

## **FORESTRY ACT 1998**

### **MEMORANDUM OF OBJECTS AND REASONS**

The purpose of this Bill is to repeal and replace the law relating to the planting and preservation of forests; and to provide for the regulation and control of dealings in forest produce and the sustained management of forests and forest reserves.

The following are the most important changes that the Bill is intended to bring about:

- more transparent rules regarding forestry fund;
- provision for private and cooperative forests;
- certainty of tree tenure;
- provision for transferring the control/ownership of existing forest reserves and government forest enterprises;
- introduction of the concepts of modern forest management;
- new rules of enforcement.

# **FORESTRY ACT 1998**

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# FORESTRY ACT 1998

## An ACT

### for

An Act to repeal and replace the law relating to the planting and preservation of forests; and to provide for the regulation and control of dealings in forest produce and the sustained management of forests and forest reserves; and for other matters connected therewith.

**ENACTED BY THE PARLIAMENT OF LESOTHO**

## PART I

### PRELIMINARY

#### Short title and commencement

1. This Act may be cited as the Forestry Act, 1998 and shall come into operation on the date of its publication in the Gazette.

#### Interpretation

2. (1) In this Act, unless the context otherwise requires -

“**Chief**” means a chief as defined by section 2 of the Chieftainship Act, 19681, whose district, ward or area of jurisdiction includes the whole or part of a forest reserve or a private forest or a co-operative forest;

“**Chief Forestry Officer**” means the person appointed as such under section 4 of this Act;

“**Co-operative forest**” means a forest declared as such under section 17 of this Act;

“**Community forest**” means a forest declared as such under Section 17 of this Act;

“**forest**” means any existing area of land under section 11 and any new areas of land used for forestry, or declared for forestry use, under sections 12, 13 and 14 of this Act;

“**Forest Management Plan**” means an operating plan prescribed for a particular forest reserve to secure the orderly taking, renewal and conservation of trees in accordance with the principle of sustained yield;

“**forest produce**” means –

- (a) anything which is produced by trees or is grown or grows in a forest including trees, timber, wood, firewood, poles, laths, branchwood, slabs, chips, sawdust, charcoal, plants, grass, reeds, thatch, rushes,

peat, creepers, leaves, moss, humus, flowers, ferns, fruit, seeds, roots, bulbs, spices, bark, rubber, latex, gum, oleoresin, sap, essential oils; and

- (b) game, birds, skins, fish, honey, wax, bees and any other things naturally found in or obtained from a forest reserve;

**“forest reserve”** means a forest reserve declared as such under section 12 or continued under section 11 of this Act;

**“Forestry Department”** means a department of the Government charged with the responsibility of administering forestry affairs including this Act;

**“Forestry Officer”** means an officer appointed in terms of section 4 of this Act and includes an honorary forestry officer;

**“Forestry Division”** refers to the forestry division created under the Forest Act 1978<sup>2</sup>;

**“land authority”** means the authority entitled to exercise the power to allocate land or to make grants of interest or rights in or over land in Lesotho in terms of any law;

**“licence”** means a licence or permit issued under this Act;

**“livestock”** means cattle, horses, donkeys, mules, pigs, sheep and goats; **“Minister”** means the Minister responsible for forestry;

**“Principal Secretary”** means the Principal Secretary of the Ministry of Agriculture;

**“private forest”** has the meaning assigned to it in section 17 of this Act;

**“tree”** includes any seedlings, sapling, transplant or coppice shoot of any age;

**“working day”** means any day other than Saturday, Sunday or a gazetted public holiday.

## **PART II TREE TENURE**

### **Tree tenure**

3. (1) Notwithstanding any rule of customary or common law or any legislation to the contrary, individuals, groups of communities, organisations or cooperatives or their assigns or successors, as the case may be, who plant and grow a tree on land lawfully held by such individuals, groups of communities, organisations or cooperatives, as the case may be, shall own that tree and shall have all other rights of ownership in that tree subject to the provisions of this Act.

- (2) Notwithstanding any rule of customary, common law or any legislation to the contrary, ownership of trees not covered by subsection (1) of this section, shall vest in the State and it shall be lawful for the Minister to transfer such ownership to

individuals, groups of communities, organisations or cooperatives, as the case may be, on such terms as he may deem fit.

### **PART III**

#### **ADMINISTRATION**

##### **Appointment of officers**

4. (1) The Public Service Commission shall appoint a Chief Forestry Officer and as many Forestry Officers and other officers as may be considered necessary for the purposes of this Act.
- (2) The Minister may designate a person as an honorary forestry officer to exercise the powers and perform the duties of a forestry officer in terms of this Act.
- (3) All officers of the Forestry Division holding office at the date of commencement of this Act shall be deemed to have been appointed under this Act without prejudice to their existing entitlements.

##### **Duties of Chief Forestry Officer**

5. The duties of the Chief Forestry Officer shall include -
  - (a) the conservation, management and establishment of forests;
  - (b) the demarcation and maintenance of forest boundaries
  - (c) the issuance of licences and permits for the harvesting of trees and other forest produce in forest reserves;
  - (d) the protection and preservation of water resources in forest reserves, private forests, co-operative forests and along streams and the rivers in co-operation with the relevant water affairs authority;
  - (e) the promotion of the practice of forestry and agroforestry in the agricultural, pastoral and other areas in conjunction with the relevant divisions of the Ministry of Agriculture and the encouragement of proper forestry practices and management on private land through advice and assistance;
  - (f) the promotion of proper forest conservation practices;
  - (g) the survey, establishment, management, development and administration of forest reserves;
  - (h) the maintenance of biological diversity in forests;
  - (i) the training of staff and other relevant individuals or groups under the Act;

- (j) the promotion and implementation of educational programmes to improve understanding of the contribution of forests to national well-being and economic development;
- (k) advising the Minister on orderly and progressive de-gazetting of forest reserves and government-owned or government-run forest enterprises;
- (i) the discharging of any other functions or duties that may be assigned or prescribed under this or any other Act.

### **Delegation of duties**

- 6. The Chief Forestry Officer may, subject to such conditions as he may specify, delegate any of his duties under this Act, to any forestry officer.

### **Forestry Fund**

- 7. (1) The existing Forest Fund created by the Forest Fund Regulations, 1983<sup>3</sup>, shall be redesignated as the Forestry Fund and its control and administration shall be transferred to the Principal Secretary.

(2) All fees, monies and fines collected under this Act, as well as, any voluntary contributions shall be paid into the Forestry Fund.

(3) The Principal Secretary shall administer the Forestry Fund and shall keep proper accounts and other records in respect with the operations of the Fund.

(4) AS soon as possible after the close of the financial year, but not later than three months thereafter, the Principal Secretary shall submit to the Accountant General accounts of the Fund including -

- (a) a statement of receipts and payments for the period of the financial year;
- (b) such other statements as may be prescribed in the Regulations.

(5) The Ministry of Finance shall cause the accounts of the Fund to be audited annually by the Auditor-General.

(6) The proceeds of the Fund shall be used for establishment and sustained management of forests and forest research, and in particular, for

- (a) payments agreed to with the representatives of a community in terms of a written contract;
- (b) assistance to owners of private, community or cooperative forests in accordance with section 17 of this Act;
- (c) to defray the cost of reforestation conducted by the Forestry Division or by a person or an entity, who is not required to reforest under this Act;

- (d) to provide subsidies, seedlings, technical assistance and other incentives as may be specified in Regulations made under this Act to a person or an entity wishing to establish forests in accordance with this Act.

## **PART IV**

### **FOREST MANAGEMENT**

#### **Management objectives**

- 8. (1) The Chief Forestry Officer shall manage the gazetted forests and indigenous forests in Lesotho to obtain the maximum benefits in the form of forest production, environmental conservation and other economic uses that can be sustained over time.
- (2) The Chief Forestry Officer shall be entitled to advise the owners of any private, community or co-operative forests to adopt scientifically sound management practices.
- (3) For this purpose, the Chief Forestry Officer shall compile and keep under constant review an inventory of forests and forest produce in Lesotho.

#### **Forestry Sector Plan**

- 9. (1) The Chief Forestry Officer shall prepare a draft Forestry Sector Plan and submit it to the Minister for approval.
- (2) In preparing the draft plan, the Chief Forestry Officer shall take into account the views of the Ministry of Planning, the Department of Water Affairs and the Lesotho National Environment Protection Agency. The Plan shall be available to members of the public for comments, if any.
- (3) The Forestry Sector Plan shall —
  - (a) describe the forests in the State sector including indigenous forests and forests created by “matsema” on the basis of the latest inventory and other relevant information;
  - (b) assess the present and future demands for forest produce having need to protect the environment and to fulfill the economic development objectives that may be specified to the Chief Forestry Officer;
  - (c) specify the nature, extent and kind of permissible harvesting, post-harvesting, planting and processing practices in a forest; and
  - (d) prepare a budget for sustainable development of the forestry sector.



(4) The Chief Forestry Officer shall prepare a report each calendar year reviewing the implementation of the Forestry Sector Plan and propose any revisions to the plan that, in the light of the experience may have become necessary.

(5) Any substantial revision of the plan shall be in accordance with subsection (2) of this section.

(6) The Chief Forestry Officer shall submit the report referred to in subsection (4) to the Minister.

#### **Power to collect information**

10. (1) For the purposes of preparing a Forestry Sector Plan, the Chief Forestry Officer shall have the authority to collect relevant information on forests and forestry resources from any person or institution, whether public or private.

(2) Any person or institution, whether public or private, that does not, within 60 days of a written request under subsection (1) of this section, provide information requested by the Chief Forestry Officer, commits an offence and on conviction shall be liable to a fine not exceeding MS 000.

(3) If the information sought by the Chief Forestry Officer under subsection (1), from any person or institution is regarded by that person or institution, as confidential, then the matter shall be referred to the Minister.

### **PART V**

#### **FOREST RESERVES, PRIVATE FORESTS AND COOPERATIVE FORESTS**

##### **Existing forest reserves**

11. (1) All forest reserves established under the Forest Act, 1978, and listed in Schedule I shall be deemed to be forest reserves established under this Act.

(2) The Chief Forestry Officer shall manage the forest reserves either through the Forestry Department or under written arrangements under which individuals, groups of communities, organisations or cooperatives, as the case may be, are entrusted with the responsibility to manage the forest reserves in terms of a plan approved by the Chief Forestry Officer.

(3) The Chief Forestry Officer, after consulting the appropriate Local Authority, shall advise the Minister on the transfer of ownership, control and management of any forest reserve to community, groups of Individuals, organisations or cooperatives, as the case may be, by notice published in the Gazette, when, in his opinion, such individuals, groups of community, organisations or cooperatives, as the case may be, have the required resources and management expertise in this regard.

(4) The transfer shall be embodied in a written agreement that shall be binding on both the parties and shall provide that the Minister shall have a right to reclaim the forest reserve if the said agreement is breached materially.

(5) The Minister may, by notice published in the Gazette, amend the Schedule referred to in subsection (1).

### **Declaration of forest reserves on the request of land authority**

12. (1) upon a written request by the appropriate Local Authority for the establishment of a forest reserve on land within its area of jurisdiction, the Minister may direct the Chief Forestry Officer to carry out, or cause to be carried out, an examination of the land concerned and report on its suitability and financial viability as a forest reserve.

(2) If the report is favourable to the establishment of a forest reserve, the Minister may, by notice published in the Gazette —

(a) declare the area of land concerned to be a forest reserve from a specified date;

(b) specify the boundaries and extent of the forest reserve; and

(c) specify rights and obligations of the Local Authority in such reserve.

(3) After the publication of the notice in the Gazette, the Chief Forestry Officer shall cause to be posted in prominent positions on or near the boundaries of the land specified in the Gazette notices drawing attention to the fact that it has been declared a forest reserve.

### **Declaration of forest reserves on State land**

13. The Minister may, by notice published in the Gazette, declare any land held by the State to be a forest reserve after due consultations as may be required under the Land Act, 1979<sup>4</sup>, or any other law.

### **Map or plan for each forest reserve**

14. (1) The Chief Forestry Officer shall cause a map or plan of each forest reserve to be prepared and such map or plan shall be deposited in the office of the Commissioner of Lands where it shall be made available for public inspection on request.

(2) Copies of the map or plan shall be made available on payment of a prescribed fee.

### **Classification Of reserves**

15. (1) The Minister may, by notice published in the Gazette, classify forest reserves as production or protection reserves.

(2) Production reserves shall be maintained for the primary purpose of supplying forest produce on a sustained basis with due regard to the conservation of the natural resources therein.

(3) Protection reserves shall be managed for the primary purpose of protecting and conserving the soil, water, vegetation and other natural resources of the reserve and only such harvesting of any forest produce shall be allowed as is compatible with the primary purpose of the reserve.

### **Forest management plans**

16. (1) The Chief Forestry Officer shall, within 120 working days of the declaration of a forest reserve, prepare and submit to the Minister for approval, a forest management plan for each forest reserve, to guide development and other activities in that forest reserve.

(2) In respect of existing forest reserves, a forest management plan for each forest reserve shall be prepared within 340 working days from the date of commencement of this Act.

(3) A forest management plan shall contain -

- (a) a description of the area including its size and boundaries;
- (b) a description of forest produce and other resources in the reserve;
- (c) a statement of the management objectives for the next 10 years; and
- (d) a description of silvicultural, harvesting and reforestation measures.

(4) The Minister may approve the forest management plan, with or without modifications.

(5) The Chief Forestry Officer shall manage the forest reserve in accordance with the plan as approved by the Minister.

(6) The Chief Forestry Officer shall prepare a revised forest management plan for each forest reserve, if, in his opinion, it becomes necessary.

### **Private forests and co-operative forests**

17. (1) upon a written request of the holder or holders of allotted or leased land for the establishment of a private, community or a co-operative forest, as the case may be, the Minister may, on the advice of the Chief Forestry Officer, declare such land a private, community or a co-operative forest, as the case may be, and enter into an agreement with such holder or holders of the land for a specified term of years for any or all of the following purposes -

- (a) managing, maintaining and utilizing a forest for the production and marketing of trees, fuelwood or other forest produce;
  - (b) soil and water conservation;
  - (c) plant conservation including maintaining biological diversity; or
  - (d) public recreation.
- (2) The holder or holders of allotted or leased land, which has been declared a private forest or cooperative forest may be described, for the purpose of this Act, as the owners of the forest.
- (3) The existing 'liremo' forests and forests created by 'matsema' shall be classified as community forests and declared as such by the Minister.
- (4) An agreement in respect of a private or co-operative forest shall —
- (a) describe the area including its size and boundaries;
  - (b) be in writing, signed by the holder or holders of allotted or leased land or by an authorized agent on behalf of such holder or holders of allotted or leased land and by the Chief Forestry Officer on behalf of the Government;
  - (c) contain a plan, if appropriate, of planting, thinning, harvesting and replanting indicating the species to be planted or occurring naturally and the extent of grazing, agricultural or other activity to be allowed;
  - (d) contain a plan, if appropriate, for soil and water conservation;
  - (e) contain a plan, if appropriate, for setting up agroforestry industries;
  - (f) contain a plan, if appropriate, for the reimbursement of Government of reasonable costs of the administration, planning and management that may be incurred; and
  - (g) specify the responsibilities of the Government and the holder or holders of allotted or leased land.

#### **Proceeds from a private or co-operative forest**

18. The proceeds from the sale of trees or other forest produce from a private or cooperative forest shall belong to the owners of the private or cooperative forest, as the case may be.

#### **Assistance to private or co-operative forest**

19. (1) The Chief Forestry Officer may, on request of any owners of a private or cooperative forest, as the case may be, provide assistance in forestry to the extent feasible, which may include forest planning, agroforestry, silviculture, tree planting, thinning, charcoal production, harvesting and sale of timber and other forest produce.
- (2) The Chief Forestry Officer may make reasonable charges to owners of private or cooperative forest, as the case may be, for services rendered having regard to the cost of such services.

## **PART VI**

### **FOREST UTILIZATION**

#### **Management and control of forest reserves**

20. As from the effective date of continuation under section 11 or declaration under section 12, a forest reserve shall be managed, maintained and controlled by the Chief Forestry Officer in accordance with this Act.

#### **Government forestry enterprises**

21. (1) The Chief Forestry Officer shall advise the Minister on the transfer of ownership, control and management of any forest enterprise owned or run by the government to individuals, groups of community, organisations or cooperatives, as the case may be, through a notification published in the Gazette, when, in his opinion, such individuals, groups of community, organisations or cooperatives, as the case may be, have the required resources and management expertise in this regard.
- (2) The transfer shall be embodied in a written agreement that shall be binding on both the parties, disclose the terms of transfer and shall provide that the Minister shall have a right to reclaim the enterprise if the said agreement is breached materially.

#### **Acts prohibited without licence**

22. No person shall, unless authorised by or under this Act, perform any of the following acts in a forest reserve -
- (a) cut, take or remove any forest produce;
  - (b) graze livestock; or
  - (c) do any act for which a licence is required by or under this Act.

#### **Licences**

23. (1) Subject to the relevant forest management plan, the Chief Forestry Officer or forestry officers authorised by him may, on payment of prescribed fees, if any, issue a licence authorizing the holder thereof to perform such of the following acts in a forest reserve as may be specified in the licence -

- (a) fell and extract trees or take other forest produce from a forest reserve for a commercial purpose;
- (b) take any forest produce to construct or repair a dwelling house for the abode of himself and his immediate family members;
- (c) remove a reasonable amount of fuelwood for his domestic use;
- (d) in the case of inhabitants living in the vicinity of the forest reserve —
  - (i) graze specified number of livestock for specified days;
  - (ii) remove wood for a funeral or other cultural ceremonies;
  - (iii) plant vegetable crops of a type approved by the Chief Forestry Officer;
- (e) use for recreational purposes.

(2) A licence issued under this section shall be subject to such conditions as may be provided therein and shall not be transferable.

(3) A forestry officer may, at all reasonable times, order any person in a forest reserve, to produce a licence for any act done or committed by such person or his servants or agents for which such licence is required by or under this Act or Regulations made thereunder.

(4) A forestry officer may, without a search warrant, enter and search any building other than a dwelling house, and any enclosure where he reasonably suspects that forest produce in respect of which an offence has been committed under this Act, or any tool, vehicle, machinery, equipment or other article which has been used in the commission of the offence, is kept, and seize such forest produce and any such tool, vehicle, machinery, equipment or other article.

(5) A forestry officer may without warrant, arrest any person, whom he reasonably suspects to have committed an offence under this Act and who is unlikely to attend the court in answer to any summons addressed to him or, on being requested to supply his name and address, fails to do so or supplies a name and address, which the forestry officer believes, on good grounds, to be false.

(6) A licence issued under this section shall not be valid for a period exceeding 5 years.

### **Relief against denial of licence**

24. Any person aggrieved by the decision of the Chief Forestry Officer not to issue a licence under section 23 may, within 15 working days of the receipt of the decision, appeal against it to the Minister, and may, if aggrieved by the decision of the Minister,

within 15 working days of the receipt of the decision of the Minister, appeal against it to a court of competent jurisdiction.

### **Seized articles**

25. (1) All articles seized under section 23 shall be retained by the Chief Forestry Officer until the conclusion of any prosecution or compounding of the offence, or a decision not to prosecute has been taken.
- (2) Any article not ordered to be forfeited by the court or not confiscated in connection with compounding of the offence shall be returned to the person from whom it was seized or to any other person who appears to be entitled to it.
- (3) If the article seized is perishable or otherwise difficult to retain in custody safely, the Chief Forestry Officer may order it to be sold or destroyed and retain any proceeds that were obtained as a result.

## **PART VII FOREST PROTECTION**

### **Fire prevention in a forest reserve**

26. No person shall-
- (a) negligently, throw down or drop any burning match or other material or any material capable of spontaneous combustion or self-ignition;
  - (b) without authority, fire any grass or undergrowth or light or assist in lighting a fire;
  - (c) light or leave any fire without taking due precautions against the fire spreading and causing damage;
  - (d) without authority, do anything in consequence of which any forest produce may be burnt or injured or may be in danger of being burnt or injured, in a forest reserve.

### **Precaution against fire**

27. (1) Any person, who lights a fire near a forest reserve, private forest or co-operative forest, shall take all necessary precautions to prevent the fire from escaping beyond control and shall be liable for any damage to any forest produce caused by any failure to take such precautions, notwithstanding any efforts he may have made to prevent such damage.
- (2) Where a fire escapes from an area held or occupied by any person, that person shall be liable for any damage caused by the fire unless he proves that neither he nor anyone in his employment lit the fire and that he took all possible precautions to prevent such damage.

### **Prevention of disease**

28. A forestry officer may enter upon any land and may cut and destroy any diseased, dead or dying tree likely to cause the spread of disease or to cause damage to any other tree or to forest produce or to life or property in a forest reserve.

### **Prohibited acts**

29. No person shall-
- (a) squat, reside or build any hut or other construction;
  - (b) allow livestock to trespass;
  - (c) clear, cultivate or break up land for cultivation or other Purposes;
  - (d) enter any part where entry is by notice prohibited or climb through or over any fence or gate, in a forest reserve.

### **Damage to forest produce**

30. No person shall, while lawfully removing forest produce or utilizing a licence in a forest reserve, cause any avoidable damage to other forest produce.

## **PART VIII OFFENCES AND PENALTIES**

### **Offences**

31. (1) Any person, who —
- (a) contravenes any term or condition of a licence issued under section 23 of this Act; or
  - (b) contravenes section 30 of this Act; or
  - (c) knowingly receives any forest produce which has been obtained in contravention of this Act; or
  - (d) has in his possession any forest produce which has been obtained in contravention of this Act and is unable to account satisfactorily for such possession,

commits an offence and on conviction is liable to a fine not exceeding M2 500 or to imprisonment for a period not exceeding one year or both.

- (2) Any person, who —



- (a) contravenes section 26 or section 27 or section 29 of this Act; or
- (b) injures, alters, shifts, removes, or interferes with any beacon, boundary mark or fence on a forest reserve; or
- (c) counterfeits, alters, obliterates, defaces, or fraudulently uses any mark used by forestry officers on any forest produce; or
- (d) obstructs or impedes any forestry officer in the execution of his duties,

commits an offence and on conviction is liable to a fine not exceeding M5 000 or to imprisonment for a period not exceeding 2 years or both.

(3) If owners of a private forest or a co-operative forest, as the case may be, infringe the agreement referred to in section 17 of this Act, they shall be guilty of an offence and on conviction liable to a fine not exceeding M5 000.

(4) Any forestry officer, or employee of the Forestry Division who —

- (a) solicits or receives Or agrees to receive, whether or not for himself, any payment, advantage, or reward, pecuniary or not, in consideration of his doing anything in conflict with his duty or of his refraining from doing his duty; or
- (b) solicits or receives or agrees to receive from any person, any payment, advantage or reward, pecuniary or not, in consideration of his doing his duty; or
- (c) trades in government forest produce or acts as an agent for any person trading in forest produce without the prior approval of the Chief Forestry Officer, commits an offence and on conviction is liable to a fine not exceeding M5 000 or to imprisonment for 2 years or both.

### **Increased penalties**

32. Where any offence under section 31 is committed after sunset or before sunrise, or where an offence under section 31 is committed within 3 years following a previous conviction for an offence under this Act, the court may impose double the penalty prescribed for the offence under section 31.

### **Additional orders on conviction**

33. In addition to any penalty imposed for an offence under this Act, the convicting court may order that —
- (a) any licence held by the offender is cancelled;

- (b) any forest produce in respect of which the offence has been committed and anything which has been used in the commission of the offence shall be forfeited to the Government;
- (c) where any forestry produce has been damaged, injured or removed in the commission of an offence, the offender shall pay to the Government or other owner of such produce compensation equivalent to the value of the produce; and
- (d) the offender shall pay to the Forestry Division any fees which, had the act constituting the offence been authorized, would have been payable in respect thereof.

### **Compounding**

34. (1) A forestry officer may, where he is satisfied that a person has committed an offence under section 31(1) or (2) of this Act, and such person consents in writing to compounding the offence under this section, compound such offence by accepting —
- (a) a sum of money not exceeding one-half of the maximum fine prescribed for the offence, augmented in accordance with section 33 in appropriate cases; and
  - (b) payment of any fees that may be due or which would have been due if the act had been authorised under this Act, on forest produce in respect of which the offence has been committed;
  - (c) if the forest produce has been damaged, injured or removed in the commission of such offence, a sum of money not exceeding the value of such produce.
- (2) The compounding of an offence by any person under this section shall be a bar to any further proceedings against that person in respect of that offence.
- (3) Where any property has been seized in connection with the offence compounded under this section, the forestry officer compounding the offence may, if such property belongs to the offender, either release it to him on payment of a sum of money not exceeding the value thereof, or confiscate it for the Government.
- (4) No offence in respect of which a prosecution is actually pending shall be compounded under this section otherwise than with the consent of the court before which such prosecution is pending.

### **Prosecution of offences**

35. On the advice of the Chief Forestry Officer, the office of the Director of Public Prosecutions may conduct any prosecution that may be necessary under this Act.

### **Presumption**

36. For the purpose of prosecutions or any legal proceeding under this Act, it shall be presumed that forest produce or any building, machinery, equipment or other property on a forest reserve belongs to the Government.

## **PART IX MISCELLANEOUS PROVISIONS**

### **Common law remedies not affected**

37. Nothing in this Act shall take away or interfere with the right of the State or any person to recover, at common law, compensation or damage for injury caused by an offence committed under this Act.

### **Liability of forestry officers**

38. No action shall lie against the Chief Forestry Officer or an officer or other employees of the Forestry Division for any injury to or loss sustained by any person in consequence of anything done under this Act unless such injury or loss arose out of a malicious, fraudulent or grossly negligent act of any such officer.

### **Sale of forest produce and determination of charges**

39. (1) The Minister may, by order —
- (a) in respect of any forest reserve, determine tariffs, which may vary according to circumstances, for the sale of forest produce therefrom and for the grazing of livestock thereon;
  - (b) determine the charges to be levied in respect of any services rendered by forestry officers or other employees of the Forestry Division.
- (2) The determinations referred to in subsection (1) of this section, shall be stated in any licence that may be issued under section 23 of this Act.
- (3) The quantity of forest produce which maybe removed by a licensee, the method of removal, the season or times during which the forest produce may be removed, shall be determined by the Forestry Division and stated in the licence.

### **Forestry promotion and extension services**

40. The chief Forestry Officer shall-
- (a) coordinate sufficient and appropriate education and extension services to sensitive the Basotho Nation as to the potential and value of forestry in a cost effective manner;
  - (b) provide cost effective advice by properly qualified staff and such other support as may be appropriate to any individual, group or organisation requiring it and to monitor the extent of its adoption, wherever possible.

(c) submit an annual report to the Minister providing details of progress made under this section.

### **Regulations**

41. (1) The Minister may make Regulations for the management of forests and for implementation of this Act, and in particular for —
- (a) establishing the agroforestry industries;
  - (b) establishing terms and conditions of any licence or agreement;
  - (c) prescribing criteria for the issue, termination, cancellation, suspension or extension of licences required under this Act;
  - (d) prescribing the rules regarding the reporting of information concerning the utilization of forest and forest produce, and prescribe the form, contents and manner of making required reports;
  - (e) regulating the use of roads in a forest reserve by the travelling public;
  - (f) the grazing of livestock and the manner in which pasturage shall be used;
  - (g) the impounding of livestock, whether trespassing or found grazing in a forest reserve in excess of the number permitted in a grazing licence, the imposition of pounding fees and charges in respect thereof, the imposition of special fines in respect of any animal in excess of permitted number and the recovery of damage done to forest produce by such livestock;
  - (h) hunting or fishing in forest reserve;
  - (i) providing for the registration of forest property marks and regulating their use;
  - (j) regulating the transport of forest produce and, in particular, requiring or prohibiting any means or route of transport and prescribing the conditions for its use, requiring transit, import and export of forest produce through specified points, prescribing the documentation required to accompany forest products during transportation;
  - (k) entry into forest reserves subject to the rights of travelling public;
  - (l) prescribing the procedure for modifying or terminating an agreement with the owners of the private forest or cooperative forest, as the case may be;

- (m) prescribing soil conservation and other measures for dongas; and
- (n) any other purpose connected with the implementation of this Act.

(2) The Minister may, by Notice published in the Gazette amend the penalties provided in this Act and adjust them accordingly.

**Repeals and savings**

42. (1) The Forest Act 1978, the Forest Regulations, 1980, and the Forest Fund Regulations, 1983, are repealed.

(2) Notwithstanding such repeal, all regulations, notices and orders made under the Forest Act, 1978, shall, in so far as they are not incompatible with this Act, continue in force as if they had been made under this Act.

(3) All licences issued under the Forest Act, 1978, shall, in so far as they are not incompatible with this Act, continue in force in accordance with their terms.

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NOTE

- 1. Act No. 22 of 1968
- 2. No. 11 of 1978
- 3. L.N. No. 129 of 1983
- 4. Act No. 17 of 1979

**SCHEDULE**

**LIST OF EXISTING FOREST RESERVES**

<b>MASERU DISTRICT</b>		<b>LERIBE DISTRICT</b>	
<b>RESERVE</b>	<b>CODE</b>	<b>RESERVE</b>	<b>CODE</b>
Masianokeng West	10019	Pitseng	20016
Masianokeng East	10026	Tale	20023
Khoathela	10033	Khanyane	20030
Pack Saddle Hill	10040	Manganeng	20047
Matsieng	10057	Ha – Makhoa I	20054
Morija South	10064	Ha – Seetsa	20061
Ha – Donki	10071	Mahobohong	20078

Ha – Phakalasane	10088	Ha – Mpoqo	20085
Mokema	10095	Serupane Plateau	20092
UpperQeme Ha – 'Mant;sebo	10105	Ha – Rakolo	20102
Fika – le – Mohala	10112	Ha – Foka	20119
Ha – Khechane	10129	Tsikoane Plateau	20126
Ha – Rasekoai	10136	Koenaneng A	20133
Likotsi	10143	Ponts'eng/Mphosong	20140
Tsieng	10150	Kolonyama	20157
Tenane Hill	10167	Ha – Makhoa II	20164
Tree Nursery	10174	Mathokoane	20171
Thaba – Putsoa	10181	Leribe Plateau	20188
Sehloaeane	10198	Qokolo	20195
Thaba – Putsoa	10108	Ha – Mofammere	20205
Ha - Khoeli	10215	Ha – 'Muso / Peka Bridge	20212
Thupa – Likaka	10222	Tree Nursery	20229
Ha - Ramatekane	10239	Levi's Nek	20236
Machela	10246	Tlhakoli	20243
Ha - Mosotho	10253	Ha - Soibilane	20250
Ntlo - Kholo	10260	Mokhubu	20267
Seeqela II	10277	'Mamanka	20274
Thaba - Khupa	10284	Ha - Leburu	20281
Ha – Motemekoane/ Pita	10291	Thaba - Phatsoa	20298
Ha - Lekhutle	10301	Ratsotoane/Ha-Matoli	20308
Boqate Rock	10318	Hleoheng	20315
Mahloenyeng	10325	Rampai's Nek	20322
Maliele	10332	Mohobollo	20339
Ha - Teko	10349	Ha - Matlakeng	20346
Khokhotsaneng	10356	Fobane	20353
Monyakoana	10363	Koenaneng	20360
Khalo-la-Baroa	10370	Ha-Bolofo	20377
Kholokoe	10387	Lenyakoane	20384
Ha – Neo Bereng	10394	Linot.s'ing	20391
Ha - Ran khelepe	10404	Ha - Selai	20401
St. Michaels Boinyatso	10411	Fobane Plateau	20418
Ha - Nko	10428	Ha - Tlalinyane	20425
Ha - Luka	10435	Ha - Sets'abi	20432
Ha - Simone	10442	Leribe Moreneng	20449
Ha - Letsie	10459	Litlhatsoaneng	20456
Qhuqhu	10466	Ha - Mohapi	20463
Nazareth	10473	Maiseng	20470
Phomolong	10480	'Mate	20487
Ha - Ratau I	10497	Ha - Ramapepe	20494
Ha - Ratau II	10507	Molumong	20504
Ha - Lesia	10514	Ha - 'Nena	20511
Likhoareng	10521	Serupane South	20528
Ha - Mokhele	10533	'Muela	20535
Ntlo – Rankhelepe II	10545	Kota	

Ha - Ntsane	10452	Pela Tsoeu	
Qoaling Plateau		Khabo B	
Ha Setho		Menkhoaneng	
Tjopa		Matjana	
Ramotsoane		Mabokeng	
Makhetheng		Motsoane	
Khoiti Ntle		Khabo A	
Lifateng		Tlhakoli B	
Ha Ralejoe		Thaba Moshili	
Ha tsea		Nqechane	
Motjoka		Sekhutlong	
Ha Ntsi		Mahlabatheng	
Qhobosheaneng		Tsehlanyane	
Molengoane		Makhaketsa	
Nqosa		Khololong	
Nqheku		Qamo	
Lihlohlong		Ramohai	
Masechache		Mpharane	
Hleoheng		Khojane Makhoaneng	
Khoarai		Khomo-a-Tsana	
Matobo		Maoama-Mafubelu	
Nkoeng		'Mate	
Thabana Mashoma		Litaung	
Ha Phillipe		Papalala I	
Ha Raboletse		Papalala II	
Maliphokoane		Khoarai	
Khoshane		Qoqolosing	
Ha Ramosebo		'Mamanka	
Ha Mantsa			
Thaba Mahobe			
Ha Sekoai			
Ha Taka			
Rothe			
Ha Sello			
Ha Tholo			
Mokhalinyane			
Liqoabing			
Joala Boholo			
Ramokitimi			
Ha Mareka			
Ramokotjo			
Thiba Khaoli			
Mokunutlung			
Lhaseng			
Ha Mokuoane			
Ha Setenane			
Mahlelebe			
Ha Mothibe			
Makoaeleng			
Khubetsoane			
Masuaneng			

Ha Khonyeli			
Ha Konyana Tsoana			
Ha Popa			
Ha Leloko			
Ha Mateketa			
Ha Mocheko			
Ha Moahloli			
Ha Tsitso			
Ha Lepane			
Polateng			

<b>MOHALE'S HOEK DISTRICT</b>		<b>BEREA DISTRICT</b>	
<b>RESERVE</b>	<b>CODE</b>	<b>RESERVE</b>	<b>CODE</b>
Ha Thekiso	30013	Leshoboro Plateau	40010
Tsoloane I	30020	Lovely Rock	40027
Liphiring	30037	Leshoboro South	40034
Majapereng	30044	Ha'Malehi	40041
Ha Moiloa	30051	Lekokoaneng	40058
Seaka	30068	Tsereokane	40065
Tree Nursery	30075	Mafotholeng	40072
Thaba Tsoeu	30082	Majaheflg A	40089
Ha Mokhothu	30099	Majaheng B	40096
Qhalasi	30109	Khoali	40106
Liphiring II	30116	Ha Hlajoane	40113
Tsoloane II	30123	Thotapeli	40120
Ha - Mahlehle	30130	Ha Rakoloi	40137
Ha - Monyake	30147	Tree Nursery	40144
Ha-Daemane	30154	Thabana-ts'oana	40151
Ha - Ramonate	30161	Thota-peli II	40168
Ha-Pii	30178	Mphunyatsana	40168
Maralleng	30185	Ha-Monethi	40175
Phatlalla	30192	Ha-Ntlama	40182
MpharaneHa-'Mako	30202	Ha-Ntsuba	40199
Sefateng	30219	Ha-Senekane A	40209
Waterfall	30226	Ha-Poslioli	40216
Tri-Hoek	30233	Ha-NcliekO	40223
Taung Ha-Moletsane	30240	Ha-Seflekane B	40230
Masemouse	30264	MoetsuOa	40247
Ha-Potsane	30271	Ha - Mapeshoane	40254
Ha-Sankatana	30288	Mokhethoaneng Plateau	40261
Ha-Molefi	30295	Tsoili-tsoili	
Mesitsaneng	30305	Sekhutlong /'Matholoana	40278
Ha-Folatsane	30312	Ha-Ktialitafle	40285
Pontseng	30329	Ha-Bulara	40292
Ha-Bolokoe	30336	Ntsirele	40202
Mahaneflg	30343	Thaba-Chele	
Ribaneng	30350	Khikine	
Makhineng	30367	Ha Nqetho	



Ha-Mokhatla	30374	Thuathe	
Ha-Masita	30381	Sekhutloana	
Liphofuflg	30398	Ha Thafeng	
Letlapeng		Sekantsi	
Moletsane		Tsita	
Poltomane		Khabele	
Ha-'Mako		Boithatelo	
Lithipeng		Thota Mophato	
Ha Qacha		Masaleng	
Mahlalela		Mohotloane A	
		Mohotloane B	
		Qopo	
		Qalaheng	
		Sefikeng	
		Ha Seeiso A	
		Ha Seeiso B	
		Lekhoareng	
		Khohlooa	
		Lephoi	
		Machabafila	
		Mosili Polane	
		Ha Nchela	
		Ntsebe	
		Ha Ntsuba	
		Phoofolo	
		Ntloana Tsoana	
		Thaba Sione	
		Tebalete	
		Tsokung	
		Matooane	
		Tsepo	
		Kolojane	
		Mphunyetsane	

<b>BUTHA-BUTHE DISTRICT</b>		<b>MAFETENG DISTRICT</b>	
<b>RESERVE</b>	<b>CODE</b>	<b>RESERVE</b>	<b>CODE</b>
Ngoana-oa-Ila	50017	Likhoele	60014
Butha - buthe plateau	50024	Ha-Likupa	60021
Ha - Thaabe	50031	Qalabane I	60038
Ha - Rasekila	50048	Thaba - tsoeu	60045
Linokong	50055	Tree nursery	60052
Manamela	50062	Lifateng	60069
Ha - Mopeli	50079	Ha - Ramokoatsi	60076
Phoku	50086	Boleka I	60083
Malefiloane	50093	Matelile	60090
Makhunoane	50103	Qalabanell	60100
Ha - Sebophe	50110	Ha-Mat.-aba	60117
Motlake	50127	Lit-oeneng	60124
Tre Nursery	50134	Tebang	60131
Qakobane	50141	Kobo	60148
Ha - Benedict	50158	Ha - Ramokoatsill	60155
Qholaqhoe	50165	Popolosi	60162

Kotsongkoaneng A (North)	50172	Motsekuoa	60179
Kotsongkoaneng B (South)	50189	Maserung	60186
Ha - akaria	50196	Ha - Mofoka I	60193
Mafika lisiu	50206	Ha - Mofoka II	60203
Ha -Toka	50213	Reisi	60210
Motlake B		Ha - Loto	60227
Maloseng A		Ha - Patsa	60234
Maloseng B		Mathebe	60241
Sechele		Boleka II	60258
Linakeng		Mohlakeng	60265
Tsime A		Likokong	60272
Tsime B		Ha-Leboto	60289
Liqalaneng		Ha - Ramarothole	60296
Teetete		Mafeteng Mountain	60303
Lebesa		Qaba Nursery	
Makuni		Manyareleng	
Matsoaing		Ha Makhaklle	
Mapape		Malumeflg	
Malefane		Bougalla	
Sekhutloflg		Mokhothu	
Tiping		Methinyeng	
Boiketsiso		Tajane	
Seapi		Ramatseliso	
Mohomeng		Rannakoe	
Mafusing		Malea- Lea	
Solane		Tebelo	
Moteng		Sehlabo	
		Manchoko	
		Makoanyane I	
		Paki I	

<b>QUTHING DISTRICT</b>		<b>THABA-TSEKA DISTRICT</b>	
<b>RESERVE</b>	<b>CODE</b>	<b>RESERVE</b>	<b>CODE</b>
Alwyn's Kop	70011	Thaba-tseka Camp	80018
Thaba-Nts'o	70028	Ha-Rantsemane	80025
Tree Nursery	70035	Ha-Sephoko	80032
Phahameng	70042	Ponts'eng	80049
Paballong	70059	Ha-Bereng	80056
Ha - Mosuoe	70066	Kolbere	80063
Pokane Ha- Kabi	70073	Ha-Soai	80070
Qomoqomong I	70080	Ha-Ramalapi	80087

Basieeng	70097	Ha-Leoka	80094
Cutting Camp	70107	Mantsonyane	80104
Ha-Damaflyafle	70114	Ha-Nakeli	80111
Ha - Makoloane	70121	Mohlanapeng Ha-Ts'iu	80128
Alwyn's Kop II	70138	Mahlanapeflg Ha-Lethula	80135
Mjanyane	70145	Litsoetse	50142
Qomoqomoflg II	70152	TreeNursery	80159
Caswell	HaLaka		
Motole	Ha Makunyapafle		
Thabaneng	Moketane		
Mjanyane	Litsoetse		
Nkomozabantu	HaNtsokane		
Hlalele			
Thaba Ntso II			
Makoloafle			
Setoko			
Ha Kompfi			

Masuaryane			
Seqhobong			
Ha Kabi			
Potomane			
Ha Ralinku			
Pontseng			
Taoa			
Moko			
Motulong			
Motsieloa			

Lleseleng			
Lekete			
Mokhoaboflg			
Likoaeng			
Moshati			
Khubetsoafla			
Waterfall			
Lekhoesa			
Malepahafle I			
Malepahafle II			
Letseng			
Maralleflg			
Koali			
Sekhutloflg			
Mofuro I			
Mofuro II			
Qomoqomong II			

<b>MOKHOTLONG DISTRICT</b>		<b>QACHA'S NEK DISTRICT</b>	
<b>RESERVE</b>	<b>CODE</b>	<b>RESERVE</b>	<b>CODE</b>
Phahameng		Mosaqane I	
Motsitseng		Mosaqane II	
Seboka		Hlapalimane	
Ha Lechesa		Liqalabeng	
Ktiatileli		Manteko	
Ha Ntone		Mohlapiso	
Senkoase		White Hill	
Masuoaneng		Ha Sekake	
Paneng		Ha Nkoko	
Malubalube		Sekhalabateng	
Mapholaneneng		Ha Paki	
Sefate		Maboloka	
Matsoapong		Ha Ts'itso	
		Ha Mosuoe	
		Aupulase	
		Rankakala	
		Ha Makoae	
		Ramatseliso	
		Mpharane	
		Moshebi	
		Hill Top	
		Waterfall	

**NB.** Forest Reserves that do not bear any code were in the process of being gazetted at the time of compiling the above list.

Basieeng II			
Lebelonyane			
Jobo			
Lekoele			
Mohale			
Mokekeng			
Aupulas			
Mahlachaneng			
Patereisi			
Mphaki			
Qhoali			
Makhalong			
Mohlakoana I			
Mohlakoana II			
Ha Thlaku			
Ntsie			
Limapa			
Rampeo I			
Rampeo II			
Sekhutloaneng			
Majakafleflg			
Shakhane			
Kubung			
Mapiletso			
Sekalabateng			

<b>MOKHOTLONG</b>		<b>QACHA'S NEK</b>	
<b>RESERVE</b>	<b>CODE</b>	<b>RESERVE</b>	<b>CODE</b>
	Phahameng	Mosaqane I	
	Motsitseng	Mosaqane II	
	Seboka	Hlapalimane	
	Ha Lechesa	Liqalabeng	
	Khatleli	Manteko	
	Ha Ntone	Moh Iapiso	
	Sen koase	White Hill	

	Masuoaneng	Ha Sekake	
	Paneng	Ha Nkoko	
	Malubalube	Sekhalabateng	
	Mapholaneneng	Ha Paki	
	Sefate	Maboloka	
	Matsoapong	Ha Tsepiso	
		Ha Mosuoe	
		Aupulase	
		Rankakala	
		Ha Makoae	
		Ramatseliso	
		Mpharane	
		Pampung	
		Moshebi	
		Hill Top	
		Waterfall	

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