

SPECIAL SUPPLEMENT

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**THE FORESTS ORDINANCE
(CAP. 389)**

RULES

Under section 30(1)

THE FORESTS (AMANI NATURE FOREST RESERVE) RULES, 1997

**PART I
PRELIMINARY**

1. These Rules may be cited as the Forests (Amani Nature Forest Reserve) Rules, 1997, and shall apply to the whole area of Amani Nature Forests Reserve.

Citation and application

2. In these Rules, unless the context requires otherwise:

Interpretation

“Advisory Board” means the Amani Nature Forest Reserve Advisory Board appointed under sub-rule (1) of Rule 4;

“Amani Nature Forest Reserve” means the Amani Nature Forest Reserve as defined in Schedule 1 and Rule 3;

“animal” includes any member of the animal kingdom, whether alive or dead, including fish, but shall not include human beings. The term shall, also, include all or part of the eggs, feathers, skins, shells, or any other part of an animal;

“asset” means thing or property owned by person, company, government institution within the Amani Nature Forest Reserve that has value and can be used or sold;

“authorised officer” means the Amani Nature Reserve forest Conservator, or other officer designated pursuant to Rule 5 to enforce the provisions of these Rules, and any police officer;

“buffer zone” means any area outside or within the Amani Nature Forest Reserve, or inside the enclaves of the Nature Forest Reserve which is declared to be the buffer zone according to the General Management Plan of the Amani Nature Forest Reserve;

“Chief Conservator” means the Chief Conservator of Forests appointed under Forests Ordinance;

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G.N. No. 151 (contd.)

- Subject to sub-rule (1) of.....
- “Conservator” means the Amani Nature Reserve Forest Conservator pursuant to sub-rule (1) of Rule 5;
- “enclave” means those lands inside but excluded from the Amani Nature Forest Reserve as defined in Schedule 1 of the Amani Nature Forest Reserve Declaration Order;
- “explosive” means dynamite, bomb, detonator, or any blasting agent or substance used in the manufacture of explosives;
- “forest” means all land bearing a vegetative association dominated by trees of any size, exploitable or not, capable of producing wood or other products, of exerting an influence on the climate or on the water regime or providing shelter to livestock and wildlife;
- Cap. 389 “forest produce” products from the forest as define by the Forest Ordinance;
- “general management plan” means the General Management Plan adopted for the Amani Nature Forest Reserve pursuant to Rule 6;
- “interest group” means those categories of people directly or indirectly affected by or affecting the Amani Nature Forest Reserve;
- “local resident” means any person recorded under the Local Government District Authority Act. 1982, by the village government as a resident in those villages listed under the General Management Plan as belonging to the Amani Nature Forest Reserve buffer zones;
- “local resident user” means any local person authorised to harvest forest produce so defined in the General Management Plan of Amani Nature Reserve;
- “local use” means any uses of forest produce so defined in the General Management Plan of Amani Forest Reserve;
- “Minister” means the Minister for the time being responsible for natural resources;
- “nature reserve” means an area where the aim is: To protect nature and scenic areas of national of international significance, to maintain biodiversity and genetic resources, and natural processes in an undisturbed, dynamic and evolutionary state in order to have ecologically representative examples of the natural environment available for present and future generations, scientific study, environmental monitoring, education, and sustainable and controlled local and recreational use;
- Cap. 389 “ordinance” means the Forests Ordinance;
- “path” means any traditional route crossing or passing within the Amani Nature Forest Reserve used by local residents;
- “permit” means a permit in writing issued by the Chief Conservator, or a person authorised by him in writing;
- “plant” means any member of the vegetable kingdom, including grasses and weeds, trees, or shrubs whether growing on land or in water;
- “poison” means any natural or synthetic chemical used to kill animals or plants;
- Cap. 167 “public highway” means a public highway as defined in the Highway Ordinance;

- “structure” means any market, monument, fence, road, building, buoy or other-made item or item brought in from outside the Amani Nature Forest Reserve, that is intentionally built or placed within Amani Nature Forest Reserve;
- “tenure” means holding of land or other property within the Amani Nature Forest Reserve, through arrangements such as lease hold, free hold, customary ownership, and other such forms of holdings;
- “tourist” means any person with the intention to enter inside the Amani Nature Forest Reserve for recreation purposes;
- “trap” means any mechanical or fixed device that kills, injures or captures animals;
- “vegetation” means any form of vegetable matter, alive or dead whether growing on land or in water;
- “Visitor” means any person other than a tourist or a resident who enters Amani Nature Forest Reserve for the purposes of trade, business and employment and includes a person employed by the Government, District Council who enters Amani Nature Forest Reserve in the course of his employment, for a period no longer than 90 days;
- “weapon” means any device or instrument designed to be propelled or to propel any missile for the purposes of catching, impaling or killing animals and includes all firearms, bows, crossbows and throwing spears;
- “zone” means a defined area within the Amani Nature Forest Reserve with specific management objectives and prescriptions as determined in the General management Plan of Amani Nature Forest Reserve;

PART II

OBJECTIVES OF AMANI NATURE FOREST RESERVE

Objec-
tives

3. The Amani Nature Forest Reserve is established—
- (a) to protect the unique, biologically important submontane rain forest ecosystem of the East of Usambara mountains,
 - (b) to maintain biodiversity, genetic resources, natural processes and cultural value in an undisturbed, dynamic and evolutionary state in order to have ecologically representative example of the Eastern Arc forest ecosystem available for *present and future generations*, scientific study, environmental monitoring, education, and sustainable and controlled local and recreational use.

PART III

ADVISORY BOARD ADMINISTRATION OF THE AMANI NATURE FOREST RESERVE

- 4.—(1) There shall be a Amani Nature Forest Reserve Advisory Board whose members shall be appointed by the Minister upon the advice of the Chief Conservator, and the constitution of which shall reflect key conservation interests in Amani Nature Forest Reserve.

The Ad-
visory
Board

Forests (Amani Nature Forest Reserve)

G.N. No. 151 (contd.)

(2) The appointment, tenure of office, quorum, proceedings and meetings of the Advisory Board shall be as provided in the first Schedule.

(3) The functions of the Advisory Board, in consultation with and subject to control and authority of the Chief Conservator, shall be—

- (a) to advise the Chief Conservator on the management of the Amani Nature Forest Reserve;
- (b) to oversee the operations of the Amani Nature Forest Reserve, including the preparation of the General Management Plan;
- (c) to oversee the use of the Amani Nature Forest Reserve Conservator on technical, scientific, and operational matters concerning the nature reserve;
- (d) to represent interest groups, *including local residents, of, and reconcile conflicts relating to the Amani Nature Forest Reserve;*

Appoint-
ment of
Chief
Conser-
vator

5.—(1) The Chief Conservator shall appoint an Amani Nature Forest Reserve Conservator.

(2) The Conservator shall administer the Amani Nature Forest Reserve subject to control and authority of the Chief Conservator.

(3) The Chief Conservator may appoint officers to administer the Amani Nature Reserve.

PART IV

GENERAL MANAGEMENT PLAN FOR AMANI NATURE FOREST RESERVE

General
Manage-
ment plan

6.—(1) The Minister, upon the advice of the Chief Conservator, shall adopt a General Management Plan for the Amani Nature Forest Reserve.

(2) The General Management Plan for Amani Nature Forest Reserve shall contain—

- (a) a full description of the nature and location of the Amani Nature Forest Reserve;
- (b) a description of the biological, environmental, geological and cultural resources of the area;
- (c) a list of the villages which constitute the buffer zone of the Amani Nature Forest Reserve, including a description of local resident users and specified uses, and other elements which distinguish between *classes and categories* to which such descriptions apply;
- (d) detailed statements of the objectives of the Amani Nature Forest Reserve in accordance with Rule 3, and
- (e) a detailed account of the means and methods by which those objectives will be harmonised and carried out, including proposed activities, development, *and funding; and zoning as pursuant to sub-rule (4) of Rule 6;*

(3) A plan of zones shall be submitted as part of the Amani Nature Forest Reserve Management Plan.

(4) A plan of zones shall contain:—

- (a) a map showing the zones and boundaries of the Amani Nature Forest Reserve;
- (b) description and objectives of zones and activities permitted within each zone; and
- (c) any other matter or description necessary for identifying components in the zones.

(5) Memoranda of Understanding, specifying rights and restrictions of major institutions and holders of physical assets within the boundaries of the Amani Nature Forest Reserve, shall be submitted as part of the Amani Nature Forest Reserve Management Plan.

(6) A Memorandum of Understanding shall contain—

- (a) A map showing the assets and boundaries of tenure;
- (b) A description of the assets, facilities and the activities permitted within the boundaries of tenure;
- (c) A description of the procedures for planning, administration, and decision-making on matters which may influence the Amani Nature Forest Reserve or the holder of tenure; and
- (d) Any other matter or description necessary for a regulation of the relationship between the Amani Nature Forest Reserve and the holder of the asset or tenure.

PART V

ESTABLISHMENT OF THE AMANI NATURE FOREST RESERVE CONSERVATION FUND

7.—(1) The Minister shall establish a fund to be known as Amani Nature Forest Reserve Conservation Fund which shall be the repository for—

Establishment

- (a) all funding from the Government for use within or relating to the Amani Nature Forest Reserve;
- (b) all voluntary subscriptions, donations or bequests received by Amani Nature Forest Reserve from any source;
- (c) all proceeds from user and entry fees, tourism levies, proceeds from licensing fees and other charges imposed by the Amani Nature Forest Reserve in respect of the use or development of, or any other activities in the Amani Nature Forest Reserve;
- (d) revenues from sustainable resource use or development activities conducted by the Amani Nature Forest Reserves; and

Forests (Amani Nature Forest Reserve)

G.N. No. 151 (contd.)

- (e) any other sum or property which may be vested in the Amani Nature Forest Reserve as a result of the performance of its functions.
- (2) The Chief Conservator, in consultation with the Advisory Board, shall maintain such accounting records for the Reserve as are required in conformity with Government financial regulations.
- (3) The Amani Nature Forest Reserve shall have an account within the conservation fund where all revenue generated from within the Amani Nature Forest Reserve shall be retained and expended for pursuance of the objectives set forth in the General Management Plan of the Amani Nature Forest Reserve.
- (4) The Conservator shall ensure that, where the donor of funds deposited in the conservation fund requests that those funds be used for particular activities or equipment, all such funds shall be used in accordance with approved plans.
- (5) The Conservator shall, with the approval of the Chief Conservator and in consultation with the Advisory Board, expend other funds from the account for the development of the Amani Nature Forest Reserve.
- (6) The Conservator shall, with in consultation with the Advisory Board and with the approval of the Chief Conservator, expend funds from the account referred to in sub-rule (3) of Rule 7, as may be apportioned in the Amani Nature Forest Reserve Management Plan, for the benefit of the villages in the vicinity of the Amani Nature Forest Reserve, in order to further the objectives of the Amani Nature Forest Reserve as stated in Rule 3.
- (7) The Advisory Board, in consultation with, and subject to control and authority of the Chief Conservator, shall distribute a portion of the net revenues to local authorities for the benefit of the communities specified in the buffer zone based on proposals submitted to the Advisory Board.
- (8) The Chief Conservator, in consultation with the Conservator and the Advisory Board, shall submit an annual audited report on the sources and use of funds under the Amani Nature Forest Reserve Conservation Fund to the Minister.

PART VI

ENTRY, RESIDENCE AND SETTLEMENT REGULATIONS

Non prohibition, restriction or controlling of entry

- 8.—(1) Nothing in these Rules shall operate so as to prohibit, restrict or control—
 - (a) the entry into or residence within the Amani Nature Forest Reserve, or any part thereof, of public officers on duty or of the Chief Conservator or any person authorised by him;

Forests (Amani Nature Forest Reserve)

G.N. No. 151 (contd.)

- (b) the entry into the Amani Nature Forest Reserve of persons holding therein any estate or interest in freehold land, any leasehold land or any land under a right of occupancy granted under Section 6 or Section 11 of the Land Ordinance, all reasonable access by such persons to such land or the residence of such persons on such land;
- (c) the entry into or residence within the Amani Nature Forest Reserve of the wives, children, dependents and employees of person specified in paragraphs (a) or (b) of these Rules; the entry into the Amani Nature Forest Reserve upon any public highway of persons travelling through the Nature Research along such highway, private roads, and paths.

(2) Provided that nothing contained in these Rules shall be construed as granting or recognising any right or title to land or any interest in, over or under land within the Amani Nature Forest Reserve or as exempting any of the persons specified in these Rules from complying with any other provision of, or restriction imposed by the Ordinance, or with any other Rules made thereunder, not with standing that such provisions, restrictions may restrict, control or prevent the exercise of any right to which these Rules refer.

9.—(1) Every tourist entering the Amani Nature Forest Reserve areas shall obtain a permit from the Chief Conservator or any person authorised by him.

Permits

(2) Such permit shall be obtained:

- (a) before entry, on application by post or in person to the Chief Conservator or any person authorised by him in writing;
- (b) in the case of tourists entering the Amani Nature Forest Reserves on the entry point.

10.—(1) The Chief Conservator, or any person authorised in writing by him, may require any person found inside the Amani Nature Forest Reserve, excluding the public roads and the enclaves, whom he has reason to believe is a person required to be in possession of a permit under these Rules to produce such permit, or to satisfy him that he is a person who does not require a permit under these Rules.

Require-
ment to
produce
permit

(2) Any person who, when required to produce a permit under the provisions of these Rules, fails to do so shall, unless he satisfies the person requiring him to do so that he is a person who does not require a permit under these Rules, be guilty of an offence.

11.—(1) The Chief Conservator or any person authorised in writing by him, may for the purpose of controlling cutting, burning, removing any vegetation or part thereof from Amani Nature Reserve, erect and maintain rod barriers on the public highway or any track or path within the Amani Nature Forest Reserve.

Barriers

Forests (Amani Nature Forest Reserve)

G.N. No. 151 (contd.)

(2) The Chief Conservator, or any person authorised in writing by him, may at any time when in the opinion of the Chief Conservator or such person weather conditions have made the use of the road or track hazardous to vehicular traffic forbid any motor vehicle to enter any specified section of any road or track unless the person in charge of such vehicle is in possession of a special permit to enter such specified section.

Provided that no such special permit shall be required by the Chief Conservator or any person authorised in writing by him.

(3) Such special permit shall be issued by the Chief Conservator or any person authorised in writing by him to issue such permits.

(4) It shall be an offence under these Rules for any person to use poisons, explosives or introduce exotic or alien wildlife or kill, wound, capture any animal in respect of the Amani Nature Forest Reserve area.

Cap. 389 (5) It shall be an offence under these Rules for any person who will contravene the provisions of the Forests Ordinance in respect of the Amani Nature Forest Reserve Area.

Fees 12.—(1) There shall be fees payable in respect of the permits provided for by these Rules.

(2) The fee system and fees are payable in respect of these rules specified in the second schedule of this order, and may be revised by the Chief Conservator, in consultation with the Amani Nature Forest Reserve Advisory Board;

(3) Provided that the Chief Conservator, or any person authorised by him in writing, may in his discretion waive such fees in whole or in part.

Removal from the reserve 13. Any person who is found within the Amani Nature Forest Reserve area in contravention of these Rules may be removed therefrom by the Chief Conservator or by any person authorised by him in writing.

Failure to obtain permits 14. Any person who, being required by these Rules to obtain permits, fails to do so, and any person who contravenes any conditions, shall be guilty of an offence.

General Penalty 15. Any person who commits any offence under these Rules shall be liable on convictions to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding two years or to both and in case of a second or subsequent offence, to a fine not exceeding six hundred thousand shillings or to imprisonment for a term not exceeding four years or to both.

FIRST SCHEDULE

(Under Rule 4(1))

THE ADVISORY BOARD

1. The Advisory Board shall consist of members not less than ten and not more than fourteen including—

- (a) The Chief Conservator—Director of Forestry and Beekeeping Division.
- (b) The General Manager—East Usambara Tea Company.
- (c) The General Manager—Karimjee Agricultural Ltd.
- (d) District Commissioner—Muheza District.
- (e) District Commissioner—Korogwe District.
- (f) District Natural Resources Officer—Muheza District.
- (g) District Natural Resources Officer—Korogwe District.
- (h) Director—Natural Institute for Medical Research (Amani).
- (i) Chief Conservator—Ngorongoro Wildlife Conservation Authority.
- (j) The representative from Forest Biology Department—Sokoine University of Agriculture;
- (k) The representative from Natural Forest Management Section—Tanzania Forestry Research Institute (TAFORI).
- (l) Amani Nature Forest Reserve Conservator.
- (m) Forest Project Officer (Catchment Tanga).

Constitution of the Board

2.—(1) The members of the Advisory Board shall select from among their number, a chairman and a vice-chairman who shall hold office for three years respectively unless otherwise their membership is terminated, and shall be eligible for re-election.

Chairman and Vice-Chairman

(2) Members of the advisory board shall hold office for three years and unless their membership is otherwise terminated due to misconduct or any other reason, they shall be eligible for re-election.

(3) The Amani Nature Forest Reserve Conservator and the Chief Conservator shall be ex-official members of the Advisory Board and the Conservator shall be the secretary to the Advisory Board.

Meetings

3.—(1) An ordinary meeting of the Advisory Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of the meeting.

(2) The Chairman, or in his absence the Vice-Chairman shall be bound to convene a special meeting of the Advisory Board upon receipt of a request in writing in that behalf signed not less than two members or where the chairman or Vice-Chairman is required to do so, by the Principal Secretary, Chief Conservator or Amani Nature Forest Reserve Conservator.

4.—(1) The quorum at any meeting of the Advisory Board shall be half of the board members.

(2) A member who has any interest, direct or indirect, in the matter before the members shall, as soon as reasonably practicable, disclose to the Chairman or Vice-Chairman the nature of the interest, and shall not, except with the consent of the majority of the remaining members present and voting, take part in any deliberations or in the decision of the Advisory Board.

Quorum

(3) Subject to other directions to be given by the Principal Secretary, Chief Conservator or Amani Nature Forest Reserve conservator subject to the provisions of this Schedule, the Advisory Board shall regulate its own proceedings.

Forests (Amani Nature Forest Reserve) (Declaration)

G.N. No. 151 (contd.)

FIRST SCHEDULE—(contd.)

Annual Report

5.—(1) At least annually, The Advisory Board shall report to the members concerning activities, proposed developments and other works on the Amani Nature Forest Reserve, for approval by the members.

(2) The Amani Nature Forest Reserve Conservator shall emulate the conditions laid down under paragraph 4(4) of this Schedule in respect of Amani Nature Forest Reserve.

SECOND SCHEDULE

<i>Payable fees</i>	<i>Tanzania External</i>	
*Entry fees	T.Shs.	500/- 5 USD
*Guided walk	T.Shs.	1,000/- day 10 USD/day
*Camping	T.Shs.	2,500/- day 5 USD/day
Vehicle permit less than 2 tons	T.Shs.	1,000/- day 2 USD
above 2 tons	T.Shs.	2,500/- day 4 USD

NB: *Below 16 years but above 5 years will pay half the price.

Those below than 5 years shall not pay.

Primary and Secondary School children in education groups will pay half the price.

Dar es Salaam,
5th March, 1997

ZAKIA H. MEGHJI,
Minister of Natural Resources and Tourism

GOVERNMENT NOTICE No. 152 published on 8/5/97

THE FORESTS ORDINANCE

(CAP. 389)

ORDER

Made under sections 5(1) and 33(b)

THE FORESTS (AMANI NATURE FOREST RESERVE) (DECLARATION) ORDER, 1997

1. This Order may be cited as the Amani Nature Forest Reserve (Declaration) Order, 1997, and shall come into operation on such date the Minister may, appoint by notice in the *Gazette*.

Forests (Amani Nature Forest Reserve) (Declaration)

G.N. No. 152 (contd.)

2. All forest reserves specified in the Schedule hereto, are hereby declared to be part of the Amani Nature Forest Reserve.

3. All lands (1,065 hectares) covenanted to the Chief Conservator by the East Usambara Tea Company and Karimjee Agricultural Limited for the purposes of nature conservation in the Amani Division, Tanga Region, are hereby declared to be part of Amani Nature Forest Reserve.

4. All formerly un-reserved lands (1,220 hectares) surveyed as an extension of the forest reserves specified in the Schedule hereto, are hereby declared to be part of the Amani Nature Forest Reserve.

5. The following Forests Reserves are hereby revoked:—

Amani East Forest Reserve, Amani West Forest Reserve, Amani-Sigi Forest Reserve, Kwamkoro Forest Reserve, Kwamsambia Forest Reserve and Mnyusi Scarp Forest Reserve.	G.N. No. 111 of 1955 G.N. No. 196 of 1955 G.N. No. 40 of 1968 G.N. No. 24 of 1961 G.N. No. 95 of 1954 G.N. No. 296 of 1958
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SCHEDULE

MUHEZA AND KOROGWE DISTRICT AMANI NATURE FOREST RESERVE

Approximate area: 8,380 hectares (83.80 Sq. Kilometers).

Situation and boundaries: All that area of land, situated approximately 18 kilometres North West of Muheza. Township located on latitude 5° 08' 00" south and longitude 38° 42' 00" East, as delineated and described on Forest and Beekeeping Division plan No. JB 2260a and JB 2206b, deposited with the Director of Surveys and Mapping Division of the Ministry of Lands, Housing and Urban Development Dar es Salaam.

The Amani Nature Forest Reserve has a total area of 8,380 hectares, including an area of 1,065 hectares covenanted to the Chief Conservator by the East Usambara Tea Company and Karimjee Agricultural Limited, and excluding two enclaves, which have a total area of 2,241 hectares.

The Amani Nature Forest Reserve boundary is described as follows:

SOUTH: Commencing at beacon No. 1 with co-ordinate values of Northings 94 25 975m and Eastings 4 58 798m located at the existing forest boundary junction of Kihuhwi Teak Forest Reserve and former Kwamsambia Forest Reserve, just in between Mahara and Kihuhwi Rivers at Potwe-Ndondondo village, the boundary follows a general northerly direction for a distance of 1 390m, true bearing 38° 45', to beacon No. 2. Then in a general westerly direction turning south to beacon No. 27, true bearing 182° 15', to beacon No. 59 at Mpirani village.

NORTH: From here the boundary continues in a general Northerly direction towards Shamba Kapori, Mnyusi, Kwamzindawa, Mkwakwani and Gereza villages up to beacon No. 121 at Mikwinini village.

Forests (Amani Nature Forest Reserve) (Declaration)

G.N. No. 152 (contd.)

SCHEDULE—(contd.)

NORTH AND EAST: From here the boundary continues in a North-Easterly direction along the boundary of the Ndola, Monga, and Derema Tea Estates up to beacon No. 981.

SOUTH AND EAST: From the Derema Tea State, the Amani Nature Forest Reserve boundary follows the east bank of Hunga River in a curvilinear general South Easterly direction up to beacon No. 984. Then in a general Easterly direction for a distance of 845m true bearing 70°, along the former Amani-Longuza road, turning South along Segerea River up to beacon No. 1022 at Sigi River. Then in a general Southerly direction passing by Kisiwani village along the boundary of former Amani-Sigi Forest Reserve up to beacon No. 1056 at the Kihuhwi Forest Reserve boundary intersection. Then the boundary follows a Westerly direction between the natural forest and the teak plantation in Kihuhwi Forest Reserve connecting with the starting point at beacon No. 1.

All that are of land described in the Map No. 30095 deposited with the Director of Surveys and Mapping Division of the Ministry of Lands, Housing and Urban Development.

Dar-es Salaam,
5th March, 1997

ZAKIA H. MEGHJI
Minister of Natural Resources and Tourism

Price Shs. 150/-