

FOREST ACT 2018

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FOREST BILL 200-

A BILL ENTITLED

AN ACT to provide for the maintenance and development of the forest resources of The Gambia with a view to enhancing the contribution of Forestry to the socio-economic development of The Gambia and for matters connected therewith.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

Short title and
Commencement

1. This Act may be cited as the Forest Act xxxx and shall come into effect on such date as the Minister may by Order published in the Gazette appoint.

Interpretation

2. In this Act, unless the context otherwise requires:

“agro forestry” means the combination of forestry and agricultural practices in an area with a view to increasing productivity in a sustainable manner;

“commercial” purposes or activities are purposes or activities aiming at obtaining a profit;

“community” means a village or a town of which the members share benefits and duties in cash, in kind or in any other form;

“community controlled state forest” includes any area declared as such under section 42;

“community forest” includes any area declared as such under section 34;

“Community Forest Committee” means a committee established under section 25;

“cover” means the ground area covered by a crown, as delimited by the vertical projection of its outermost perimeter;

“diameter at breast height” means the diameter of a tree measured either at a height of 1.3 meter from the ground,

or (if the tree is buttressed above that height) measured at 30 centimeters above where the highest buttress merges with the bole;

“Director” means the Director of Forestry in the Department of Forestry;

“Regional Forest Officer” means a forest officer heading a forest Region as specified under section 57 of this Act;

“export” with its grammatical variations and cognate expressions means to take or cause to be taken out of the Gambia as defined in the Customs Tariff Act Cap 86:02;

“forest” means a minimum land area of 0.5 ha or more with at least 10% tree cover, naturally grown or planted, and or 50% or more shrub and tree regeneration cover and includes forest parks, community forests and protected forests, irrespective of their tree and shrub cover; provided that vegetation on fallow land is not a forest except as specified in section 6;

“forest clearing” is an opening, over one hundred square meters, made in a forest and where vegetation has been reduced to such a level that it is no longer considered by a Forest Officer as a forest;

“forest growth” includes anything growing or to be grown within a forest;

“forest assessment” means a survey to determine, on a given area, the constitution, extent, condition and various functions of the forest;

“forest guidelines” means the administrative guidelines issued and updated by the Director under section 133;

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

“forest management plan” means a plan adopted under section 75;

“Forest Officer” means any officer of the Department of Forestry or any officer appointed under section 10;

“forest operations” covers a variety of activities done for the purpose of managing a forest;

“forest park” includes any area declared as such under section 18;

“forest produce” includes –

- (a) whether found in or brought from a forest or not, forest trees and other parts or produce of forest trees such as: timber, firewood, charcoal, rubber, posts, poles, latex, wood oil, gum, resin, natural varnish, tanning extracts, tanning barks, fruits, fibres, bark and any other forest trees produces; and
- (b) when found and brought from a forest park, protected forest, community forest, state forest, forest plantation;
 - (i) plants, including climbers and grasses, creepers and all parts or produce of plants;
 - (ii) wood ashes;
 - (iii) peat, surface oil and mineral other than minerals within the meaning of any Act regulating the working of minerals;
 - (iv) gravel, sand, limestone, rock and laterite; and
 - (v) any other produces found in the above mentioned forest types;

“forest property” means any stock, stores or material owned by the Government and used or intended to be used in any forest operations of any forestry work and includes boundary marks and pillars, boundary or survey beacons or signs, names, plates, machinery, scientific instruments, implements, tools, buildings, tents, fences vehicles, roads, bridged and livestock;

“forest reserves” are all state forests which have not been declared as forest parks;

“forest tree” includes all trees growing within a forest, whether planted or not, and all naturally grown trees outside a forest;

“Fund” means the national forestry fund established under section 89;

“Joint Forest Management Committee” means a committee established under section 46;

“licence” means a document issued on a yearly basis by the Department of Forestry under this Act or any regulations issued hereunder to exploit or process any forest produce for commercial purposes;

“local fund” means a fund established under section 94;

“major forest produce” means any tree or part thereof other than leaves, flowers, fruits and seeds;

“Minister” means the minister responsible for forestry;

“Ministry” means the ministry responsible for forestry;

“natural forest” means a forest in which at least twenty five percent of forest growth has come up naturally;

“non timber forest produce” means any produce other than wood derived from forests or from forest trees;

“permit” means a document issued by the Department of Forestry under this Act or any regulations issued hereunder to exploit a specified quantity of forest produce for commercial or domestic purposes;

“plantation” means a forest raised artificially, either by sowing or planting;

“private forest” means a forest privately owned and or leased by an individual or group of individuals as defined in section 4;

“protected forest” includes all mangrove areas and all riverine forests;

“protected tree” or “protected non timber forest produce” means any tree or any non timber forest produce” declared as such in accordance with regulations made under this Act;

“protection forest” means an area declared as such under section 4;

“regeneration” means the renewal of a tree crop, whether by natural or artificial means and includes coppice shoots. Tree regeneration is any tree that is less than ten centimeters diameter at breast height;

“Reserve Settlement Committee” means a committee established under section 13;

“riverine forest” means forests growing in the close proximity of permanent and seasonal water courses and up to fifty meters from the waterside or otherwise specified under this Act;

“shrub” means a woody perennial plant, generally of lower stature, characterized by persistent and woody stems and the general absence of a well-defined main stem and includes bamboo;

“state forest” includes all forest which are administered by the state and excludes community and private forest;

“sustainable use” means to use forest produce in a way and a rate that does not lead to the long-term decline of the forest, thereby maintaining its potential to meet the needs and aspirations of present and future generations;

“timber” includes all trees whether standing, fallen or felled, stumps of trees and all wood, whether or not cut up or fashioned or hollowed out for any purpose;

“to take” includes to cut, collect, gather or remove such produce;

“tree” means a woody perennial plant typically large that has the potential of growing to more than three meters and with a single well-defined stem carrying a more or less definite crown, and includes palm;

PART II - GENERAL

Ownership of
trees
and forest
produce

3. (1) The ownership of all forest produce derived from state lands is vested in the President on behalf of the state, until lawfully transferred or assigned under this Act or any other enactment.

(2) All forests other than private and community forests are vested in the state, subject to any rights of user which under this Act or other written law have been or are granted to any other person.

(3) Nothing in this Act shall prevent any member of a forest community from taking, subject to such conditions as may be prescribed, such forest produce as it has been the custom

of that community to take from such forest otherwise than for the purpose of sale.

Categories of forest

4. (1) The forests of The Gambia are classified into the following categories-

(a) state forests, which include:

(i) forest parks;

(II) forest reserves;

(b) community forests;

(c) private forests, which include forests growing or planted on land privately owned or leased.

(2) Forest parks shall be managed by the Department of Forestry for the purpose of forest production, demonstration of forest management techniques, training, research and conservation.

(3) Forest reserves are any state forests not designated as forest parks and shall be managed by the Department of Forestry, except if situated in national parks and or in nature reserves, where they shall be managed by the Department of Parks and Wildlife Conservation.

(4) Community forests are owned and managed by the designated communities in accordance with this Act for the purpose of timber, firewood and non timber forest produce production, forest grazing and protection.

(5) Any state forest, community forest or private forest may be a protection forest or a protected forest.

(6) Protection forests are areas wholly or partly covered with woody growth, managed primarily to regulate stream flow, maintain water quality, minimize erosion, stabilize drifting sand or exert any other beneficial forest influences.

(7) Protected forests are all mangroves and riverine forests managed for the main purpose of protecting the natural forest cover and its associated biodiversity.

Minimum
percentage
to be covered
Land reverted to
Forest

5. The forests of The Gambia shall cover a minimum of thirty percent of the total land area.

6. Any land which is allowed to regenerate shall be considered a forest if the number of trees per hectare with diameter at breast height of ten centimeters or more exceeds one hundred.

PART III - ADMINISTRATION

Functions of the
Department of
Forestry

7. (1) There shall be a department under the Ministry to be called the Department of Forestry, whose functions shall be to do all such things as are necessary for the protection and sustainable management of forests.

(2) Without prejudice to the generality of subsection (1), the functions of the Department of Forestry shall be to –

- (a) advise the Government on areas required to be protected as forest;
- (b) control, manage, protect and administer all State forests and control the management of private forests in accordance with this Act;
- (c) adopt and promote methods for the protection and sustainable management of ecosystems and biological diversity in all forests and open areas;
- (d) collect, complete and disseminate information on forest resources and advise on areas requiring afforestation and protection of flora threatened or in danger of extinction;
- (e) establish and promote the establishment of forest plantations;
- (f) devise and implement participatory forest management approaches, for both indigenous forest and forest plantations, involving local communities, traditional institutions, non-governmental organizations and other stakeholders, based on equitable gender participation;
- (g) develop and implement public education programmes on various aspects of forestry including indigenous knowledge on protection and sustainable management of forestry resources;

- (h) devise the best methods for meeting demands of multiple users of forest resources, in an integrated manner compatible with protection and sustainable management of biological diversity;
- (i) undertake and support adaptive research and development of forest resource management, farm forestry, agroforestry, agriculture and forest products at national, regional and local levels;
- (j) in partnership with local communities, forest management committees, traditional institutions and the private sector, develop and implement management plans for all categories of forests, and open areas;
- (k) issue licences and permits under this Act;
- (l) devise methods for the sharing of benefits obtained from licences and permits with local communities and traditional institutions;
- (m) establish and manage a Fund in accordance with this Act;
- (n) advise the Minister on regulations required to ensure the protection and sustainable management of forest resources;
- (o) pay money derived from joint forest park management areas into the funds established for this purpose by the concerned Joint Forest Park Management Committee, in accordance with the applicable management agreement, as the Minister shall prescribe by regulations;
- (p) develop a mechanism for monitoring and evaluating forest resources;
- (q) develop mechanisms for monitoring the use of forest resources and developments in the forest sector;
- (r) promote the sustainable utilization of forest resources for the development of the national economy;
- (s) acquire any land for the purposes of this Act; and

	<p>(t) establish and operate effective and systematic management of financial, human and natural resources for the protection and sustainable management of forest resources and biological diversity;</p> <p>(u) carry out any other forestry related function that the Minister may refer to it.</p>
Transfer of management functions to Local Councils	8. For the purpose of implementing the provisions of the Local Government Act, 2002, the Minister may, in consultation with the Minister responsible for local government, by Order, transfer such functions referred to in this Act as the Minister may consider appropriate to the Minister responsible for local government or to Local Councils.
Appointment of Director	<p>9. (1) The Director shall be appointed by the Public Service Commission.</p> <p>(2) The Director shall be responsible for the general administration of the affairs of the Department of Forestry.</p>
Appointment of Forest Officers	10. The Public Service Commission, in consultation with the Director, may appoint such Forest Officers as may be considered necessary for giving effect to the provisions of this Act.
Duties of Forest Officers	<p>11. (1) The Director shall ensure-</p> <p>(a) that all forestry related activities are carried out according to the provisions of this Act and any regulations made hereunder; and</p> <p>(b) that every Forest Officer is fully acquainted with the provisions of this Act and any regulations made hereunder.</p> <p>(2) Every Forest Officer shall be fully acquainted with the provisions of this Act and any regulations made hereunder and shall exercise enforcement powers impartially and in accordance with this Act.</p> <p>(3) Every Forest Officer shall in the exercise of his or her official duties under this Act, carry at all times his or her official identification card, which shall be issued by the Director, bearing the photograph and showing the rank of the Officer.</p>

(4) A Forest Officer shall not –

- (a) obtain a licence or permit; or
- (b) have shares or any form of partnership arrangement with a person operating a business or industry on the basis of a licence or permit.

Disciplinary
action

12. (1) Any Forest Officer who violates the provisions of section 11 shall be liable to disciplinary action.

(2) Where the Director is satisfied that any Forest Officer has aided or condoned the commission of or connived with another to commit any offence under this Act or any regulations made hereunder, he or she may order or recommend that such Forest Officer be summarily dismissed in accordance with the Public Service Commission Regulations.

PART IV - FOREST PARKS

Preliminary
notification of
intention

13. Where the Minister intends to declare a forest park, a proposal shall be published by notice in the Gazette

- (a) specifying the ownership and limit of the lands;
- (b) declaring that it is proposed to designate the land as a forest park and specifying the purposes of the proposed declaration;
- (c) appointing a committee (hereinafter referred to as a “Reserve Settlement Committee”) which shall consist of:
 - (i) the Attorney General or his or her designated representative, who shall be the chairperson;
 - (ii) the Regional Governor,
 - (iii) the District Chief,
 - (iv) heads of concerned villages,
 - (v) a member of the Municipal Council,

(vi) the Regional Forest Officer, and

(vii) any co-opted technical expert where the need arises.

Enquiry
Reserve
Settlement
Committee

by **14.** (1) Upon publication of a notice under section 13[Preliminary notification of intention], the Reserve Settlement Committee shall

(i) ensure that the contents of the notice are adequately advertised among communities likely to be affected by it, in every local vernacular, including by distributing it to the same communities' chiefs and to every court situated within the concerned area;

(ii) fix and make known a period within which and a place at which any person or community claiming any right affecting the land proposed to be declared as a forest park may submit such claims in writing or orally;

(iii) as soon as possible after the period fixed under item (ii), adequately inquire into claims submitted to it, keeping records in writing, and submit its findings and recommendations to the Minister.

(2) For the purpose of the enquiry, the Reserve Settlement Committee shall have all the powers conferred by law upon a Magistrate.

Recognition of
rights by the
Minister

15. Upon receipt of the Reserve Settlement Committee's findings, the Minister may,

(i) in accordance with the Committee's recommendations, wholly or in part extinguish any rights or claims whose exercise would cause damage to the proposed forest park, giving adequate monetary compensation or granting in exchange similar rights on other land, subject to the Land Acquisition and Compensation Act;

(ii) allow the exercise of such rights as may have been admitted by the Committee, and such other rights as the Minister may consider just and equitable to allow, restricting the area proposed to be declared as a forest park accordingly.

Notice of
intention to
declare forest
park

16. (1) The Minister shall thereupon publish a notice in the Gazette specifying -

- (a) the land which is finally intended to be declared as a forest park;
- (b) the rights which may be exercised within the proposed forest park; and.
- (c) any other conditions affecting the proposed forest park.

(2) The Notice shall be made known in the same manner as the notice published under section 13 and to every person who, and the representative of any community which, is affected by claims brought to the knowledge of the Reserve Settlement Committee.

Appeals

17. Any person aggrieved by a notice issued under section 16 may, within three months of the date of its publication, appeal to the High Court against the portion of the notice which affects his or her claim.

Declaration of forest park

18. (1) After the time limit specified under section 17 for appealing to the High Court has elapsed or, if there has been an appeal, after the determination of the appeal and subject to its contents, the Minister may by Order establish

- (a) the land which is finally declared as a forest park;
- (b) the rights which may be exercised within the forest park; and.
- (c) any other conditions affecting the forest park.

(3) The Order issued under subsection (1) shall be published in the Gazette and made known in the same manner as the notice published under section 13.

(2) From the date of the publication of the Order in the Gazette, the concerned lands shall be a forest park.

Extinguishment and revival of rights

19. Every right in or over land in respect of which no claim shall have been made to the Reserve Settlement Committee or of which no knowledge shall have been acquired by that Committee shall be extinguished:

Provided that if any person shall, within one year of the date of the publication in the Gazette of the Order under section 18, claim, and satisfy the Minister that he or she possessed a right in respect of which he or she might have made a claim and that, through ignorance of the fact that an

enquiry was being held or for other sufficient reason, he or she failed to make such claim, the Minister may direct that such rights shall be-

- (i) revived;
- (ii) modified; or

extinguished in accordance with the provisions of section 15.

No new rights to be acquired in land to be declared as forest park

20. During the period between the dates of the publication of a notice under section 13 of the proposal to create a forest park and of the Order under section 18 declaring the forest park-

- (a) no rights shall be acquired in or over the lands referred to in such notice otherwise than by succession or under a grant or contract in writing entered into with the approval of the Minister; and
- (b) no act or thing shall be done in contravention of this Act, except that any right admitted in the notice published under section XX may be exercised, to the extent and in the manner described therein, without prejudice to any subsequent revision or modification as provided for in this Act.

Rights in forest parks not to be alienated without approval

21. (1) No person or community shall alienate, by sale, mortgage or transfer, any right admitted in an Order made under section 18 without the consent of the Minister.

(2) Any sale, mortgage or transfer effected without consent shall be null and void.

De-reservation

22. The Minister may, by Notice published in the Gazette, direct that from a date named therein, any lands or any part thereof designated as a forest park shall cease to be a forest park or part thereof.

Privileges in forest parks

23. The Department of Forestry may authorize the taking of specified quantities of non timber forest produce by persons residing in the immediate surroundings of a forest park, subject to the applicable management plan.

PART V - COMMUNITY FORESTS

Proposal for
declaration of
community
forests

24. (1) Any community or group of communities may make an application to the Department of Forestry, proposing that –

- (i) any area in forest reserves; or,
- (ii) any other area of customary land

be declared as a community forest, following the procedure set out in this Part.

Creation of
Community
Forest Committee

25. (1) Before making an application under section 24, at least one public meeting shall be held within the concerned community or communities to inform all members and interest groups of the proposal to create and manage a community forest.

(2) During the meeting convened under subsection (2), if there is general consensus on the proposal, the meeting shall elect a Community Forest Committee; provided that gender balance is maintained in the membership of the committee.

(3) Every Community Forest Committee shall be registered with the Department of Forestry.

Application for
the creation of a
community forest

26. (1) An application under section 24 shall include

- (a) a village resolution stating that the Community Forest Committee is authorized to file the application for and on behalf of the community or communities;
- (b) an inter-village agreement by the community or communities to create and manage a community forest, confirming that the areas are free from any rights which may conflict with the purposes of the proposed community forest;
- (c) a statement from neighbouring villages confirming that they have no ownership claims over the concerned land;
- (d) a statement from the District Chief confirming that the lands are under the authority of the community or communities, and that the Community Forest

Committee has agreed to the general rules and regulations governing the lands;

- (e) a map at a scale of 1:5,000 showing the location of the forested lands and surrounding villages and the proposed community forest;
- (f) a map showing the location of the proposed community forest at a scale as specified hereunder:

- (a) 1:5,000 for any forest less or equal to one hundred hectares;

- (ii) 1:10,000 for any forest over one hundred hectares and less or equal to five hundred hectares;

- (iii) 1: 25,000 for any forest over five hundred hectares.

Approval of application

27. (1) Any application under section 24 shall be submitted in two original copies to the Director who may approve it provided that –

- (a) all the information given in the application are found to be correct;
- (b) the proposed community forest boundaries are not encroaching any other reserved land or forest park; and
- (c) the community or group of communities are in a position to realistically manage the entire proposed community forest.

(2) Upon approval of an application under this section, the Director shall enter into a preliminary community forest management agreement with the Community Forest Committee.

(3) The Director shall retain one original copy of the preliminary community forest agreement and forward the second original to the Community Forest committee and make copies available to the Ministry, the Regional Governor, the District Chief and the Regional Forest Officer. .

Preliminary community forest management agreement	<p>28. A preliminary community forest management agreement shall</p> <ul style="list-style-type: none"> (a) specify any respective obligations of the Community Forest Committee and of the Department of Forestry, regarding management of the area, including <ul style="list-style-type: none"> i. a simple preliminary management plan detailing forest activities to take place for a period of three years; ii. any royalties and charges due in relation to forest produce; iii. the terms and conditions of any technical and financial assistance to be provided by the Department; iv. monitoring of the area to prevent and identify violations; (b) specify any customary usage rights which may be exercised, including grazing and beekeeping; (c) specify the circumstances under which the agreement may be suspended or terminated by either party.
Revenues	<p>29. (1) Any revenue generated by the sale of forest produce harvested in the course of forestry operations foreseen in the preliminary community forest management agreement shall be kept entirely by the concerned forest committee, subject to the provisions of section 35.</p> <p>(2) Community Forest Committees shall be exempted from paying fees for licences or permits for forest produce collected from their community forest.</p>
Demarcation	<p>30. Not later than two years after entering into a preliminary community forest management agreement, a Community Forest Committee shall, with the assistance of the Department of Forestry or any qualified surveyor, set up visible boundary marks of the proposed community forest and produce a map at a scale as defined in paragraph (f) of section 26 of the said proposed community forest.</p>
Expiry of preliminary community forest	<p>31. (1) A preliminary community forest management agreement shall be valid for a period of three years.</p>

management
agreement

(2) Upon the expiry of a preliminary community forest management agreement the concerned Community Forest Committee and the Director may

(i) enter into a community forest management agreement, where the Director is satisfied that the Community Forest Committee has fulfilled the conditions of the preliminary community forest management agreement;

(ii) extend the duration of the preliminary community forest management agreement up to a period of two years, during which a community forest management agreement may be entered into by the same parties, where the Director is satisfied that the Community Forest Committee has fulfilled the conditions of the preliminary community forest management agreement;

Where, following the expiry of a preliminary community forest management agreement, a community forest management agreement is not entered into, the concerned land shall revert to state forest without compensation being paid to the community or communities.

Notification of
lands
to be declared as
community forest

32. (1) Before a Community Forest Committee and the Department of Forestry enter into a community forest management agreement under section 31, the Minister shall publish a Notice in the Gazette specifying the land which is finally intended to be declared as a community forest and any applicable conditions.

(2) Any person who is aggrieved with the contents of a notice published under sub-section (1) may, within three months of the date of publication of the Notice, appeal to the High Court against that portion of the Notice which affects him or her.

Community forest
management
agreement

33. (1) A community forest management agreement shall be signed in two original copies by the Minister or the Director on behalf of the Minister and the concerned Community Forest Committee.

(2) The community forest management agreement shall contain the particulars required in section 28 for preliminary community forest management agreements and shall be in the form prescribed in regulations made under this Act.

(3) The community forest management agreement confers on the concerned community or communities' ownership rights over the designated community forest for an indefinite period of time except as provided for in section 40.

Order of the
Minister
declaring a
community forest

34. (1) After the time limit specified under section 32 for appealing to the High court has elapsed or, if there has been an appeal, after the determination of the appeal and the signing of a community forest management agreement, the Minister may, subject to the decision on the appeal, make an Order designating the concerned lands as a community forest.

(2) The Order shall set out the limits of the lands which constitute the community forest.

(3) The Order shall be published in the Gazette and made known to all the concerned communities.

(4) From the date of publication of the Order in the Gazette, such lands shall be a community forest.

(5) Every right in and over community forest land, as defined in the Order and published in the Gazette, in respect of which no appeal shall have been made to the High Court, shall be extinguished.

Local revenue
collection

35. Revenue from community forests shall not be collected unless a local fund is established in compliance with sections 94 and 96 of this Act.

Power to share a
community forest

36. (1) The Minister may by Order share a community forest among participating communities upon the unanimous request of the responsible Community Forest Committee, subject to such conditions as may be prescribed by regulations.

(2) An Order under subsection (1) may be given retroactive effect.

Resolution of conflicts between communities	<p>37. (1) Any dispute arising between two or more communities about the management of a community forest or an area subject to a preliminary community forest agreement shall be arbitrated</p> <ul style="list-style-type: none"> (i) by the District Chief, if all the communities belong to the same District; (ii) by the Governor, if the communities belong to different district; or (iii) by the Minister for local Government, if the villages belong to different regions. <p>(2) A Forest Officer designated by the Director shall assist the authority arbitrating any conflict resolution under subsection (1).</p> <p>(3) Any community that is aggrieved by the decision of an arbitration issued under this section may within three months of the date of the arbitration appeal to a magistrate.</p>
By-laws	<p>38. (1) A Community Forest Committee may make by-laws regarding the management of the respective community forest or area subject to a preliminary community forest agreement.</p> <p>(2) Any by-laws made under this section shall be subject to the provisions of this Act or of any regulations made hereunder.</p> <p>(3) A copy of any by-laws made under this section shall be made available to the District Chief.</p>
Offences in community forest	<p>39. (1) Any person who, in a community forest or in an area subject to a preliminary community forest management agreement, except with the permission of the Community Forest Committee and in the cases of paragraphs (f), (g) and (h) with the approval of the Director;</p> <ul style="list-style-type: none"> (a) damages, in any way, or destroys any forest property; (b) takes any forest produce; (c) uproots, burns, strips off the bark or leaves from or otherwise damage any tree; (d) sets fire to any grass or herbage, or kindles a fire;

- (e) smokes or lights a fire in any part of a community forest within which, or at a time when, smoking or the lighting of fires is prohibited;
- (f) digs, cuts turns, cultivates the soil or makes a farm or plantation;
- (g) constructs any dam or wire across any river or stream or otherwise obstructs the channel of any river or stream; and
- (h) resides in or erects any building:

commits an offence and shall be liable on summary conviction to a penalty of class I for offences cited in Paragraph (c), of class II for offences cited in paragraph (h) of class III for offences cited in paragraph (b) and (g), of class IV for offences cited in paragraph (a), and of class V for offences cited in paragraph (d), (e) and (f), and in addition thereto, may be required by the court to pay a sum equivalent to the fees specified in the by-laws payable on any forest produce removed or damaged and also such amount, if any, as the court may consider just as a compensation for any damage done: Provided that on a second or subsequent conviction, the offender shall be ordered to pay double the fine imposed by this section and to be a term of imprisonment not exceeding three years.

(2) Notwithstanding sub-section (1) no permission for approval shall be granted by the forest committee or the Director for the purpose of paragraph (a) thereof.

(3) The court may decide that the products which have been unlawfully removed from a community forest shall be sold or handed over to the forest committee.

(4) The proceeds of such fines or sales of confiscated products as provided in sub-section (1) and (3) of this section shall be paid into the local fund and the Fund under the provisions of section 94 of this Act.

Offences
committed by
Community
Forest
Committees

40. (1) Notwithstanding section 39 of this Act any Community Forest Committee that:-

- (a) does not implement the management plan;
- (b) sets uncontrolled fires or does not prevent fires from burning the community forest;

- (c) authorizes or tolerates a forest clearing in the community forest;
- (d) damages, in any way, or destroy any forest produce;
- (e) does not administer the local fund in accordance with the provisions of this Act,

commits an offence and shall be liable on summary conviction to pay a sum equivalent to the damages done or to a penalty of a class IV, and in addition thereto, may be required by the court to accomplish some forestry work to compensate for the damage.

(2) The proceeds of such fines as provided in sub-section 1 of this section shall be paid in accordance with section 97.

(3) The court may require the involved community or communities to reconstitute a new Community Forest Committee.

Minister may
revoke rights or
de-reserve
community forest

41. (1) Where it appears that resources are not being sustainably managed in a community forest due to violations of the law or of the applicable community forest management agreement, the Minister may instruct the Director to conduct an evaluation of the Committee.

(2) The Director shall order the Regional Forest Officer or any qualified Forest Officer to conduct the evaluation which shall consist of a report including:

- (i) the date of community forest designation;
- (ii) the location, size of community forest, and name of involved communities;
- (iii) a list and description of any offences, fines, penalties since the designation of the community forest;
- (iv) a technical description on the present condition of the community forest;
- (v) an evaluation of the concerned Community Forest Committee's performance under the community forest management agreement;

(vi) a copy of the order of the District Chief, or of the Governor, or of the Minister for Local Government arising from any arbitration under section 37, and

(vii) proposed recommendations.

(4) Upon receipt of the evaluation report, the Minister shall allow the concerned Community Forest Committee an opportunity to be heard to discuss the report and establish a reasonable period of time within which specified measures to remedy any violations shall be put in place;

(5) where, after the period of time allowed under subsection 4, the required measures have not been put in place, revoke specified community forestry rights of the concerned community forest; or establish that the concerned area or part thereof shall cease to be a community forest:

provided that any rights which may have been extinguished shall not revive in consequence of the cessation and the concerned lands shall become state forest.

PART VI - COMMUNITY CONTROLLED STATE FORESTS

Declaration of
community
controlled state
forest

Community
controlled state
forest agreement

42. (1) The Minister may, by Order published in the Gazette, upon application of one or more concerned Community Forest Committees, declare any area of state forest situated in the vicinity of one or more community forests as a community controlled state forest.

43. Within thirty days from the declaration of a community controlled state forest, the Director and every concerned Community Forest Committee shall enter into an agreement specifying-

(a) any respective obligations of the Community Forest Committee and the Department of Forestry regarding management of the area, including

(i) whether or not a management plan and a fire management plan shall be prepared for the area and if so the terms and conditions of preparation and implementation of such plans;

- (iii) any royalties and charges due in relation to forest produce;
 - (iv) requirements regarding administration of revenues in addition to those envisaged in this Act;
 - (v) the terms and conditions of any technical and financial assistance to be provided by the Department; or
 - (vi) monitoring of the area to prevent and identify violations;
- (b) the type and number of licences and permits to be issued in the community controlled state forest;
 - (c) how any revenues derived from the management of forest resources in the area, including licences issued, concessions granted or services rendered, shall be shared between the State and Community Forest Committees, subject to such conditions as may be prescribed by regulations made under this Act;
 - (d) any customary usage rights which may be exercised by specified communities, including grazing and beekeeping;
 - (e) the duration of the agreement; and
 - (f) the circumstances under which the agreement may be suspended or terminated by either party.

Director may revoke responsibilities and rights in community controlled state forest

44. Where it appears that resources in a community controlled state forest are not being sustainably managed due to violations of the law or of the applicable community controlled state forest agreement, the Director may, in consultation with the Ministry, send a notice to the Regional Governor, the local authorities and the concerned Community Forest Committees to suspend the implementation of the community controlled state forest agreement.

(2) Before suspending the implementation of a community controlled state forest agreement under this section, the Director shall allow the concerned Community Forest Committees an opportunity to be heard and establish a reasonable period of time within which specified measures to remedy any violations shall be put in place;

(3) Where, after the period of time allowed under subsection 2, the required measures have not been put in place, the Director may revoke specified rights within the community controlled state forest; or establish that the concerned area or part thereof shall cease to be a community controlled state forest:

PART VII - JOINT FOREST PARK MANAGEMENT

Declaration of
joint forest
management
areas

45. (1) The Minister may, on the recommendation of the Director or of a concerned local community, declare any area within a forest park as a joint forest management area.

Creation of Joint
Forest
Management
Committee

46. (1) Where a joint forest management area has been declared, the Director shall, in consultation with every local committee adjacent to the area and with the approval of the Minister, constitute a Joint Forest Management Committee for that area which shall comprise the following members

—

- (a) a representative of the Department of Forestry as technical adviser on forestry matters;
- (b) at least three persons representing the participating villagers in that area, elected by the villagers while maintaining gender balance; and
- (c) a representative of the Director of the Department of Parks and Wildlife as technical adviser on wildlife matters.

(2) A Joint Forest Management Committee constituted under this section may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Committee but such person shall have no vote.

(3) Prior to the appointment of the three persons referred to in paragraph (b) of subsection (1), at least one public meeting shall be held within the concerned community or communities to inform all members and interest groups of the proposal to create and manage a Joint Forest Management Committee.

(4) The Director may dissolve a Joint Forest Park Management Committee constituted under this section if satisfied that the Committee-

- (a) has mismanaged the finances of the Committee;
or
- (b) is engaged in activities inconsistent with the functions of the Committee as specified in the agreement.

Joint forest
management
agreement

47. Within two months from its creation, a Committee constituted under section 46 shall enter into an agreement with the Director specifying

- (a) a management plan for the area;
- (b) any respective obligations regarding management of the area, including-
 - (i) the terms and conditions of implementation of the management plan;
 - (ii) any royalties and charges due in relation to forest produce;
 - (iii) the terms and conditions of any technical and financial assistance to be provided by the Department of Forestry;
- (c) how any revenues derived from the management of forest resources in the area, including licences issued, concessions granted or services rendered shall be shared between the State and the local communities;
- (d) any customary usage rights which may be exercised by the communities;
- (e) the duration of the agreement;
- (f) the circumstances under which the agreement may be suspended or terminated by either party.

Functions of Joint
Forest
Management
Committee

48. (1) The functions of a Joint Forest Management Committee shall be to manage and develop the joint forest management area and promote the distribution of benefits amongst the local communities.

(2) Without prejudice to the generality of subsection (1) a Joint Forest Management Committee shall

- (a) develop a management plan;

- (b) negotiate co-management agreements with other stakeholders; and
- (c) perform such other functions as the Department of Forestry may delegate to it.

Financial provisions **49.** (1) Every Joint Forest Management Committee shall set up a fund into which any revenues payable to it in accordance with this Act shall be paid.

(2) There shall be paid out of the fund referred to in subsection (1) such money as may be required to meet the cost of technical and administrative services including that provided by the Department of Forestry.

(3) There shall be paid into the funds of a Joint Forest Management Committee such money as the Committee may, with the approval of the Department of Forestry, accept by way of grants and donations from any source within and outside The Gambia.

(4) A Joint Forest Management Committee shall cause to be kept proper books of account and other records relating to its accounts.

(5) The accounts referred to in subsection (3) shall be open for inspection by the Department of Forestry and any member from that local community.

(6) A Joint Forest Management Committee shall, not later than three months after the end of financial year, submit to the local community and to the Department of Forestry;

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) a report concerning its activities during that financial year.

(7) Any person who misuses any money belonging to a Joint Forest Management Committee commits an offence and shall be liable upon conviction to a penalty of such class as may be

detained by the Court, and in addition to any fine imposed would liable to refund the funds so misused .

PART VIII - PRIVATE FORESTS

Private plantations	<p>50. (1) Any plantation located on privately occupied land shall be a private plantation.</p> <p>(2) The forest produce and non timber forest produce found in or brought from private plantations shall be owned in full by the owner and used as he or she may wish provided that for the removal of such produce a permit is obtained from a Forest Officer.</p>
Acquisition of private natural forest	<p>51. (1) No lands supporting a natural forest cover shall be privately occupied or leased without the prior approval of the Director.</p> <p>(2) A person who intends to acquire a private natural forest from the State shall submit a proposal to that effect to the Director, attaching a map at a scale of 1: 5,000 or 1: 10,000 or any other scale as felt appropriate by the Director, showing the boundary of the proposed private natural forest.</p> <p>(3) Notwithstanding the provisions in any lease, customary laws and sale agreements, natural forest existing on any lands shall remain governed by the provisions of this Act.</p>
Private natural forests	<p>52. (1) Any natural forest located on privately occupied or leased land shall be a private natural forest.</p> <p>(2) The owner of a natural forest which is smaller than twenty-five hectares shall prepare a management plan at his or her own expense and in accordance with the national forest action plan and any regulations made under this Act.</p> <p>(3) The owner of a natural forest which is larger than twenty-five hectares shall prepare at his or her own expense a forest assessment and a management plan in accordance with the national forest action plan and any regulations made under this Act.</p> <p>(4) Every forest assessment and management plan prepared under this section shall be submitted to the Director for his or her approval.</p>

(5) No exploitation of forest produce shall be made out of a private natural forest unless the exploitation is part of an approved management plan.

(6) No private natural forest shall be converted to non-forest land without the approval of the Minister.

(7) Any management plan prepared under this section shall be in accordance with the national forest plan prepared by the Department of Forestry under this Act

Control of
private forests

53. (1) The Department of Forestry shall control and monitor any private natural forests at least once in every year.

(2) Private plantations shall not be controlled or monitored by the Department of Forestry except if they are likely to cause damage to any neighboring forest or to the local environment.

(3) Private forest owners shall be exempted from paying fees for licences or permits for forest produce collected from their own forest.

Offences in private
natural forest

54. (1) Any person who, in a private natural forest, except with the permission of the owner and in case of paragraphs (f), (g), and (h) with the approval of the Director:

- (a) damages, in any way, or destroys any forest property;
- (b) takes any forest produce;
- (c) uproots, burns, strips off the bark or leaves from or otherwise damages any tree;
- (d) sets fire to any grass or herbage, or kindles a fire;
- (e) smokes or lights a fire in any part of a private natural forest within which, or at a time when, smoking or the lighting of fires is prohibited.
- (f) digs, cuts, or turns or cultivates the soil or makes a farm or plantation;
- (g) constructs any dam or weir across any river or stream or otherwise obstructs the channel of any river or stream; and
- (h) resides in or erects any building,

commits an offence and shall be liable on summary conviction to a penalty of class I for offence cited in paragraph (c), of class II for offences cited in paragraph (h), of class III for offences cited in paragraph (b) and (g), of class IV for offences cited in paragraph (a), and of class V for offences cited in paragraphs (d), (e) and (f), in addition thereto, may be required by the court to pay to the owner such amount, if any, as the court may consider just as a compensation for any damage.

(2) Notwithstanding subsection (1) no permission or approval shall be granted by the owner or the Director for the purposes of paragraph (a) thereof.

(3) Any owner of a private natural forest who does any act or thing contrary to the management plan established for such a private natural forest commits an offence and shall be liable on summary conviction to penalty of class V for the non-observance of the management plan and to a penalty of class IV if his or her action has damaged the neighbouring forests and also such amount, if any, as the court may consider just as a compensation for any damage done.

PART IX - ADMINISTRATION OF FORESTS

Management and protection of forests

55. To prevent their destruction, to ensure their improvement and to promote their sustainable use, all forest shall be managed and protected in one of the following ways-

- (a) by the Department of Forestry for state forests;
- (b) by the community or the communities with the support and under the supervision of the Department of Forestry for community forests; or
- (c) by the owner or owners under the supervision of the Department of Forestry for private natural forests;

Measures to ensure management and protection

56. (1) The Department of Forestry shall take all necessary actions to ensure the sustainable use and the protection of all forests.

(2) The Department of Forestry shall ensure the management and the protection of all forests as indicated in subsection (1) implementing measures such as forest inventories, management plans and regeneration standards.

Forest regions

57. For the purpose of forestry administration the Gambian territory is divided into forest regions the boundaries of which

shall correspond with the regional boundaries of the Gambia and each region shall be managed by a Regional Forest Officer as assigned by the Director.

Forest administrative circles and implementation areas **58.** (1) The forest regions shall be further subdivided into forest administrative circles which shall be managed by a Forest Officer.

(2) The forest circles shall be further subdivided into forest implementation areas.

Monitoring of forestry operations **59.** (1) Any person, group, establishment or organization involved in forestry activities shall submit to the Director, upon his or her request, any document that the Director may find necessary, to monitor the concerned activity for the purpose of sound forest management.

(2) The Director, or any Forest Officer he or she may designate, may at any time visit and inspect the operation site of the forestry activities specified under subsection (1).

Monitoring and evaluation system **60.** The Director shall establish and implement a comprehensive monitoring and evaluation system on forests, forest resources, utilization of forest resources and forests revenues, and such a system, as may be detailed in the forest guidelines, shall consist of:

(a) annual plans of operations at forest station and regional levels; and

(b) reports at administrative circle and regional levels;

Suspension and termination of licences and permits **61.** (1) The Director may, upon conclusion of an evaluation conducted by the Department of Forestry, suspend any licence or permit issued under this Act or regulations issued hereunder,

(a) where any activities are being conducted by the licence or permit holder or any person under his responsibility in violation of this Act or any regulations or forest guidelines issued hereunder, or of any conditions of the licence or permit.

(b) where the licence or permit holder has become insolvent or his business is wound up or declared bankrupt under any law in force in The Gambia or any other country;

(2) Where the Director intends to suspend an activity under subsection (1), he or she shall serve a notice to the person

responsible for the activity, specifying the reasons for suspension, requiring all necessary measures to remedy or prevent the violation and allowing a reasonable period of time for the same person to be heard if he or she so requests and to take the required measures.

(3) Following such period of time, the Director may, where he or she is not satisfied that the required measures have been taken, terminate the activity.

(4) Any licence or permit holder may request the termination of such licence or permit by giving the Director notice in writing of his intention to terminate the licence.

Liaison with national and international organizations	62. The Department of Forestry shall be responsible for co-operating and liaising with national and international organizations and bodies all over the world on matters of forestry.
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Liaison with the Biodiversity and Wildlife Committee	63. (1) In carrying out its functions under the Act, the Department shall work in close collaboration with the Biodiversity and Wildlife Committee, established under the Biodiversity and Wildlife Act 2003.
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(2) The Department of Forestry shall take the lead role in the implementation of the forests related functions of the Biodiversity and Wildlife Committee, particularly the functions related to land use management of forestry areas.

Forestry Institute	64. (1) A Forestry Training Institute shall be established for the purpose of providing basic forestry training to forestry staff and trainees from other departments, organizations or communities.
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(2) The Forestry Training Institute shall provide a minimum of one year practical and theoretical training for Forest Guards upon successful completion of which a certificate is awarded.

Forest Research	65. The Director shall ensure that essential applied forestry research, training and studies are conducted and carried out in appropriate institutions.
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PART X - MANAGEMENT OF FORESTS

Forest policy	66. (1) The Minister shall ensure that a national forest policy is in place for the sustainable management, protection and sustainable management of the forests of the Gambia.
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(2) The Minister shall appoint a multi-sectoral working group including representatives of concerned central and local authorities, communities and private sector, under the leadership of the Department of Forestry, to prepare forest policy proposals.

(3) In the preparation of the policy proposals the multi- sectoral working group shall carry out a comprehensive consultation with all stakeholders within the forest sector and adapt proposals on the basis of suggestions received from them.

(4) The national forest policy shall be adopted upon approval by Cabinet.

(5) The Minister shall, in accordance with this section, update the national forest policy whenever appropriate, but not later than ten years after its approval by Cabinet.

(6) The Minister may amend the national forest policy for minor adjustments any time he or she finds it necessary.

National forest
assessment

67. The Director shall prepare and conduct a national forest assessment and update it as necessary, but not less than every ten years, in accordance with any regulations made under this Act.

National forest
action plan

68. (1) Based on the national forest assessment and subject to the national forest policy, the Director shall develop and keep under continual review a national forest action plan for the implementation of the national forest policy.

(2) The national forest action plan shall be updated as necessary, but not less than every 5 years

Assessment in
forest parks

69. A forest assessment in each forest park shall be conducted by the Department of Forestry in accordance with any regulations made under this Act.

Assessment in
community forests

70. A forest assessment shall be conducted in each community forest by the concerned Community Forest Committee in accordance with any regulations made under this Act and with the technical support of the Department of Forestry.

Assessment in
private natural
forests

71. The owner of a private natural forest that is larger than twenty-five hectares shall conduct a forest assessment using the services of a suitably qualified organization or of the Department of Forestry, in accordance with any regulations made under this Act.

Management plans for forest parks	<p>72. (1) The Department of Forestry shall establish a forest management plan for each forest park in accordance with any regulations made under this Act.</p> <p>(2) Management plans for areas under joint forest management shall be adopted in consultation with the concerned Joint Forest Management Committee.</p>
Management plans for community forests	<p>73. (1) Every Community Forest Committee shall prepare a management plan for the community forest for which it is responsible, and may in so doing seek technical assistance from the Department of Forestry or any other suitably qualified organization approved by the Department of Forestry.</p>
Management of forest reserves and community controlled state forests	<p>74. Management activities in forest reserves and community controlled state forests shall be prepared annually by the responsible Regional Forest Officer in consultation with any concerned Community Forest Committees.</p>
General requirements regarding management plans	<p>75. (1) Every forest management plan shall be designed to ensure that forest biodiversity is protected and sustainably managed so as to yield to The Gambia in general, and in individual areas in particular, optimum returns in terms of ecological, cultural, aesthetic, scientific and economic gains</p> <p>(2) All management plans shall comply with the national forest action plan under section 68.</p> <p>(3) Every management plan shall be based on the national forest assessment and any assessment required to be kept under this Act for the concerned area and shall describe existing resources, set out objectives to be achieved for its sustainable management and prescribe required measures.</p> <p>(4) No felling of live trees or commercial utilization of forest produce shall take place unless they are foreseen in a management plan approved by the Director.</p>
Adoption of management plans for forest parks, community forests and joint management forests	<p>76. (1) Any management plan for forest parks, community forests and joint management forests shall be adopted by the Director following adequate publication of the draft plan and consultation with all concerned communities and any other stakeholders.</p>

	(2) The Director shall take into consideration comments received in any form and from any source during the process referred to in subsection (1).
Exploited areas to be regenerated	77. Any forest clearing made in any forest, except in a private plantation, shall be satisfactorily regenerated according to the criteria set in any regulations made under this Act either naturally or artificially, within a period of two years after the clearing.
Conversion of natural forests into plantations	<p>78. (1) No person shall convert a natural forest into a plantation unless he or she</p> <ul style="list-style-type: none"> (a) has conducted an assessment as required by Section 71, and (b) has been authorized by the Minister to do so. <p>(2) The Minister may authorize the conversion if the Director, after having ordered a forestry impact assessment, finds that such conversion shall have no adverse effect on the forest sector and on biodiversity.</p> <p>(3) Any person who fails to comply with this section commits an offence and shall be liable upon conviction to a penalty of class V.</p>
Assessment of forest fires	<p>79. Every Regional Office Forest shall keep and progressively update an assessment of forest fires which have occurred, including</p> <ul style="list-style-type: none"> i. a map showing fire sites for every year; ii. the extent of every fire, its possible causes, date, duration and information on how it has been extinguished.
Fire management plans	<p>80. Based on the findings of the assessment required to be kept under section 79, every Regional Forest Office shall prepare a fire management plan, which shall-</p> <ul style="list-style-type: none"> (a) designate zones which require high priority for protection, including areas which have high potential for forest regeneration; (b) designate areas where early burning and other controlled fire techniques may be appropriate and set out conditions for controlled fires;

- (c) include a map showing existing natural and artificial fire breaks and attack lines and laying out additional required fire breaks;
- (d) set out an incident command system indicating distribution of responsibilities in case of fire outbreaks;
- (e) list available firefighting equipment and the location where it is stored;
- (f) list names of villages and people to be contacted for assistance in fire fighting;
- (g) set out any time periods and areas in which land burning is permitted;
- (h) set out sensitizing and extension programs which should be undertaken;
- (i) give any other details for fighting fires within the area and particularly in high risk zones within the area.

Procedure for the adoption of fire management plans

81. (1) Fire management plans shall be prepared by Regional Forest Offices in consultation with the regional office responsible for environment, the fire department, concerned communities, and all other stakeholders within the Region.

Forestry impact assessment of farming, industrial projects and other activities in forest areas

82. (1) Where farming, industrial projects or other similar activities in forest areas are not assessed for the environmental impact as provided in the National Environment Management Act 1994, the developer of such activity shall be required to submit a project brief to the Director stating:

- (a) the nature of the project;
- (b) the activities that shall be undertaken;
- (c) the area of forest land that may be affected;
- (d) the use of the standing trees and shrubs;
- (e) the possible products and by-products of the activities anticipated; and
- (f) any other matters that may affect the shrub and tree cover.

(2) If, after consideration of the project brief, the Director is of the view that the proposed project will not have any adverse

impact on the concerned forest or on the minimum percentage of forest specified in Section 5 of this Act, he or she may approve the project.

(3) If after considering the project brief, the Director is of the view that the proposed project may have an adverse impact on the concerned forest or on the minimum percentage of forest specified in Section 5, he or she shall –

- (a) require that the developer to redesign the project taking into account the recommendations of the Director,
- (b) reject the proposed project if it is found incompatible with the forest policy, the forest management objectives, or the provisions of this Act and any regulations made pursuant to this Act.

(4) Any person who fails to comply with sub-section (1) of this section commits an offence and shall be liable upon conviction to a penalty of class V.

Incentives access
and benefit sharing

83. (1) The Department of Forestry shall promote investment for the sustainable use of forest resources and for the implementation of plans, using appropriate technologies, whether traditional or alternative, in order to increase the productivity of the forest resources.

(2) On the request of the Minister, the Minister responsible for Finance may, with the approval of the President, provide specific incentives of a credit, tax, technical, scientific or other nature, in favour of those who contribute to the protection and sustainable management of forests.

(3) The Department of Forestry shall determine the criteria and levels for the provision of the incentives under subsection (2), and shall issue the corresponding certification for the purpose of applying for the incentives.

PART XI - PROTECTED FLORA

Declaration of
protected flora

84. (1) For the purposes of protecting any species of flora, particularly having regard to its rarity, economic significance or its role in an ecosystem and generally for the protection of biological diversity, the Minister may by Order, on the recommendation of the Department of Forestry-

- (a) declare a kind or category of flora to be protected flora; and
- (b) prohibit or regulate the felling, cutting, burning, injury, taking or removal of any protected flora either generally or during a specified period and whether throughout The Gambia or in a specified area of The Gambia.

(2) Any order made under subsection (1) may apply to any kind or category of flora which, though abundant, closely resembles the protected flora within the specified area.

(3) The Order specifying protected flora may be at the initiative of petition from any interested person lodged with the Department of Forestry.

(4) The Minister shall, by Order, prescribe the process and criteria for determining protected flora; and the form of petition under subsection (3).

(5) Any person who fells, cuts, burns, injures, takes or removes any flora declared to be protected under this section commits an offence and shall be liable upon conviction to a penalty of class I.

Recovery plan for
protected
Flora

85. The Department of Forestry, in consultation with the relevant local community, Committee, traditional authority and any other stakeholder, shall develop and implement a recovery plan for the protection, growth and survival of protected flora.

PART XII - FOREST PRODUCE IN STATE LAND AND CUSTOMARY LAND

Purpose of
protection

86. Major forest produce in state lands and customary areas shall be maintained for the use and benefit of the inhabitants of such lands:

Provided that-

- (i) Subject to the permission of the Director, the trees may be felled and land cleared by or for such inhabitants for the purpose of agriculture,
- (ii) any major forest produce which, in the opinion of the Department of Forestry, is not required to be conserved or would be wasted or destroyed if left, may be felled and sold under a licence.

Removal , etc of
major
forest produce

87. (1) No person shall, without a licence fell, cut, work, take, collect or remove any major forest produce in or from any state lands, customary land or open area.

(2) No person shall without a licence sell, offer for sale, barter or otherwise deal in any major forest produce from any state land, customary land or open area.

(3) Any person who fails to comply with subsections (1) and (2) or does any other act so that wanton or unnecessary destruction of major forest produce results commits an offence and shall be liable upon conviction to a penalty of class III ;

Provided that this section shall not apply to any person who within such State Land, customary land or open area –

- (a) does any of the prohibited acts for personal use only;
- (b) is the owner of the land and is in possession of a valid licence, authorizing the licensee to do any of the prohibited acts;
- (c) has obtained the permission of the owner so to do and is in possession of a valid licence authoring that person to do any of the prohibited act; or
- (d) is a Forest Officer while acting under instructions in performing that officer's functions under this Act.

Control and
management
in State
lands and
customary land

88. Subject to the other provisions of this Act, the control and management of the licensed felling, cutting, tacking and removal of major forest produce on state land and Customary areas shall vest in the Department of Forestry.

PART XIII - FORESTRY FUNDS

Establishment
of the Fund

89. There is hereby established a national forestry fund called the Fund.

Purpose of
the fund

90. The proceeds of the Fund shall be used to promote the protection and sustainable management of forest resources and to promote community forestry.

The Fund

91. (1) The Fund shall consist of-

- (a) proceeds of the sale of timber and forest produce extracted from forest parks;
- (b) proceeds of contribution of Community Forest Committees as specified under Section 95;
- (c) fifty percent of all fees and royalties received under this Act;
- (d) monies earned by any project financed from the Fund;
- (e) forestry services rendered by the Department of Forestry
- (f) subventions from Government; and
- (g) grants donations and endowments that may be received from sources within and outside The Gambia.

(2) The Fund shall be kept in a separate account with the Accountant General and shall be administered by the Director and the Permanent Secretary of the Ministry.

Fund Committee

92. (1) The Director may establish a Fund Committee to review once yearly the proposed estimates of the income and expenditure before its submission to the Minister responsible for Finance.

(2) The Fund Committee shall be constituted of representatives of:-

- (a) the ministry responsible for finance;
- (b) the Ministry;
- (c) the ministry responsible for local government;
- (d) local authorities;
- (e) Community Forest Committees;
- (f) nongovernmental organizations; and
- (g) any other organizations the Director may think fit to participate.

Account and
Audit

93. (1) The Director shall within a period of three months before the end of each financial year, make and submit to the Minister responsible for finance, for his or her approval, estimates of the income and expenditure of the Fund for the ensuing year.

(2) No expenditure shall be made out of the Fund unless the expenditure has been approved by the Minister responsible for Forestry under the estimate for the year in which such expenditure is made, or in any other estimates supplementary thereto.

(3) The Director shall prepare in respect of each financial year a statement of account which shall include-

- (a) a balance sheet, a statement of income and a statement of surplus or deficit; and
- (b) such other information in respect of the financial affairs of the fund as the Minister responsible for finance may require.

(4) The accounts of the Fund shall, in respect of each financial year, be audited by the Auditor General.

Establishment
of local funds

94. (1) After the approval of each community forest management agreement in accordance with the provisions of this Act, there shall be established a local fund for the concerned community forest which shall consist of the following monies:

- (a) eighty five percent of all proceeds of the sale of all forest produce extracted from the community forest;
- (b) fifty percent of fines collected under section 39;
- (c) a percentage as determined by the Minister of all proceeds, except of licence fees, of the sale of all forest produce extracted from community controlled state forest;
- (d) monies earned by any project financed from the local fund; and
- (e) such voluntary contributions as may be made to the local fund from whatever source.

Purpose of local funds

95. (1) The purpose of the local funds shall be to promote the protection and the development of community forests and the sustainable management of the forest resources as well as general community development.

(2) Fifteen percent of the proceeds of sale of produce extracted from community forest shall be paid into the Fund as a contribution to national forest management and as a compensation for the technical services rendered by the Department of Forestry in managing community forests.

Administration of local funds

96. (1) Each local fund shall be kept in a separate account with an established bank in The Gambia and shall be administered by three members, elected from among the members of the concerned Community Forest Committee, who shall be the administrators of the local fund.

(2) Withdrawals from a local fund shall be decided by not less than two thirds of the Community Forest Committee members.

(3) The administrator may make such withdrawals as may be necessary to finance the activities identified under section 95.

(4) The amount spent from any local fund shall be shared between the funding of forestry activities and other community development activities as follows –

(a) monies spent for forestry activities shall not be less than forty percent of the deposits into the account; and

(b) monies spent for other community development activities shall not exceed sixty percent of the deposits into the account;

(5) The treasurer shall keep proper records in relation to the local fund and shall for each financial year not later than 30 days following the end of the financial year prepare and forward to the Director.

(6) The Director may direct that-

(a) the local funds shall be audited by the Director, or any Forest Officer he may designate; or

(b) the local funds may be audited by the Auditor General.

Disposal of fees and royalties **97.** All fees, royalties and fines received under this Act shall be paid to the Accountant General and shall be disposed of as follows:

(a) fifty percent to the Central Revenue, and

(b) the remaining fifty percent to the Fund.

Regulations **98.** The Minister may make regulations prescribing the mode of collection of monies paid into Fund and the manner in which payments shall be made from it.

PART XIV - DECLARATION OF WATER AND WIND EROSION AREAS AND PROTECTION FORESTS

Minister
May declare water
or wind erosion areas **99.** The Minister may, by Notice published in the Gazette, declare any lands to be water or wind erosion areas.

Protection forests **100.** The Minister may, subject to section 4, by Notice published in the Gazette, declare any forest to be a protection forest.

Compensation for
private forests **101.** Where a declaration made under this Part affects a private forest, adequate compensation shall be paid to any person so affected.

Power to make
regulations **102.** In relation to the lands so declared, the Minister may make regulations for all or any of the following purposes –

(a) the formation of wind breaks;

(b) the retention of trees;

(c) generally for the purposes of preventing water and wind erosion.

PART XV – MARKING OF FOREST PRODUCE

Marking before
removal of
forest
produce **103.** No forest produce cut or taken under a licence or permit shall, unless a Forest Officer by endorsement on the licence or by separate writing otherwise permits, be removed from any felling site until the produce has been measured or checked by the Forest Officer and has been marked by that Forest Officer with the imprint of the Department of Forestry timber marking hammer or instrument.

Offences relating to
removal **104.** Any person who-

and marking of
forest
produce

- (a) removes forest produce from a felling site contrary to the provisions of section XX; and
- (b) mixes forest produce marked by the Department of Forestry with unmarked produce with intent to mislead a Forest Officer or law enforcement officer

commits an offence and shall be liable upon conviction to a penalty of class III.

Offences of Forest
Officer

105. Any Forest Officer who willfully or negligently permits the removal from a felling site of unmarked produce commits an offence and shall be liable upon conviction to a penalty of class III.

PART XVI - IMPORT AND EXPORT OF FOREST PRODUCE

Import of forest
produce

106. Any person who imports any plant or forest produce except in accordance with a valid import certificate issued under section 107 commits an offence and shall be liable upon conviction to a penalty of class V.

Certificate to import
forest
produce

107. (1) The Department of Forestry may issue to any person a certificate, in the prescribed form, to import any plant or forest produce, subject to-

- (a) the production of a phytosanitary certificate; and
- (b) any other conditions which the Department of Forestry may impose.

(2) A certificate issued under subsection (1) shall be valid for such period as the Department of Forestry may determine.

(3) Any certificate issued under this section shall not be in substitution of any permit or certificate to import any plant or forest produce required by or under any other written law: nor shall any such certificate be deemed to relieve any person from any restriction on or prohibition of the importation of any plant or forest produce imposed by or under any other written law.

Offences relating to
import of forest
produce

108. (1) Any person who imports or who attempts to import any plant or forest produce except-

- (a) through a customs port of entry; and

(b) on the production to the customs officer of satisfactory evidence that such plant or forest produce has been lawfully exported from the country of origin;

commits an offence and shall be liable upon conviction to a penalty of class V.

(2) Any person who imports through a customs port of entry any plant or forest produce, but who at the time of such import is unable to adduce the evidence required under paragraph (b) of subsection (1) or has not in the person's possession the import certificate required to be produced under paragraph (c) of subsection (1), shall have the forest produce detained by the Forest Officer or customs officer until the production, within a period of not more than fourteen days, the evidence or the certificate to the forestry officer or customs officer.

(3) The expenditure incurred on account of the detention of the forest produce under subsection (2) shall be borne by the person importing the plant, timber or forest produce and shall be recoverable from such person as a civil debt to the Department of Forestry.

(4) If the country from which any plant or forest produce is exported is not the country of origin, it shall be sufficient for the purpose of paragraph (b) of subsection (1) if there is produced to the Forest Officer or customs officer documentary evidence that the plant or forest produce was lawfully exported from the country of origin.

(5) Where any person is convicted of an offence under this section, the Court may, at the request of the prosecution and in addition to any other penalty imposed, declare any plant or forest produce so imported or so attempted to be imported to be forfeited and order it to be sold, put under Government use or destroyed, without compensation.

(6) Any plant or forest produce declared to be forfeited under subsection (5), but not ordered to be destroyed, may be disposed of as Director may direct.

Export of forest
produce

109. Any person who exports any plant or forest produce except in accordance with a valid export certificate issued under section 110 commits an offence and shall be liable upon conviction to a penalty of class V;

provided that lawful export of wood carvings and other souvenir objects made from forest produce may be done without prior permission from the Secretary of State.

Certificate to export forest produce	<p>110. (1) The Department of Forestry may issue to any person a certificate, in the prescribed form, to export any plant or forest produce.</p> <p>(2) The certificate issued under subsection (1) may be subject to any conditions which the Department of Forestry may impose and shall be valid for such period as the Department of Forestry may determine.</p> <p>(3) Any certificate issued under this section shall not be in substitution of any permit to export any such plant or forest produce required by or under any other written law, nor shall any such certificate, be deemed to relieve any person from any restriction on, or prohibition of, the export of any plant or such forest produce imposed by or under any other written law.</p>
Other offences relating to export of forest produce	<p>111. (1) Any person who exports or attempts to export any forest produce except through a customs port of entry commits an offence and shall be liable upon conviction to a penalty of class V.</p> <p>(2) Any person who exports or attempts to export any plant or forest produce shall produce to the customs officer or Forest Officer for inspection the export certificate issued in respect thereof under section 110.</p> <p>(3) Where a person is not in possession of the export certificate in respect of forest produce at the time of export or attempted export, the person shall have the forest produce detained by the customs officer or Forest Officer until the production of an export certificate, within fourteen days, to the customs officer or Forest Officer; provided that, after the elapse of the 14 days, the custom officer should hand over the product to the Department of Forestry as a seized product.</p> <p>(4) The expenditure incurred on account of the detention or destruction of forest produce under subsection (3) shall be borne by the person exporting the forest produce, plant or timber, and shall be recoverable from such person as a civil debt to the Department of Forestry.</p>
Exemptions	<p>112. This part shall not apply to any plant or forest produce -</p> <p>(a) in transit through The Gambia, if the forest produce, plant or timber is accompanied by the necessary transit customs documents issued in the country of origin or of export, including a phytosanitary certificate or its</p>

equivalent and is entered through a customs ports of entry; or

- (b) accompanied by any person who is in possession of and surrenders to the Forest Officer or customs officer a certificate or permit issued by the country of origin or of export stating that the person is lawfully authorized to export the forest produce, and the person satisfies the customs officer or Forest Officer-
 - (i) that the certificate or permit was issued to that person:
 - (ii) that the person is exporting the forest produce from the country of origin or export; and
 - (iii) that the forest produce being exported is subject to a phytosanitary certificate or its equivalent.

Power to make regulations

113. Notwithstanding the other provisions of this Act, the Ministry may, on the advice of the Department of Forestry and in consultation with the ministry responsible for Trade and Industry, by Order regulate the import or export of any forest produce and such regulations may incorporate the requirements of the Convention on International Trade in Endangered Species of Flora and Fauna.

PART XVII - MARKING OF TIMBER

Issue of licence for manufacture and use of timber marking instruments

114. (1) The Department of Forestry shall approve such timber marking hammer or instrument for the marking of timber as may be appropriate for the purposes of this Act.

(2) The Department of Forestry may, on the application of any person submitted in such form and on payment of such fees as may be prescribed, issue a licence for the manufacture of a timber marking hammer or instrument of the Department of Forestry, subject to such conditions as the Department shall determine.

(3) Notwithstanding subsection (1), all timber marking hammers or instruments shall be in the custody of and shall be used exclusively by authorized officials of the Department of Forestry.

(4) All timber marking instruments shall be registered by and serially numbered by the Department of Forestry.

Timber for export to have marks **115.** All timber being exported shall be hammer marked in such manner as the Department of Forestry may determine.

Offences relating to marking **116.** Any person who -

- (a) without being authorized under this Act to do so, marks upon or fixes to any forest produce, a mark of the Department of Forestry used to indicate that forest produce may lawfully be cut or removed;
- (b) not being a Forest Officer authorized by the Department of Forestry, possesses or uses the Department's timber marking instrument
- (c) counterfeits any timber marking hammer or instrument of the Department or of a person authorized under this Act or counterfeits any mark made by such hammer or instrument; and
- (d) without being authorized under this Act to do so, alters, defaces, obliterates or removes any stamp, mark or sign placed upon a forest produce or upon a tree stamp by a Forest Officer;

commits an offence and shall be liable to a penalty of class V.

PART XVIII - POWER OF FOREST OFFICERS AND LAW ENFORCEMENT OFFICERS

117. A Forest Officer or law enforcement officer may demand from any person engaged in doing or causing to be done anything for which a licence or permit is required under this Act to produce the licence or permit, and if such person fails to do so, restrain such person and the employees and agents of that person from doing such thing until the licence or permit is produced.

Demanding production of licence (2) Any person who fails to produce a licence or permit held by him or her on request of a Forest Officer or authorized officer commits an offence and shall be liable upon conviction to a penalty of class I.

Prevention
of offences

118. (1) A Forest Officer or law enforcement officer may take such measures and do such act for preventing the commission of a forest offence as the Forest Officer or law enforcement officer may deem necessary and in so doing may use reasonable force.

(2) Without prejudice to the generally of subsection (1), a Forest Officer may:

- a) inspect forest produce, and for the purpose of detecting pests or disease, expose the roots of plants;
- b) remove bark or cut any part of forest produce or open any container or package or wrapping suspected to contain the forest produce liable to harbor the pests or diseases;
- c) order the application of measures which are necessary or prescribed for eradication or prevention of the spread of a pest or disease;:
- d) order the destruction any time of any forest produce infested with any harmful agent, pest or disease; and
- e) declare a nursery, plantation or any part of a forest estate with a pest or disease or such portion thereof as an infected area until such time as the nursery or portion thereof is free from the pest or disease.

119. (1) Subject to subsection (2), where any Forest Officer suspects that any person has committed a forest offence or is in possession of any forest produce in respect of which such offence has been committed or intended to be committed the law enforcement officer or Forest Officer may with a warrant-

- (a) enter upon and inspect lands, building, tents, structure or enclosures on or in which forest produce, plants or timber which is the subject of a forest offence may be found;
- (b) search any baggage, package, parcel, vehicle, vessel, tent, under the control of such a person or the employee or agent of that person.

Search with or
without a warrant

(2) Notwithstanding subsection (1), no private dwelling house shall be entered except in the presence of the occupier or of a person over the apparent age of eighteen years who resides therein as a member of the occupier's family.

120. Any Forest Officer, Regional Governor or police officer may arrest any person who may be reasonably suspected of having committed any offence under this Act, if such person refuses to give his or her name or address or gives a name or address which is believed to be false, or if there is reason to believe that he or she will abscond:

Provided that any person so arrested shall be taken to the nearest Police Station without unnecessary delay any shall be taken before a court within forty eight hours.

Arrest of suspected
person

Seizure of forest
produce

121. (1) Any Forest Officer, Regional Governor or police officer not below the rank of a Sergeant may himself, or by any person acting under his directions, seize any forest produce suspected of having been unlawfully obtained or being unlawfully removed and any instrument or thing reasonably suspected of having been used in the commission of any offence under this Act.

(2) No action shall be brought by any person in respect of any deterioration in quality or value of any forest produce, instrument, processing equipment or vehicle seized in accordance with the provisions of subsection (1) of this section.

(3) Where the forest produce is abandoned or where the person suspected of having committed the offence in respect of which forest produce has been seized has absconded after the seizure, the forest produce shall be handed over to the Regional Forest Officer who, after obtaining an order of a Magistrate, may-

- (a) sell such forest produce and pay the proceeds as specified in section 97, after deducting the expenses of the sale.
- (b) allocate such forest produce to the use of the Government; or
- (c) destroy such forest produce when necessary.

Inspection of forest produce

122. A Forest Officer, Regional Governor, or police officer may stop any vehicle, vessel or craft engaged in transporting or moving any forest produce on any road or inland waterway for the purpose of inspecting the produce.

PART XIX - FOREST OFFENCES, PENALTIES AND FORFEITURES

Offences in respect of boundary marks

123. Any person who alters, removes, destroys, or defaces a boundary mark of a forest or any land proposed to be included in a forest, commits an offence and shall be liable upon conviction to a penalty of class III.

124. (1) A person who-

Additional offences and penalties

- (a) contravenes any of the provisions of regulations or any order made under this Act or any condition of a licence;
- (b) does any act so that wanton or unnecessary destruction of forest produce results;
- (c) in exercising his or her rights under this Act through his or her employees or agents, fails to give any such employee or agent such instruction as would, if followed, avoid the commission of a forest offence, and such employee or agent, due to want of such instructions;
- (d) knowingly receives or is in possession of any forest produce in respect of a forest offence has been committed;
- (e) subject to other written laws, intentionally damages any plant, machinery, equipment, road, track, tramway, bridge, water installation, power-line, telephone-line, drain or other improvement in a forest on state land; or

- (f) without authority, wears or is possession of any uniform or part of a uniform or any badge, mark or identity document is issued by or on behalf of the Department of Forestry to be worn or possessed by a Forest Officer;

commits an offence and shall be liable, upon conviction-

- (i) if the offence was committed within, or in connection with, a forest park to a penalty in class V, and
- (ii) in all other cases, to a penalty in class IV.

(2) A person who commits an offence under this Act for which no penalty is provided shall be liable, upon conviction, to a penalty in class IV.

Charcoal production
Prohibited

125. Any person who produces charcoal in any part of The Gambia, commits an offence and shall be liable upon conviction to a penalty of class V.

Additional
powers of
court

126. (1) When a person has been convicted of an offence under this Act, the court or tribunal may, in addition to any other penalty provided for in this Act-

- (a) order the cancellation of the licence of that person;
- (b) assess the amount of compensation for any loss or damage caused by that person in the course of the offence and cause the same to be recovered from that person as if it were a debt due and payable to the Department of Forestry;
- (c) order the removal or demolition, within such time as the Court may determine, any unauthorized establishment, buildings, structures, plant, machinery, equipment, crops and other work set up or grown by that person, and the restoration, as far as possible, of all places and things to the former state, and if the removal, demolition and restoration is not effected within the time fixed by the Court, the Director shall cause the same to be done and the cost incurred thereon shall be recovered by the Department of Forestry from the person convicted; or

	<p>(d) order the confiscation of any forest produce in respect of which the offence was committed and of any livestock, tools plant, machinery, equipment, vehicle or other property used in the commission of the offence.</p> <p>(2) The Department of Forestry may sell or otherwise dispose of any property confiscated under subsection (1) and handed over to the Department of Forestry by order of the Court and any moneys received from the sale or disposal of such property shall be paid into the Forest Fund.</p>
Civil remedy reserved	<p>127. Nothing in this Act shall be so construed as to take away or interfere with the right of the State or of any person to sue for and recover at common law or otherwise compensation for or in respect of any damage or injury caused by a forest offence:</p> <p>Provided that in assessing such compensation the court shall take into account the amount of any compensation recovered under section 138.</p>
Evidence	<p>128. (1) Whenever in any proceedings under this Act the question arises whether any forest produce is the property of the State it shall be presumed to be the property of the State unless the contrary is proved.</p> <p>(2) The burden of proving that any forest produce has not been taken in contravention of this Act shall lie upon the person in whose possession it is found.</p>
Exhibits	<p>129. Where in any proceedings under this Act it becomes necessary for a Forest Officer or law enforcement officer to produce in evidence any forest produce and, in the opinion of such officer, production of the whole of such produce would be impracticable or involved unnecessary expense or undue delay, it shall be sufficient for such officer to produce in the court any piece or sample of the forest produce.</p>
Penalty Classes Schedule	<p>130. (1) There shall be five penalty classes under this Act which are prescribed in schedule and any person who is found guilty of an offence under this Act or any regulations made hereunder shall, unless otherwise provided be punished in accordance with the penalties prescribed in the Schedule .</p> <p>(2) Notwithstanding subsection (1), any person who is found guilty of an offence under this Act or any regulations made hereunder for which no penalty or class of penalty is prescribed shall be liable to a fine not exceeding a penalty in class V or to</p>

a term of imprisonment not exceeding three years or to both such fine and imprisonment.

PART XX - FINAL PROVISIONS

Repeal and savings	<p>131. (1) The forest Act, 1998, is hereby repealed.</p> <p>(2) Notwithstanding sub-section (1) all existing forest parks and community forests, private forest and all forest reserves at the time of the coming into force of this Act shall be deemed to have been designated under and in accordance with the provisions of this Act.</p>
Act to prevail over all forest matters	<p>132. Where there is any inconsistency or contradiction between this Act and any other enhancement relating to the designation, reservation, de-reservation, or the general administration of any forest or forest land, this Act shall prevail.</p>
Forest guidelines	<p>133. (1) Subject to the provisions of this Act and any regulations made hereunder, the Director may issue forest guidelines, prescribing procedures and modalities to ensure efficient management of the forest resources of The Gambia.</p> <p>(2) Notwithstanding the generality of subsection (1) the Director may issue forest guidelines outlining the following-</p> <ul style="list-style-type: none">(a) a forest monitoring and evaluation system;(b) a fire management and protection strategy;(c) a market analysis and development approach;(d) a national forest management concept; or(e) a forest communication concept. <p>(3) The Director shall ensure the continuous updating of the forest guidelines.</p>
Power to make regulations	<p>134. The Minister may make regulations for all or any of the following and may specify the area or areas to which all or any regulations shall apply –</p> <ul style="list-style-type: none">(a) prohibiting or regulating the taking of forest produce or of any specified kind of forest produce on lands at the disposal of the State or on Provinces’ lands or on lands under customary tenure or on free holdings;

- (b) prohibiting the sale and purchase of forest produce or any specified kind of forest produce by any persons other than the holders of licences and permits granted under this Act, or by any other persons or by any classes of persons specified in the regulations;
- (c) prohibiting the sale, purchase and possession of forest produce taken, collected or prepared in contravention of this Act;
- (d) prohibiting the destruction of, or any act which may tend to the destruction of or cause injury to, any forest produce or forest growth or forest property or wildlife in any forest park or on lands at the disposal of the Government or on Provinces' lands or communal lands;
- (e) regulating the kindling of fires for any purpose within a protected forest or a reserved forest or a forest park, and prescribing the person who may declare the period during which fires may or may not be allowed for any purpose;
- (f) regulating the kindling and suppression of bush fires in all lands and prescribing the persons who may declare the period during which fires may or may not be allowed;
- (g) regulating the grant, issue of and prescribing the form that any licence or permit may take in any particular case –
 - (i) to take forest produce in forest parks or lands at the disposal of the Government;
 - (ii) to sell or purchase forest produce;
 - (iii) to erect or operate sawmills or other manufacturing plant using wood as a raw material;
- (h) prescribing the procedure for fixing and making known to the public the fee to be paid on the application for, and the grant of, any licence or permit and the royalties and fees to be paid by the holders thereof;
- (i) prescribing the persons who may declare any specified kind of tree to be protected tree and any

specified kind of non timber forest produce to be protected non timber forest produce under this Act, and the procedure thereof;

- (j) providing for, and imposing conditions in respect of the collection, payment and disposal of fees, royalties, tools and costs of survey and demarcation;
- (k) providing for the cancellation, forfeiture, termination or revocation of licences and permits;
- (l) providing for the remission or reduction by a Forest Officer of any royalty, fees or tolls charged or payable under the provision of this Act;
- (m) requiring the holders of licences and permits to render returns and accounts and to submit their books for inspection;
- (n) regulating the collection, preparation and taking of forest produce;
- (o) prescribing the procedures for the sale of forest produce from community forests;
- (p) regulating the transit of forest produce by land and water or by different means and classes of transport;
- (q) providing for the examination, marking, reporting or stoppage of timber or other forest produce in transit;
- (r) providing for the establishment, management or control of checking stations to which timber or other forest produce shall be taken for examination by those in charge of it; and the conditions under which such timber or other forest produce shall be brought to, stored at or removed from the checking stations;
- (s) providing for the assessment, protection and sustainable management of all forests except private plantations;
- (t) prescribing the powers and duties of Forest Officers and providing for the maintenance of discipline;
- (u) regulating the export and the import of forest produce or of any specified kind of forest produce;

generally for the more effectual carrying out of all or any of the provisions of this Act.

(2) The Minister may make regulations amending the Schedule to this Act.

SCHEDULE

CLASSES OF PENALTIES

<u>Classes</u>	<u>Amount in Dalasis</u>	<u>And/or</u>	<u>Imprisonment</u>
Class I	D 5,000.00		1 month
Class II	D10, 000.00		2 months
Class III	D15, 000.00		3 months
Class IV	D20, 000.00		6 months
Class V	D30, 000.00		12 months