

THE NATIONAL FORESTRY AND TREE PLANTING ACT, 2003.

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## THE NATIONAL FORESTRY AND TREE PLANTING ACT, 2003.

**An Act to provide for the conservation, sustainable management and development of forests for the benefit of the people of Uganda; to provide for the declaration of forest reserves for purposes of protection and production of forests and forest produce; to provide for the sustainable use of forest resources and the enhancement of the productive capacity of forests; to provide for the promotion of tree planting; to consolidate the law relating to the forest sector and trade in forest produce; to establish a National Forestry Authority; to repeal the Forests Act, Cap. 246 and the Timber (Export) Act Cap. 247; and for related matters.**

DATE OF ASSENT: 17TH JUNE, 2003.

*Date of commencement:* 8th August, 2003.

BE IT ENACTED by Parliament as follows:

### PART I—PRELIMINARY.

#### **1. Short title and commencement**

(1) This Act may be cited as the National Forestry and Tree Planting Act, 2003.

(2) This Act shall come into force on the date it is published in the *Gazette*.

#### **2. Purposes of the Act**

The purposes of this Act are—

- (a) to create an integrated forest sector that will facilitate the achievement of sustainable increases in economic, social and environmental benefits from forests and trees by all the people of Uganda;
- (b) to guide and cause the people of Uganda to plant trees;
- (c) to ensure that forests and trees are conserved and managed in a manner that meets the needs of the present generation without compromising the rights of future generations by safeguarding forest biological diversity and the environmental benefits that accrue from forests and trees;
- (d) to promote the improvement of livelihoods through strategies and actions that contribute to poverty eradication;
- (e) to encourage public participation in the management and conservation of forests and trees;
- (f) to facilitate greater public awareness of the cultural, economic and social benefits of conserving and increasing sustainable forest cover;
- (g) to promote the decentralisation and devolution of functions, powers and services within the forest sector; and
- (h) to ensure that environmental benefits, costs and values are reflected in strategies and activities relating to forestry.

### **3. Interpretation**

In this Act, unless the context otherwise requires—

“authorised person” means a forestry officer, an Honorary Forestry Officer, a Wildlife Protection Officer, police officer, or other person designated by the Minister under section 51 to be an authorised person for the purposes of this Act;

“Authority” means the National Forestry Authority established by section 52;

“Board” means the Board of Directors of the Authority established by section 55;

“central forest reserve” means an area declared to be a central forest reserve under section 6;

“collaborative forest management” means a mutually beneficial arrangement in which a forest user group and a responsible body share roles, responsibilities and benefits in a forest reserve or part of it;

“community forest” means an area declared to be a community forest under section 17;

“currency point” means the value assigned to a currency point in the First Schedule;

“endangered species” means a tree species in danger of extinction and which is unlikely to survive if detrimental or adverse factors prevail, or if remedial action is not taken immediately;

“environmental impact assessment” means a systematic examination conducted in accordance with the National Environment Statute 1995, to determine whether or not a project will have any adverse impact on the environment;

“Executive Director” means the Executive Director of the Authority appointed under section 65, or a person authorised to act on his or her behalf;

“firewood” includes parts of a tree made up into bundles or loads or cut up in the manner in which it is usual to cut wood for burning and all refuse wood generally, but does not include sound straight timber, logs or poles of any kind;

“forest” means an area of land containing a vegetation association that is predominantly composed of trees of any size, and includes—

(a) a forest classified under this Act;

(b) a natural forest, woodland or plantation;

(c) the forest produce in a forest; and

(d) the forest ecosystem;

“forest ecosystem” means any natural or semi-natural formation of vegetation whose dominant element is trees, with closed or partially closed canopy, together with the biotic and abiotic environment;

“forest management” means the practical application of scientific, economic, and social forestry principles to the administration of forests for specific forestry objectives;

“forest produce” means anything which occurs or grows in a forest and includes—

(a) trees, timber, firewood, poles, slabs, branch wood, wattle, roots, withes, sawdust, charcoal, bark, fibres, resins, gum, wood oil, latex, leaves, flowers, fruits and seeds;

(b) honey, mushrooms, grass, orchids, climbers, creepers, wood ash, litter, soil;

(c) stone, gravel, clay or sand which occurs naturally in a forest and which is not a mineral within the meaning of the Mining Act; and

(d) a living organism or product or derivative of a living organism;

“forestry purposes” means activities relating to the protection, growing or harvesting of forest produce or to the provision of environmental services as described in the management plan for the respective forest reserve;

“forest reserve” means an area declared to be a central or local forest reserve under this Act;

“forestry” means the management and conservation of forests and trees, and includes the management of land that does not have trees growing on it, but which forms part of an area reserved for or dedicated to forestry;

“forest user group” means a group comprising members of a local community registered in accordance with regulations;

“Fund” means the Tree Fund established by section 40;

“graded timber” means timber graded and marked or passed and marked in accordance with regulations;

“Honorary Forestry Officer” means a person appointed by the Minister under section 50;

“inventory” means a survey carried out to determine, in a given area, the constitution, extent and condition of a forest or area reserved for forestry;

“joint management forest reserve” means a forest reserve whose management is shared among two or more lead agencies;

“lead agency” means a person, Ministry, Government department, local government council or administrative unit established under the Local Governments Act 1997, a parastatal, agency or public officer in which or whom a written law vests functions related to the management of trees, forests, forest ecosystems, forest reserves or forest produce;

“licence” means a licence issued under this Act;

“livestock” includes cattle, horses, donkeys, mules, pigs, sheep, goats, camels and other domesticated animals, fowl and their young, and in the case of fowl, their eggs;

“local community” includes households and persons living in a defined geographical area, in close proximity to a forest, and identified by common history, common culture or common residence, and may include all the residents of a village which shares a boundary with a forest;

“local council” means local government councils and administrative unit councils established under the Local Governments Act, 1997;

“local forest reserve” means an area declared to be a local forest reserve under section 9;

“local government” means a local council established under section 4(2), (3), (4) and (5) of the Local Governments Act, 1997;

“management plan” means a management plan for a forest reserve, community forest or private forest prepared in accordance with section 28;

“Minister” means the Minister responsible for forestry;

“National Environment Management Authority” means the National Environment Management Authority established by the National Environment Statute, 1995;

“National Forest Plan” has the meaning assigned to it in section 49;

“non-wood forest produce” means all forest produce that is not trees, timber, firewood or any product directly derived from them, or a mineral under the Mining Act;

“prescribed” means prescribed by or under this Act;

“private forest” means a natural forest or a plantation forest or area dedicated to forestry, registered under section 21 or 22;

“protected tree” means a tree or group of trees protected under section 31;

“rare species” means a tree species with a small national population but that is currently not endangered or vulnerable, although it is at risk;

“regulations” means regulations made under section 92;

“reserved species” means a tree species declared to be reserved under section 30;

“responsible body” means a body designated to manage, maintain and control a forest reserve or a community forest under this Act and in the case of a private forest, the owner or person in charge of the forest;

“site of special scientific interest” means an area within a forest reserve set aside as a result of—

- (a) special attributes relating to its technical management; or
- (b) the presence in it of rare, endangered or vulnerable species, or high biological diversity;

“specimen” includes a wild plant or tree and its derivatives, alive or dead, whether or not native to Uganda, and any readily recognisable part of that plant or tree;

“strict nature reserve” means an area within a forest reserve set aside for species and habitat protection and in which only research, education and monitoring are permitted;

“sustainable management or utilisation” means present use of a resource, which does not compromise the right to use the same resource by future generations;

“timber” includes a tree or any part of a tree which has fallen or been felled, and all wood, whether or not sawn, split, hewn or otherwise cut up or fashioned, but does not include firewood;

“tree” includes palm, bamboo, cane, shrub, bush, climber, seedling, sapling and re-growth of all kinds, and any part of them;

“vulnerable species” means a tree species that may or is likely to become endangered if adverse or detrimental factors are not eliminated.

## PART II—FOREST RESERVES AND OTHER FORESTS.

### **4. Classification of forests**

Forests in Uganda are classified as—

- (a) central forest reserves;
- (b) local forest reserves;
- (c) community forests;
- (d) private forests; and
- (e) forests forming part of a wildlife conservation area declared under the Uganda Wildlife Statute, 1996.

### **5. Responsibility for forest reserves**

(1) The Government or a local government shall hold in trust for the people and protect forest reserves for ecological, forestry and tourism purposes for the common good of the citizens of Uganda.

(2) In furtherance of the trust obligations under subsection (1), and in furtherance of the right to a clean and healthy environment, any person or responsible body may bring an action against a person—

(a) whose actions or omissions have had or are likely to have a significant impact on a forest; or

(b) for the protection of a forest.

*Central Forest Reserves.*

**6. Declaration of central forest reserve**

(1) The Minister may, on the advice of the Board—

(a) after consultation with the local council and the local community in whose area the proposed forest reserve is to be located; and

(b) with the approval of Parliament signified by its resolution,

by statutory order, declare an area to be a central forest reserve.

(2) The Minister, in making a statutory order under subsection (1), shall declare a central forest reserve to be, in whole or in part—

(a) a site of special scientific interest for the purpose of—

(i) protecting nature and scenic areas of national or international importance;

(ii) enhancing biological genetic resources in an undisturbed, dynamic and evolutionary state;

(iii) maintaining animal and plant indicator species; or

(iv) preserving rare, endangered or vulnerable species, or high biological diversity;

(b) a strict nature reserve for the purpose of—

(i) protecting streams, rivers, lakes, lakeshores, riverbanks or wetlands;

(ii) soil, slope and environment protection; or

(iii) protecting the ecosystem;

(c) a joint management forest reserve;

(d) a recreation forest for purposes of eco-tourism; or

(e) any other area, for a purpose prescribed in the order.

**7. Procedure for declaring a central forest reserve**

(1) The Minister shall, before making an order under section 6—

- (a) give simultaneous notice of the proposed declaration in the *Gazette*, in an appropriate print media, and in any other media that is likely to draw the matter to the attention of all interested persons;
- (b) consult with the local community through public meetings and other means that will offer the local community an effective opportunity to express their views concerning the declaration of the reserve;
- (c) ensure that an environmental impact assessment is carried out; and
- (d) where the land on which the proposed forest reserve is to be situated is private land or land in which any person has an interest, acquire the land in accordance with the Constitution, the Land Acquisition Act 1965 and the Land Act 1998.

(2) The Minister shall, in a notice issued under subsection (1)(a)—

- (a) identify the location of the land on which the proposed central forest reserve is to be situated, and the approximate area of the land;
- (b) include a summary of the proposed management plan for the forest reserve; and
- (c) invite written comments and representations on the proposed declaration to be made within ninety days after the date of publication of the notice in the *Gazette*.

## **8. Amendment of order declaring central forest reserve**

(1) The Minister shall, before amending an order declaring a central forest reserve, comply with the procedure for declaring a central forest reserve prescribed by section 7.

(2) Where an amendment to an order declaring a central reserve forest reserve will result—

- (a) in the reduction of part of the central forest reserve, an area at least equivalent in size to the reduction shall be simultaneously declared a central forest reserve; or
- (b) in the removal of the whole forest reserve, an area at least equivalent in size to the abolished reserve shall be simultaneously declared a central forest reserve.

(3) Before a new area is declared a central forest reserve in terms of subsection (2), the environmental impact assessment must find the area to be of equivalent or greater environmental value.

(4) An order declaring a central forest reserve, shall be revoked only where—

- (a) soil, slope, or other watershed conditions in the area will not be irreversibly damaged;
- (b) an environmental impact assessment carried out in respect of the proposed new land use of the area, finds that the same area can be adequately reforested within five years after harvest or clearance of the land, should the area subsequently be the subject of a new declaration as a central forest reserve;
- (c) protection is provided for streams, rivers, lakes, lake shores, river banks, wetlands and wildlife from detrimental changes in temperature or from erosion, pollution, degradation, deposit of sediments and desertification in areas where the proposed new land use is likely to seriously and adversely affect habitats or the environment; and
- (d) maintenance of animal and plant indicator species within the area is assured.

(5) An amendment to an order declaring a central forest reserve shall be approved by Parliament, signified by its resolution.

*Local Forest Reserves.*

**9. Declaration of local forest reserve**

(1) The Minister may—

- (a) at the request of the local council in whose area the proposed reserve is to be situated; and
- (b) with the approval of Parliament signified by its resolution,

by statutory order, declare an area to be a local forest reserve.

(2) The Minister, in making a statutory order under subsection (1), shall declare a local forest reserve to be, in whole or in part—

- (a) a site of special scientific interest for the purpose of—
  - (i) protecting nature and scenic areas of national or international importance;
  - (ii) enhancing biological genetic resources in an undisturbed, dynamic and evolutionary state;
  - (iii) maintaining animal and plant indicator species; or
  - (iv) preserving rare, endangered or vulnerable species or high biological diversity;
- (b) a strict nature reserve for the purpose of—
  - (i) protecting streams, rivers, lakes, lakeshores, riverbanks or wetlands;
  - (ii) soil, slope or environment protection; or

- (iii) protecting the ecosystem;
- (c) a joint management forest reserve;
- (d) a recreation forest for purposes of eco-tourism; or
- (e) any other area, for a purpose as may be prescribed in the order.

(3) The Minister shall, in every order declaring a local forest reserve under this section, specify a local government as a responsible body for the forest reserve in trust for the people of Uganda, and with effect from the commencement of the order or from a date specified in the order, the management, maintenance and control of the local forest reserve shall be the responsibility of that local government.

#### **10. Procedure for declaring a local forest reserve**

(1) The Minister shall, before making an order under section 9—

- (a) give simultaneous notice of the proposed declaration in the *Gazette*, in an appropriate print media, and in any other media that is likely to draw the matter to the attention of all interested persons;
- (b) consult with the local community through public meetings and other means that will offer the local community an effective opportunity to express their views concerning the declaration of the forest reserve;
- (c) ensure that an environmental impact assessment is carried out; and
- (d) where the land on which the proposed forest reserve is to be situated is private land or land in which any person has an interest, acquire the land in accordance with the Constitution, the Land Acquisition Act 1965 and the Land Act 1998.

(2) The Minister shall, in a notice issued under subsection (1)(a)—

- (a) identify the location of the land on which the proposed local forest reserve is to be situated, and the approximate area of the land;
- (b) include a summary of the proposed management plan for the forest reserve; and
- (c) invite written comments and representations on the proposed declaration to be made within ninety days after the date of publication of the notice in the *Gazette*.

#### **11. Amendment of order declaring local forest reserve**

(1) The Minister shall, before amending an order declaring a local forest reserve, comply with the procedure for declaring a local forest reserve prescribed by section 10.

(2) Where an amendment to an order declaring a local forest reserve will result—

(a) in the reduction of part of the local forest reserve, an area at least equivalent in size to the reduction shall be simultaneously declared a local forest reserve; or

(b) in the removal of the whole forest reserve, an area at least equivalent in size to the abolished reserve shall be simultaneously declared a local forest reserve.

(3) Before a new area is declared a local forest reserve in terms of subsection (2), the environmental impact assessment must find the area to be of equivalent or greater environmental value.

(4) An order declaring a local forest reserve shall be revoked only where—

(a) soil, slope, or other watershed conditions will not be irreversibly damaged;

(b) an environmental impact assessment carried out in respect of the proposed new land use of the area finds, that the same area can be adequately reforested within five years after harvest or clearance of the land, should the area subsequently be the subject of a new declaration as a local forest reserve;

(c) protection is provided for streams, rivers, lakes, lakeshores, riverbanks, wetlands and wildlife from detrimental changes in temperature, or from erosion, pollution, degradation, deposit of sediments, and desertification in areas where the proposed new land use is likely to seriously and adversely affect habitats or the environment; and

(d) maintenance of animal and plant indicator species within the area is assured.

(5) An amendment to an order declaring a local forest reserve shall be approved by Parliament, signified by its resolution.

## **12. Transfer of management of local forest reserve to the Authority**

(1) Where the Minister is satisfied that—

(a) a local government has failed to manage, maintain and control a forest reserve as required by section 13(3);

(b) a local government has failed to implement the management plan for the local forest reserve; or

(c) it is necessary for the proper protection, control and management of a local forest reserve,

the Minister may, by statutory order, transfer the responsibility for the protection, control and management of the local forest reserve to the Authority.

(2) The Minister shall, before making an order under subsection (1), give notice in writing to the local government of his or her intention to make the order and may give a period of not less than ninety days to the local government, within

which the council shall take remedial measures or make representations as to why responsibility for the local forest reserve should not be removed from it.

(3) The Minister may, on the application of the local government, revoke an order made under subsection (1)—

- (a) if he or she is satisfied that the forest reserve has been restored to an acceptable standard; and
- (b) the local government has given an undertaking in writing, to the satisfaction of the Minister, to manage the local forest reserve in accordance with generally accepted principles of forest management.

(4) Notwithstanding subsection (3), the Minister may reclassify the local forest reserve as a central forest reserve in accordance with sections 6 and 7.

#### *Management of Forest Reserves.*

### **13. Management of forest reserves**

(1) A forest reserve shall be managed in a manner consistent with the purpose for which it is declared.

(2) For the avoidance of doubt, a forest reserve shall not be put under any use other than in accordance with the management plan.

(3) A responsible body shall manage, maintain and control the forest reserve in accordance with generally accepted principles of forest management as may be prescribed in guidelines issued by the Minister, including but not limited to the following—

- (a) natural forests shall not be destroyed, damaged or disturbed except in the course of carrying out activities for the sustainable management of the forest reserve;
- (b) forests shall be developed and managed so as to—
  - (i) conserve biological diversity, ecosystems and habitats;
  - (ii) sustain the potential yield of their economic, social, health and environmental benefits;
  - (iii) promote the fair distribution of their economic, social, health and environmental benefits;
  - (iv) promote their health and vitality;
  - (v) conserve natural resources, especially soil, air and water quality; and
  - (vi) conserve natural heritage and promote aesthetic, cultural and spiritual values.

### **14. Prohibited activities in forest reserves**

(1) No person shall, in a forest reserve, cut, disturb, damage, burn or destroy any forest produce, or remove or receive any forest produce except—

- (a) in accordance with regulations or guidelines made for the proper management of the forest reserve;
- (b) in the course of the management of the forest reserve by the responsible body;
- (c) in terms of the exercise of a right or interest in the forest reserve; or
- (d) in accordance with a licence issued under this Act.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to imprisonment for a term not exceeding five years, or both.

### **15. Collaborative forest management**

A responsible body may enter into a collaborative forest management arrangement with a forest user group for the purpose of managing a central or local forest reserve or part of it in accordance with regulations or guidelines issued by the Minister.

### **16. Reclassification of forest reserves**

(1) A local community, a local council in the area in which a local forest reserve is situated or an interested person may, at any time in writing, request the Minister to review the status of a central forest reserve or local forest reserve with the object of seeking its reclassification as a local forest reserve or a central forest reserve respectively.

(2) The Minister shall respond in writing to a request made under subsection (1), refusing or allowing the request, within one hundred and eighty days after receipt of the request.

(3) Where the Minister refuses a request made under subsection (1), he or she shall give reasons in writing for the refusal.

(4) Where the Minister allows a request under subsection (1), he or she shall cause the reclassification of the forest reserve to be made—

- (a) where a local forest reserve is to be reclassified as a central forest reserve, in accordance with section 6; and
- (b) where a central forest reserve is to be reclassified as a local forest reserve, in accordance with section 9.

### *Community Forests.*

### **17. Declaration of community forest**

(1) The Minister may—

(a) after consultation with the District Land Board and the local community; and

(b) upon approval by resolution of the District Council,

by statutory order, declare an area within its jurisdiction to be a community forest.

(2) The Minister shall, in every order declaring a community forest under this section, specify a responsible body for the community forest, and with effect from the commencement of the order or from a date specified in the order, the management, maintenance and control of the community forest shall be the responsibility of that body.

(3) An order made under subsection (1) shall be published by posting outside the office or other meeting place of the local government, a notice specifying the situation, duly surveyed extent and limits of the community forest.

(4) An area declared for use as a community forest under this section shall not be used for any other purposes without the approval by resolution of the District Council and written consent of the Minister.

#### **18. Amendment of order declaring a community forest**

The District Council shall, in amending an order declaring a community forest, comply with the procedure for declaring a community forest under section 17.

#### **19. Management of community forest**

(1) Any revenue derived from the management of a community forest by the responsible body shall belong to and form part of the accountable funds of the responsible body and shall be devoted to the sustainable management of the community forest and the welfare of the local community.

(2) A local government may make bye-laws in accordance with the Local Governments Act 1997, applicable to any community forest in respect of any matter that the local government may deem necessary in accordance with this Act.

#### **20. Transfer of management of community forest to local government**

(1) Where, in the opinion of the Minister, it is expedient for ensuring the proper protection, control and management of a community forest, the Minister may, by statutory order, transfer the responsibility for the protection, control and management of the forest to a local government, and immediately, the local government shall exercise all the powers of the responsible body over the community forest.

(2) The Minister may, on the application of the responsible body, revoke an order made under subsection (1), if—

(a) he or she is satisfied that the community forest has been adequately rehabilitated; and

- (b) the responsible body has given an undertaking, in writing, to the satisfaction of the Minister, to manage the forest in accordance with generally accepted principles of forest management.

*Private Forests.*

**21. Private natural forests**

(1) A person may register with the District Land Board, a natural forest situated on land owned in accordance with the Land Act 1998, or a forest or land in respect of which a licence is granted in accordance with this Act.

(2) All forest produce in a natural forest registered under subsection (1) belongs to the owner of the forest and may be used in any manner that the owner may determine, except that forest produce shall be harvested in accordance with the management plan and regulations made under this Act.

(3) A District Forest Officer may issue directions to the owner of a plantation forest whether registered under subsection (1) or not, requiring the owner to manage the forest in a professional and sustainable manner.

**22. Private forest plantations**

(1) A person may register with the District Land Board, a plantation forest situated on land owned in accordance with the Land Act 1998, or a forest or land in respect of which a licence is granted in accordance with this Act.

(2) All forest produce in a plantation forest registered under subsection (1) belongs to the owner of the plantation and may be used in any manner that the owner may determine, except that forest produce shall be harvested in accordance with the management plan and regulations made under this Act.

(3) A District Forest Officer may issue directions to the owner of a plantation forest registered under subsection (1), requiring the owner to manage the forest in a professional and sustainable manner.

**23. Contractual or other arrangements**

(1) Any person may enter into a contractual or other arrangement with the owner or holder of an interest in a private forest, for the right to harvest, purchase, or sell or arrange for the management, harvesting, purchase, or sale of all or any part of the forest produce in the private forest.

(2) Where the owner or holder of an interest in a private forest has entered into a contract under subsection (1), the contract may be registered against the title of that owner or occupier of the land to which the contract relates in accordance with the Registration of Titles Act and the Land Act 1998.

(3) Where land has not been alienated, or where no certificate of title to ownership of land has been issued, the District Land Board shall register the contract as a separate folio on the Register Book.

**24. Register of rights and interests**

The District Land Board shall maintain a register in which all rights and interests of any nature in respect of private forests shall be kept, including—

- (a) the nature of the right or interest;
- (b) the manner in which it came into existence;
- (c) the name of the holder or beneficiary of the right or interest; and
- (d) any other information as may be prescribed.

## **25. Forests owned or managed by cultural or traditional institutions**

Subject to article 246 of the Constitution, a traditional or cultural institution or leader may hold, own or manage a forest, subject to such directions as the Minister may prescribe.

## **26. Assistance in forestry management**

(1) The Minister, the Authority or a local government may provide technical services to local communities, organisations, cultural or traditional institutions and other persons involved in the development of community forests and private forests and forestry activities in general, and may charge fees for those services.

(2) Assistance under subsection (1) may include—

- (a) providing information, training and advice on the management of forests;
- (b) the establishment and maintenance of nurseries and other facilities necessary for seeds and plants;
- (c) material or financial assistance;
- (d) the collection and dissemination of information, the provision of technical guidance and promotion of public awareness about forestry and the conservation and utilisation of forestry resources;
- (e) the promotion of seed production, agro-forestry and tree growing, and in particular, the growing of fruit species;
- (f) assisting local councils in the conservation and management of local forest reserves;
- (g) promoting the conservation of forest biological diversity and the ecosystem; and
- (h) co-operating and liaising with other lead agencies in the management of forests and forest produce.

## **27. Ownership of trees on private land**

(1) For the avoidance of doubt, Government or a local government has no ownership over trees or forest produce situated on private land.

(2) A District Forest Officer may issue directions to the owner of trees or forest produce situated on private land, requiring the owner to manage the trees or forest produce in a professional and sustainable manner.

*Management Plans.*

**28. Management plan**

(1) A responsible body shall prepare a management plan and, in the case of a forest reserve or community forest, the plan shall be prepared in consultation with the local community.

(2) A management plan shall—

(a) contain a description of all matters relating to the forest, the forest produce and the use currently being made of the forest produce;

(b) state the type of activities to be carried out in the forest;

(c) state the management objectives of the forest;

(d) state the measures to be taken for the sustainable management of the forest, and, except in the case of a private forest, the involvement of local communities in the management of the resources;

(e) state the resources likely to be available to enable the management plan to be executed; and

(f) contain any other information as the Minister may prescribe.

(3) A management plan shall be approved by the Minister or by a person designated by the Minister for that purpose.

(4) A management plan made under this section is binding on all persons having dealings with or interests in the forest.

(5) A management plan shall be disseminated to the local community.

(6) A management plan shall be revised every five years, or within such other time as the Minister may prescribe.

(7) For the avoidance of doubt, a management plan shall be prepared, within one year after the coming into force of this Act, for every forest reserve declared under the Forests Act, and in existence at the commencement of this Act.

PART III—PROTECTION AND CONSERVATION OF ASSETS.

**29. Sovereignty over forest biological resources**

(1) All forest biological resources and their derivatives, whether naturally occurring or naturalised within a forest, shall be conserved and managed for the benefit of the people of Uganda in accordance with this Act and any other law relating to biological resources.

(2) The transfer of any forest biological resources and their derivatives from the territorial jurisdiction of Uganda shall not diminish or extinguish the sovereignty of Uganda over those resources.

(3) The Minister is the lead agency for regulating access to forest genetic resources and shall, for that purpose, collaborate with other lead agencies in accordance with this Act, other laws, conventions and protocols relating to the management or control of biological resources, including cross-border bio-diversity.

### **30. Reserved species**

(1) The Minister may, in the case of a tree species of international or national importance that is endangered, rare or threatened, declare, by statutory order, that tree species to be a reserved species which shall be subject to such controls as the Minister may specify in the order.

(2) A District Council may, in the case of a tree species of local importance that is endangered, rare or threatened, declare, by statutory order, that tree species to be a reserved species which shall be subject to such controls as the District Council may specify in the order.

(3) The Minister shall, before making an order under this section—

- (a) assess, make and publish a report on the socio economic and ecological impacts of the proposed declaration;
- (b) ensure that the declaration is based on the results of an assessment relating to species status and the state of the forest ecosystem; and
- (c) take into account the views and representations of the affected local community.

(4) The absence of sufficient scientific evidence shall not be used by the Minister or District Council as a reason for refusing to declare a species as a reserved species for the purposes of this section.

### **31. Protected trees**

(1) The Minister or a District Council may, by statutory order, in respect of private land declare a particular tree, or group of trees on that land to be a protected tree or trees subject to such controls as the Minister may specify in the order.

(2) A declaration under subsection (1) shall be for the purpose of—

- (a) preserving scenic beauty or attraction;
- (b) conserving a distinctive specimen of any tree species;
- (c) preventing soil erosion;
- (d) conservation of biological diversity or species diversity; or
- (e) conservation, protection and development of natural resources.

(3) The Minister or a District Council shall, before making an order under this section—

- (a) assess, make and publish a report on the socio economic and ecological impacts of the proposed declaration;
- (b) ensure that the declaration is based on the results of an assessment relating to species status and the state of the particular tree or group of trees; and
- (c) take into account the views of the affected communities.

(4) Any person who, without the written consent of the Minister or the respective District Council—

- (a) cuts, damages, destroys, disturbs or removes any protected tree; or
  - (b) collects, removes, transports, exports, purchases, sells, donates or in any other manner acquires or disposes of any part of a protected tree,
- commits an offence and is liable, on conviction, to imprisonment for a term not exceeding three years or a fine not exceeding thirty currency points or both.

### **32. Prohibited activities**

(1) No person shall, except, for forestry purposes and in accordance with a management plan, or in accordance with a licence granted under this Act, in a forest reserve or community forest—

- (a) cut, take, work or remove forest produce;
- (b) clear, use or occupy any land for—
  - (i) grazing;
  - (ii) camping;
  - (iii) livestock farming;
  - (iv) planting or cultivation of crops;
  - (v) erecting of a building or enclosure; or
  - (vi) recreational, commercial, residential, industrial or hunting purposes;
- (c) collect biotic and abiotic specimens; or
- (d) construct or re-open a road, track, bridge, airstrip, or landing site.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding three years, or both.

### **33. Domestic use of forest produce**

(1) Subject to the management plan, a member of a local community may, in a forest reserve or community forest, cut and take free of any fee or charge, for personal domestic use in reasonable quantities, any dry wood or bamboo.

(2) For the avoidance of doubt, no person may, in a strict nature reserve or a site of special scientific interest cut or take dry wood or bamboo or other forest produce.

### **34. Prevention of damage**

(1) A person cutting, working, harvesting, removing or taking forest produce from a forest reserve shall take all care and necessary precautions to prevent damage to other forest produce or to the environment.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding two years, or both.

### **35. Precaution against fire**

(1) No person shall light or cause to be lit a fire in a forest, except in a place established for that purpose, or as otherwise permitted by an authorised person.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding seven years.

(3) An authorised person may burn or authorise any person to burn such fire-lines or grass or other inflammable material as may, in his or her opinion, be necessary for the control of fire or for the better protection or management of any part of a forest.

### **36. Pests and diseases**

The Minister, the Authority or a District Council shall, in the media, notify the public of the existence of plant and livestock pests or diseases dangerous to forests or forest produce and prescribe the measures to be taken to control or eradicate those pests and diseases.

### **37. Inventory of forests**

(1) The Minister shall, in consultation with the lead agencies, make an inventory of all forests in Uganda.

(2) An inventory made under subsection (1) shall—

- (a) state the total area of forces and other areas used for forestry;
- (b) state the type and quantity of forest resources in the forests and other areas used for forestry;
- (c) make recommendations for areas that require forest cover through afforestation and reforestation; and
- (d) state any other matter as the Minister may prescribe.

### **38. Environmental impact assessment**

A person intending to undertake a project or activity which may, or is likely to have a significant impact on a forest shall undertake an environmental impact assessment.

### **39. Tree planting and growing**

(1) The Minister or a District Council shall issue directions for the planting and growing of trees.

(2) Directions issued under subsection (1) may provide for—

- (a) the area to which the directions apply;
- (b) the persons, or classes of persons, to undertake the tree planting;
- (c) the frequency of tree planting;
- (d) the specifications of the tree planting to be undertaken;
- (e) the days on which tree planting is mandatory; and
- (f) any other matter relating to tree planting.

### **40. Tree Fund**

(1) There is established a Tree Fund.

(2) The Fund shall be managed by a body appointed by the Minister.

(3) The monies of the Fund shall consist of—

- (a) monies appropriated by Parliament;
- (b) loans obtained by Government;
- (c) grants, gifts and donations;
- (d) any monies required to be paid into the Fund; and
- (e) monies from any other source approved by the Minister in writing, in consultation with the Minister responsible for finance.

(4) The Fund shall be used—

- (a) to promote tree planting and growing at national and local level; and
- (b) to support tree planting and growing efforts of a non-commercial nature which are of benefit to the public.

(5) The administrative costs of managing the Fund shall be charged to the Fund.

(6) The Minister shall direct the managing body of the Fund to maintain accounts which shall be audited annually by the Auditor General.

(7) The managing body of the Fund shall submit to the Minister, once in every six months, a report on the operations of the Fund, giving such information on the affairs of the Fund as the Minister shall specify in writing.

(8) The Minister shall submit an annual report to Parliament on the performance of the Fund.

## **PART V—LICENCES.**

### **41. Licences**

(1) A responsible body may, subject to the management plan, grant a licence to an interested person for—

- (a) the cutting, taking, working or removing of forest produce from a forest reserve or community forest; or
- (b) the sustainable utilisation and management of the forest reserve or community forest.

(2) A responsible body shall in accordance with regulations, prescribe the terms, conditions, rights and fees for a licence granted under this section.

(3) Nothing in this section shall be deemed to transfer to or vest in the person granted a licence, any privilege, right, title, interest or easement over the forest reserve or community forest, other than that stated in the terms of the licence.

#### **42. Application for licence**

A responsible body shall, through a fair, open and competitive process in accordance with procedures prescribed by regulations, invite applications for a licence under this Act.

#### **43. Unlicensed activities**

(1) No person shall, except in accordance with section 33 or where he or she has been granted a licence for the purpose, grow, cut, take, work or remove any forest produce from a forest reserve or community forest.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding three years, or both.

### **PART VI—TRADE IN FOREST PRODUCE.**

#### **44. Timber export licences**

(1) No person shall export timber without an export licence issued by a licensing authority appointed by the Minister.

(2) A person who exports or attempts to export timber without a licence issued in accordance with subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or imprisonment for a term not exceeding three years or both.

(3) An export permit issued under this section shall be issued only for the export of graded timber.

#### **45. Restriction on movement of forest produce**

The Minister may, on the advice of the Authority and lead agencies, by statutory order, prohibit or restrict the movement by any person of forest produce for such periods, in such areas and on such terms as may be specified in the order.

### **PART VII—ADMINISTRATION.**

#### **46. Responsibilities of Minister**

The Minister is responsible for—

- (a) policy formulation and planning; and
- (b) ensuring the implementation of functions connected with the implementation of the forestry policy, the National Forest Plan and this Act.

#### **47. Mandate of responsible Ministry in relation to local governments**

For the purposes of ensuring the implementation of national policies with respect to the forest sector and adherence to performance standards by local governments, the Minister is, in accordance with the Local Governments Act, 1997, responsible for—

- (a) inspecting, monitoring and co-ordinating Government initiatives and policies in the forest sector as they apply to local governments;
- (b) co-ordinating and advising persons and organisations in relation to forest projects involving direct relations with local governments; and
- (c) assisting in the provision of technical advice, support, supervision and training to local governments to enable them to carry out the delivery of forestry services in their respective areas, and to develop their capacity to manage local forest reserves and community forests.

#### **48. District Forestry Office**

(1) A District Council shall, in accordance with the Local Governments Act 1997, establish a District Forestry Office, which shall be funded by the Government.

(2) A District Council shall appoint a District Forestry Officer and such other officers, as the Government may determine, to run the District Forestry Office established under subsection (1).

(3) The functions of a District Forestry Officer are—

- (a) to advise the District Council on all matters relating to forestry;
- (b) to liaise with the Authority and other lead agencies on matters relating to forestry;
- (c) to promote forestry awareness in the district;
- (d) to promote the planting of trees;
- (e) to undertake duties involved in the management of local forest reserves;
- (f) to advise and support the management of community forests;
- (g) to assist in the development and provision of advisory services relating to private forests;
- (h) to cause to be prosecuted, any person wilfully destroying any forest resources in contravention of this Act; and
- (i) to perform any other function as the District Council may prescribe.

#### **49. National Forest Plan**

(1) The Minister shall cause to be prepared a National Forest Plan, which shall be a public document and which shall be the framework for the implementation of the forestry policy and programmes by Government and stakeholders in the forest sector.

(2) In preparing the National Forest Plan under subsection (1), the views of persons and organisations involved in forestry in the public and private sector shall be sought and taken into account, and in particular the views of persons whose livelihoods are dependent on the forest sector.

(3) The Minister shall submit the National Forest Plan to Cabinet for approval.

(4) The National Forest Plan shall, after Cabinet has approved it, be published in the *Gazette*.

(5) The Minister shall cause the National Forest Plan to be monitored and periodically reviewed.

#### **50. Honorary Forestry Officers**

(1) The Minister may appoint suitably qualified persons as Honorary Forestry Officers, on such terms and conditions as the Minister shall determine, to assist in the implementation of this Act.

(2) The appointment of an Honorary Forestry Officer shall be effective for an area or function as the Minister shall determine.

(3) An appointment under this section shall be by notice in the *Gazette*.

#### **51. Authorised persons**

The Minister may, by notice in the *Gazette*, designate as many officers as he or she may deem fit, from duly qualified public officers, whether by name or by title of office, to be authorised persons for the purposes of this Act and shall state the area, functions and limits of operation of the authorised person.

### **PART VIII—NATIONAL FORESTRY AUTHORITY.**

#### **52. Establishment of the Authority**

(1) There is established the National Forestry Authority.

(2) The Authority is a body corporate with an official seal and may, for the discharge of its functions under this Act—

(a) acquire, hold and dispose of moveable and immovable property;

(b) sue and be sued; and

(c) do all acts and things as a body corporate may lawfully do.

(3) The Authority shall be under the general supervision of the Minister.

#### **53. Official seal of the Authority**

(1) The official seal of the Authority shall be in a form determined by the Board.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the Executive Director and one other member of the Board.

(3) In the absence of the Executive Director, the person performing the functions of the Executive Director shall sign.

(4) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Authority by the Executive Director, or by any member of the Board or any other person if that member of the Board or other person has been duly authorised by resolution of the Board to execute or enter into the instrument or contract as the case may be.

(5) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Authority in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

#### **54. Functions of the Authority**

(1) The functions of the Authority are—

- (a) to develop and manage all central forest reserves;
- (b) to identify and recommend to the Minister, areas for declaration as central forest reserves, and the amendment of those declarations;
- (c) to promote innovative approaches for local community participation in the management of central forest reserves;
- (d) to prepare and implement management plans for central forest reserves and to prepare reports on the state of central forest reserves and such other reports as the Minister may require;
- (e) to establish procedures for the sustainable utilisation of Uganda's forest resources by and for the benefit of the people of Uganda;
- (f) to co-operate and co-ordinate with the National Environment Management Authority and other lead agencies in the management of Uganda's forest resources;
- (g) in conjunction with other regulatory authorities, to control and monitor industrial and mining developments in central forest reserves;
- (h) in consultation with other lead agencies, to develop, or control the development of tourist facilities in central forest reserves;
- (i) to enter into an agreement or other arrangement with any person, for the provision of forestry services, subject to such charges as may be agreed upon;
- (j) to carry out or commission research for the purposes of conservation, development and utilisation of forests, and for the conservation of biological diversity and genetic resources; and
- (k) to ensure the training of forestry officers and other public officers in the development and sustainable management of forests.

(2) The Authority may, in addition to the functions specified in subsection (1), perform any of the following functions in accordance with a contract entered into for the purpose, and subject to such charges as may be agreed upon—

- (a) inspect, monitor and co-ordinate local governments in the management of their respective local forest reserves, and produce reports on the state of local forest reserves as the Minister may require;
- (b) provide technical support and guidance to District Forest Officers in their delivery of forestry advisory services relating to community forests, private forests, the promotion of tree planting, growing and forestry awareness;
- (c) supervise and train local governments in the implementation of the provisions of this Act relating to the planting, protection and conservation of trees and forests;
- (d) advise on innovative approaches for local community participation in the management of local forest reserves;
- (e) advise on, and support the preparation of management plans for local forest reserves, private forests and other forests on private land;
- (f) in conjunction with other lead agencies, monitor and guide the development of tourist facilities in local forest reserves, private forests and other forests on private land; and
- (g) liaise with the National Environment Authority in the protection of Uganda's forest resources, and the evaluation of environmental impact assessments undertaken in accordance with section 38.

(3) The Authority shall perform such other functions as may be conferred on it under this Act or by the Minister in writing.

#### **55. Board of Directors**

(1) The Authority shall have a Board of Directors consisting of seven members, at least two of whom shall be females, as follows—

- (a) a Chairperson;
- (b) the Executive Director who shall be an *ex-officio* member; and
- (c) five other members.

(2) The members of the Board shall be persons of high moral character and proven integrity who have had experiences of, and shown capacity in forestry, environment management, business and administration.

(3) The Minister shall appoint the members of the Board.

(4) The Minister shall, in appointing the members of the Board, ensure that there is a balance of skills and experience among the members of the Board.

(5) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

## **56. Disqualification from appointment as member**

A person shall not be appointed to the Board who is an undischarged bankrupt or who has made any assignment or arrangement with his or her creditors.

## **57. Tenure of office of Board members**

(1) A member of the Board, other than the Executive Director, shall hold office for three years and is eligible for re-appointment for one more term, except that of the first members to be appointed to the Authority, three shall be appointed to hold office for two years.

(2) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister.

(3) The Minister may, at any time, remove a member of the Board, from office—

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) for misbehaviour or misconduct;
- (c) for incompetence;
- (d) if the member is absent without prior permission of the Chairperson, or without reasonable cause to the satisfaction of the Minister, for more than four consecutive meetings of the Board, or is absent from Uganda for more than twelve consecutive months;
- (e) if the member is bankrupt or insolvent or enters into a composition scheme with his or her creditors; or
- (f) if the member is convicted of an offence involving dishonesty, fraud or moral turpitude.

## **58. Filling of vacancies of the Board**

Where a member is removed from office under this section, the Minister may appoint another person qualified in accordance with section 55(2) to replace that member.

## **59. Remuneration of Board members**

The Chairperson and the members of the Board shall be paid such remuneration as the Minister may determine.

## **60. Functions of the Board**

(1) The Board is responsible for the general direction and supervision of the Authority.

(2) Without prejudice to the generality of subsection (1) the Board shall—

- (a) review and approve operating plans, budgets, reports and audited financial statements of the Authority;
- (b) oversee the operations of the Authority;
- (c) provide guidance to the Executive Director and staff of the Authority;  
and
- (d) establish and approve rules and procedures for appointment, termination, discipline and terms and conditions of service of staff of the Authority.

(3) The Board is, in the performance of its functions, responsible to the Minister.

### **61. Meetings of the Board**

The Second Schedule has effect in relation to meetings of the Board and other matters provided for in that Schedule.

### **62. Committees of the Board**

(1) The Board may appoint committees to advise it on any matter concerning the functions of the Board as it may determine.

(2) A committee appointed under subsection (1) shall consist of a Chairperson who shall be a member of the Board and such other persons, whether members of the Board or not, as the Board may determine.

(3) The Board shall, in writing, specify the terms and conditions of service of the members of a committee appointed under subsection (1).

(4) The Board may delegate any of its functions under this Act to a committee appointed under this section.

(5) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee.

(6) Members of a committee appointed under this section may be paid such allowances as the Board may determine.

(7) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

### **63. Forestry Committees**

(1) The Authority may, in consultation with the respective local governments, establish Forestry Committees.

(2) A Forestry Committee established under subsection (1) shall consist of—

- (a) a Chairperson appointed by the Authority;
- (b) one person to represent each of the District administrations covered by the respective forest management area;
- (c) a senior employee of the Authority in the area who shall be the secretary to the committee; and

(d) four persons including at least one female, who are knowledgeable in forestry matters nominated by a process of public advertisement.

(3) The board shall specify the terms and conditions of service of the Forestry Committees.

#### **64. Functions of Forestry Committees**

(1) The functions of a Forestry Committee are—

(a) to inform the Authority of the ideas, desires and opinions of the people in the respective areas on all matters relating to the conservation and use of the central forest reserves;

(b) to assist local communities to benefit from the central forest reserves;

(c) to advise the Authority on the implementation of its functions under this Act; and

(d) to perform such other functions as the Authority may require or delegate to it.

(2) A Forestry Committee shall submit to the Authority an annual report on its activities and other matters related to forestry management in the area.

(3) The Board shall give directions in writing to a Forestry Committee relating to the procedure for meetings of the committee.

*Staff of Authority.*

#### **65. Executive Director**

(1) There shall be an Executive Director of the Authority who shall be appointed by the Minister on the recommendation of the Board, on terms and conditions to be specified in the instrument of appointment.

(2) The Executive Director shall be a person with professional qualifications and relevant experience in administration, economics, finance, law, management, environment or technical knowledge relating to forestry.

#### **66. Functions of Executive Director**

(1) The Executive Director is the chief executive officer of the Authority and is responsible for the day-to-day operations and administration of the Authority.

(2) Subject to this Act and to the general supervision and control of the Board, the Executive Director is responsible for—

(a) the implementation of the policies and programmes of the Authority and reporting on them to the Board;

(b) the proper management of the funds and property of the Authority;

(c) the organisation and control of the staff of the Authority;

(d) the development of an operating plan to guide the Authority in achieving its objectives;

- (e) the development of management plans for the utilisation of forestry resources in the central forest reserves;
- (f) co-operation with other lead agencies and organisations in the forest sector;
- (g) the development of an economic, efficient and cost effective internal management structure; and
- (h) performing any other duty that may be assigned to him or her by the Board.

(3) The Executive Director is, in the performance of his or her functions, answerable to the Board.

#### **67. Tenure of office of Executive Director**

(1) The Executive Director shall hold office for three years and is eligible for re-appointment for one more term.

(2) The Executive Director shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt or insolvent, or has made an arrangement with his or her creditors;
- (c) he or she is convicted of an offence involving dishonesty, fraud or moral turpitude;
- (d) he or she is removed from office by the Minister on the recommendation of the Board for—
  - (i) inability to perform the functions of his or her office arising from infirmity of body or mind;
  - (ii) misbehaviour or misconduct; or
  - (iii) incompetence.

#### **68. Other officers and staff of the Authority**

(1) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Authority as may be necessary for the effective performance of the functions of the Authority.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be specified in their instruments of appointment.

#### **69. Protection of members and employees**

A member of the Board or an employee of the Authority or a person acting on the directions of such a person is not personally liable for any act or omne in good faith in the exercise of the functions of the Authority.

*Finances.*

#### **70. Funds of the Authority**

The funds of the Authority shall consist of—

- (a) money appropriated by Parliament for the purposes of the Authority;
- (b) fees charged for services rendered by the Authority under this Act;
- (c) revenue earned from activities of the Authority under this Act;
- (d) grants, gifts or donations from the Government or other sources made with the approval of the Minister responsible for finance; and
- (e) any other funds received by the Authority in the performance of its functions under this Act.

**71. Duty to operate on sound financial principles**

The Board shall, in discharging its duties in relation to the Authority, perform its functions in accordance with sound financial and commercial practice and shall ensure that revenue is sufficient to meet expenditure.

**72. Power to open and operate bank accounts**

(1) The Board shall open and maintain such bank accounts as are necessary for the performance of its functions.

(2) The Board shall ensure that all money received by or on behalf of the Authority is banked as soon as practicable after being received.

(3) The Board shall ensure that no money is withdrawn from or paid out of any of the bank accounts of the Board without the authority of the Board.

**73. Borrowing powers**

The Board may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Authority under this Act.

**74. Investment of surplus funds**

Any funds of the Authority not immediately required for any purpose under this Act may be invested in a manner which the Board may, after consultation with the Minister and the Minister responsible for finance, determine.

**75. Estimates**

(1) The Executive Director shall, within two month before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Authority, and the operating plan for the next financial year.

(2) The Board shall, within two months, cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure submitted by the Executive Director under subsection (1) as approved by the Board.

**76. Financial year of the Authority**

The financial year of the Authority is the period of twelve months beginning on the first day of July in each year and ending on the 30th day of June in the next calendar year.

**77. Accounts**

(1) The Executive Director shall cause to be kept proper books of accounts and records of the transactions of the Authority.

(2) Subject to any direction given by the Minister, the Board shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include—

(a) a balance sheet, a profit and loss account and a source and application of funds statement; and

(b) any other information in respect of the financial affairs of the Authority as the Minister responsible for finance may, in writing require.

### **78. Audit**

(1) The Auditor General shall, in each financial year, audit the accounts of the Authority.

(2) The Board shall ensure that within four months after the end of each financial year, a statement of accounts described in section 77(2) is submitted to the Auditor-General for auditing.

(3) The Auditor General shall have access to all books of accounts, vouchers and other records of the Authority, and is entitled to any information and explanation required in relation to those records.

### **79. Annual and other reports**

(1) The Board shall, within three months after the end of each financial year, submit to the Minister, a statement of its activities in the preceding financial year, containing such information as the Minister may require.

(2) The Board shall also submit to the Minister, such other reports on its activities or on any other matter as the Minister may, from time to time, require.

### **80. Service of documents**

Any notice or document may be served on the Authority by delivering it at the office of the Executive Director or by sending it by registered post to the Executive Director.

## **PART IX—OFFENCES.**

### **81. General offences**

Any person who—

(a) contravenes any of the terms or conditions of a licence granted under this Act;

(b) without due authority, alters, moves, destroys or defaces any boundary mark of a forest;

(c) fails to sustainably manage, maintain and control a forest in accordance with this Act;

(d) fails to comply with a management plan;

(e) fails or neglects to plant trees in accordance with this Act; or

(f) fails to comply with the order of an authorised person,

commits an offence and is liable, on conviction, to a fine not exceeding forty currency points, or to imprisonment for a term not exceeding five years, or both.

## **82. Counterfeiting and similar offences**

Any person who—

(a) counterfeits or issues without due authority, any licence;

(b) is found in possession of a licence which is fraudulently issued;

(c) submits false information in an application for a licence under this Act;

(d) counterfeits, alters, obliterates or defaces any stamp, mark, sign or licence issued under this Act;

(e) knowingly receives or keeps in his or her possession any forest produce which is fraudulently marked or which has been cut or removed in contravention of this Act;

(f) counterfeits or fraudulently uses on any forest produce, a mark used by an authorised person; or

(g) transports, deals in or stores timber with counterfeit marks;

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

## **83. Penalties**

A person convicted of an offence under this Act for which no penalty is provided is liable—

(a) in the case of a first offence, to a fine not exceeding thirty currency points or imprisonment for a term not exceeding three years or both; and

(b) in the case of a second or subsequent offence, to a fine not exceeding forty currency points or imprisonment for a term not exceeding five years or both.

## **84. Power of court to confiscate and order forfeiture**

(1) The court by which a person is convicted of an offence under this Act may order the forfeiture of—

- (a) any forest produce in respect of which the offence was committed or which was found in that person's possession; or
- (b) any vehicle, machinery, weapon or other thing which was used to commit the offence or which was capable of being used to take forest produce found in his or her possession.

(2) Any forest produce forfeited under subsection (1) shall, unless otherwise ordered by the court, be sold or otherwise disposed of—

- (a) as the responsible body may direct; or
- (b) where the responsible body has been convicted of the offence, sold or otherwise disposed of as the Minister directs.

### **85. Power of court to order compensation**

A person who is convicted of an offence against this Act may be held liable for any loss or damage caused by the offence and may be ordered by the court to pay—

- (a) to the State, in addition to any penalty imposed by the court for the offence, an amount of compensation for that loss or damage up to five times the value of the produce; or
- (b) up to ten times the amount of any fees, royalties or other payments which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

### **86. Cancellation of licences, etc**

The court may, on convicting a person granted a licence under this Act of an offence against this Act—

- (a) order that the licence be cancelled; or
- (b) disqualify that person from obtaining a licence for a period as the court thinks fit.

### **87. Further powers of court**

A court, on convicting any person—

- (a) for an offence against this Act, may order that person, within a time specified in the order, to do any act the person had failed, refused or neglected to do;
- (b) of clearing, using or occupying land in a forest reserve shall, in addition to any other penalty it may impose, order that person, within a time to be specified in the order—
  - (i) to vacate the land;
  - (ii) to restore the land to its original state; or
  - (iii) to remove from the land any livestock, buildings or enclosures which he or she may have erected, and any crops which he or she may have planted on that land.

### **88. Powers of authorised person**

(1) An authorised person may arrest, without warrant, any person whom he or she reasonably suspects has committed, or is in the process of committing an offence under this Act.

(2) Where an authorised person suspects that any person is in possession of any forest produce unlawfully obtained, he or she may search that person or any baggage, package, parcel, conveyance, vehicle, tent or building under the control of that person.

(3) An authorised person may seize and detain any forest produce, livestock, tools, boats, conveyance, machinery, or other implements, which he or she reasonably suspects, are liable to be forfeited under this Act.

(4) Where the officer acting under subsection (3) is of the opinion that the item seized is subject to speedy and natural decay or will entail avoidable expenses on the part of Government, he or she may sell it, and the proceeds of that sale shall be treated in the same manner as the seized item would have been treated if there had been no sale.

(5) No action shall be brought against an authorised person or a person acting under his or her direction in respect of any deterioration in quality or value of any forest produce, instrument or item seized under subsection (3).

(6) An officer seizing or detaining any item under subsection (3) shall commence administrative proceedings leading to prosecution in respect of that item without delay.

### **89. Obstruction of authorised person**

A person who obstructs an authorised person in the execution of his or her duties under this Act commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points, or to imprisonment for a term not exceeding three years, or both.

### **90. Penalties under statutory orders**

A statutory order made under this Act may prescribe in respect of a contravention of the statutory order, that the offender is liable to a fine not exceeding forty currency points or imprisonment for a term not exceeding five years, or both, and in the case of a continuing offence, to an additional fine not exceeding two currency points in respect of each day or part of a day on which the offence continues.

## **PART X—MISCELLANEOUS.**

### **91. Access to information**

(1) Every citizen has a right of access to any information relating to the implementation of this Act, submitted to or in the possession of the State, a local council, the Authority or a responsible body.

(2) A person desiring information under subsection (1) shall apply to the relevant body under subsection (1), and shall be granted access to the information on the payment of the prescribed fee, if any in a prescribed manner.

(3) Freedom of access to information under this section does not extend to proprietary information which is treated as confidential.

(4) For purposes of this section, “proprietary information” shall mean information on research or practices initiated or paid for by an individual or private company or financial standing of an individual or private company which is not for public consumption.

## **92. Regulations**

(1) The Minister may, by statutory instrument, make regulations—

- (a) for any purpose for which regulations may be made under this Act;
- (b) prescribing anything which may be prescribed under this Act; and
- (c) generally for the purpose of carrying into effect the provisions of this Act.

(2) Regulations made under subsection (1) may provide for—

- (a) the principles by which the fees, if any, for a licence may be determined by the responsible body;
- (b) the manner in which a responsible body may sell or dispose of forest produce from a forest reserve;
- (c) the species of trees or other forest produce which may be cut or removed from a forest reserve, and the manner in which the trees or produce may be removed or cut;
- (d) the areas within a forest reserve in which forest produce may or may not be cut or removed, and the replanting of trees and the closing or partial closing of areas to cutting and removing of produce;
- (e) the prohibition or regulation of trade in forest produce and genetic materials;
- (f) the trade names to be used for tree species and other forest produce;
- (g) the notification of plant and livestock pests and diseases dangerous to forests and forest produce and the measures to be taken to control or eradicate the notified pests or diseases;
- (h) the prohibition, control and management of fires;
- (i) the introduction of alien and exotic species;
- (j) the certification and control of tree seeds and other reproductive materials;
- (k) the manner and circumstances in which a licence may be granted, varied, suspended or cancelled;

- (l) the prohibition or control of acts, materials or machines likely to cause damage to a forest reserve or community forest;
- (m) the prohibition or regulation of the entry of persons or vehicles into a forest reserve or part of a forest reserve or community forest;
- (n) the compulsory use of approved or other devices for marking livestock as may be necessary to identify livestock licensed or permitted to graze in a forest reserve or community forest;
- (o) the sustainable management or utilisation of forests;
- (p) the prohibition of any act or directing the responsible body or the owner of a forest to take necessary steps for the protection of any forestry resource;
- (q) forest utilisation practices, including joint forest management and collaborative forest management;
- (r) the granting of rights in or over forests;
- (s) the exercise of control over the collection, removal and sale of reserved species;
- (t) the exercise of control over the collection, removal and sale of protected trees;
- (u) the compiling and maintaining of an inventory and a register of forests;
- (v) the certification of forests and labeling of forest produce to verify its origin from sustainable sources of supply;
- (w) the appointment of a licensing authority for the issuing of timber export licences and the granting, refusal, suspension and revocation of timber export licences;
- (x) the export of timber and the inspection and grading of timber;
- (y) the registration and management of private forests;
- (z) the issuing of directions for the planting of trees, and the designation of areas for the mandatory planting of trees in any part of Uganda;
- (aa) support to the development of the trade in carbon sequestration credits;
- (bb) guidelines for the declaration of central, local and community forest reserves; and
- (cc) guidelines for accessing information including the relevant application form.

(3) Regulations made under this section may prescribe, in respect of a contravention of the regulations, that the offender is liable to a fine not exceeding fifty currency points, or to imprisonment for a term not exceeding five years, or both.

### **93. Amendment of Schedules**

(1) The Minister may, by statutory instrument, with the approval of Cabinet, amend the First Schedule.

(2) The Minister may by statutory instrument, amend the Second Schedule.

#### **94. Transfer of assets and liabilities**

All property and assets vested in the Forestry Department before the commencement of this Act shall vest in the Authority, subject to all interests, liabilities, obligations and trusts affecting the property.

#### **95. Employees of Forestry Department**

(1) The Authority shall, on the effective date of its operations, accept into its employment, every person who, immediately before the commencement of this Act, was an employee of the Forestry Department and who was given an option to serve by the Authority and has opted to serve as an employee of the Authority.

(2) A person employed by the Forestry Department at the time of the commencement of this Act shall be paid terminal benefits and pensions in accordance with the existing terms and conditions of service of that employee and shall cease to be a staff of the Forestry Department.

(3) A person who is not accepted as an employee of the Authority is entitled to terminal benefits and pensions in accordance with the existing terms and conditions of service of that employee.

#### **96. Repeal and savings**

(1) The following Acts are repealed—

(a) the Forests Act; and

(b) the Timber (Export) Act.

(2) A statutory instrument made under any of the Acts repealed by subsection (1), and which is in force immediately before the commencement of this Act, shall remain in force until revoked by regulations made under this Act.

(3) A licence or permit issued under any of the Acts repealed by subsection (1), and which is in force immediately before the commencement of this Act—

(a) shall have effect from the commencement of this Act as if granted under this Act; and

(b) in the case of licence or permit for a specified period, shall remain in force, subject to this Act, for so much of that period as falls after the commencement of this Act.

(4) Any agreement or similar arrangement made under any of the Acts repealed by subsection (1) shall continue in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

## FIRST SCHEDULE

SECTIONS 3, 93.

### CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

## SECOND SCHEDULE

SECTION 61

### MEETINGS OF THE BOARD.

#### 1. Meetings of the Board

(1) The Chairperson shall convene every meeting of the Board at such times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by at least four members of the Board.

(3) Notice of a Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Board and in the absence of the Chairperson, the members present shall elect one of their number to preside at that meeting.

## 2. Quorum

(1) The quorum for a meeting of the Board is four members.

(2) All decisions at a meeting of the Board shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

## 3. Power to co-opt

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Authority, to attend and take part in the proceedings of the Board.

(2) A person attending a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have any right to vote at that meeting.

## 4. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership, or by any defect in the appointment or qualification of a member.

## 5. Disclosure of interest of members

(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall disclose the nature or extent of his or her interest at a meeting of the Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not participate in any deliberation, or take part in any decision of the Board with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

## 6. Board may regulate its procedure

Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.