

CHAPTER 47

FOREST LAW

SUBSIDIARY LEGISLATION

Forest Regulations

*made under section 33**Arrangement of Regulations*

E.R.L.N. 230

of 1956.

E.N.L.N. 70 of
1963.E.N.L.N. 36 of
1966.*Regulation*

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Citation and
application.

1. (1) These regulations may be cited as the Forest Regulations.
- (2) These regulations shall apply to all forest reserves, protected forests and to all lands at the disposal of Government and to communal lands other than—
 - (a) any area for which a notice of withdrawal has been published under section 3 of the Law;
 - (b) any area excluded from the operation of these regulations by a notice given under section 34 of the Law; and
 - (c) any local government plantation or forest reserve placed under the guidance and direction of the Commissioner under section 30 of the Law.

Definitions.

2. In these regulations—

“the Law” means the Forest Law;

“licence” includes any agreement contracted or authority to exploit a specified area for a specified period of time;

“permit” means an authority to exploit specified forest produce subject to the provisions of regulation 18, or to commit specified acts in a forest reserve.

Power of
Chief
Conservator
with respect
to rights in
forest
reserves.

3. (1) The Chief Conservator may by notice in the *Anambra State Gazette* order that free permits shall be given for the exercise of any rights set forth in an order constituting a forest reserve.
- (2) Such permit shall be obtained from an Assistant Conservator and shall state the right, specify the kind of forest produce and define the area and the period of time within which such right may be exercised.
- (3) Any timber of forest produce taken under such a permit shall be for the domestic use of the holder of such permit only and such permit shall not

authorize the holder thereof to take or destroy any protected tree nor authorize him to employ any person to assist him in taking or to take on his behalf any timber or forest produce.

(4) Any person who, being a holder of such a permit in the exercise of the rights under such permit—

- (a) destroys any protected tree; or
- (b) employs another to assist him in taking or takes on his behalf any timber or forest produce; or
- (c) sells, exposes for sale or barter any timber taken by him, shall be guilty of an offence.

4. The Commissioner may by order prohibit the exercise of all or any rights set forth in an order constituting a forest reserve for a specified period where it appears to him that such an order would be in accordance with the provisions of a working plan:

Power of the
Commissioner.

Provided that the area to which such a order relates shall not exceed one-quarter of the forest reserve to which it refers.

5. (1) The holder of a right in a forest reserve may lease such right with the approval of the Chief Conservator who may impose such conditions as he shall think fit.

Holder of right
may lease such
right.

(2) This regulation shall not apply to the holder of a free permit issued under regulation 3.

6. Subject to the provisions of the Law, these regulations, and to the provisions of any licence or permit issued thereunder, any person who on any lands to which these regulations apply—

Protection of
forest reserve
and forest
produce.

- (a) takes any timber or protected tree or any protected minor forest produce; or
- (b) uproots, destroys injures any protected tree or protected minor forest produce or any tree or plant from which any protected minor forest produce is obtainable;

shall be guilty of an offence.

7. (1) An Assistant Conservator with the approval of the Chief Conservator may by notice prescribe the times at which smoking or the

Fires and
smoking.

lighting of fires shall be prohibited in any forest reserve or protected forest and the times at which the setting of fire to forest growth shall be allowed in any forest reserve or protected forest.

(2) Any such notice shall be published in the *Anambra State Gazette* and shall be posted at the Customary Courts in the area and on the boundaries of the forest reserve or protected forest to which it relates.

(3) Any person contravening the provisions of any such notice shall be guilty of an offence.

Offences of
selling, etc.,
forest
produce;
legally
obtained.

8. Any person who is in possession of or who sells, purchases, or exports any timber or minor forest produce which has been taken in contravention of any provision of the Law shall be guilty of an offence.

Licences
under section
31 of the Law.

9. Applications for the grant of any licence under the provisions of section 31 of the Law shall be made to the chief Conservator.

Fee and stamp
duty.

10. A licence granted under section 31 of the Law shall be registered and the licensee shall pay the fee for such registration and the appropriate stamp duty thereon.

Terms of
licence.

11. (1) Subject to the provisions of any order made under regulation 4, the grant of a licence under section 31 of the Law shall not affect the right of any person to any free grant of forest produce, to which he was entitled previous to the grant of the licence and which may be required for *bona fide* domestic purposes, including the construction of agricultural implements, fences, vessels, holdings, bridges or other works but not for sale or barter.

(2) Any licence granted under section 31 of the Law shall be subject to the following terms-

- (a) an Assistant Conservator may order that any timber may be taken from the area to which such licence relates where it is required on behalf of Government or a local government council if the licensee is unable to supply the requirements upon reasonable commercial terms;
- (b) an Assistant Conservator may order that any tree shall be cut down and removed in the area to which such licence relates in the course of the construction or maintenance of any road, telegraph or other public work;

- (c) an Assistant Conservator may issue permits for the construction of canoes within the area to which such licence relates subject to any agreement with the licensee.

12. A licensee under section 31 of the Law shall be required to take out in advance permits in the Form 1 in the Schedule to cover the removal of specified forest produce. A licence to take out permits.

13. (1) With the approval of the Commissioner, the Chief Conservator may invite tenders for or may advertise for sale by public auction a licence to exploit a specified kind of forest produce in a specified area on such terms as he shall think fit. Tenders.

(2) Tenders or bids may include the fees and royalties payable or such fees and royalties may be payable in addition.

(3) The Chief Conservator shall not be bound to accept the highest or any tender or bid.

14. Any licence granted under section 31 of the Law may be terminated— Termination of licence.

(a) by the Commissioner—

- (i) if the licensee, his agents, servants or workmen fail to comply with any of the conditions of such licence, or
- (ii) if the licensee becomes insolvent or his business is wound up or goes into liquidation;

(b) by the licensee—

by giving the Commissioner six months notice in writing of his intention to do so.

15. Any permit issued under the provisions of sections 42 and 44 of the Law shall be in Forms 1, 2, 3, 4, 5, 6 and 7 in the Schedule and shall be issued subject to the conditions printed thereon and such other conditions as shall be stated at the time of issue. Issue of permit.

16. Where a permit is issued for an area in respect of which a licence has been granted under section 31 of the Law it shall be read subject to the terms of such licence and it shall not authorize the taking of any tree issue of permit where licence has been granted.

specified in such licence without the permission of the licensee, and the terms of such licence shall not be affected by the issue of a permit in any way.

Fees and
royalties
payable in
respect of a
permit .

17. The fees and royalties payable in respect of the permit and the girths assigned to the trees specified in the permit shall be at the rates in force at the time of the issue of the permit as prescribed in the tariff authorized under the provisions of these regulations:

Provided that an Assistant Conservator with the approval of the Chief Conservator may—

- (a) remit the fees and royalties in the case of timber to be taken for samples;
- (b) reduce the fees and royalties on any dead, fallen, hollow or mis-shapen tree;
- (c) reduce the fees and royalties on any tree removed in the course of silvicultural operations;
- (d) reduce the minimum girth for trees to be taken under the permit below that prescribed in the tariff, prepared under regulation 28.

Period of
permit and
value, etc.

18. (1) A permit shall be valid for six months from the date of issue when it shall expire unless extended in accordance with this regulation.

(2) An Assistant Conservator may, acting in his discretion, extend a permit for further periods which shall not exceed six months in any one case or eighteen months in the aggregate. For each such extension a fee not exceeding 10 per cent of the original value of the permit shall be recovered at the discretion of the Assistant Conservator.

(3) No permit shall be issued in respect of timber or minor forest produce to the value of over two hundred naira except when issued under regulation 12.

Permit to be
produced.

19. Any person to whom a permit has been issued, who shall fail to produce his permit for inspection whenever required to do so by a forest officer, an administrative officer or a police officer, shall be guilty of an offence.

Permit to take
minor forest
produce.

20. A permit to take specified minor forest produce shall not, except with written permission of an Assistant Conservator, authorize the holder thereof to employ any person to assist him in taking or to take on his behalf any minor forest produce.

21. Any person, who without the authorization of an Assistant Conservator alters, defaces or destroys any valid permit, shall be guilty of an offence. Destruction, etc., of permit.

22. The holder of any permit issued under these regulations shall pay compensation to the owners of any property which is damaged by him in the exercise of any rights conferred by such permit. Holder of permit to pay compensation.

23. An Assistant Conservator may require any applicant for a permit or any person to whom a permit has been issued to deposit with the Accountant-General a sum not exceeding two hundred naira as security for the fulfillment of his obligations under any permit issued under these regulations and such deposit may be forfeited wholly or in part at the discretion of the Chief Conservator if in the opinion of that officer, he has failed to fulfil such obligations. Deposit may be required.

24. Any timber derived from a tree felled under permit which, on the expiry of such permit, has not been removed from the place of felling may be disposed of by an Assistant Conservator in his discretion and the holder of the expired permit shall have no right thereto. Timber remaining after expiry of permit.

25. Any permit issued under these regulations may be cancelled by an Assistant Conservator if the holder of such permit fails to comply with any of the conditions of such permit. Cancellation of permit.

26. Any person, who transfers a permit to another person without the prior approval of an Assistant Conservator, shall be guilty of an offence. Transfer.

27. Within fifteen days of the date of expiry or cancellation of any permit, the holder thereof shall cause it to be returned to the office from which it was issued. Return of permits upon expiry, etc.

28. (1) The Chief Conservator shall prepare a tariff (hereafter called "the tariff") prescribing the species of protected trees and the rates at which fees and royalties shall be payable in respect of protected trees (of different species) and firewood derived from them, and in respect of minor forest produce taken under a permit issued under these regulations and shall also Fees and royalties.

prescribe the minimum girths below which protected trees shall not be cut without his authorization and the rates at which fees and royalties shall be payable in respect of volume of merchantable wood.

(2) Any fees payable shall be paid into the Treasury.

(3) Any royalties payable shall be paid to individual owners or as directed by the Commissioner under the provisions of section 32 of the Law.

(4) Where fees and royalties are both payable (hereinafter called "the tariff rate"), the fees shall form 80 per cent of the tariff rate and the royalties 20 per cent thereof, except in the case of protected forests where the fees shall form 50 per cent of the tariff rate and the royalties 50 per cent thereof.

(5) Un-to-date copies of the tariff shall be kept at all forest offices and shall be open to inspection during ordinary office hours or may be had on application to any forest officer on payment of a fee of ten kobo.

Fees and
royalties
payable in
advance.

29. (1) All fees and royalties payable under the provisions of any permit shall be paid before the issue of such permit.

(2) Until the appropriate fee and royalties have been paid in respect thereof no tree shall be girdled or felled and no forest produce shall be taken under a licence granted under section 31 of the Law.

Free permits
to fell .

30. An Assistant Conservator may issue or cause to be issued free permits in Form 1 in the Schedule to fell protected trees in forest reserves and protected forests—

(a) Where the timber is required by the Forest Department for the construction or maintenance of any building, bridge, fence or road under its management and control or for the preparation of specimens of timber or for similar purposes;

(b) where the timber is required for any work of public utility in the construction or maintenance of which no contractor or other middleman is engaged with a view of profit, and if other species of suitable timber are not available in any other forest within a reasonable distance:

Provided that no such free permit shall be issued to any village, community, school committee or other public body to which an annual grant is made

from the public revenue or to any school or other public institution maintained by Government or for the maintenance of which a contribution is made from public revenue;

- (c) when the trees are required to be removed in accordance with a working plan.

31. The holder of a fuel permit shall stack all firewood taken at such places and in such a manner as an Assistant Conservator may direct. Firewood.

32. (1) Any person other than an officer or employee of the Government (or a local government council who has been duly authorized in this behalf) who has in his possession or who uses any marking hammer or instrument for impressing marks upon timber except it has been registered in accordance with these regulations shall be guilty of an offence. Marking hammers and instruments to be registered. Offences.

(2) Any person, who uses a marking hammer or instrument for impressing marks upon timber which has been registered outside the area specified in the certificate of registration relating thereto, shall be guilty of an offence.

33. Any person, who alters or effaces any mark impressed upon timber by a forest officer or any person authorized by a local government council to mark timber without the authorization both of an Assistant Conservator and the owner of the timber, shall be guilty of an offence. Marks not to be altered or effaced.

34. An Assistant Conservator may require any applicant for a permit in Form 1 of the Schedule to mark below the place where it is intended to cut every tree that he wishes to have included in the permit and to submit in duplicate a list of such trees showing the mark and numbers they bear, the species and girth of each tree, its location, the nearest village thereto and the name of the local government council within the area of whose authority the tree stands and this list shall be endorsed by him and annexed to the permit. List of marked trees may be annexed to permit.

35. (1) An Assistant Conservator may register any marking hammer or marking instrument presented to him for registration and shall issue a certificate of registration therefor upon the payment to him of a fee of ten kobo. Registration of marking hammers, etc..

(2) Such certificate of registration shall state the area in respect of which the marking hammer or marking instrument may be used.

(3). Such registration shall be valid for one year from the date thereof.

(4). An Assistant Conservator may refuse to register any marking hammer or marking instrument which gives an impression which in his opinion is unsuitable.

Timber not to
be moved
until marked.

36. Any person who shall move any piece of timber taken under a permit from the place where it was felled until every piece of timber to be moved and the stump of the tree from which it was derived have been marked with the Forest Division pass hammer (and, if an Assistant Conservator shall so direct, with the marking hammer or marking instrument of the owner in addition) shall be guilty of an offence.

Waterways.

37. (1) Any person who shall permit any timber taken by him to obstruct or endanger the free navigation of any waterway shall be guilty of an offence.

Demarcation
of forest
reserve.

38. A forest officer may with his agents, servants and workmen enter upon any land in respect of which a notice has been published under the provisions of section 8 of the Law and upon any land included in or adjoining a forest reserve and may make all enquiries and may do or cause to be done all things necessary for effecting the demarcation of the boundaries of such land.

Penalty.

39. Any person convicted of an offence under these regulations shall be liable to a fine not exceeding two hundred naira or imprisonment not exceeding twelve months or to both such fine and imprisonment.

SCHEDULE
ANAMBRA STATE OF NIGERIA
THE FOREST REGULATIONS

Original

Book No..... Permit No.....

Form 1

Permit to take Protected Trees

Name of permit holder.....

Address of permit holder.....

Form 2

Fuel Permit

Name of permit holder.....

Address of permit holder.....

Locality in which valid.....

This permit is issued subject to the provisions of the Forest Law and of the regulations made thereunder for the time being in force in the area to which it relates. It is also subject to such special conditions (if any) as may be hereinafter set out and will expire on the day of, 19.....

List of Permitted Species	Permit Fee

.....
Issuing Officer

.....
Local Government Area

.....
Date

.....
Title

See back of permit for special conditions (if any).

ANAMBRA STATE OF NIGERIA
THE FOREST REGULATIONS

Original

Book No..... Permit No.....

Form 3

Permit to take Minor Forest Produce in a
Forest Reserve.

Name of permit holder.....

Address of permit holder.....

.....
Name of reserve.....

Locality.....

Royalties payable to.....

This permit is issued subject to the provisions of the Forest Law and the regulations for the time being in force thereunder and to the conditions set out on the reverse, and expires on the day of, 19.....

Amount	Species	Rate	N	K

Fees..... N K

Royalties.....

Total N

....., 19.....

.....
Issuing Officer

.....Local Government Area

See back of permit for
special conditions (if any).

ANAMBRA STATE OF NIGERIA
THE FOREST REGULATIONS

Book No..... Permit No..... Original

Form 4

Permit to Farm within a Government Forest Reserve.

Permit No.....

PERMISSION IS GRANTED TO:

.....
of.....
to form within the Reserve

during the period..... to the 31st December,
 19..... subject to the conditions of the Forest Law and the regulations made
 thereunder as well as to the conditions specified below-

1. the permit is personal.
2. That only such areas are farmed as are set aside for that purpose by the Assistant Conservator.
3. That the species of trees indicated on the reverse may not be felled or injured when the land is cleared for farming.
4. That a breach of any of these conditions will render the permit liable to forfeiture and the holder to the penalties prescribed in the Law.

....., 19.....

.....
Issuing Officer

.....
Local Government Area

*See back of permit for
 special conditions (if any).*

ANAMBRA STATE OF NIGERIA
 THE FOREST REGULATIONS

Original

Book No..... Permit No.....

Form 5

Permit to Reside within a Government Forest Reserve

Permit fee.....

PERMISSION IS GRANTED TO:

.....
 of.....
 to reside within the
 Reserve on the site named on the reserve hereof during the period to 31st
 December, 19..... inclusive, subject to the conditions of the Forest Law and the
 regulations made thereunder.
, 19.....

.....
Issuing Officer

..... Local Government Area

See back of permit for
special conditions (if any).

ANAMBRA STATE OF NIGERIA
THE FOREST REGULATIONS

Original

Book No..... Permit No.....

Form 6

Permit to Hunt within a Government Forest Reserve

Permit fee.....

PERMISSION IS GRANTED TO:

.....
of
to hunt within the Forest Reserve during the period
to inclusive, subject to the provisions of the Forest Law and the
regulations for the time being in force thereunder.

This permit does not authorize the holder to hunt any protected animal unless the holder
is authorized to hunt such animal by or under the Wild Animals Preservation Law
(Chapter 152).

....., 19.....

.....
Issuing Officer

..... Local Government Area

See back of permit for
special conditions (if any).

ANAMBRA STATE OF NIGERIA
THE FOREST REGULATIONS

Original

Book No..... Permit No.....

Form 7

Permit to Fish within a Government Forest Reserve

Permit fee.....

PERMISSION IS GRANTED TO:

.....of
 to fish within the
 Reserve during the period to
 inclusive, subject to the conditions of the Wild Animal Preservation Law (Chapter 152)
 and the Forest Land and the regulations made thereunder or to any other law/regulations
 controlling the taking of fish.
, 19.....

.....
 Issuing Officer

..... Local Government Area

See back of permit for
 special conditions (if any).

Forest Reserve Orders

*made under section 7, or deemed by virtue
 of section 51 to have been so made.*

NB: The orders constituting Forest Reserves and orders amending those orders are not printed in this edition of the Laws. Instead there is printed the following summary of them, setting out by Local Government Areas the Forest Reserves and the publication of the orders and amending orders. Where there is a working plan for any Reserve, the number of its publication is shown. Copies of the orders and working plans can be seen in the office of the Forest Officer of the Local Government Area concerned and in the office of the Chief Conservator of Forests at Enugu.

Forest ReservesOrdersABAKALI L.G.A.

Ishieke Forest Reserve.....

ERLN No. 5 of 1963

Ohatekwe-Ishieke Forest Reserve.....

ASLN No. 7 of 1983

Unuhu Agbaja Forest Reserve.....

ASLN. No. 22 of 1986

ANAMBRA L.G.A.

Anambra Forest Reserve.....

Order No. 60 of 1936

Revised and modified

ERLN 125 of 1955

Working plan ERLN
101 of 1960.AWGU L.G.A.

Ifite Amoli Forest Reserve.....

ASLN No. 8 of 1989

No. 1

AWKA L.G.A.

Achalla Forest Reserve.....

Order No. 3 of 1950

ENUGU L.G.A.

Enugu Forest Reserve.....

Order No. 1 of 1928

Amended: Orders No.
18 of 1928 and 6 of
1941Dereserved in part:
ERLN 219 of 1957
Revised and modified
ERLN 259 of 1958.

Enugu Extension Forest Reserve.....

Order No. 3 of 1943

Enugu Headwater Works Forest Reserve.....

ERLN 184 of 1954

Miliken Hill Forest Reserve.....

ERLN No. 117 of 1967

EZEAGU L.G.A.

Aguobu Owa Forest Reserve.....

ASLN No. 20 of 1986

OGBAHU L.G.A.

Osomari Forest Reserve..... Order No. 21 of 1928
Amended: Orders 44 of
1931 and 33 of 1953
Revised and modified:
ERLN 228 of 1955 and
280 of 1958.

ISI-UZO L.G.A

Umualor Forest Reserve..... ASLN. No. 32 of 1991

OHAUKWU L.G.A

Effium Forest Reserve..... Order No. 36 of 1930
Revised and modified
ERLN Order 3 of
Working Plan ERLN
499 of 1960

ISIELU L.G.A

Okpoto Forest Reserve..... ASLN No. 10 of
1989

OJI RIVER L.G.A.

Oji River Forest Reserve..... ERLN No. 13 of
1960

Awlaw/Isikwe Achi Forest Reserve..... ASLN No. 9 of 1989

ONITSHA L.G.A

Akpaka Forest Reserve..... Order No. 17 of 1929
Amended Orders
No. 17 of 1932, 14 of
1935 Revised and
modified Orders 5
of 1953 and 7 of
1953.

Akpaka Extension Forest Reserve..... Order No. 19 of 1937
Amended: 6 of 1953.

Nkissi Water Works Reserve..... ASLN No. 21 of
1986

ORUMBA L.G.A.

Mamu River Forest Reserve..... Order No. 11 of 1930
Amended: Orders 45
and 46 of 1941
Modified Order No.
47 of 1941. Working
Plan ERLN 22 of
1959.

UDIL G.A.

Akpakume Forest Reserve..... ASLN N. 119 of
1979.

**Smoking or Lighting of Fires (Prohibition)
Order**

made under regulation 7(1)

L.N. 124 of
1957. L.N. 137
of 1957.
E.N.L.N. 20 of
1965.

This order may be cited as the Smoking or the Lighting of Fires
(Prohibition) Order.

All smoking or the lighting of fires in the undermentioned Forest Reserves
are hereby prohibited:

- (i) Yache Forest Reserve
- (ii) Effium Forest Reserve
- (iii) Ikrigon Forest Reserve
- (iv) Anambra Forest Reserve
- (v) Mamu River Forest Reserve
- (vi) Achalla Forest Reserve
- (vii) Akpaka Forest Reserve
- (viii) Osomari Forest Reserve
- (ix) Enugu Forest Reserve
- (x) Enugu Extension Forest Reserve
- (xi) Enugu Water Headworks Forest Reserve
- (xii) Ishieke Forest Reserve.

E.N.L.N. No.
47 of 1963.

Forest Law

In exercise of the powers conferred by section 33 of the Interpretation Law, Local Government Secretaries in charge of Local Government Areas are hereby deputed to exercise the powers conferred under section 32 (4) of the Anambra State Forest Law, whenever the amount of the Forest Royalty payable to a village community or group of persons does not exceed N200, and subject to such further directives as may be issued from time to time.
