



ZOMBA DISTRICT COUNCIL

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (MANAGEMENT AND PROTECTION OF FOREST VEGETATION) BYLAWS, 2018

NOVEMBER, 2018

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (MANAGEMENT AND
PROTECTION OF FOREST VEGETATION) BYLAWS, 2018

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BYLAW

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FIRST SCHEDULE— FEES FOR FELLING TREES

GOVERNMENT NOTICE NO.

LOCAL GOVERNMENT ACT

CAP 22: 01

IN EXERCISE of the powers conferred by section 103 of Local Government Act 1998 the Zomba District Council has made the following Bylaws-

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL (MANAGEMENT AND PROTECTION OF FOREST VEGETATION) Bylaws, 2018

Citation application	1. These Bylaws made may be cited as THE Local Government (Zomba District Council) (Management and Protection of Forest Vegetation) Bylaws, 2018.
Application	2. These Bylaws shall apply within the area of jurisdiction of the Zomba District Council.
Interpretation	<p>3. In these Bylaws, unless the context otherwise requires-</p> <p>"Minister" means the Minister for the time being responsible for forestry matters;</p> <p>"Board" means the Forest Management Board establishment under section 15;</p> <p>"Customary land" has the meaning assigned thereto in the Land Act; Cap. 57:01</p> <p>"Forest" means an area of land proclaimed to be a forest under this Act or unproclaimed land with trees on it;</p> <p>"Forest management agreement" means an agreement made under section 31;</p> <p>"Forest plantation agreement" means an agreement made under section 36 for establishment and management of forest plantations;</p> <p>"Forest produce" includes trees, timber, firewood, branch wood, poles, bamboos, chips, sawdust, plants, grass, reeds, peat, thatch, bedding, creepers, leaves, moss, fruits, seed, galls, slabs, roots, bark, rubber, gum, resin, sap, flowers, fungi, honey, wax, earth, water, soil, stones, vertebrates, invertebrates, wild animals, hides, horns, bones, ivory, meat</p>

and such other produce as the Minister may, by notice published in the Gazette, declare to be forest produce;

“Fund” means the Forest Development and Management Fund established under section 55;

“Highway authority” has the meaning assigned thereto in the Public Roads Act; Cap. 69:01

“Licensing officer” means, in relation to any licence under this Act, an officer not below the rank of Principal Forestry Officer who may be authorised to issue licences;

“Livestock” includes cattle, horses, mules, donkeys, pigs, sheep and goats;

“Management authority” in relation to a village forest area, means a person designated as the management authority pursuant to the agreement establishing the village forest area;

“National Forest Plan” means a plan prepared under section 5;

“Officer” means the Director of Forestry and any officer appointed pursuant to section 4;

“Private land” has the meaning assigned thereto in the Land Act; Cap. 57:01

“Protected forest area” means an area declared as such under section 26;

“Public land” has the meaning assigned thereto in the Land Act; Cap. 57:01

“River” includes all natural or artificial water courses in which water ordinarily flows or remains either throughout the year or during particular seasons;

“timber” means any tree or part of a tree which has fallen or has been felled and any part of a tree which has been cut and all wood whether sawn, split, hewn, processed or otherwise fashioned;

“tree” means a woody perennial plant having a single well defined stem and a more or less defined crown and includes palm, shrubs, bush, climber, seedling, sapling and reshoots of all ages and of all kinds and any part thereof;

“Village forest area” means an area of customary land established as such by an agreement under section 30;

“Village natural resources management committee” means a committee elected by stakeholders of the village forest areas.

Duty to
provide and
manage

4. Every person shall protect, conserve and manage the forest vegetation along main roads, street, river or stream banks and on undeveloped and developed pieces of land for the benefit of the people of Zomba District Council;

Provided that the Council may permit a person to exploit or remove natural resources after a written permission to do.

Duty to
manage forest
vegetation

5. The Council shall have a duty to promote the protection and management of forest vegetation without prejudice to the generality of the foregoing, the Council shall;

- (i) develop appropriate technologies for managing the environment, like tree planting and managing suitable free species, bamboos, grass, shrubs and flowers;
- (ii) adopt silvicultural practices for the urban forests, tree belts, avenue trees, and vegetation cover in general;
- (iii) carry out pests and disease monitoring and control;
- (iv) promote and encourage horticultural growing by use of organic fertilizers by the residents;
- (v) encourage organic manure production;
- (vi) mobilise community participation in management and conservation of horticultural and natural resources;

- (vii) promote and facilitate economic management of horticultural, agricultural and forest resources;
- (viii) maintenance and conservation of flora and fauna in designated areas;
- (ix) maintain a register of commercial horticultural nurseries within Zomba District and monitor and control their activities within boundaries of the Council.

Environmental
Impact Assessment

6. (1) The Council may require undertaking of an Environmental Impact Assessment within Zomba District when infrastructure development in a natural area is to be carried out.

Inspection of
Forest areas

5(2) For the purposes of ensuring compliance with the provision of the Bylaws the Council may notice detail and Environmental Inspector or any person authorised by the Council to administer, monitor and enforce for the protection and management of forest resources.

Powers of the
District
Commissioner
or any
Authorised
Officer

7. (1) The District Commissioner or duly authorised officer by the Council , may at any reasonable time enter any premises to examine any activity which the Council reasonably considers to be detrimental to forestry resources in any area.

(2) For the purposes of ensuring compliance with provisions of these Bylaws, the Council may by notice empower the District Commissioner or any officer of the Council to administer, monitor and enforce these Bylaws for the protection and management of open spaces, tree belts, street trees, and indigenous tree reserves, on undeveloped and developed areas and river-rine areas.

Power to assist	8. - The owner or occupant or agent of any premises shall render assistance to the District Commissioner or any authorised officer in the performance of his duties.
Creation of Environment Conservation Fund	9. The Council shall create an Environmental Conservation Fund for the purposes of building capacity for the better management of forest areas and the money for the Fund shall be obtained from penalties, fees and charges and donations.
Permission to cut, remove, Collect Forest produce	10. No person or organisation shall cut, fell, take, destroy, remove, collect, uproot any indigenous tree, exotic tree, shrub, flower ornamental tree, or forest vegetation in a forest reserve, along the street, road, in protected areas unless he has obtained written permission from the Council which shall only be granted if the Council considers it necessary.
Permit not to be transferable	11. No person shall transfer to, permit or acquire from any other holder thereof to any other person unless such person produces to that other holder a written permit from the Council authorising such transfer or acquisition as the case may be, and no permit shall be transferrable from the premises in respect of which it was granted for any other permit Any person who contravenes this Bylaw shall be liable to pay K20,000 and to imprisonment for a term of ten years.
Fees payable	12.A fee for cutting, taking, removing, pruning trees, forest vegetation shall be prescribed by the Council, at the relevant rate specified in the First Schedule which is subject to revision from time to time.

Restriction on
tree cutting
and pruning

13. No person shall cut or prune trees without obtaining written permit from the Council. Any person found in contravention of this by law shall be guilty of an offence.

Compliance

14. All persons within the jurisdiction of the Council shall comply with all reasonable direction given by the Council or any person duly authorised by the Council.

Management of
undeveloped
Land

15. Any person owning un-developed land within the Council shall carry out enrichment planting and tree conservation during the period of development and after development and the Council shall advise on the appropriate tree species for such areas.

Community
participation in
Natural resources
Management

16. The Council shall facilitate the formation of area committees within the District upon obtaining a permit from the Council in order to promote tree planting, protection and management of trees and forest vegetation with an aim of encouraging community participation;

Produce

17. Any person who plants any tree species on any property which that person is entitled to use shall acquire and retain the right to harvest the resulting produce and to dispose of it freely upon obtaining a permit from the Council.

Squatting
Residing and
Creation of
building structure

19. No person shall, reside, and erect building structures along river or stream banks within a distance that is equivalent to the width of the river on both sides and in any piece of land under forest vegetation cover. Any person who contravenes this Bylaw shall be liable to pay K5000 and to imprisonment for a term of two years.

Grazing within the District of Boundaries

20. No person shall graze animals within the road reserve, forested areas, riverine areas and open spaces of the District other than the Council Designated grazing areas. Any person who contravenes this Bylaw shall be liable to pay K5000 and to imprisonment for a term of two years.

Lighting of fire

21. No person shall light or cause to be lit fire in an open space, road verges, along Avenue trees and shrubs, flowers, riverine areas, catchment areas, parks, forest reserve and plantations. Any person who contravenes this Bylaw shall be liable to pay K10000 and to imprisonment for a term of five years.

Hunting of wild life

22. No person shall pursue to kill, hunt, molest, capture or injure any wild animal, birds, fish or reptile, collect eggs or spawns from their natural habitat within the forest vegetation within the boundaries of the District. Any person who contravenes this Bylaw shall be liable to pay K10000 and to imprisonment for a term of two years.

Control of plant pests, diseases

23. All residents within the jurisdiction of the Council shall be ordered to spray or clear any ornamental trees, plants within their premises for the purpose of controlling the spreading of pest and diseases. Any person who contravenes this Bylaw

shall be liable to pay K10000 and to imprisonment for a five of two years.

Prohibition of
deposition of Wastes
in green belt area
Riversides

24. No person shall deposit waste, rubble, noxious waste in the forest pockets protected forest areas, green belt areas within the boundaries of the District, unless the waste is deposited in the designated area of solid waste disposal. Any person who contravenes this Bylaw shall be liable to pay K5000 and to imprisonment for a term of two years.

Control and
registration of
ornamental
nurseries

25. No person shall establish, run ornamental, shrubs, flower tree nursery within the District without registering with the Council. A business license shall be issued to the ornamental nursery operators on a yearly basis by the authority of the Council. Business license fee shall be prescribed by the Schedule I.

PART THREE

OFFENCE AND PENALTIES

Offences
and
penalties

26. - (1) Any person who contravenes these Bylaws shall be liable to pay K 10, 000. 00. to the Council.

(1) Any person who contravenes Bylaw 14 shall be liable to pay K...10,000..... to the Council and the forest produce, the transport that has to ferry the produce and tolls used in the cutting of trees shall be confiscated by the Council.

(2) Any person who contravenes bylaw 21 shall be liable to pay K...10000..... to the Council and shall be required to vacate and demolish any structure

on the premises. In default the Council shall demolish the premises and all expenses incurred by the Council in demolishing the structure shall be recovered by the illegal developer of the premises.

Schedule of compounded fines of offences relating to possession/trafficking

Carrier	Maximum fine	1st offence (50%)	2nd offence (75%)	3rd offence (100%)	4th & subsequent offences Case for prosecution & court
Bicycle	K24,000	K12,000	K18,000	K24,000	Request disposal forest produce 74(a) and seizure of carrier Sect 74(f)
Small truck <3 tone	K400,000	K200,000	K300,000	K400,000	Request disposal forest produce 74(a) and seizure of carrier Sect 74(f)
Large truck > 3 tonne	K600,000	k300,000	k450,000	k600,000	Request disposal forest produce 74(a) and seizure of carrier Sect 74(f)

Schedule of compounded fines relating to section 64 sub section (a) fells, cuts, destroy, collects					
Fells, Cuts, Takes, Destroys, removes, collects, uproots	Maximum fine	1st offence (50%)	2nd offence (75%)	3rd offence (100%)	4th & subsequent offences Case for prosecution & court
< 10 trees	K50,000	K25,000	K37,500	K50,000	Request disposal forest produce 74(a) and seizure of carrier Sect 74(f)
< 10 trees (protected species)	K100,000	K75,000	K100,000	K100,000	Request disposal forest produce 74(a) and seizure of carrier Sect 74(f)
< 10 trees	K100,000	K50,000	K75,000	K100,000	Request disposal forest produce 74(a) and seizure of carrier Sect 74(f)
< 10 trees (protected species)	K150,000	K75,000	K100,000	K150,000	Request compensation Sect 74(a), (b) %(c)

Schedule of compounded fines relating to squatting

Category	Maximum fine	1st offence (50%)	2nd offence (75%)	3rd offence (100%)	4th & subsequent offences Case for prosecution & court
Squats /resides	K50,000	K25,000	K37,500	K50,000	
Erects livestock enclosure	K100,000	K50,000	K75,000	K100,000	Request demolition & removal Sect 74(d)
Erects a hut (thatch & mud)	K100,000	K50,000	K75,000	K100,000	Request demolition & removal Sect 74(d)
Erects a building (brick)	k150,000	k75,000	K100,000	K150,000	Request demolition & removal Sect 74(d)

Schedule of compounded fines relating to clearing, cultivating, breaking land

Category	Maximum fine	1st offence (50%)	2nd offence (75%)	3rd offence (100%)	4th & subsequent offences Case for prosecution & court
Clears forest <0.5 ha	K100,000	K50,000	K75,000	K100,000	Request compensation Sec 74(a), (b) &(c)
Clears forest <0.5 ha	K150,000	K75,000	K100,000	K150,000	Request compensation Sec 74(a), (b) &(c)
Grazes livestock	K100,000	K50,000	K75,000	K100,000	Request destruction Sect 74(c)
Cultivates < 0.5 ha	K100,000	K50,000	K75,000	K100,000	Request destruction Sect 74(e)
Cultivates < 0.5 ha	K150,000	K75,000	K100,000	K150,000	Request compensation Sec 74(a), (b) &(c)
Road opening (minor - no formation <5m wide)	K100,000	K50,000	K75,000	K100,000	Request compensation Sec 74(a), (b) &(c)
Road opening (minor - no formation <5m wide)	K150,00	K75,000	K100,000	K150,000	Request compensation Sec 74(a), (b) &(c)

Made by Zomba District Council on the day of 2018.

District Commissioner

Approved by the Minister of Local Government and Rural Development
on this day of , 2018.

HON. NANKHUMWA
Minister of Local Government and Rural Development