

PART X.-REPEAL AND SAVING

- 50. (1) Subject to the provisions of this part, the Forestry Ordinance and all regulations made thereunder, is hereby repealed in Ebonyi State of Nigeria.
 - (2) All forest reserves existing at the time of the coming into force of this Law shall be deemed to have been constituted under and in accordance with the provisions of this Law.

 - 51. (a) Any appointment, notice or notification, made or published; or
 - (b) Any inquiry or the decision or judgment of any person holding such inquiry, held or given, whether at the inquiry or on appeal,
- under the provisions of the Forestry Ordinance shall be deemed to have been made or published, given or held under the provisions of this Law.

Repeal of Forestry Ordinance and saving as to existing forest reserves.

Effect of certain things done under Forestry Ordinance.

(L. of N. 1948 Cap. 78)

**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.

Regulation

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31. Firewood.
32. Marking hammers and instruments to be registered Offences.
33. Marks not to be altered or effaced.
34. List of marked trees may be annexed to permit.
35. Registration of marking hammers, etc.
36. Timber not to be moved until marked.
37. Waterways.
38. Demarcation of forest reserve.
39. Penalty.

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.

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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.

Definitions.

3. (1) The Chief Conservator may by notice in the 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 obtainable 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 or 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.

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

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

Power of the Commissioner.

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.

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- (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:
- (a) takes any timber or protected tree or any protected minor forest produce; or
 - (b) uproots, destroys or 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 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 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.
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.
9. Applications for the grant of any licence under the provisions of section 31 of the Law shall be made to the Chief Conservator.
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.
11. (1) Subject to the provisions of any order made under regulation 4, the grant of a licence under section 31 of the

Protection of forest reserve and forest produce.

Fires and smoking.

Offences of selling, etc., forest produce illegally obtained

Licences under section 31 of the Law.

Fee and Stamp duty.

Terms of licence.

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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. (Schedule)

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.	
Issue of permit. (Schedule)	15.	Any permit issued by an Assistant Conservator 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.	19.
Issue of permit where licence has been granted.	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 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.	20. 21.
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:	22.
		(a) remit the fees and royalties in the case of timber to be taken for samples;	23.
		(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; and	
		(d) reduce the minimum girth for trees to be taken under the permit below that prescribed in the tariff, prepared under regulation 28.	24.
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.	

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- (2) An Assistant Conservator may, acting in his discretion, extend a permit for further periods which shall not exceed six months in anyone 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 Twenty five thousand naira except when issued under regulation 12.
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 be produced.
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. Permit to take 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 one hundred pounds as security for the fulfilment 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.

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| Cancellation 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. | |
| Transfer | 26. | Any person, who transfers a permit to another person without the prior approval of an Assistant Conservator, shall be guilty of an offence. | |
| Return of permits upon expiry, etc. | 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. | |
| Fees and royalties. | 28. | <p>(1) The Chief Conservator shall prepare a tariff (hereinafter 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 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.</p> <p>(2) Any fees payable shall be paid into the Treasury.</p> <p>(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.</p> <p>(4) Where fees and royalties are both payable (hereinafter called "the tariff rate"), the fees shall form 80 per cent. of the sum payable and the royalties shall form 20 per cent. thereof, except in the case of mangrove forests where 100 per cent. of the tariff rate shall be payable as royalties.</p> <p>(5) Up-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 one hundred naira.</p> | <p>31.</p> <p>32.</p> |
| Fees and royalties payable in advance. | 29. | <p>(1) All fees and royalties payable under the provisions of any permit shall be paid before the issue of such permit.</p> <p>(2) Until the appropriate fee and royalties have been paid in respect thereof, no tree shall be girded or felled and no forest produce shall be taken under a licence granted under section 31 of the Law.</p> | 33. |

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30. An Assistant Conservator may issue or cause to be issued free permits in the 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 to 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; and

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

Free permits to
fell. (Schedule)

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.

Fore:

38.

List of marked trees may be annexed to permit.

34. An Assistant Conservator may require any applicant for a permit in Form 1 of the Schedule to mark with his marking hammer and a consecutive number 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.

39.

Registration of marking hammers, etc.

- 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 One Hundred Naira.
- (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.

Book N

PERMI

Name of Address Locality Royalty

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.

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Waterways.

- 37. (1) Any person who shall permit any timber taken by him to obstruct or endanger the free navigation of any water way shall be guilty of an offence.
- (2) Any person, other than the owner or his agent authorized in that behalf, who sets adrift any timber formed into a raft or fastened to the bank of or anchored in any waterway shall be guilty of an offence.

Fees

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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. Demarcation of forest reserve.

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

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SCHEDULE
EBONYI STATE OF NIGERIA
THE FOREST REGULATIONS

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

Form 1

PERMIT TO TAKE PROTECTED TREES

Name of permit holder.....
Address of permit holder.....
Locality of tree.....
Royalties payable to.....

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 at....., 20.....

	Species of Trees	Minimum Girth	Class (in words)

Fees

N K

Royalties

Total ₦
....., 20.....

Issuing Officer.....
Title.....
Division.....
L.G.A.....

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

SCHEDULE-Continued
EBONYI STATE OF NIGERIA
THE FOREST REGULATIONS

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

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 made thereunder for the time being in force in the area to which it subject to such special conditions (if any) as may be hereinafter set out the.....day of....., 20.....

List of Permitted Species	Permit

....., 20.....
Issuing Officer
L.G.A

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EBONYI STATE OF NIGERIA
 THE FOREST REGULATIONS

Book No.....Permit No..... Original
 Form 4

*See be
 special*

PERMIT TO FARM WITHIN A GOVERNMENT FOREST RESERVE

Permit fee.....

PERMISSION IS GRANTED TO:

.....
 of.....
 to farm within the.....Reserve during
 the period.....31st December, 20.....
 subject to the conditions specified below:

1. The permit is personal.
2. That only such areas are farmed as are set aside of 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.

Book No.

F

....., 20.....

Issuing Officer

.....L.G.A

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

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EBONYI STATE OF NIGERIA
 THE FOREST REGULATIONS

Book No.....Permit No..... Original
 Form 5

*See bac
 special*

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..... 31st December,
20..... inclusive, subject to the conditions of the Forest Law and the regulations made
thereunder.
....., 20.....

Issuing Office

.....L.G.A

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

EBONYI STATE OF NIGERIA
THE FOREST REGULATIONS

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

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 conditions 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 authorize to hunt such animal by or under the Wild Animals Preservation Law.
....., 20.....

Issuing Office

.....L.G.A

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

EBONYI STATE OF NIGERIA
THE FOREST REGULATIONS

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

Form 7

PERMIT TO FISH WITHIN A GOVERNMENT FOREST RESERVE

Permit fee.....

PERMISSION IS GRANTED TO:

.....
of.....
to fish within the.....Forest Reserve
during the period.....to.....inclusive,
subject to the conditions of the Wild Animals Preservation Law and the Forest Law and
the regulations made thereunder or to any other Law/ Regulations controlling the taking
of fish.
....., 20.....

Issuing Office

.....L.G.A

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

Forest Reserves Orders

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

*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 Area 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 Abakaliki.*

FOREST RESERVES

1. Effuim Forest Reserve
2. Ohatekwe Forest Reserve

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