

**KENYA**  
**The Forests Act, CHAPTER 385**

**Rules under section 15**

**THE FORESTS (GENERAL) RULES**

L.N.153/19  
69,  
L.N.49/197  
0,L.N.129/1  
976,  
L.N.2/1982.

1. These rules may be cited as the Forests (General) Rules. Citation.
2. These Rules shall apply with regard to all Central Forests, forest areas, and unalienated Government land. Application.
3. In these Rules, unless the context otherwise requires - Interpretation

"average price" means the average price of sawn timber as from time to time determine under rule 8;

"cubic metres", with reference to timber in the round, means the volume of timber calculated by multiplying the square of the mid-diameter over bark in centimetres by the length in metres, and multiplying the resulting product by .00007854 (that is () divided by 40,000);

"defect allowance" means the allowance determined or assessed under rule 5;

"forest" means a Central Forest and a forest area;

"licence" means a licence issued under section 7 of the Act;

"mid-diameter" means the diameter of a log at a point mid-way between the two ends of the log or pole or, where there is an irregularity at that point, the average of two diameters taken at equal distances outward from that point;

"pruned logs" means logs from which branches have been cut and new wood has completely overgrown the branch wounds;

"sawmiller" means the owner or manager of a sawmill, whether situated within a forest or not, licensed to fell and convert timber for a period exceeding one year;

"temporary sawmiller" means the owner or manager of a sawmill, whether situated within a forest or not, licensed to fell and convert timer for a period not exceeding one year;

"unpruned logs" means all logs other than pruned logs;

"unsawn value" means the value per cubic metre equivalent to the relevant percentage of the average price which is specified in the First Schedule.

4. (1) There shall be paid in respect of any item or sub-item specified in the Second Schedule, the royalty, or royalty at the rate, relating thereto so specified:

Royalties.

Provided that -

- (i) in the case of logs and round poles, the royalties shall be calculated to the nearest cent;
- (ii) this rule shall not apply to forest produce which is the subject of a sale agreement for the felling, cutting, taking or removal thereof, arrived at as a result of public auction or public tender, or as a result of private treaty where royalties at a higher rate are payable.

(2) Royalty on other timber shall be calculated on the volume in cubic metres of the logs from trees as felled after deduction of any defect allowance relevant thereto.

(3) Notwithstanding the provisions of paragraph (2) -

- (a) any timber which, by reason of its shape or its unsound or damaged condition, cannot be measured in accordance with that paragraph shall be stacked and prepared for measurement in such manner as the Chief Conservator may direct by reference to any circumstance, place or species;
- (b) royalty on timber stacked in accordance with subparagraph (a) shall be calculated by multiplying the volume in cubic metres of each stack (ascertained by multiplying the length, breadth and height of each stack) by such defect and airspace allowance factor as the chief Conservator may, after such tests as he may consider necessary, determine with respect to any particular circumstances;
- (c) no defect allowance shall be deducted from royalties calculated under this paragraph.

4A. There shall be paid in respect of the items specified in column 1 of the Third Schedule the royalties per cubic metre respectively specified in a column 2 of that Schedule during a period of six months beginning on the 1st January, 1982, and expiring on the 30th June, 1982.

Specific royalties.

5. (1) For the purposes of these Rules, defect allowance shall be such percentage of the volume of round timbers as the Chief Conservator, after such tests as he may consider necessary, shall from time to time determine to be the average percentage of defect in logs, or in particular size classes of logs, of any particular species in any particular area:

Defect allowances.

Provided that -

- (i) if, in the opinion of the Chief Conservator, the average quality of logs in any area is substantially different from that upon which the defect allowance applicable was based he may determine a defect allowance specifically for that area and may order that the allowance shall be retrospective to such date and under such terms and conditions as he may specify;
- (ii) all samples of logs used for determining the defect allowance for any area, or part thereof, in respect of which a single licence has been issued shall be approved by the licensee and the Chief Conservator or their authorized representatives.

(2) In respect of any timber for which no defect allowance has been determined under paragraph (1) as allowance shall be assessed at the time of log measurement by the forest officer in charge of measurement, and each log shall be so assessed by inspection of visible external features only and defect allowance, if justified, given accordingly.

6. (1) Where, in accordance with the terms of a licence, royalties are payable on the presentation of an account or invoice, interest shall be payable on royalties remaining unpaid after the expiration of a period of two months after the date upon which they become due, at the rate of one-half per cent per month or part thereof during which they continue to remain unpaid:

Interest on royalties.

Provided that no interest shall be charged if the royalties are paid within fourteen days after the expiration of the period of two months.

(2) The Minister may remit any interest payable under this rule.

7. (1) Royalties in respect of forest produce shall be paid at the forest station at which the relevant licence was issued or at such other place as may be specified.

Payment of royalties, etc.

(2) On the expiration of a licence to take forest produce the licensee shall have no claim to any produce then remaining in the forest regardless of whether the licensee has expended any money or labour upon that produce or not.

8. (1) On or before the 30th June in each year, the Minister shall, by notice in the Gazette, fix the average price of sawn timber of each of the species specified in the Second Schedule, upon which the unsawn value of timber of those species shall be based during the period of twelve months commencing on 1st July of that year.

Average price.

(2) The average price shall be calculated upon the average selling price per cubic metre, free on rail mill station, of sawn timber of each of the species specified in the Second Schedule of which any substantial quantity has been sold by sawmillers during the period which has elapsed since the previous average price was fixed under this rule.

(3) Where an average price of timber of any species has previously been fixed and the minister, at the time of fixing another average price under paragraph (1), is of opinion that there is not sufficient information to enable him to fix another price in respect of that species, he may omit that species from the notice issued under paragraph (1) and then the average price previously fixed shall remain in force.

(4) If the Minister is satisfied that circumstances have arisen which necessitate the variation of an average price for the time being in force he may, by notice in the Gazette, vary that price.

(5) Before carrying out any of the foregoing provisions of this rule the minister shall consult, through the chief Conservator, such persons as appear to him to be representative of the timber industry.

(6) In order to obtain information necessary for the purpose of this rule, every sawmiller and temporary sawmiller shall submit to the Chief Conservator such returns of quantities and prices of timber sold, by species and such other information including audited returns, as the Chief Conservator may reasonably require.

(7) Any person who fails within a reasonable time to comply with a requirement under paragraph (6), or who submits any return or information which he knows to be false or does to believe to be true, shall be guilty of an offence and liable to the penalties set out in section 14 of the Act.

9.  
Notwithstanding any other provision of these Rules, there may be charged upon firewood other than firewood mentioned in item 16 of the Second Schedule such royalty

as may be fixed by the Chief Conservator or by some person authorized by him in writing in that behalf.

Royalties for firewood.

10. Unless otherwise expressly provided in a licence to take forest produce, all crown and branch wood shall remain the property of the Government.

Crown and branch wood.

11. The fees set out in the Fourth Schedule shall be payable in respect of the licences specified in that Schedule:

Licence fees.

Provided that the Minister, or, in the case of license to be in a forest at night, the chief conservator, may in respect of any forest or part thereof waive those fees either generally or in respect of any individual.

12. Notwithstanding the provisions of section 8 of the Act a bona fide traveller upon a recognized road or footpath within a forest or upon unalienated government land may, without licence or fee, take and consume such quantity of dead wood as he may need for firewood in the actual course of his journey.

Firewood required by travellers.

13. The Chief Conservator or any forest officer authorized to issue licences may -

Cancellation of licences.

- (a) cancel any licence where he reasonably suspects the licensee of harbouring in a forest or on unalienated Government land any person who has no legal right to live there or who has obtained forest produce by illegal means;
- (b) cancel the licence of a temporary sawmiller, or giving one month's notice of this intention so to do, where he is of opinion that the cancellation is in the interests of orderly forest management;
- (c) cancel or suspend any licence where the licensee has failed to pay any royalty due or is in breach of any of the conditions of the licence.

14. Notwithstanding anything contained in any licence or other document issued by or on behalf of the chief Conservator before the commencement of these Rules, the volume of all logs sold by the chief Conservator shall be calculated in cubic metres according to the true volume and payment shall be made on the volume so calculated.

Metric measurements

FIR  
ST  
SCHEDULE

(r.2)

PERCENTAGE OF AVERAGE PRICE GIVING THE UNSAWN VALUE ON  
THE  
TIMBER SPECIFIED

1. In the case of the following species grown in plantations,  
measurements in all cases being overbark -

	Exotic Coniferous species	Juniperus procera and Vitex keniensis
	%	%
All unpruned logs .....	29	29
Pruned logs having a mid-diameter, measured overbark of -		
less than 24 cm.....	29	29
24 cm. or more but less than 32 cm ....	36	36
32 cm. or more but less than 40 cm ....	42	42
40 cm. or more but less than 48 cm ....	47	47.4
48 cm. or more but less than 56 cm ....	51	47.4
56 cm. or more.....	55	47.4

2. In the case of all other species, 47.4%

rr. 4 and 8)

SECOND SCHEDULE

ROYALTIES PAYABLE ON FOREST PRODUCE

1 - TIMBER		Royalty (% of unsawn value)
(1) Hardwoods		
	Botanical Name	Vernacular Name
(a)	<i>Azelia quanzensis</i> .....	Mbambakofi (Swa.)
	<i>Brachylaena hutchinsii</i> .....	Muhuhu (Swa.) Muhugu (Kik.)
	<i>Cadrella</i> spp. ....	-
	<i>Chlorophora excelsa</i> .....	Mvule (Swa.)
	<i>Cordia abyssinica</i> .....	Muringa (Kik.)
	<i>Dalbergia melanoxylon</i> .....	Mpingu (Swa.)
	<i>Entandophragma</i> spp. ....	-
	<i>Fagara macrophylla</i> .....	Sagawoita (Lumb.)

	Fagara spp.....	Muganga (Kik.)	
	Fagaropsis anglonsis.....	Shilulotso (Kak.)	
	Khaya spp. ....	-	22 per cent
	Lovoa swynnertonii .....	Mukongoro (Kik.)	
	Maesopsis eminii .....	Mutere (Kak.)	
	Melia volkensii .....	Mukao (Kamb.)	
	Morus lactea.....	Manuku (Kak.)	
	Ocotea viridis.....	Maura (Kik.)	
	Ocotea usambarensis .....	Muziti (Kik.)	
	Premna angolensis .....	Mungalikoro (Kak.)	
	Podocarpus gracilior .....	Musengera (Kik.)	
	Spirostachys africana.....	Msarakana (Swa.)	
	Trachylobium verrucosum.....	Msandarusi (Swa.)	
	Vitex keniensis.....	Muhuru (Kik.)	
	Warburgia ugandensis .....	Muziga (Kik.)	
(b)	Aningeria altissima .....	Mukangu (Kak.)	
	Markhamia platycalyx .....	Lusiola (Kav.)	15 per cent
	Premna maxima .....	Muchichio (Kik.)	
(c)	All other hard woods .....		9 per cent
(2)	Podocarpus milanjanus.....	Musengera (Kik.)	18 per cent
(3)	Juniperus procera not grown in plantations.....		19 per cent

SECOND SCHEDULE - (Contd.)

(4) Logs of the following species grown in plantations -

Royalty (% of unsawn value)			
	all Exotic coniferous species	Juniperus procera	Vitex keniensis
	%	%	%
All unpruned logs .....	11	11	5
Pruned logs having a mid-diameter, measured overbark, of -			
less than 24 cm.....	11	11	5
24 cm or more but less than 32 cm ....	13	13	8
32 cm or more but less than 40 cm ....	15	15	10
40 cm or more but less than 48 cm ....	20	15	14
48 cm or more but less than 56 cm ....	22	19	17
56 cm or more.....	23	19	17

(5) The royalty payable in respect of timber of any species for which an average price has not been fixed shall be Shs.12/35 per cubic metre.

2 - CEDAR POWER POLES -

Less than 6.50 metres long .....	At timber rates
6.50 m. or over but less than 7.00 m. long.....	Sh.11 each
7.00 m. or over but less than 7.50 m. long.....	Sh.13 each
7/50 m. or over but less than 8.00 m. long.....	Sh.15 each
8.00 m. or over but less than 8.50 m. long.....	Sh.17 each
8.50 m. or over but less than 9.00 m. long.....	Sh.19 each
9.00 m. or over but less than 9.50 m. long.....	Sh.21 each
9.50 m. or over but less than 10.00 m. long.....	Sh.23 each
10.00 m. or over but less than 10.50 m. long.....	Sh.25 each
10.50 m. or over but less than 11.00 m. long.....	Sh.27 each
11.00 m. or over but less than 11.50 m. long.....	Sh.29 each

SECOND SCHEDULE - (Contd.)

11.50 m. or over but less than 12.00 m. long.....	Sh.31 each
12.00 m. or over but less than 12.50 m. long.....	Sh.33 each

	12.50 m. or over but less than 13.00 m. long.....	Sh.35 each
	13.00 m. or over but less than 13.50 m. long.....	Sh.37 each
	13.50 m. or over but less than 14.00 m. long.....	Sh.39 each
	14.00 m. or over but less than 14.50 m. long.....	Sh.41 each
	14.50 m. or over but less than 15.00 m. long.....	Sh.43 each
	Over 15.00 m. ....	At timber rates
3 -	OTHER POLES -	
	(a) Class I - Mid-diameter 5 cm. to 10 cm. -	
	first quality.....	Cts. 10 per running metre
	second quality.....	Cts. 7 per running metre
	third quality.....	Cts. 3 per running metre
	(b) Class II - Mid-diameter 10 cm. to 15 cm. -	
	first quality.....	Cts. 16 per running metre
	second quality.....	Cts. 13 per running metre
	third quality.....	Cts. 10 per running metre
	(c) Class III - Selected poles -	
	diameter 6.4 cm. to 26.7 cm. in lengths of 3m. and upwards excluding poles of 6.4 cm. to 9.0 cm. top diameter less than 4.75 m. in length.....	Sh.21 per cu.m.
4 -	BAMBOO -	
	Indigenous bamboo not exceeding 7.5 cm. in diameter.....	Cts. 2 per running metre or part thereof.
	Indigenous bamboo exceeding 7.5 cm. in diameter and exotic bamboo.....	Cts. 7 per running metre or part thereof.
5 -	WITHIES.....	Cts. 50 per headload of 35 kg.
6 -	CEDAR BARK SHINGLES .....	Sh.2 per 100 shingles
7 -	HAND-RIVEN CEDAR SHINGLES .....	Sh.25/80 per 1,000 shingles

SECOND SCHEDULE - (Contd.)

8 -	CUT STONE .....	Sh.3 per cubic metre
9 -	STONE -	
	From the Kibwezi Forest Reserve, other than cut stone and limestone.....	Cts. 66 per metric ton
10 -	LIMESTONE.....	Sh.1/75 to 3/50 per stacked cubic metre according to quality

11 -	ANY OTHER STONE .....	Sh.4 per metric ton
12 -	SAND .....	Sh.3 per metric ton
13 -	MURRAM .....	Sh.1 per metric ton
14 -	CLAY .....	Sh.1 per metric ton or Shs.6 per 1,000 bricks
15 -	HAY.....	Sh.1 per metric ton
16 -	FIREWOOD - Licence to enter forest without axes and remove on headload of dead wood per day .....	Sh.2 per month
17 -	GRASS .....	Cts. 30 per headload of 25 kg.
18 -	MOSS .....	Sh.10 per bag
19 -	RUBBER .....	Cts. 20 per kg. or part kg.
20 -	ASPARAGUS FERN .....	Sh.8 per kg.
21 -	BAMBOO TIPS.....	Sh.1/50 per 25 kg. parcel
22 -	GUM COPAL.....	Cts. 20 per kg.
23 -	RED OCHRE.....	Sh.1 per headload of 25 kg. or less
24 -	FOREST PRODUCE FROM MANGROVE SWAMPS - Round timber -	
(a)	mangrove above 30 cem. diameter at breast height	9 per cent of the unsawn value
(b)	poles over 20 cem. diameter at butt and not more than 30 cm. diameter at breast height .....	Sh.60 per score
(c)	poles over 16.50 cm. and up to 20.00 cm. diameter at butt.....	Sh.25 per score

SECOND SCHEDULE - (Contd.)

(d)	poles over 14.00 cm. and up to 16.50 cm. in diameter at butt .....	Sh.6 per score
(e)	poles over 11.50 cm. and up to 14.00 cem. in diameter at butt .....	Sh.5 per score
(f)	poles over 7.50 cm. and up to 11.50 cm. in diameter .....	Sh.4 per score
(g)	poles over 3.8 cm. and up to 7.5 cm. in diameter at butt.....	Sh.3 per score
(h)	poles over 3.8 cm. in diameter and up to 7.5 cm. in diameter at butt, and not more than 2.50 m. in length .....	Sh.1/50 per score

(i)	poles of 3.8 cm. in diameter or less at butt .....	Cts. 20 per score
(j)	crooks of <i>Avicennia</i> species and <i>Sonneratia</i> species only (commonly called Matrumba), not exceeding 1.75 m. in length and 15.2 cm. in diameter .....	Cts. 75 per score
25 - FENCE POSTS -		
(1)	Average 15.5 cm. diameter (between 13 cm. and 18 cm. diameter) -	
(a)	cedar fence posts -	
	1.75 metre long .....	Sh.1/50 each
	2.00 metre long .....	Sh.1/70 each
	2.25 metre long .....	Sh.1/90 each
	2.50 metre long .....	Sh.2/10 each
	2.75 metre long .....	Sh.2/39 each
(b)	hardwood fence posts -	
	1.75 metre long .....	Cts.49 each
	2.00 metre long .....	Cts.56 each
	2.25 metre long .....	Cts.63 each
	2.50 metre long .....	Cts.70 each
	2.75 metre long .....	Cts.77 each

SECOND SCHEDULE (Contd.)

(2)	Average 20.5 cm diameter (between 18 cm. and 23 cm. diameter) -	
(a)	cedar fence posts -	
	1.75 metre long .....	Sh.2/75 each
	2.00 metre long .....	Sh.3/15 each
	2.25 metre long .....	Sh.3/55 each
	2.50 metre long .....	Sh.3/95 each
	2.75 metre long .....	Sh.4/35 each
(b)	hardwood fence posts -	
	1.75 metre long .....	Cts.95 each
	2.00 metre long .....	Sh.1/05 each
	2.25 metre long .....	Sh.1/20 each
	2.50 metre long .....	Sh.1/35 each
	2.75 metre long .....	Sh.1/50 each
(3)	Cedar Droppers -	
	Not exceeding 5 cm. diameter .....	Cts.8 per running metre
26 -	POSTS -	
	For all trimmed cedar posts not covered by Item 25 of this Schedule.....	Sh.45 per cubic metre
27 -	SLABS (OFFCUTS) ALL SPECIES -	
(1)	less than 15 cm. wide.....	Cts.10 per running metre
(2)	15 cm. wide and over.....	Cts.25 per running metre

THIRD SCHEDULE

(r. 4A)

ROYALTIES PAYABLE ON PLANTATION CUPRESSUS, PINUS, VITEX  
and JUNIPERUS SPECIES

Royalties per cubic metre to be charged on logs of *cuperessus* species, *pinus* species, plantation *vitex* and plantation cedar sold as suitable for sawing. All unpruned logs will be charged for at the rates per cubit metre shown for pruned logs of less than 240 millimetres mid-diameter. All measurements are in millimetres.

<i>Pruned logs of mid-diameters shown below</i>		Sh.	cts.
1 -	<i>CUPRESSUS SPECIES</i>		
	Less than 240 mm.	52	57
	240 or more but less than 320.....	77	11
	320 or more but less than 400.....	103	79
	400 or more but less than 480.....	154	91
	480 or more but less than 560.....	184	92
	500 or more.....	208	46
2 -	<i>PINUS SPECIES</i>		
	Less than 240 mm.....	51	15
	240 or more but less than 320.....	75	07
	320 or more but less than 400.....	101	08
	400 or more but less than 480.....	150	81
	480 or more but less than 560.....	178	40
	560 or more.....	202	65
3 -	<i>JUNIPERUS PROCERA</i>		
	Less than 240 mm.....	67	48
	240 or more but less than 320.....	99	04
	320 or more but less than 400.....	133	36
	400 or more but less than 480.....	150	46
	480 or more but less than 560.....	190	57
	560 or more.....	190	57

THIRD SCHEDULE - (Contd.)

4 - <i>VITEX KENIENSIS</i>	Sh.	cts.
Less than 240 mm.....	55	27
240 or more but less than 320.....	109	74
320 or more but less than 400.....	160	03
400 or more but less than 480.....	252	85
480 or more but less than 560.....	307	04
560 or more.....	307	04

FOURTH SCHEDULE

(r.11)

LICENCE FEES

1. CULTIVATION LICENCE .....	Sh.15 per hectare per annum
2. GRAZING LICENCE	
(a) bovines and equines.....	Sh.1 per head per month
(b) sheep.....	20 cents per head per month
3. LICENCE TO BE IN A FOREST AT NIGHT -	
(a) guest of person otherwise authorized to be there and occupying an authorized building.....	Free
(b) persons camping elsewhere than at prepared camp sites	
(i) for each adult per night.....	Sh.3.00
(ii) for each accompanied child per night....	Sh.1.50

**Average selling prices f.o.r. mill station determined under rule 9 of the above Rules.**

*These prices are omitted, by virtue of section 5 of the Revision of the Laws Act.*

*Cap.1*