

**THE NYERI COUNTY FOREST MANAGEMENT AND CONSERVATION
(HARVESTING AND MOVEMENT OF FOREST PRODUCE REGULATIONS,
2023)**

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THE NYERI COUNTY FOREST MANAGEMENT AND CONSERVATION ACT, 2021

IN EXERCISE of the powers conferred by Section 82 (1) of the Nyeri County Forest Management and Conservation Act, 2021, the County Executive Committee Member for the time being responsible for Forestry makes the following Regulations: -

PART I- PRELIMINARY	
Citation and commencement	1. These Regulations may be cited as the Nyeri County Forest Management and Conservation (Harvesting and Movement of Forest Produce Regulations, 2023)
Interpretation	2. In these Rules unless the context otherwise requires— “Act” means the Nyeri County Forest Management and Conservation Act, 2021 “commercial harvesting” means harvesting of forest produce for the purpose of making the produce available for sale; “County executive committee member” has the meaning assigned to it under Section 2 of the Act “Director” has the meaning assigned to it under Section 2 of the Act; “felling area” means such area that has been designated or set aside for the felling of selected trees; “forest produce” has the meaning assigned to it under Section 2 of the Act “forest produce-based industry” means an industry concerned with the processing and/ or manufacturing of forest produce “harvesting” includes the felling, trimming, docking, splitting, debarking, extracting, sorting or loading of any forest produce and includes the supervision of any of those activities; “licensee” means a person granted a license to harvest timber, bamboo or forest produce; “ lead agency” means any Government ministry, department, parastatal, state corporation or local Directorate, in which any law vests functions of control or management of any element of the environment or natural resources; “proof of origin” includes— (a) a certificate of origin; or (b) a timber harvesting license; or (c) a delivery note for the transportation of forest produce indicating where the forest produce originated and where they are to be delivered “Service” has the meaning assigned to it under

	Section 2 of the Act “ timber ” has the meaning assigned to it under the Forest Harvesting Rules, 2009
Application	3. (1) These regulations shall apply to commercial harvesting of forest produce in registered County/community forests and private forests.
PART II- GENRAL PROVISIONS	
General provision for harvesting	4. (1) No person shall harvest timber in a county/community forest or a registered private forest without a valid license issued by the Directorate. (2) Notwithstanding paragraph (1), a person may harvest timber for the purposes of— (a) final felling, to harvest the final tree crop when the stand has reached the rotation age or the final felling diameter; (b) selection thinning, to improve the stand composition, growth conditions for the remaining stand, and the forest health; (c) sanitary harvesting, to remove pest, disease, wildlife or dead, wind-thrown, wind-snapped and wind-broken trees or otherwise damaged trees; (d) reconstruction harvesting, to cut down a non-productive stand; or (e) any other type of harvesting intended to establish and maintain the forest Infrastructure, to shape forest landscape or transform the forestland for other uses.
General provision for harvesting on farmlands	5. No person shall harvest timber in farmlands without a duly signed tree felling form provided by the Directorate.
Damages to resources in the harvesting area	6. (1) A licensee shall harvest forest produce in a manner that does not cause unnecessary damage to the trees, soil or resources in the felling area. (2) The Director may, where a licensee has caused unnecessary damage to the trees, soil or resources in the felling area, direct the licensee, in writing, to remedy the damage attributed to the licensee within a specified time. (3) A licensee shall, remedy to the satisfaction of the Director, within the time specified under paragraph (2), any damage attributable to the licensee’s operations, which, was determined by the Director, to be excessive or was avoidable. (4) Where a licensee fells or removes forest produce

	that is not designated for cutting or removal under the harvesting license, the licensee shall be liable to pay such damages as may be assessed by the Director. (5)The Director may, by a notice in writing, require a licensee to submit a plan showing how such licensee shall restock or cause the damaged area to be restocked.
Stump height and top diameter	7. (1) A licensee shall, when harvesting timber in a county or community forest, ensure that where, the timber to be harvested is a cultivated plantation— (i) the stump height does not exceed eight centimetres; (ii) the top diameter is not less than ten centimetres; and (iii) no residue is removed from the forest.
Timber marking	8. (1) The Director shall assign a mark for the County and community forests. (2) A person shall distinctly mark, brand or otherwise identify timber felled with the respective mark assigned by the Director before removing or causing timber felled to be removed from the felling area. (3) No person shall remove or cause to be removed from the felling area, timber that has been felled unless the timber has been distinctly marked, branded or otherwise identified with a mark issued by the Director. (4) No person shall cause timber that has been felled to be marked or branded with a mark that was assigned to another County or community forest and private forest.
General provision for removing forest	9. (1) A person shall not transport forest produce without— (a) in the case of produce from county and community forests, a valid license, issued by the Director and a valid movement permit from a relevant lead agency (b) in the case of produce from a gazetted forest, a proof of origin issued by the Service; or (c) in the case of produce from any other land, a proof of origin issued by the directorate and a valid movement permit from a relevant agency as verified by the forester from which the timber was felled; (d) in the case of produce from a registered timber industry, a delivery note issued for the

	transportation of forest produce indicating where the forest produce originated and where they are to be delivered ;and (e) the proof of payment of the prescribed fee. (2) A movement permit issued under this Regulation shall be valid for one trip from the point of loading to the point of offloading.
Contents of proof of origin	10. (1) A proof of origin shall specify— (a) the person to whom the forest produce is being delivered to; and (b) the place to which the forest produce is to be delivered.
Prohibition of endorsement by other persons	11. A person who has been issued with a proof of origin shall ensure that no other endorsement is made on such proof of origin, by any other person other than the person who issued the proof of origin
Proof of origin to be carried in the vehicle	12. The driver of any vehicle carrying forest produce for which a proof of origin has been issued, shall ensure that at all times during the transportation of the forest produce, the original of the proof of origin duly completed in respect of forest produce, is carried in the vehicle.
Forest produce delivery	13. A person shall not deliver any forest produce for which a proof of origin has been issued, to— (a) any person, other than the person specified in the proof of origin as being the person to whom the forest produce is to be delivered to; or (b) a place, other than the place specified in the proof of origin as being the place to which the forest produce is to be delivered.
Receiving forest produce	14. A person operating a forest produce-based industry shall not receive forest produce delivered unless— (a) the forest produce is accompanied by a proof of origin issued by the Relevant lead agency; and (b) in the case of logs or bamboo from county or community forests, the timber or bamboo is distinctly marked or branded or otherwise identified with a mark assigned by the Director.
Record of forest produce received	15. (1) A person operating a forest produce-based industry, where forest produce is received, shall keep a record at the forest produce-based industry, stating— (a) the date the forest produce was received; (b) the species and product type of the forest produce (c) the quantity of the forest produce received; and (d) the origin of the forest produce.

	(2) A person who operates a forest produce-based industry shall, keep at the industry, a copy of every record made in respect of forest produce received, for twelve months, showing the quantities and source of the forest produce received. (3) A person who operates a forest produce-based industry shall, at the end of every year, submit to the Directorate a copy of the record relating to forest produce received during that year.
Collection of firewood	16. (1) No person shall collect firewood from a county or community forest or a provisional forest unless the person has a valid license issued by the Directorate. (2) A person licensed to collect firewood shall collect firewood from the area designated for collection in the license. (3) A person licensed to collect firewood may collect firewood from— (a) fallen and waste wood in places where timber has been harvested and the wood suitable for milling has already been removed; (b) dead and fallen wood from natural forests that are not nature reserves; (c) fallen branches of plantation trees after pruning.
Application for collection of forest produce	17. An application for a license to collect forest produce shall be made to the Directorate in the form prescribed under the First Schedule.
Issue of license to collect forest produce	18. (1) The Director shall consider every application made under regulation 17 (above) and may, if satisfied that the application meets the requirements of the Act, issue a license to the applicant upon payment of the prescribed fee. (2) A license issued under this regulation shall be in the in the form prescribed under the Second Schedule and shall be valid for the period specified. (3) The Director may endorse, on a license, such conditions, as they deem necessary.
Direction to leave public forest produce area	19. (1) A forest officer may direct any person to immediately leave a public forest produce area, where they are of the opinion that— (a) it is necessary in the interests of public safety; (b) the person has failed or refused to pay a fee payable or has otherwise contravened provisions of the Act and Regulations;

	(c) the person is blocking the access of a forest officer, or any other officer of a relevant lead agency or any other person using the area; or (d) the presence of the person is adversely affecting the management of the area by the directorate. (2) A person shall comply with a direction given, by a forest officer, to that person under paragraph (1).
Revocation of licenses	20. (1) The Director may, by notice to any licensee, suspend or revoke a license where— (a) the Director is reasonably satisfied that the licensee is carrying out practices that are detrimental to the forest; (b) a licensee has contravened any of the conditions in the license; or (c) a licensee has contravened any of the provisions of the Act and Regulations. (2) A person who is aggrieved by refusal to grant a license or revocation may appeal to the County executive committee member, whose decision shall be final.
Security bond	21. (1) The Director may require any person licensed under these Regulations to deposit such amount of money that may be deemed to constitute appropriate security for good forestry practice. (2) The Director shall, where the licensee has observed good forestry practice to their satisfaction, refund the deposit, without interest, to a licensee after a duration that does not exceed twenty-four months. (3) The Director may, after giving the licensee an opportunity to be heard, confiscate a security bond where the licensee is responsible for forestry practice that is in breach of the provisions of these Regulations or a license issued under these Regulations.
Offences and penalties	22. A person who contravenes any provision of these Regulations commits an offence and is liable to the penalties as provided for in the Act.
PART III- SCHEDULES	
First Schedule- Forms - Tree felling form (form 1) - Application form for collection of firewood (form 2)	
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DUPLICATE

REPUBLIC OF KENYA

KSH. 1400.00

MINISTRY OF FORESTRY AND WILDLIFE



KENYA FOREST SERVICE

A 494301

FOREST PRODUCE MOVEMENT PERMIT

(This permit is applicable to the movement of timber, beams, Logs, billets, Poles, Posts, firewood, Charcoal, bamboo)

1. District Station/Division/Location

2. Mr./Mrs/Miss/Ms is authorised to transport
forest produce specified below from
to

3. Types of produce and quantity:

Type of produce	Units of measure	Quantity
.....		
.....		
.....		
.....		

4. Point of origin of forest produce
(forest block, farm - be specific)

5. Vehicle Registration Number

6. Date of transportation

7. Date of expiry of permits

8. Timber statement Number (s)

9. Official Receipt Number (s)

(applicable to forest produce from forest reserve)

10. Name of issuing Forest Officer

11. Designation of issuing Forest Officer

12. Signature of issuing Forest Officer

13. Name of Officer supervising removal

14. Signature of Officer supervising removal Date

This permit has been issued without any alteration whatsoever and is valid for only
3 days.

INSTRUCTIONS

Original - To applicant.

Duplicate - To be returned to issuing Officer after endorsement by Officer supervising removal.

Triplicate - To remain in the book.

(P.T.O.)

Form 1



COUNTY GOVERNMENT OF NYERI OFFICE OF THE COUNTY CHIEF OFFICER

WATER, IRRIGATION, ENVIRONMENT AND CLIMATE CHANGE

APPLICATION TO FELL TREES

1. M/Sof P. O. Box
Cell phone no..... Village.....Location.....
Hereby request for permission to fell.....(No) tree of.....
species in.....Plot No.....or place (Name)

Reasons for felling trees are

A.....

...

B.

C.....

I will abide with the rules and regulations of the approving authorities.

NAME.....SIGNATURE.....DATE.....

2. FOR OFFICIAL USE ONLY

The site was visited and tree/trees have been found to/not pose any dangers to human and neighboring structures, including electrical cables.

A. Institutionreceivingthe
produce

CHIEF

....

SIGNATURE.....DATE.....STAMP.....

...

SUBCOUNTYENVIRONMENTAL
OFFICER

SIGNATURE.....DATE.....STAMP.....

...

FORESTER

SIGNATURE.....DATE.....STAMP.....

...

N.B: Extra care should be exercised when dealing with INDIGENOUS TREE species

APPLICATION FOR A LICENCE TO COLLECT FIREWOOD

Applicant:			
Trading name (if any):			
Contact person:			
Postal address:			
		Postal code:	
Telephone: ()		Cell:	
E-mail:		Fax: ()	
Landowner:			
State Forest/ Local Authority Forest/ Private Forest			
Contact person:			
Postal address:			
		Postal code:	
Telephone: ()		Cell:	
E-mail:		Fax: ()	

Please note that in instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this page.

Municipality in whose area of jurisdiction the forest is located			
Contact person:			
Postal address:			
		Postal code:	
Telephone ()		Cell:	
E-mail:		Fax: ()	

Other permits or approvals: Include a description of all permits and approvals that will be necessary from the Forest Service and other governmental agencies in order to fully implement the project. Please attach project plans including preliminary grading plans, drainage plans, water quality management plans, construction site; Best Management Practices (BMPs) Plans.

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DECLARATIONS

I, in my personal capacity or duly authorized thereto hereby declare that:

- The information contained in this application form is true and correct, and
- I am fully aware of my responsibilities under the Forests Act, 2005 (No. 7 of 2005) and that failure to comply with these requirements may constitute an offence under the Forests Act, 2005 and the Rules made thereunder.

SCHEDULE—*continued*

Please Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

.....
Signature of the applicant:

.....
Name of company:

.....
Date:

FORM 2

(r. 22)

LICENCE

KENYA FOREST SERVICE

Licence No.

Name:

Address:

The Service has evaluated your application Ref No. to collect firewood in a state forest and a licence is hereby issued for collection of firewood and is subject to the following conditions:

CONDITIONS OF LICENCE

1. The licence is valid for a period of days from the date hereof.
2.
3.
4.
5.

.....
Director
Kenya Forest Service