

## **CHAPTER 146**

### **THE FORESTS ACT.**

#### **Arrangement of Sections.**

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## CHAPTER 146

### THE FORESTS ACT.

*Commencement:* 31 December, 1947.

#### **An Act to consolidate the law relating to forests and forest reserves.**

#### PART I—PRELIMINARY.

#### **1. Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “firewood” includes parts of trees 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;
- (b) “forest officer” includes any officer of the forest department of the rank of forest guard or above, and any honorary forest officer appointed under section 2;
- (c) “forest produce” means—
  - (i) trees, timber, firewood, poles, slabs, branchwood, wattles, withes, sawdust, charcoal, bark, fibres, resins, gum, latex, fruits and seeds;
  - (ii) all such honey, grass, litter, soil, stone, gravel or sand as originates in a forest reserve and is not a mineral within the meaning of the Mining Act; and
  - (iii) such other things as the Minister may by statutory instrument declare to be forest produce;
- (d) “forest reserve” means an area declared to be a central forest reserve or a local forest reserve under section 3;
- (e) “livestock” includes cattle, horses, donkeys, mules, pigs, sheep, goats, camels and all other domesticated animals and their young;
- (f) “local authority” means the administration of a district or a municipal council or a town council within the meaning of the Local Governments Act;
- (g) “open land” means public land not being part of central forest reserves or local forest reserves and includes all freehold and leasehold lands on which the forest produce is reserved to the Government;
- (h) “senior forest officer” means any officer appointed under section

2 who is declared by the Minister by notice in the Gazette to be a senior forest officer for the purposes of this Act;

- (i) “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;
- (j) “tree” includes trees, palms, bamboos, canes, shrubs, bushes, climbers, seedlings, saplings and regrowth of all ages and of all kinds, and any part thereof;
- (k) “village forest” means an area declared to be a village forest under section 8.

## **2. Appointment of forest officers.**

(1) Subject to the provisions of any written law relating to the appointment of persons to the public service, the Minister may appoint a chief conservator of forests (hereafter referred to as the chief conservator), a deputy chief conservator, conservators, assistant conservators, senior foresters, foresters and such other officers as may be necessary for carrying into effect the provisions of this Act.

(2) In addition to the officers referred to in subsection (1), the Minister may appoint, by notice in the Gazette, honorary forest officers, and every such officer on being appointed shall take the prescribed oath.

## **PART II—FOREST RESERVES AND VILLAGE FORESTS.**

### **3. Declaration of forest reserves.**

The Minister may, by statutory order, declare any area—

- (a) to be a central forest reserve;
- (b) to be a local forest reserve; or
- (c) to have an adequate forest estate,

after instituting such inquiries as he or she shall deem necessary.

### **4. Local authorities to control local forest reserves.**

(1) In any order constituting a local forest reserve, the Minister shall specify the local authority which shall have the maintenance and control of the local forest reserve, and thereupon, or with effect from a date specified in the order, the duty of maintaining and controlling the local forest reserve shall pass to that local authority.

(2) Nothing in this section shall be deemed to transfer to or vest in a local authority any privilege, right, title, interest or easement over any land declared to be a local forest reserve other than the privilege of maintenance and control.

#### **5. Powers of local authorities.**

Subject to the Uganda (Independence ) Order in Council, 1962, the powers vested in the chief conservator and forest officers by this Act in respect of central forest reserves and the forest produce of those reserves shall, in respect of a local forest reserve and subject to section 4(2), be vested in the local authority maintaining and controlling the reserve and the proper officers thereof, and any revenue derived from the maintenance and control of a local forest reserve shall belong to and form part of the revenues of the local authority.

#### **6. Local authorities to act on advice of chief conservator.**

(1) Every local authority shall maintain and control its local forest reserves in accordance with the advice of the chief conservator.

(2) When the Minister is of the opinion that it is expedient for ensuring the proper protection, control or management of a local forest reserve, he or she may, by statutory order, direct that the forest reserve shall be controlled by the chief conservator and thereupon the chief conservator shall exercise all the powers of the local authority over the reserve.

(3) The chief conservator shall control any local forest reserve placed under his or her control under subsection (2) on behalf of and for the benefit of the local authority concerned.

#### **7. Revocation of local forest reserves.**

From the date of any statutory order revoking a declaration of a local forest reserve, the reserve shall cease to be maintained and controlled by the local authority specified in the declaration and all the powers and privileges of that authority therein shall cease; and that authority shall not, as of right, be entitled to any compensation, although the Minister may, in his or her discretion, grant to a local authority such compensation as he or she considers just and reasonable having regard to all the circumstances.

## **8. Declaration of village forests.**

(1) Any local authority may, with the approval of the Minister, declare any lands occupied by a community within its jurisdiction a village forest.

(2) Such declaration shall be published in the same manner as the local authority orders are ordinarily published, and also by posting a notice setting forth the situation, extent and limits of the village forest outside the office or other meeting place of the local authority.

## **9. Control of village forests.**

(1) A village forest shall be managed and controlled by such body of persons as the local authority shall appoint for that purpose, and any revenue derived from the management and control of the forest shall belong to and form part of the funds of the local authority and shall be devoted to the welfare of the community in which the forest is situated.

(2) A local authority with the approval of the Minister may make rules for the protection, management and utilisation of any village forest within its jurisdiction.

(3) Any rules or orders made under subsection (2) shall be published in the same manner as an order made under section 8(2).

## **10. Description of and disputes in respect of forest areas.**

(1) In any notices, rules or orders made under this Act, forest reserves and village forests and their boundaries shall be described in such manner as the person issuing the notices or making the rules or orders shall deem fit and expedient.

(2) If any dispute should arise as to whether or not any area is included in a forest reserve or village forest, the decision of the commissioner of lands and surveys shall be final, and a certificate under his or her hand recording the decision shall be admissible in evidence in any court of law.

PART III—LICENCES FOR FOREST PRODUCE.

**11. Issue of licences.**

(1) The chief conservator or forest officers authorised by the chief conservator may issue licences on the payment of the prescribed fees, if any, for the cutting, taking, working or removal of forest produce from central forest reserves and open land.

(2) Notwithstanding subsection (1), in areas which have been declared to have an adequate forest estate, licences may be issued by the appropriate local authority for the cutting, taking, working or removal of forest produce from open land not being a central forest reserve.

(3) A local authority may issue licences on the payment of the prescribed fees, if any, for the cutting, taking, working or removal of forest produce from local forest reserves and village forests.

**12. Licences to be produced when required.**

Any person holding a licence or permit under this Act shall on being so required by a forest officer, police officer, administrative officer or a person authorised to inspect licences and permits by a local authority produce his or her licence or permit for examination.

**13. Prohibited acts.**

(1) Subject to any exemptions granted under this Act, no person shall cut, take, work or remove forest produce in or from a forest reserve, village forest or open land unless he or she is licensed to do so under this Act.

(2) Except as may be permitted by rules made under this Act, no person shall—

- (a) clear, use or occupy any land in a forest reserve for—
    - (i) grazing;
    - (ii) camping;
    - (iii) fish farming;
    - (iv) the planting or cultivation of crops;
    - (v) the erection of buildings or enclosures; or
    - (vi) recreational, commercial, residential or industrial purposes;
- or

- (b) construct or reopen any road, track or bridge in a forest reserve.

**14. Domestic use of forest produce.**

(1) Subject to and in accordance with any rules or exemptions made under this Act, Africans may in any forest reserve, village forest or open land cut and take for their own personal domestic use in reasonable quantities any forest produce which—

- (a) is not declared by any such rules to be reserved forest produce; and
- (b) has not been planted by any person.

(2) Nothing in this Act or in any such rules shall operate so as to prohibit such cutting and taking, or so as to impose any fee on that cutting or taking.

PART IV—PROTECTION OF FORESTS.

**15. Precautions against fire.**

(1) No person shall in any forest reserve or village forest negligently light or throw down any match or other lighted or inflammable material, or light or leave any fire without taking due precautions against the fire spreading or causing injury, or do anything in consequence of which any forest produce belonging to the Government may be burnt or injured, or may be in danger of being burnt or injured.

(2) It shall not be a breach of the section for a forest officer to burn, or empower other persons to burn, such fire lines or grass or other inflammable material as may in his or her opinion be necessary for the better protection or better management of any part of a forest reserve or village forest.

**16. Public to assist in extinguishing fires.**

(1) Any forest officer, police officer, administrative officer or person in charge of a local forest reserve or village forest may require any person who lives or is resident within a reasonable distance of any forest to assist in averting or extinguishing any fire in the forest or in securing any property within the forest from loss or damage arising from fire or other natural causes.

(2) No person shall be entitled to any pay or compensation for any work he or she is required to do under subsection (1).

(3) Any person who fails to assist in averting or extinguishing any fire or in securing any property from loss or damage when required to do so under subsection (1) commits an offence.

### **17. Damage to forest produce.**

(1) Any person lawfully cutting or removing forest produce from any forest reserve or village forest or from open land shall take all necessary precautions to prevent damage to other forest produce.

(2) Any person unnecessarily damaging other forest produce when lawfully cutting or removing forest produce commits an offence.

## **PART V—OFFENCES AND LEGAL PROCEEDINGS.**

### **18. Contraventions.**

Any person who contravenes any of the provisions of this Act or any rules made under this Act or any of the terms or conditions of a licence or permit granted under this Act or who knowingly receives any forest produce which has been cut or removed in contravention of this Act or any rules made under this Act or of any of the terms or conditions of a licence granted under this Act commits an offence.

### **19. Counterfeiting and similar offences.**

Any person who—

- (a) counterfeits or fraudulently uses upon forest produce a mark used by forest officers;
- (b) counterfeits or issues without due authority any licence or permit for forest produce;
- (c) counterfeits, alters, obliterates or defaces any stamp, mark, sign, licence, permit or forest fee receipt used or issued under this Act or any rules, orders or notices made under this Act;
- (d) without due authority alters, moves, destroys or defaces any boundary mark of a forest reserve,

commits an offence and is liable on conviction to imprisonment for a period

not exceeding two years.

## **20. Penalties.**

When any person is convicted of an offence under this Act or any rules made under this Act for which no special penalty is provided, he or she is liable to imprisonment for a period not exceeding six months or to a fine not exceeding two thousand shillings or to both such imprisonment and fine.

## **21. Power of court to confiscate forest produce and order restitution.**

(1) When any person is convicted of an offence under this Act or any rules made under this Act, all forest produce in respect of which the offence has been committed, and all livestock, tools, boats, vehicles, machinery and other implements used in committing the offence shall be liable to be forfeited by order of the court.

(2) The forfeiture shall be in addition to any other punishment that may be awarded.

(3) Any forest produce forfeited under subsection (1) shall, unless otherwise ordered by the court, be sold or otherwise disposed of as the chief conservator may, by general or special order, direct.

(4) When any person is convicted of an offence under this Act or any rules made under this Act, the court may, in addition to any other punishment that it may award, order the convicted person to restore to the owner any forest produce that the person has obtained in contravention of this Act or any rules made under this Act or to pay to the owner compensation for the loss he or she has sustained by the contravention.

## **22. Further powers of court.**

(1) A court on convicting any person of clearing, using or occupying land in a forest reserve contrary to this Act shall in addition to any other penalty it may impose, order the person within a time to be specified in the order to vacate the land and to remove from it any buildings or enclosures which he or she may have erected and any crops which he or she may have planted on the land.

(2) If any person fails to comply with an order made under subsection

(1), the court which made the order shall, on application being made to it by or on behalf of the authority maintaining and controlling the forest reserve within which is situated the land to which the order relates, issue a warrant addressed to any police officer directing him or her immediately or subject to such conditions as the court may in its discretion impose—

- (a) to enter upon the land;
- (b) to dispossess and remove from the land the person convicted together with the family, dependents and servants of the person; and
- (c) to take possession of the land on behalf of the authority by or on behalf of which the application is made together with all crops growing on the land and all buildings and immovable property upon and affixed to the land; but no such warrant shall contain the direction mentioned in this paragraph if the court is satisfied that some person other than the person convicted or his or her family, dependents and servants is in lawful occupation of the land.

### **23. Presumptions.**

(1) When in any proceedings under this Act, a question arises whether any forest produce belongs to the Government or whether any land is open land, the forest produce shall be presumed to belong to the Government or the land shall be presumed to be open land until the contrary is proved.

(2) In any proceedings under this Act, evidence of the use or occupation of land in a forest reserve by the wife, including a wife under customary law, servant or agent of any person shall be prima facie evidence of the use or occupation of that land by that person.

### **24. Arrest without warrant.**

(1) A forest officer or police officer may arrest without warrant any person whom he or she reasonably suspects has committed an offence under this Act or under any rules made under this Act and who, on demand of the officer, refuses or fails to give his or her name and address or who gives a name and address which the officer believes to be false, or who the officer has good reason to believe will abscond.

(2) An authorised person employed by a local authority, other than

an urban council established under the Local Governments Act, may arrest without warrant any person subject to the jurisdiction of such local authority whom he or she suspects upon reasonable grounds of having committed or being about to commit an offence under this Act in respect of a local forest reserve maintained and controlled by the local authority, a village forest within the local authority's jurisdiction or any open land in any area within the local authority's jurisdiction which has been declared under this Act to have an adequate forest estate.

(3) In this section, "authorised person" means a forest ranger, forest guard, forest supervisor or any person declared by the Minister to be an authorised person for the purposes of this section.

## **25. Power to search for forest produce.**

Whenever a forest officer or police officer suspects that any person has been guilty of an offence under this Act or of any rules made under this Act or is in possession of any forest produce unlawfully obtained, he or she may search the person or any baggage, package, parcel, conveyance, tent or building under the control of the person.

## **26. Power to seize and detain.**

(1) A forest officer or police officer may seize and detain any forest produce, livestock, tools, boats, vehicles, machinery, or other implements which he or she reasonably suspects are liable to be forfeited under this Act.

(2) If the officer seizing anything under subsection (1) is of the opinion that the thing is subject to speedy and natural decay, he or she may sell the thing, and the proceeds of the sale shall be treated in the same manner as the thing would have been treated if there had been no sale.

(3) An officer seizing or detaining anything under subsection (1) shall commence proceedings in respect of which the thing has been seized without delay and if proceedings are not commenced within a reasonable time, he or she shall return the thing seized to the person from whom it was seized.

(4) A court convicting any person of an offence under this Act or any rules made under this Act may order the person convicted to pay, in addition to any penalty it may impose, the expenses of seizure and detention of any

thing seized in connection with the offence under subsection (1).

**27. Power to accept compensation for offences.**

Notwithstanding any other provision of this Act, a senior forest officer may, in any case he or she deems proper and in substitution for any proceedings, accept on behalf of the Government a sum of money by way of compensation from any person reasonably suspected of a contravention of this Act or any rules made under this Act, not being an offence under section 19; but—

- (a) compensation shall be accepted only where the person reasonably suspected of the contravention has expressed his or her willingness in the prescribed form that the contravention shall be so dealt with, and where the estimated value of the forest produce or other animal or thing in respect of which contravention has taken place does not exceed five hundred shillings if the forest officer accepting the compensation is other than the chief conservator or one thousand shillings when the forest officer is the chief conservator;
- (b) the compensation shall not exceed three times the value of the forest produce or other animal or thing in respect of which contravention has taken place, or, alternatively, where the value of the forest produce cannot be estimated, the sum of one hundred shillings.

PART VI—MISCELLANEOUS.

**28. Power of exemption.**

The Minister, by statutory instrument, may exempt any person or class of persons or any land or class of land from any or all of the provisions of this Act.

**29. Rules applicable to central forest reserves and open land.**

The Minister may make rules in relation to the control and administration of central forest reserves and open land—

- (a) prescribing the fees, if any, to be paid for, the manner of application for, and the conditions subject to which, any licence may be issued under this Act;
- (b) prescribing the fees to be paid for the cutting or removal of forest produce either generally or in respect of any particular produce

- or area, or prescribing maximum and minimum fees for such cutting or removal either generally or in respect of any particular produce or area;
- (c) prescribing the manner in which the chief conservator or any other person specified in the rules may sell or dispose of forest produce;
  - (d) exempting any person or class of persons from the payment of any fees under this Act or the rules made under this Act;
  - (e) prescribing the species of trees or other forest produce which may be cut or removed, the seasons for cutting or removing the trees or produce, the quantity of the trees or produce that may be cut or removed and the manner in which the trees or produce may be removed or cut;
  - (f) prescribing the areas in which forest produce may or may not be cut or removed and providing for the closing or partial closing of areas to cutting and removing of the produce;
  - (g) prohibiting or regulating the export of forest produce;
  - (h) prohibiting the carrying of materials likely to cause fire or other danger to forest produce and prohibiting or regulating the lighting of fires;
  - (i) providing for the notification of insect and fungal pests dangerous to timber and other forest produce and for the prescription of measures to be taken to control or eradicate the notified pests;
  - (j) prescribing the trade names to be used for specific timbers and forest produce;
  - (k) empowering any person specified in the rules to issue permits for carrying out any work or doing any thing which is prohibited under the provisions of section 13(2), regulating the manner and circumstances in which the permits may be applied for, issued, refused, varied, suspended or cancelled, providing for the conditions or terms subject to which they may be issued, empowering the person issuing any such permit to impose such additional conditions as he or she thinks fit on the permit and prescribing the fees payable for any such permit or providing for any such permit to be issued without fee;
  - (l) prohibiting or controlling acts liable to cause damage to forest reserves or forest produce;
  - (m) prohibiting or regulating the entry of persons, animals or vehicles into any forest reserve or part of the forest reserve;
  - (n) providing for the compulsory use of property marks by timber

- cutters licensed to take timber under this Act, and for the registration of the marks;
- (o) providing for the compulsory use of property marks by local authorities for the purpose of identifying timber sold or taken from local forest reserves;
  - (p) providing for the use of such brands, tags or other devices for marking livestock as may be necessary to identify livestock licensed or permitted to graze in forest reserves;
  - (q) prescribing the manner and circumstances in which any licence issued under this Act may be varied, suspended or cancelled;
  - (r) without prejudice to the power of exemption conferred upon the Minister under section 28, exempting any person or class of person from any provision of section 13(1), or exempting any area from section 13(2)(a)(i);
  - (s) prescribing anything to be prescribed under the provisions of this Act; and
  - (t) providing for better carrying out the purposes and provisions of this Act.

### **30. Rules applicable to local forest reserves, etc.**

(1) A local authority may, with the approval of the Minister, make rules applicable to any local forest reserve which it maintains and controls, and to any open land in any area within its jurisdiction which has been declared under this Act to have an adequate forest estate, in respect of any of the matters mentioned in section 29(a) to (f), (h), (k), (l), (m), (n), (p), (q), (r) and (s).

(2) Rules made under this section may provide that any person who contravenes any provision of the rules commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment not exceeding four months or to both such fine and imprisonment.

(3) Notwithstanding subsection (1), any rules made under section 31 of the Forests Ordinance shall, if they were in force on the 5th May, 1960, continue in force until revoked or replaced by rules made under subsection (1).

**History:** Cap. 246.

### **Cross References**

Forests Ordinance, 1951 Revision, Cap. 133.

Local Governments Act, Cap. 243.

Mining Act, Cap. 148.

Uganda (Independence) Order in Council, 1962.

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