

CHAPTER 274

THE EXPORT OF TIMBER ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 274

THE EXPORT OF TIMBER ACT 1

An Act to provide for the control of export of timber and its inspection, grading, marketing and handling in transit.

[1st January, 1952]

Ord. No. 9 of 1950

[R.L. Cap. 288]

PART I

PRELIMINARY PROVISIONS (ss 1-4)

[PCh274s1]1. Short title

This Act may be cited as the Export of Timber Act.

[PCh274s2]2. Interpretation

In this Act, unless the context otherwise requires—

"East Africa" means Tanzania, Kenya and Uganda;

"export" with its grammatical variations and cognate expressions means export from any part of East Africa to any destination outside East Africa;

"export certificate" means an export certificate issued in accordance with section 5 of this Act;

"graded timber" means timber graded and marked or passed unmarked in accordance with the provisions of the Act and any rules made under this Act;

"grader" means a grader authorised by the Conservator of Forests in accordance with section 10 of this Act;

"Minister" means Minister responsible for Tourism and Natural Resources;

"timber" signifies timber to which this Act applies, and subject to any such exception as provided in section 3, means any wood of trees grown in East Africa whether unsawn, hewn, sawn or machined, and shall include lumber, shooks, slats, blocks, logs, box boards, flooring strips, shingles and sleepers, but not any other article manufactured from such wood.

[PCh274s3]3. Application G.N. No. 478 of 1962

This Act shall apply to all timber except in so far as the Minister may by notice in the Gazette specifically exempt any kind or description of timber from the application of all or any of its provisions, not being those contained in section 9 or section 12.

[PCh274s4]4. Power to control movement of timber G.N. No. 478 of 1962

Nothing in this Act shall derogate from any power of the Minister to exercise any control over timber which is conferred by any law for the time being in force, and without prejudice to the exercise of any such power the Minister may at any time by order published in the Gazette prohibit or restrict the movement of timber or any quantity, kind or description of timber from Tanzania.

PART II

EXPORT (ss 5-9)

[PCh274s5]5. Prohibition of export of timber without export certificate

(1) No person shall export or enter for export any timber except under and in accordance with a valid export certificate in relation to such timber issued by the Conservator of Forests or any person authorised by the Conservator of Forests to issue such certificate.

(2) No export certificate shall be issued or shall be valid except in relation to graded timber, the origin and grade of each piece of which accords with the marks placed thereon.

(3) Every export certificate shall be in a prescribed form and shall expire six months after the date of issue.

[PCh274s6]6. Restriction on export

No persons shall export timber except through such places or ports of exit as the Conservator of Forests may, by notice in the Gazette, declare to be places or ports of exit for the purposes of this section.

[PCh274s7]7. Maintenance of timber

No person shall export any timber in respect of which an export certificate has been issued except in the state in which it was when the export certificate was issued.

[PCh274s8]8. Power to cancel certificate in case of bad handling or storage in transit

Where any graded timber is in the opinion of the Conservator of Forests or a person authorised by him in that behalf so handled or stored whilst in transit that such timber is not in the state in which it was when the export certificate was issued, the export certificate in respect of such timber may be cancelled by the authority which issued such export certificate:

Provided that if the holder of such certificate can prove to the satisfaction of such authority that the results of such handling and storage were due to circumstances beyond his control he shall be relieved from any liability to which he might otherwise be exposed under the provisions of this section.

[PCh274s9]9. Prohibition of issue of false export certificate

No person shall sign, issue or use in respect of any timber, whether such timber is timber as defined in section 2 or not, any document being or purporting to be an export certificate under this Act knowing or having reason to believe that the same is false either wholly or in any material particular.

PART III

GRADING AND MARKING (ss 10-12)

[PCh274s10]10. Authorisation of graders

(1) The Conservator of Forests may authorise in writing any person to be a grader for the purposes of carrying out the provisions of this Act.

(2) Every authorisation issued under this section shall be personal to the holder and shall expire on the 31st day of December of the year in which it has been issued.

(3) The Conservator of Forests may refuse to issue or to renew any authorisation under this section or may suspend or revoke any such authorisation on the grounds that he is not satisfied with the qualifications or experience of the holder or applicant or with the manner in which the holder has carried out his duties.

[PCh274s11]11. Inspection of timber

(1) Where application for grading or inspection in respect of any timber is made to a grader, such timber shall be stacked by the owner or exporter in convenient parcels to admit of inspection piece by piece by the grader at the owner's mill or the exporter's premises or such other place as the grader shall require.

(2) A grader may refuse to grade timber if for any reason he considers it to be in an unfit condition for grading.

(3) A grader may at any time inspect any timber to confirm its grading or for any other purpose.

(4) All handling charges in respect of grading or any inspection to confirm grading or for any other purpose shall be at the expense of the owner or exporter, who shall provide all necessary labour.

[PCh274s12]12. Prohibition of marking by unauthorised person

(1) No person other than a grader shall mark any timber, whether such timber is timber as defined in section 2 or not, with any mark prescribed by any rule made under this Act.

(2) No person shall mark any timber, whether such timber is timber as defined in section 2 or not, with a mark so similar to any mark prescribed by any rule made under this Act that it may or can be mistaken.

(3) When the owner of a piece of graded timber desires to re-saw it or otherwise alter its state, he shall before doing so effectively obliterate the mark so that it cannot be recognised as a mark prescribed under any rule made under this Act.

PART IV

MISCELLANEOUS PROVISIONS (ss 13-17)

[PCh274s13]13. Conservator of Forests may require particulars of export of timber

The Conservator of Forests may by notice in writing require any person exporting timber to furnish him with such particulars in respect of such export as may be specified in such notice, and any person who—

(a) fails to furnish such particulars within one month of receipt of such notice;
or

(b) makes any false statement in respect of such particulars, commits an offence against this Act, and on conviction is liable to a fine not exceeding one thousand shillings.

[PCh274s14]14. Offences and penalties

(1) Any person who contravenes or fails to comply with any order made under section 4 or with the provisions of sections 5(1), 6 or 7 of this Act commits an offence and on conviction is liable to a fine not exceeding two thousand shillings or imprisonment for a period not exceeding six months or to both, and in addition a court may order—

(a) that the timber in respect of which the contravention or failure of compliance occurred shall be forfeited to the Government; or

(b) where the person convicted is not the owner of the timber, that such person shall pay an additional fine equal to the value of the timber at the time of exportation or entering for exportation or movement of the timber as the case may be.

(2) Any person who contravenes or fails to comply with the provisions of sections 9 or 12 of this Act commits an offence and on conviction is liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both.

[PCh274s15]15. Appeal to Conservator of Forests

Any person aggrieved by any decision of a grader may appeal within thirty days of the date of such decision to the Conservator of Forests.

[PCh274s16]16. Appeal to Minister G.N. No. 478 of 1962

Any person aggrieved by any decision of the Conservator of Forests made under this Act may appeal within thirty days of the date of such decision to the Minister, whose decision shall be final and shall not be called in question in any court.

[PCh274s17]17. Rules G.N. No. 478 of 1962

The Minister may make rules for carrying the provisions of this Act into effect, and, in particular, but with respect to the following matters—

(a) the procedure on application for and the forms of export certificates, and the place or places to which timber may be exported by virtue of such certificates;

(b) the procedure on application for the grading of timber, the method of grading and the grade or grades of timber in respect of all or different classes and forms of timber;

(c) the fees to be paid in relation to export certificates, grading, inspection and connected services;

(d) the marks to be placed upon timber, the method of placing and the registration of such marks;

(e) the prescribing of anything which is to be or may be prescribed under this Act.