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THE FOREST ACT, (CAP. 323)

REGULATIONS

(Made under section 106(1))

THE FOREST (PRODUCTION, TRANSPORT AND SELLING OF BRIQUETTES)
REGULATIONS, 2021

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THE FOREST ACT, (CAP 323)

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(Made under section 106 (1))

THE FOREST (PRODUCTION, TRANSPORTATION AND SELLING OF BRIQUETTES)
REGULATIONS, 2021

PART I

PRELIMINARY PROVISIONS

- | | |
|---------------------------|--|
| Citation | 1. These Regulations may be cited as the Forest (Production, Transportation and Selling of Briquettes) Regulations, 2021. |
| Interpretation
Cap 323 | <p>2. In these Regulations, unless the context otherwise requires:</p> <p>"Act" means the Forest Act;</p> <p>"briquettes" means a densified biofuel having a cubic, rectangular, prismatic or cylindrical shape, produced from tree leaves, braches, twisted trunks, stamps, roots, wood chips, saw mill debris and any other forest produce debris compressed at a high pressure carbonized or uncarbonized;</p> <p>"forest produce debris" means tree leaves, tops, braches, twisted trunks, stamps, roots, logging chaff, unmerchantable wood, slash and small trees from thinning sand cleaning, wood chips, saw mill debris and any other forest produce waste materials;</p> <p>"Conservation Commissioner" means the Chief Executive of Tanzania Forest Services Agency;</p> <p>"road" means any path and every way over which the public has a right of way and includes a bridge or culvert.</p> <p>"briquette dealer" means a person registered under these Regulations to produce and distribute briquettes for selling;</p> <p>"briquette plant" means a plant used for production of briquettes from forest produce</p> |

debris and registered in accordance with regulation 3 of these Regulations;

PART II
MATTERS RELATING TO PRODUCTION OF BRIQUETTE

Registration of
briquettes
plants and
dealers
Gn. No.
153 of 2004

3.-(1) A person shall not install and operate a briquette plant and trade on briquettes unless he applies and obtains a certificate of registration as a briquette dealer in accordance with the Forest Regulations, 2004.

(2) In determination of applications for registration as a briquette dealer the

Chief Executive, shall consider the following: the applicant must have business licence;

(a) the applicant must have Tax Identification Number;

(b) proposal on the sources of forest produce debris;

(c) area where the briquette plant shall be installed; and

(d) the type of technology to be used in briquette production.

Sources of
forest produce
debris

4. The forest produce debris may be collected from the following areas:

(a) National Forest Reserves;

(b) Forests on General Land;

(c) National soft and hardwood Forest Plantations;

(d) Local Authority Forest Reserves;

(e) Village Land Forest Reserves;

(f) Community Forest Reserves;

(g) Unreserved forests in Village land;

(h) Private Forest Reserves;

(i) Private forest plantation or woodlots; and

(j) Registered sawmills or any other forest produce dealers who generate forest produce debris.

Requirement
for collection
of forest
produce debris

5.- (1) A person shall not collect forest produce debris for production of Briquettes unless he is registered to operate a briquette plant or has an agreement to supply forest produce debris to a registered briquette plant.

GN.No
153 of2004

(2) Where the forest produce debris is from a forest managed by the Central or local government authorities, a person intending to collect shall-

(a) apply to the Chief Executive for a permit to collect forest produce debris in a form specified under the First Schedule to these Regulations;

(b) pay to the relevant authority fees as prescribed in the Fourteenth Schedule of the Forest Regulations, 2004; and

(c) obtain a forest produce debris collection permit specified under the Second Schedule to these Regulations.

(3) Where the forest produce debris is from private owned forests, community forests, registered saw mills or any other forest produce dealers who generate forest produce debris, a person intending to collect shall-

(a) apply to the Conservation Commissioner for a permit to collect forest produce debris and avails an agreement of purchase of forest produce debris from the owner of a private forest, community forest, registered saw mills or any other forest produce dealer who generates forest produce debris; and

(b) obtain a forest produce debris collection permit specified under the Second Schedule to these Regulations.

(4) The Conservation Commissioner shall issue the permit for collection of forest produce debris under these Regulations.

(5) A permit issued under these Regulations shall not be transferable.

Removal of
forest produce
debris GN. No.
153 of 2004

6.-(1) No forest produce debris shall be removed from the areas prescribed under regulation 4 unless a transit pass has been issued in accordance with the Forest Regulations, 2004.

(2) The removal of forest produce debris allowed by a permit issued under these Regulations shall be completed within the period prescribed in the permit.

(3) The forest produce debris removed under the provisions of these Regulations shall be

transported on a track or road or any other appropriate method approved by the Conservation

Commissioner as prescribed on the permit or Transit pass issued.

Prohibition of making briquette from logs and poles

7.-(1) A person permitted to install and operate a briquette plant or deal in briquettes shall not make briquettes from logs or poles.

(2) A person who contravenes sub regulation (1) commits an offence and shall on conviction be liable to a fine not less than two million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one year or both, such fine and imprisonment and on top of the penalty the briquettes and forest produce involved in the commission of the offence shall be forfeited to the Government.

Record keeping

8.-(1) A person registered as a producer of briquettes shall keep a record of sources of forest produce debris, copies of permits, licences and transit pass.

(2) A registered producer of briquettes shall not engage in trade on briquettes with distribution agents who are not registered as briquette dealers.

(3) An authorized officer may at any time enter the premises in which the production, storage, wholesale or retail trade in briquettes is being undertaken for purposes of inspecting the records and the briquettes.

(4) Any person who contravenes the provision of this regulation commits an offence.

Revocation, suspension and cancellation of permit

9.-(1) The Conservation Commissioner may revoke, suspend or cancel the permit issued under these Regulations where the holder of the permit contravenes the conditions of the permit or the provisions of these Regulations.

(2) Before the Conservation Commissioner exercise his power under sub regulation (1), shall issue a notice to the permit holder and grant him a right or an opportunity to be heard within fourteen working days.

(3) A permit holder shall be notified within fourteen working days on the cancelation, revocation and suspension of the permit and the reasons thereof.

(4) Whenever a permit is suspended, cancelled or revoked, the permit holder shall cease operations of the briquette production or dealing that is the subject of the permit.

Appeal

10.-(1) A permit holder who is aggrieved by the decision of the Conservation Commissioner may appeal to the

Minister within fourteen working days from the date of receipt of the notice of revocation, cancellation or suspension.

(2) Upon receipt of the appeal the Minister may give his decision with thirty working days.

PART III

MATTERS RELATED TO TRADE AND EXPORT OF BRIQUETTES

Registration of
Property marks
Cap.326

11. Any person permitted to produce briquettes shall register the brand in accordance with the Trade and Service Mark Act.

Restriction on
use of property
marks

Cap. 326

12.-(1) No person or a permit holder other than the registered owner shall use a registered mark.

(2) No person shall use unregistered, defaced or counterfeited property marks on briquette packages.

(3) A person who contravenes sub regulations (1) and (2) under this regulation and any person, who defaces, destructs, cut out or removes any of the registered trade marks, commits an offence in accordance with Trade and Service Mark Act.

Power to seize
unbranded
briquettes

13. A authorised officer shall have powers to seize any briquettes not branded and shall inform relevant authority for proper action.

Movement and
transportation
of briquettes

14.-(1) A person evacuating, hauling or transporting briquettes for commercial purposes shall ensure that, he carries together with the briquette consignment transported, a copy of the certificate of registration as a briquette dealer and a transit pass issued in accordance with the Third Schedule to these Regulations.

(2) A person evacuating, hauling or transporting briquettes for commercial purposes shall pass through the routes and checkpoints stipulated on the transit pass for inspection purposes.

(3) A person who contravenes the provision of this regulation commits an offence.

Inspection for
export of
briquettes GN.
No.
153 of 2004

15.-(1) A registered briquette dealer intending to export briquettes shall apply for inspection of the briquettes in a form specified in the Fifth Schedule to these Regulations.

(2) No briquette consignment shall be exported unless it has been authorised by relevant authority, inspected by an authorized officer and issued a certificate of inspection as prescribed in the Fourth Schedule to these Regulations.

(3) Authorized officer referred in subregulation (2) shall before issuing an inspection certificate ensure that:

- (a) the briquettes were produced in accordance with these Regulations and the packaging displays the registered mark of the producer; and
- (b) the applicant has paid inspection fees as prescribed in the Forest Regulations, 2004.

(4) It shall be an offence for any authorized officer to issue any certificate of Inspection knowing or having any reason to believe that the same is false in any material peculiar.

Export Permit

16.-(1) A person registered as a forest briquette dealer intending to export briquettes may apply for an export permit in a manner prescribed in the Sixth Schedule to these Regulations.

GN.No. 153
of 2004

(2) No briquettes shall be exported unless an export permit has been issued upon payment of export permit fees as prescribed in the Forest Regulations, 2004.

(3) Application for an export permit, shall be accompanied by a valid Certificate of Inspection referring to the briquette consignment for which the application is made, or reference shall be made on the application form to the appropriate Certificate of Inspection where such Certificate of Inspection have been submitted with some prior application for an export permit.

General penalty

17. A person who contravenes any provision of these Regulations for which no specific penalty is provided for in the Act shall be liable on conviction, to a fine not less than one million shillings but not exceeding five million shillings or imprisonment for a term not less than six months or to both, such fine and imprisonment.

FIRST SCHEDULE

Serial No.

(Made under regulation 5(2)(a))

FORM OF APPLICATION FOR A PERMIT TO COLLECT FOREST PRODUCE DEBRIS

I/We of P. O. Box hereby make an application to collect forest produce debris operate in Forest Reserve/General Land/..... at of the following description:

- a)
- b)
- c)

Description of forest produce debris quantity in Tonnes/Kg

I/We undertake to pay the prescribed fees, royalties, and costs and to abide by any conditions prescribed in the permit.

.....
Date

.....
Signature of Applicant(S)

Application Fees Shs

Paid via EFD No Date:

SECOND SCHEDULE

(Made under regulation 5(2)(c))

PERMIT TO COLLECT FOREST PRODUCE DEBRIS

Serial No

OFFICE of(Seal of the Office)

THIS Permit is granted to of P. O. Box("the permit holder") to collect forest produce

debris at (place) in the Forest Reserve/General land/ to collect forest produce debris of the following description quantity and value subject to the conditions indicated hereunder:Description and quantity of forest procedure debris in tonnes/kg	Type	Rate of fee per tonnes/kg..... Tshs. <i>(Where forest produce debris is from a forest managed by the Central or Local Government Authorities)</i>	Total royalty Tshs.

The following are the approved routes for the removal and transportation of the forest produce debris listed herein

.....
.....

Forest (Production, Transport and Selling of Briquettes)

GN. No. 623 (Contd.)

FEES/royalty amounting to Shs.has been paid by the permit holder via EFD receipt
No .

.....Dated

.....
Date

.....
Signature of Authorized Officer

SEAL

SEAL CONDITIONS:

- I. This pennit is valid for 30 days only from date of issue
2. The permit holder is only allowed to collect forest produce debris as specified in the permit
3. The permit holder shall be liable to pay the full royalty and such fines as may be determined by the Authorized officer for causing damage to any trees or poles or face legal action in this respect
4. All forest produce debris pertaining to this permit shall be removed from the collection area before expiration of this permit under cover of a proper Transit Pass for when the application shall be mad

Fees paid TShs

EFD Receipt No

dated

THIRD SCHEDULE

Serial No.

(Made under regulation 14(1))

TRANSIT PASS FOR BRIQUETTE

Office of the (seal) Date

I.Mr/Ms/Messrs (Name) Being the holder of
(specify Inspection certificate number) For the Briquette is permitted to
remove from (name of production area)
..... to (name town/district).

2.The said produce bears the personal registered mark (registered property mark) Name
.....

3.Registration No. of the briquette dealer.

4.This Transit Pass along with the briquette shall be presented for checking and verification at
checkpoints (name of checkpoints)

5.Mode of transport allowed (Road/rail/waterway/air)

6.This Transit Pass shall expire on (date)

PARTICULARS OF BRIQUETTES

Description of the Briquettes	No. of Pieces	Quantity

.....

Name, Signature and Seal
Of Issuing Officer

.....

Name, Signature and Seal of the final station.

.....

DATE

.....

DATE

FOURTH SCHEDULE

Serial No

(made under Regulation 15(2))

CERTIFICATE OF INSPECTION OF BRIQUETTES

I hereby certify that I have this day inspected the briquette consignment for export , the property of lying at , and found it to conform with the provisions of the Forest Act, 2002 and these Regulations as hereunder:

Description of the Briquettes	Identification Mark of Briquette	No. of Pieces	Weight

This certificate has been issued without alteration or erasure this day of20

*Authorised Officer
Name and Signature*

PART II

REFUSAL TO GRANT BRIQUETTE EXPORT PERMIT

TO

(The Applicant)

P.O.Box

.....

.....

Your application for Briquette Export Permit to

has been rejected on the following ground, namely:

.....

.....

Station

Name and Signature of Issuing Officer

Date:.....

Title/Seal

SIXTH SCHEDULE

Serial No

(Made under regulation 15(2))

BRIQUETTE EXPORT PERMIT

Permission is hereby granted toof
.....to export briquette from the Port of
The briquettes described herein consigned to
.....

At.....

Such briquette has been inspected and marked as shown:

- 1.Briquette dealer registered Trade Mark
- 2.Plant of Origin:
- 3.Shipping marks:
- 4.Place of destination:
- 5.Number of packages:
- 6.Weight:

Valid until

Signed
For Conservation Commissioner

Place of Issue

Date of Issue

Remarks

Forest (Production, Transport and Selling of Briquettes)

GN. No. 623 (Contd.)

Forest Certification: I,

Conservation Commissioner of Tanzania Forest Service Agency, do hereby certify that the briquette approved for export under this certificate were sourced from a sustainably managed forest cover in Tanzania.

Conservation Commissioner /Authorized Officer

(Name, Signature, Seal)

Date

Application fees Tshs EFD Receipt No

Dated

Dodoma,
30th July, 2021

DAMAS DANIEL NDUMBALO,
Minister for Natural Resources and Tourism