

Muleba District Council (Tree Planting and Conservation of Trees)

GOVERNMENT NOTICE No. 586 published on 16/12/94

THE LOCAL GOVERNMENT (DISTRICT AUTHORITY) ACT,
1993

(No. 7 OF 1982)

BY-LAWS

Made under Section 148

THE MULEBA DISTRICT COUNCIL (TREE PLANTING, CONSERVATION OF TREES,
FORESTS, SOIL AND LAND USE) BY-LAWS, 1994

Title and
com-
mence-
ment

1. These By-laws may be cited as the Muleba District Council tree planting, conservation of trees, soil and land use) By-laws, 1993 shall come into operation as soon as the Minister so approves.

Interpre-
tation

2. In these By-laws unless the context otherwise requires:—
“Director” means the person for the time being performing the duties of the District Executive Director; includes the person appointed by him in writing to administer these By-laws.
“Council” means Muleba District Council and includes a village Council with Muleba District.
“Fire wood” includes parts of trees made up into bundles or loads or cut wood for burning and all refuse wood generally, but does not include logs or poles.
“Forest” means a collection of ten or more trees grown naturally or planted in any area.
“Licence” means a valid licence as per section 19 of forest ordinance.
“Livestock” includes cattle, sheep, goats, pigs, horses, donkeys, mules and all other domesticated animals and their young.
“Pasture Land” any area set aside for livestock rearing as per provision 15(1) (a) in these By-laws.
“Permit” means a permit in writing as per section 8 of forest ordinance and includes the declaration in the form described as per schedule A of these By-laws.
“Prohibited area” means land on steep slopes river banks and water sources.
“River banks” means any area bounding a river valley not exceeding 60 meters on one side and 60 meters on the other side.
“Steep slope” means any slope which has a percentage of slope of not less than 30%.
“Reserved tree” means any tree declared by order made under section 4 (vi) to be reserved tree of this By-law.
“Village Area” means all the Land within the Legal boundary of the village.

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“Forest Plantation” means a collection of ten trees of any species or more planted in any area by private individual, village Local Authority, Central Government or any institution.

“Tree Nursery” means any area where by tree transplants are grown and reared ready for transplanting in the field.

“Administration of By-laws” the District Executive Director, Natural Resources Officer and the Officers and staff of the forest Department shall be responsible for the administration of these By-laws.

3. These By-laws shall apply to the whole area of jurisdiction of the Muleba District Council.

Applica-
tion

4.—(1) No person shall cut or fell trees within the forest reserve or any other public areas without a valid licence issued under section 19 of the forest ordinance. Prior to obtaining a licence the prospective licence shall obtain a permit from the forest field staff or village chairman/Secretary of the respective area.

Restric-
tion of
cutting
trees

(2) No person shall cut or fell tree for the purpose of sale, barter or profit or for use in any trade, industry or commercial under taking without prior/obtaining a permit in the prescribed form from the forest field staff or Chairman and he/she shall pay 100.00 which shall be received and paid in the District Council Treasury.

(3) (a) No person shall remove from a forest reserve any trees, logs, timber, firewood, etc. for which a licence or permit is required, before such produce have been marked or measured by forest department marks.

(b) Fee payable for licence will be as per second schedule of the forest rules and fee of 15.00 shs. for marking each particular piece of timber.

(4) No person shall clear, fell or cultivate on a on a water source and on a steep slope.

(5) Any person who contravenes or fails to comply with the provisions of section 4 of these By-laws shall be guilty of an offence and be liable on conviction:—

(a) In case of contravention of section 4(1) (3) (a) (b) unless any other fine is provided an offender under this By-law shall be liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding two thousand shillings or to a term of imprisonment not exceeding six months, and if the court so directs, to the for failure of any licence issued or any forest produce unlawfully obtained, and to disqualification from holding further licences.

(b) In case of contravention of section 4(2) and 4(4) to a fine not exceeding three thousand shillings or imprisonment for a term not exceeding six months or both such fine and imprisonment.

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Preserva-
tion of
forests

5.—(1) No person shall set fire to any forest or to grass without prior permit in the prescribed form sought and obtained from the chairman of a village shall make sure that the due precaution has been taken against imprompt spreading of such fires for various purposes be it.

- (a) Clearing land for agriculture;
- (b) Burning charcoal;
- (c) Rehabilitation of pasture, p or
- (d) Destruction of vermins and should give at least two days notice in writing of his intension to burn the area concerned.

(2) Any person who contravenes or fails to comply with the provisions of section 5(1) of these By-laws shall be guilty of an offence and on conviction either:

- (a) to a penalty as decreed in section 7 of the grass fires control ordinance; or
- (b) to fine not exceeding three thousand shillings whichever penalty is sterner between (a) and (b).

Power to
require
persons to
assist in
extin-
guishing
fire

6.—(1) Administrative officer, Police Officer, Forest Officer, Natural Resources Officer, Ward executive Secretary, village executive Secretary, Chairman and Occupier of that land on which the fire is burning, shall require any person present at or in the vicinity of such fire to assist in extinguishing the burning fire and any person who fails to comply offence of this By-laws.

(2) Any person who contravenes or fails to comply with the provisions of section 6(a) of this By-law shall be liable on conviction to fine not exceeding one thousand shillings or three months imprisonment or to both fine and imprisonment.

7.—(1) Damages, defences, alters, shifts, removes or in any way whatsoever interferes with any beacon, fence notice or notice board of the village, private woodlot, District Council, Primary School plantation.

(2) Fraudulently or without due authority uses or issues any stamp, mark, sign, licence, permit, authority or receipt intended to be used or issued under this By-law.

(3) Covers an tree stamp with brush wood or earth or by any other means whatever conceals, destroys or removes such tree stamp or any part thereof in the public land, village, Primary School, District Council, Forest Plantation etc.

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(4) Within or in the vicinity of forest reserve, village forest plantation, private wood lot, Primary School plantation, Institution plantation, District Council plantation has in his possession any implement for cutting, taking, working or rendering any forest produce.

(5) Grazes or pastures livestock or permit livestock to enter the Village, Primary School Plantation, Private Woodlot, Institutional, plantation and prohibited areas.

(6) Clears, cultivates or breaks up for cultivation or any other purpose in prohibited areas.

Any person who fails to comply with any lawful order made under this section shall be guilty of an offence against this By-law and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

8.—(1) The council may order the correction of beacons of boundaries for these areas fit to be conserved and the village council and executive officers within the village and these in the vicinity shall be responsible for maintenance and control and to make sure that these beacons are not altered, damaged, defaced, shifted or in any way whatsoever interfered, with any person.

Erection
of
beacons
on forest
bound-
aries

(2) Any person who fails to comply with any lawful order made under this By-law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand or to imprisonment not exceeding three months or to both fine or imprisonment when convicted.

(3) Any person who has been convicted under this By-law and penalized and he repeats the same. Shall be liable on conviction to a fine not exceeding five thousand shillings or imprisonment not exceeding six months or to both fine and imprisonment when convicted.

(4) Where any person is convicted of an offence where by any forest produce has been damaged or injured or removed the court may in addition to any other penalty, order such person to pay the owner whether the village, private woodlot, Primary School etc. by way of compensation the value of the forest produce so damaged or injured or removed, the court may also order such person to replant all the trees affected.

9. Any administrative officer, Forest Officer, Police Officer, District Executive Director, Natural Resources Officer may:—

Power to
demand
licence

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Demand from any person the production of any licence or authority for any act committed by such person for which licence or authority is, under this provision of this By-law or other law require.

Afforestation instructions

10.—(1) Every house in the village shall plant and develop ten trees every year.

(2) Every school, institute or co-operative shall plant trees around their path and houses as compounds.

(3) Every village shall plant and develop not less than one hundred trees every year in an area set aside for tree planting; either any person who fails to comply with this By-law shall be liable to fine not exceeding four thousand or imprisonment for a period not exceeding two months or both fine and imprisonment.

Declaration of Local Authority Forest Reserve

11. The council may recommend any area of jurisdiction to be a local authority forest reserve as directed in section 5 of the forest ordinance.

12.—(1) Notwithstanding the provision section 6 of these By-laws the Council may direct the classification of land with its area of jurisdiction for the following land use:—

- (a) Pasture land.
- (b) Forest Reserve.
- (c) Agricultural Land.
- (d) Land for afforestation.
- (e) Residential and Industrial Land.
- (f) Prohibited areas.

Provided that (b) shall be demarcated, registered and announced in the Government *gazette*.

SCHEDULE A

PERMIT TO FELL TREES

Made under Section 4(i) (ii)
village/Council/Field Forest staff.

To the Forest Officer Muleba District Council
Address has been granted the permit

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SCHEDULE A—(contd.)

- to fell number of trees for the purpose of (1).....
.....(2)
- (3) in the Natural Forest at.....
..... has he has fulfilled the two essential conditions.
- (a) To plant trees around his home plantation
at
- (b) Has complied with the village council regulation as

Please issue the licence/permit pertinent to carry out the said objective(s) to the named above.

.....
Chairman of the Village Council

Official seal

*Delete whichever is inapplicable.

SCHEDULE B

Permit to Kindle grass fire

.....Village

To whoever is concerned.

..... being a resident of this village
may kindle a grass fire to the area located at
on (date) for the prescribed intentions below

- (a).....
(b).....
(c).....

I am satisfied that he has taken proper precaution against under spreading of such grass fire beyond limit intended which is happens, he shall be total hold lawfully responsible for the consequences.

Njombe District Council (Graduated Development Levy) (Amendment)

G.N. No. 586 (contd.)

SCHEDULE B—(contd.)

The common seal of the Muleba District Council was affixed in the pursuance of a resolution passed at meeting of the aid council duly convened and held on

.....
Chairman of Village Council & Official

.....
Name of Witness

.....
Signature of Witness

The Common Seal of the Muleba District Council was, affixed in the pursuance of the resolution passed at a meeting of the said council dully convened and held on 20th October, 1993 and this the same was affixed in the presence of:—



K. A. KABAHAZA,
Chairman

C. H. M. MINJA,
District Executive Director

I APPROVE

19th March, 1994

HON. JOHN SAMWEL MALECELA (MP.)
Prime Minister and First Vice-President
