

THE FORESTS (COAST SPECIAL AREAS) RULES

Cap. 176
(1948),
Sub. Leg.

1. These Rules may be cited as the Forests (Coast Special Areas)
2. Subject to any special rule applicable to any forest area in the special areas in the Coast Province, no person shall fell, cut, take, work or remove any trees growing in the special areas in the Coast Province, hereinafter referred to as the Coast special areas, without having first obtained the licence in writing prescribed by rule 3 of these Rules:

Provided that-

- (i) nothing in these Rules shall apply to the case of any African felling cutting or removing any tree or timber for the purpose of erecting for his own or his immediate family's use an African hut or house for habitation in the Coast special areas or cutting or collecting wood or forest produce for his own use as fuel or for other domestic purposes:
 - (ii) a District Commissioner, in regard to so much of the Coast special areas as is situate in his district, may, notwithstanding, on being satisfied that any person or persons, firm or company is or are under a contract or contracts to supply fire wood to the East African Railways and Harbours Administration, grant in form 3 in the Schedule to these Rules, for the purposes of such contract or contracts, and for such purposes only, a free licence in writing to any person or persons, firm or company to fell, cut, take or remove any trees growing in the Coast special areas to such number or amount (if any) as he may specify in such licence without payment of the royalties prescribed by these Rules; saving always that in any such free licence as aforesaid such District Commissioner may in his absolute discretion except from the operation of the said licence such trees as he shall specify therein;
 - (iii) the District Commissioner, in regard to so much of the Coast special areas as is situate in his district, may grant a licence to any native of the district to cut and remove any specified tree for the purpose of making a canoe for his own use, and may in his absolute discretion remit the whole or any part of the royalties prescribed by these Rules in respect of such timber.
3. Application for any such licence as is referred to in rule 2 of these Rules shall be made to the District Commissioner of the district in which the trees or timber in respect of which application is made are situate, and such District Commissioner shall thereupon grant a licence in writing to the applicant subject to the conditions and in form 1 in the Schedule to these Rules:

Provided always that the decision of the District Commissioner as to the number of trees of each species respectively to be included in such licence shall be final and without appeal.

4. (1) The holder of any such licence as aforesaid shall transport the trees and the dogs or timber hewn or sawn from the trees in respect of which such licence is granted to such place as the said District Commissioner specifies in the licence in order that the same may be measured for the purpose of calculating the amount of royalties payable.

(2) No such trees, logs or the timber, as the case may be, shall be removed from such place until the royalties prescribed by these Rules have been paid and a permit in writing obtained from the person to whom such royalties have been paid authorizing the removal of the same.

(3) Such permit in writing shall be in form 2 in the Schedule to these Rules.

5. (1) There shall be paid by the holder of a licence granted under rule 3 of these Rules or by the applicant for a removal permit under rule 4 of these Rules, as the case may be, the following royalties-

ROUND TIMBER

	Per cubic foot
	Sh. cts.
Mbemba Kofe (<i>Azelia cuanzenis</i>).....	0 50
Mvule (<i>Chlorophora excelsa</i>).....	0 50
Muhuhu (<i>Brachylana sp.</i>).....	0 50
Mpingu or Ebony (<i>Dalbergia melanoxylon</i>).....	0 50
Mwangati (<i>Terminalia sp.</i>).....	0 50
All other trees.....	0 40

SAWN OR HEWN TIMBER

Mbemba Kofe (<i>Azelia cuanzenis</i>).....	1 00.
Mvule (<i>Chlorophora excelsa</i>).....	1 00
Muhuhu (<i>Brachylana sp.</i>).....	1 00
Mpingu or Ebony (<i>Dalbergia Melanoxylon</i>).....	1 00
Mwangati (<i>Terminalia sp.</i>).....	1 00
All other timbers.....	1 75

(2) There shall be paid for firewood dispatched by rail from the Coast special areas a royalty of Sh. 20 per 10-ton truck load or part thereof.

(3) Firewood cut in the Coast special areas which is not sent by rail shall be stacked for measurement in accordance with the condition of a permit

issued under rule 4 of these Rules, and there shall be paid a royalty of 6 cents per stacked cubic foot.

6. Any person contravening any of the provisions of these Rules or any of the terms or conditions of any licence issued under these Rules shall be deemed to be guilty of an offence under the Ordinance.

SCHEDULE (rr. 2,3 and 4)

FORM I

LICENCE UNDER THE FORESTS (COAST SPECIAL AREAS) RULES Office of the District Commissioner.

Situated at

Name of licence holder.....

Tribe of licence holder.....

Sub-tribe of licence holder.....

Headman of licence holder.....

District of licence holder

Particulars of any personal marks of licence holder.....

.....

This is to certify that the above-namedis hereby granted permission, pursuant to the Forests (Coast Special Areas) Rules, to fell, cut and remove, from the date hereof up to and including theday of.....the following number of trees of the following descriptions respectively, that is to say

.....situate in the special areas in the Coast Province in the district of..... upon the conditions hereunder mentioned.

Conditions

1. All trees or timber felled, cut and removed under this licence shall be removed to and stacked for measurement at

2. All trees or timber so removed and stacked for measurement..... at shall be measured for the purpose of calculating the amount of royalties due and payable in accordance with the Forests (Coast Special Areas) Rules, and no such trees or timber shall be removed therefrom unless and until all such royalties have been duly paid and a removal permit duly granted in accordance with the said Rules.

Dated this.....day of.....19.....

.....
District Commissioner.

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FORM 2

REMOVAL PERMIT UNDER THE FORESTS (COAST SPECIAL AREAS) RULES

Office of
Situates at

Name of permit holder

Address of permit holder

Tribe of permit holder

Sub-tribe of permit holder

Headman of permit holder

District of permit holder

Particulars of any personal marks of permit holder
.....

This is to certify that the above-named is entitled to remove from
.....the number of trees or logs particulars of which are stated
hereunder:-

Particulars

Total number of trees or logs
of each species

Total number of cubic feet of
each species respectively

Total amount of royalties paid in
respect of each species
respectively

- 1.
- 2.
- 3.
- 4.
- 5.

6.

Dated this.....day of.....,19.....

Signature.....

Designation.....

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FORM 3

LICENCE FOR A FUEL CONTRACTOR TO THE EAST AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION PURSUANT TO THE FORESTS (COAST SPECIAL AREAS) RULES

Office of the District Commissioner.

Situate at

Name of licence

holder.....

Address of licence holder

.....

Particulars of any personal marks of licence

holder.....

Date and parties to contract of licence holder with the East African
Railways and Harbours Administration

.....

This is to certify that the above-named.....is
hereby granted permission pursuant to the Forests (Coast Special Areas) Rules for the purposes
only of the above-mentioned contract to fell, cut, take or remove any trees in the special areas in
the Coast Province to the number or amount of the following, that is to say:

.....

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save and except trees described or specified as follows, that is to say:

.....

.....

without payment of any royalties set out in the Forests (Coast Special Areas) Rules.

Dated this.....day of....., 19.....

.....

District Commissioner.