allied natural resources;
- (m) develop guidelines on forest and tree valuation;
- (n) provide advisory services on commercial forestry and agroforestry investment to enhance adoption and upscaling;
- (o) undertake forest forensic research and development;
- (p) develop protocols and procedures for development of forest-based food and medicinal products;

- (q) transfer of scientific knowledge and appropriate forest-based technologies for the improvement of their livelihoods of communities;
- (r) develop technologies to upscale sustainable utilization of non-wood forest products as nature-based solutions in drylands;
- (s) develop forest carbon trading models under agroforestry and commercial forestry systems;
- (t) develop models and methodologies of forest carbon quantification, financing and marketing;
- (u) report biennially to the Cabinet Secretary on matters related to forestry research and development; and
- (v) perform such other functions as may be conferred to it by this Act or any other written law.

(3) The Institute, in consultation with the ministry responsible for matters related to education, may establish a forestry research graduate school, to facilitate research components of masters and doctorate levels academic programmes on forestry and allied natural resources.

Board of the Institute.

29J. The management of the Institute shall vest in a Board of the Institute which shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary responsible for matters relating to forestry research or a representative appointed in writing;

- (c) the Principal Secretary responsible for matters relating to finance or a representative appointed in writing;
- (d) the Attorney-General or a representative appointed in writing;
- (e) the Chief Conservator of Forests of the Kenya Forest Service or a representative appointed in writing;
- (f) the Director-General of the National Commission for Science, Technology and Innovation or a representative appointed in writing;
- (g) three other persons appointed by the Cabinet Secretary, out of whom—
 - (i) one shall be nominated by the Forestry Society of Kenya;
 - (ii) one shall be a member of a registered community forest association; and
 - (iii) one shall represent the forest industry;
- (h) the Director-General, who shall be an ex-officio member of the Board with no right to vote.

Qualifications for
appointment as a
member of the Board.

29K. (1) A person is qualified for appointment under subsection 29J(a) and (g) if that person—

- (a) has a degree in a relevant field from a university recognised in Kenya;
- (b) has proven management or other relevant professional experience;
- (c) has served in a senior management position for at least six years; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) The appointment of the Chairperson and members of the Board of the Institute

shall be by name and by notice in the *Gazette*.

Tenure of office.

29L. (1) The chairperson and members of the Board appointed under section 29J (g) shall hold office for a term of three years and shall be eligible for reappointment for one other term of three years.

(2) The members of the Board shall be appointed at different times so that their terms of office expire at different intervals.

Remuneration of members of the Board.

29M. A member of the Board of the Institute shall be paid such allowances or other remuneration as the Cabinet Secretary may, on the advice of the Salaries and Remuneration Commission, determine.

Vacancy.

29N. (1) The office of the chairperson or member of the Board of the Institute shall become vacant if the holder—

- (a) dies;
- (b) is absent from three consecutive meetings of the Board of the Institute without reasonable cause;
- (c) resigns from office by notice in writing addressed to the appointing authority;
- (d) is unable to perform the functions of the office arising out of physical or mental infirmity;
- (e) is negligent or incompetent in the performance of his or her functions;
- (f) is adjudged or otherwise declared bankrupt by a competent court;
- (g) violates Chapter Six of the Constitution; or
- (h) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.

(2) Where a vacancy occurs in the membership of the Board of the Institute under subsection (1), the appointing authority shall appoint a new member in accordance with the provisions of this Act.

Functions of the
Board of the Institute.

29O. The Board of the Institute shall—

- (a) review, approve and oversee the implementation of research programs, strategies, policies and plans of the Institute;
- (b) consider and approve the budget of the Institute;
- (c) facilitate the mobilisation of resources for the Institute.
- (d) approve the organisational structure and other human resources management policies, guidelines, procedures and manuals of the Institute;
- (e) monitor and evaluate the performance and ensure the sustainability of the Institute;
- (f) enhance the corporate image of the Institute and ensure effective communication with stakeholders; and
- (g) carry out any other function for the purposes of promoting and facilitating the objects of the Institute.

Powers of the Board
of the Institute.

29P. The Board of the Institute shall have all the powers necessary for the proper performance of the functions of the Institute and, in particular, the Board shall have the powers to—

- (a) acquire immovable and movable property and funds of the Institute in a manner and for the purposes which shall promote the interests of the Institute;

- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Institute;
- (c) receive on behalf of the Institute, fees, donations, endowments, gifts, grants or other moneys and make disbursements therefrom in accordance with the law;
- (d) invest any moneys of the Institute not immediately required in furtherance of its objects; and
- (e) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.

Procedure of the
Board of the Institute.

29Q. (1) The business and affairs of the Board of the Institute shall be conducted in accordance with the First Schedule.

(2) Notwithstanding subsection (1), the Board may regulate its own procedure.

Delegation by the
Board of the Institute.

29R. The Board of the Institute may, by resolution, either generally or in any particular case, delegate to any committee of the Board of the Institute or to any member, officer, or employee of the Institute, exercise of any of its powers or the performance of any of its functions.

Committees of the
Board of the Institute.

29S. (1) The Board of the Institute may, establish committees for the effective discharge of its functions.

(2) The Board of the Institute may, by resolution, either generally or in any particular case, delegate to a committee of the Board the exercise of any of the powers or the performance of any of the functions or duties of the Board of the Institute.

(3) The Board of the Institute may co-opt into the membership of a committee established under subsection (1), any person

whose knowledge and skills are considered necessary for the effective discharge of the functions of the Institute for a specified period of time.

(4) Subject to any specific or general direction of the Board, any committee established under subsection (1) may regulate its own procedure.

(5) Any person co-opted into a committee under subsection (3) may attend the meetings of the committee and participate in its deliberations, but shall not vote at such meeting.

Director-General.

29T. (1) There shall be a Director-General of the Institute who shall be competitively recruited and appointed by the Board of the Institute.

(2) A person qualifies for appointment as the Director-General, if that person—

- (a) possesses a Doctorate degree in any of the following fields—
 - (i) forestry;
 - (ii) botany;
 - (iii) environmental studies;
 - (iv) natural resources;
 - (v) public administration;
 - (vi) economics;
 - (vii) strategic management; or
 - (viii) plant ecology;
- (b) has at least ten years' professional experience in matters related to the forestry sector, five of which shall be at a senior management level;
- (c) is a member of a relevant professional body in good standing; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) The Director-General shall be responsible to the Board for—

- (a) implementation of the decisions of the Board;
- (b) the day-to-day management of the Institute;
- (c) overall responsibility for the objectives, policy direction, administration and programs of the Institute;
- (d) preparation of the strategic plan, annual plan, budget and audited accounts of the Institute for the approval of the Board; and
- (e) perform such other duties as may be assigned by the Board.

(4) The Director-General shall hold office for a term of three years, and shall be eligible for re-appointment for one further term of three years.

(5) The Director-General may be removed from office for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify the removal from office under the terms and conditions of service and under any written law.

(6) Where the question of the removal of the Director-General under subsection (5) arises, the Board of the Institute shall—

- (a) inform the Director General in writing of the reasons for the intended removal; and

- (b) give the Director-General the opportunity to be heard in accordance with the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.

Cap. 7L.

Officers and staff of the Institute.

29U. The Board of the Institute may appoint such officers and other staff of the Institute as are necessary for the proper and effective performance of the functions of the Institute, upon such terms and conditions of service as the Board of the Institute, on the recommendation of the Salaries and Remuneration Commission, may determine.

Protection from personal liability.

29V. Nothing done by a member of the Board of the Institute or by any person working under the instructions of the Board shall, if done in good faith for the purpose of executing the powers, functions or duties of the Institute under the Constitution or this Act, render such member or officer personally liable for any action, claim or demand.

Funds of the Institute.

29W. The funds of the Institute shall include—

- (a) such sums as may be appropriated by the National Assembly for the purposes of the Institute;
- (b) such monies as may accrue or vest in the Institute in the course of the exercise of its powers or the performance of its functions under this Act or any other written law;
- (c) gifts, grants or donations made to the Institute; and
- (d) such amounts from any public funds that may be created by law for the purposes of the promotion of any and all of the objects and functions of the Institute.

Annual estimates for
the Institute.

29X. (1) At least two months before the end of each financial year, the Board of the Institute shall cause to be prepared estimates of the revenue and expenditure of the Institute for that financial year.

(2) The annual estimates shall make provision for all estimated expenditure of the Institute in the financial year for the fulfilment of its functions.

(3) The annual estimates for the Institute shall be submitted to the Cabinet Secretary for approval.

(4) No expenditure shall be incurred for the purposes of the Institute except in accordance with the annual estimates submitted under subsection (3), or in pursuance of an authorization of the Board of the Institute.

Investment of the
surplus funds.

29Y. (1) The Board of the Institute may invest any surplus funds of the Institute which are not immediately required for its purposes in such securities as the National Treasury may, from time to time, approve.

(2) The Board of the Institute may place on deposit with such bank or banks as it may determine any moneys not immediately required for the purposes of the Institute.

Award to inventor or
innovator.

29Z. (1) Where the rights to any invention or innovation have been vested to the Institute, the Board of the Institute may award to the inventor or innovator such bonus as it may deem fit, or make provision for financial participation by the inventor or innovator in the profits derived from the invention or innovation.

(2) The Institute may apply for a patent in respect of any invention or innovation contemplated in subsection (1) and shall for purposes of the Copyright Act, and the Industrial Property Act, be regarded as the

Cap. 130.
Cap. 509.

assignee of the inventor or innovator of the invention or innovation.

11. Section 42 of the principal Act is amended by inserting the following new subsection immediately after subsection (3)—

Amendment of section 42 of Cap. 385.

(4) A person responsible for a public forest or community forest shall designate specific areas of the forest as buffer zones to reduce negative edge effects and enhance ecosystem services.

12. The principal Act is amended by inserting the following new section immediately after section 43—

Insertion of new section to Cap. 385.

Management of forests including dryland.

43A. (1) All forests, including dryland forests, shall be managed on a sustainable basis to promote integrated management of dryland forests through traditional and conventional management systems.

(2) The Service and the Institute, in collaboration with relevant lead agencies, county governments and private owners, shall upscale commercial and non-commercial, agro-silvo-pastoralism, fruit and fodder trees in dryland areas.

(3) The Service and the Institute shall promote sustainable harvesting and value addition of non-wood forest products derived from trees and forests.

(4) The Institute shall in collaboration with county governments and other relevant stakeholders establish technologies for tree improvement, non-timber value addition and introduction of high value species programme for the drylands.

(5) The Cabinet Secretary, in consultation with the Directorate, shall prescribe guidelines, standards and procedures for the management and utilisation of dryland forests.

13. The principal Act is amended by inserting the following new section immediately after section 53—

Insertion of new section to Cap. 385.

Framework for the
Payment for
Ecosystem Services
Schemes.

53A. (1) The Institute shall, in consultation with relevant stakeholders, establish a framework for the Payment for Ecosystem Services Schemes in public, community and private forests.

(2) The Service and the Institute shall every five years jointly undertake total economic valuation of forest ecosystem goods and services and submit the report to the Cabinet Secretary.

(3) The Service shall coordinate the implementation of the Payment for Ecosystem Services Schemes including the terms and conditions in standardized contracts, agreements and operational manuals.

(4) The Institute shall develop operational guidelines to determine incentives for the ecosystem services.

(5) The Cabinet Secretary in consultation with the National Treasury shall mainstream incentive mechanisms for Payment for Ecosystem Services Schemes.

14. The principal Act is amended by deleting section 55 and substituting therefor the following new section—

Amendment of
section 55 of Cap.
385.

Tree growing
initiatives.

55. The Cabinet Secretary shall plan and execute programmes necessary for observing tree growing initiatives and other international forest events.

15. Section 56 of the principal Act is amended—

Amendment of
section 56 of Cap.
385.

- (a) in subsection (1), by inserting the words “public or” immediately after the words “invite the”; and
- (b) in subsection (2), by inserting the following new paragraphs immediately after paragraph (d)—
 - “(da) easement for public roads and other public installations;”
 - “(db) wayleaves for public utilities.”
- (c) the provisions of subsection (2)(da) and (db) shall not apply to private forests.

16. Section 58 of the principal Act is amended—

Amendment of
section 58 of Cap.
385.

- (a) in subsection (1), by deleting the word “Service” and substituting therefor the words “Cabinet Secretary”;
- (b) adding the following new subsection immediately after subsection (3)—

(4) A person who contravenes the provisions of this section commits an offence and shall be liable, upon conviction, to a fine not exceeding five hundred thousand shillings or imprisonment of a term not exceeding one year or to both.

17. Section 59 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

Amendment of
section 59 of Cap.
385.

(2) Any person authorized by the Cabinet Secretary to operate as a timber grader or valuer immediately before the commencement of this Act shall continue operating as a timber grader or valuer and shall be deemed to have been authorized by the Secretary of Forest Regulation upon commencement of this Act

18. Section 61 of the principal Act is amended—

Amendment of
section 61 of Cap.
385.

- (a) by renumbering the existing provision as subsection (1); and
- (b) by inserting the following new subsection immediately after subsection (1)—

(2) A person who exports or imports a forest product prohibited for export or import under subsection (1) commits an offence and is liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or, to both.

19. Section 64 of the principal Act is amended in subsection (2), by deleting the words “one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment” and substituting therefor the following words “one million shillings or to imprisonment for a term not exceeding twelve months, or to both.

Amendment of
section 64 of Cap.
385.

20. Section 67 of the principal Act is amended—

Amendment of
section 67 of Cap.
385.

- (a) in subsection (1)(e), by deleting the words “national and county forests or” and substituting therefor the word “public”;
- (b) in subsection (2), by deleting the words “one hundred thousand” and substituting therefor the words “two million or a jail term to not exceeding three years, or to both”;
- (c) by adding the following new subsection immediately after subsection (8)—

“(9) In addition to the penalty prescribed under subsection (8), the court shall order the person to remove the exotic genetic material or invasive plants, solid, toxic or any other wastes from the forest, at that person’s cost.”

21. Section 71 of the principal Act is amended —

Amendment of
section 71 of Cap.
385.

- (a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Cabinet Secretary shall make regulations necessary for the carrying out or giving effect to this Act.

- (b) in subsection (2) by inserting the following new paragraphs immediately after paragraph (t)—
 - (u) management forest carbon, including the Reduced Emissions from Deforestation and Forest Degradation nesting;
 - (v) nursery certification, seed and seedling standards;
 - (w) forest data, research, and information management systems;
 - (x) the framework for awarding an inventor or innovator by the Institute;
 - (y) agroforestry and farm forestry systems; and
 - (z) buffer zones and boundary tree planting.

2026

Forest Conservation and Management (Amendment)

No. 15

22. Section 72 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)—

Amendment of section 72 of Cap. 385.

(3) The Chief Conservator of Forests shall, on a quarterly basis, submit to the Secretary of Forest Regulation copies of the registers of forest management and conservation activities specified in subsection (1).

23. Section 75 of the principal Act is amended by inserting the following new sections immediately after section 75—

Insertion of new section into Cap. 385.

Discoveries, inventions, etc. to vest in the Institute.

75A. (1) All rights in any discoveries, inventions, innovation, improvements and intellectual property rights in respect of processes, products, apparatus and machines made for or on behalf of the Institute shall vest in the Institute.

(2) Without prejudice to the generality of subsection (1), the Institute and any other entity shall jointly own any discoveries, inventions, innovation, improvements and intellectual property rights pursuant to a funding agreement between the Institute and any other entity.

Fees and other charges for services or facilities offered by the Institute.

75B. The Cabinet Secretary shall, in consultation with the Board of the Institute, prescribe the fees and other charges payable for any service or facility offered by the Institute.

24. The First Schedule to the principal Act is amended—

Amendment to the First Schedule to Cap. 385.

(a) in the heading by inserting the words “and the Board of the Institute” immediately after the word “Board”;

(b) by adding the following paragraph immediately after paragraph 4—

“5. For purposes of this Schedule the word “Board” includes the Board of the Institute.”

25. The principal Act is amended by adding the following new schedule immediately after the Third Schedule—

Insertion of new Schedule to Cap. 385.

FOURTH SCHEDULE (s.16)
OATH OF ALLEGIANCE

I.....do hereby swear that, I shall be faithful and bear true allegiance, to the President and to the Republic of Kenya, that I shall at all times, as required and authorized by law, do my utmost, to preserve the peace, and prevent offences against the same, and that I shall, to the best of my skills and knowledge, discharge all the duties of a forest officer, faithfully according to the law, and that during my tenure, in the Kenya Forest Service, I shall observe all such lawful orders as may be given to me, and I shall observe all Acts, regulations and orders, relating to the Kenya Forest Service, which may from time to time, be in force.

So, help me God

26. The Fourth Schedule to the Science, Technology and Innovation Act is amended by deleting paragraph 2.

Amendment of the Fourth Schedule to Cap. 511.

27. (1) Upon commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Institute shall vest in the Institute.

Saving and transition.

(2) All rights, obligations, powers and duties whether arising under any written law or otherwise which immediately before such day were vested in or imposed on the former Institute shall, be deemed to be vested in or imposed on the Institute.

(3) All actions, suits or legal proceedings by or against the former Institute shall be carried on or prosecuted by or against the Institute and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

(4) All directions, orders and authorizations given, or licenses or permits issued or registrations made by the former Institute and subsisting or valid immediately before the commencement day, shall be deemed to have been given, issued, or made by the Institute under this Act.

(5) The administrative directions made by the former Institute or by the Cabinet Secretary which were in force immediately before the coming into operation of this Act shall, on and after such day, have force as if they were

directions made by the Board of the Institute or the Cabinet Secretary under this Act.

(6) A contract subsisting between the former Institute and another person or entity before the commencement of this Act shall subsist between the Institute, and that person or entity.

(7) Any reference in any written law or in any document or instrument to the former Institute shall on and after the commencement of this Act, be construed to be a reference to the Institute.

(8) The Chairperson and members of the Board of the former Institute, shall, at the commencement of this Act, be deemed to be the Chairperson and members of the Board of the Institute, respectively, for the unexpired period of their term.

(9) In this section, “former Institute” means the Kenya Forestry Research Institute established under the Science, Technology and Innovation Act.

(10) The Director of the former Institute shall at the commencement of this Act, assume the duties of the Director General of the Institute for the remainder of the existing term of contract.

(11) A person who, immediately before the commencement of this Act, was a member of staff of the former Institute shall be deemed to be a member of staff of the Institute subject to such terms of service as the Board of the Institute may, on the advice of the Salaries and Remuneration Commission, determine:

Provided that a member of staff of the Institute may exercise the option not to continue in the service of the Institute.

(12) Notwithstanding subsection (12), where at the commencement of this Act, any penalty, other than dismissal, has been imposed on any employee of the former Institute pursuant to disciplinary proceedings against the employee, and the penalty has not been or remains to be served by such employee, such employee shall, on their transfer to the Institute serve or continue to serve such penalty to its full term as if it had been imposed by the Institute.

(13) Nothing in this Act shall affect the pension rights of any employee under the Pensions Act. Cap. 189.