

## **SPECIAL ISSUE**

*Kenya Gazette Supplement No. 14 (Makueni County Bills No. 11)*



REPUBLIC OF KENYA

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# **KENYA GAZETTE SUPPLEMENT**

## **MAKUENI COUNTY BILLS, 2025**

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**NAIROBI, 7th August, 2025**

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**THE MAKUENI COUNTY FOREST MANAGEMENT AND  
LANDSCAPE RESTORATION BILL, 2025****A Bill for**

**AN ACT of the County Assembly of Makueni to give effect to Article 42, 69 (1) and section 10 (b) of Part 2 to the Fourth Schedule of the Constitution; to provide for sustainable forest management and landscape restoration and for connected purposes**

**ENACTED** by the Makueni County Assembly, as follows—

**PART I—PRELIMINARY****Short title**

**1.** This Act may be cited as the Makueni County Forest Management and Landscape Restoration Act, 2025.

**Interpretation**

**2.** In this Act, unless the context otherwise requires—

“arboretum” means an area of land legally designated as such by the county under this Act for the cultivation and growing of trees and other biodiversity for scientific, educational, ornamental, cultural or aesthetic purposes, and which is open for access by the public for the specified uses;

“authority” means The Makueni County Forest Management and Landscape Restoration Authority established under Section 5 of this Act;

“authorized officer” means a person designated as an environment officer, forester, police, enforcement or any other officer working for the Authority;

“chain of custody” means the channel through which products are distributed, tracked and monitored from their origin in the forest to their end-use;

“climate change mainstreaming” means the integration of climate change actions into decision making and implementation of functions by the county government, as assigned under section 2 of the Climate Change Act, 2016;

“community land” as used in this Act has the same meaning assigned under section 2 of the Community Land Act;

“community forest” has the meaning assigned under section 30 (3) of the Forest Conservation and Management Act, 2016 Act;

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“board” means the Makueni County Forestry Management and Landscape Restoration Authority Board established under section 6 of this Act;

“county assembly” means the Makueni County Assembly established under Article 176 of the Constitution;

“county executive committee” as defined under County Governments Act, part V;

“county executive committee member” means the County Executive Committee Member for the time being responsible for forestry;

“county forest” means a forest established on public land within the meaning of Article 62(2) of the Constitution, or such other public land lawfully acquired by the County Government under section 12;

“county government” means Government of Makueni County as established under Article 176 and first schedule in the Constitution of Kenya, 2010

“department” means the department established under Section 46 of the County Government Act, 2012, responsible for matters relating to forestry;

“forest” means land which is declared or registered as a forest, or woody vegetation growing in close proximity in an area of over 0.5 of a hectares including a forest in the process of establishment, woodlands and thickets;

“forestland” means a tract of land, including its flora and fauna, that is devoted to growing trees for the production of timber, wood and other forest products;

“forest community” means the persons resident or utilizing land within a distance of five kilometers from the outer boundaries of a public forest;

“forest produce” includes bark, animal droppings, beeswax, canes, charcoal, creepers, earth, fibre, firewood, frankincense, fruit, galls, grass, gum, honey, leaves, flowers, limestone, moss, murram, soil, myrrh, peat, plants, reeds, resin, rushes, rubber, sap, soil, seeds, spices, stones, timber, trees, water, wax, withies, and such other things as may be declared by the county executive committee member to be forest produce for the purpose of this Act;

“fund” means the county forest management and landscape restoration fund established under Section 37 of this Act;

“forest” means land which is declared or registered as a forest, or woody vegetation growing in close proximity in an area of over 0.5 of

hectares including a forest in the process of establishment, woodlands, thickets;

"forest management plan" means a written document establishing direction and goals for the management, conservation and utilization of a specific forest land area; specifying —

- (a) all silvicultural practices and activities necessary to accomplish the merchantable production of a forest product; and
- (b) all practices that will minimize adverse environmental effects and improve livelihoods,

"forest officer" includes the professional, technical and disciplined cadre of the forest Authority;

"green zone" means an area of land within an urban area in the county where development permission has been granted for development of homes, apartments or other structures for human habitation and where it is mandatory for trees to be planted and grown at the rate not less than ten percent of the total occupied area;

"landscape" means visible features of an area of land, its landforms, and how they integrate with natural or human-made features

"landscape restoration" means process of regaining ecological functionality and enhancing human well-being in a landscape

"licence" means a permit or other written authorization issued under the provisions of this Act or any other written law;

"Government(s)" means Government of Makueni County and the Government of Kenya;

"recreational park" means an area of land legally designated by the county as a public open space with conservation objectives including serving as cultural or aesthetic area for people whether in an urban or rural setting in the county;

"indigenous people" means indigenous people as provided for in Article 260 of the Constitution;

"private forest" has the meaning assigned to under section 30 of the Forest Conservation and Management Act, 2016;

"public forest" the meaning assigned to under section 30 of the Forest Conservation and Management Act, 2016; and

"tree growing" means a process that involves identification of the right planting materials, planting it in the appropriate places and taking care of the planted seedlings to maturity or grown trees; and

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“forest ranger” means an enforcement officer employed or deployed by the county government to work under forest unit.

### **Objects of the Act**

- 3.** The objectives of this Act are, to —
  - (a) provide a framework for the implementation of forestry and tree growing functions in the county level;
  - (b) provide framework and guidelines for coordinating forest and landscape restoration in the county;
  - (c) provide for the mainstreaming of human rights approach, including recognition of men and women, persons with disabilities, minorities, youth and the elderly rights, in the design and implementation of sustainable forest management and tree growing activities in the county;
  - (d) put in place mechanisms for public participation of communities, land owners, indigenous and marginalized persons in sustainable forest management;
  - (e) promote the involvement of communities, development partners, private sector and civil society organizations in taking up forestry and tree growing activities including investments;
  - (f) provide a framework for the county to mobilize resources for its forestry and tree growing actions;
  - (g) provide for mechanism to mainstream climate change interventions and other relevant aspects to inform county decision making; and
  - (h) promote conservation, protection and utilization of forest resources as well as landscape restoration.

### **Guiding principles and values**

- 4.** The values and principles enshrined in the Constitution and in particular Articles 10, 66 (2), 174, 201 (c) and (d), and 232 of the Constitution and the principles of leadership and integrity set out under Chapter Six of the Constitution shall apply in the administration of this Act.

## **PART II—ADMINISTRATION OF SUSTAINABLE FOREST MANAGEMENT AND LANDSCAPE RESTORATION**

### **Powers of County Executive Committee Member**

- 5.** (1) Subject to the provisions of this Act and any other written law, the County Executive Committee Member shall exercise overall control

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and oversight over management of county forest and landscape restoration.

(2). Without prejudice to the generality of the foregoing, the County Executive Committee Member shall have responsibility to—

- (a) formulate and periodically review County policies, strategies and plans for the forest management and landscape restoration in the county;
- (b) on behalf of the County Government put in place and maintain measures and arrangements to implement and give effect to the Constitution and national law on forest management and landscape restoration;

#### **Establishment and functions of Authority**

6. (1) There is established an Authority here in referred to as the Makueni County Forest Management and Landscape Restoration Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of moveable and immovable property;
- (c) entering into contracts; and
- (d) undertaking or performing all other activities necessary for the proper performance of its functions under this Act that may lawfully be done or performed by a body corporate.

(3) The functions of the Authority shall be to —

- 
- (a) manage county forests, community forests and private forests in accordance with the provisions of this Act;
  - (b) develop and maintain a register of all forest management plans prepared for public forests in the county;
  - (c) establish forest conservancy areas for purposes of conservation and management;
  - (d) establish and implement benefit sharing arrangements in accordance with the provisions of this Act;
  - (e) in consultation with relevant stakeholders, develop programs for tourism and for recreational and ceremonial use of forests;
  - (f) promote forestry education and training;
  - (g) collaborate with relevant stakeholders in identifying research needs and applying research findings in relation to county and public forests and forestry;
  - (h) manage water catchment areas in relation to soil and water conservation, carbon sequestration and other environmental services in collaboration with relevant stakeholders;
  - (i) consider and recommend to the county executive committee the establishment of county forests on un-alienated public land or any other public land;
  - (j) consider and recommend to the county executive committee the determination and alteration of boundaries of county and public forests;
  - (k) recommend for approval the provision of credit facilities and technical training for community-based forest industries, and the provision of incentives to persons for the sustainable utilization of wood and non-wood forest products;
  - (l) implement and enforce this Act and related rules and regulations;
  - (m) implement and enforce rules and regulations governing intra and inter- county trade in forest produce;
  - (n) develop, maintain and regularly update a geographic information system database of all forests in the county.
  - (o) promote and implement landscape restoration in the county;
  - (p) promote skilled and unskilled green jobs;
  - (q) monitoring and reporting of forest and landscape restoration in County Government;

- (r) conduct forest valuation on need basis; and
- (s) any other function that might be assigned by the County Government.

(4) In discharge of the functions and duties under this Act, the Authority shall be responsible for coordination of forestry and landscape restoration matters.

**Establishment of the Makueni county forest and landscape restoration authority board**

7. (1) The Authority shall be managed by a board of directors which shall comprise of —

- (a) a chairperson appointed competitively by the Governor;
- (b) the Chief Officer responsible for forestry;
- (c) the Chief Officer responsible for finance;
- (d) county director in charge of enforcement
- (e) the managing director of the Authority responsible for sand conservation and utilization in the county;
- (f) four non state actors representing Community Forest Organizations, persons living with disability, youth and gender competitively appointed by the county executive committee member in charge of forestry.
- (g) managing director of the Authority who shall be secretary to the Board but shall not have a vote.

(2) The County Executive Committee Member responsible for matters of forestry shall prescribe the terms of reference and rules of procedure for the Board of the Authority.

(3) The Board of the Authority shall serve for a term of three years' renewable once provided that by the end of the first term one third of the members shall retire and new ones appointed in order to ensure continuity at the end of the second term.

(4) A person shall be qualified for appointment as the Chairperson of the Board if such person—

- (a) holds a minimum of a bachelor's degree from a university recognized in Kenya;
- (b) has knowledge and experience of at least ten years and above in matters relating to management of natural resources, forest

conservation and management or public administration and planning

- (c) satisfies the requirements of Chapter six of the Constitution.

(5) The members of the Board under subsection (1) (a), & (1) (f) shall hold office for a period of three years and shall be eligible for re-appointment for a further term of three years.

(6) A person shall not be appointed to the Board if the person—

- (a) has been convicted of a criminal offence and imprisoned for a term exceeding six months without the option of a fine;
- (b) is a member of a governing body of a political party;
- (c) has previously been removed from public office for contravention of the provisions of the Constitution or any other written law;
- (d) is declared bankrupt; and
- (e) violates the Constitution or any other written law.

(7) The appointment of the chairperson and the members appointed under subsection (1) (f) shall be by name and by notice in the *Gazette*.

(8) All appointments made under this section shall be in accordance with the provisions of the Constitution.

(9) The members appointed under section 6 (1) (a), & (1) (f) shall be vetted and approved by the County Assembly.

### **Powers of the Board**

**8.** The Board shall have all the powers necessary for the proper performance of the functions of the Authority under this Act and, in particular, the Board shall have the power to—

- (a) invest any moneys of the Authority not immediately required for the purposes of this Act;
- (b) co-operate with other organizations undertaking functions similar to
- (c) its own, whether within Kenya or otherwise;
- (d) pursue carbon markets and manage carbon trading agreements on behalf of the county government;
- (e) to approve of agreements for Community Forest Organizations;
- (f) set aside land for forestry research and investment; and

- (g) offer services to any person upon such terms as the Board may from time to time determine or assigned by the County Executive Committee Member.

### **Committees of the Board**

**9.** (1) The Board may from time to time establish sub-committees for the better carrying out of its functions.

(2) The Board may, with the approval of the county executive committee member in charge of forestry, co-opt into the membership of sub committees established under subsection (1) other persons whose knowledge and skills are found necessary for the functions of the Board provided the number does not exceed one third of the total composition.

(3) The Board may, by resolution either generally or in any particular case, delegate to any sub-committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers of the Board or the performance of any of the functions or duties of the Board.

### **Managing Director**

**10.** (1) There shall be a Managing Director who shall be competitively recruited by the Makueni County Public Service Board and whose terms and conditions of service shall be determined by the Makueni County Public Service Board in the instrument of appointment or otherwise in writing from time to time.

(2) A person shall be qualified to be appointed as a Managing Director if that person—

- (a) possesses a first degree in forestry from a university recognized in Kenya;
- (b) meets the requirements of Chapter Six of the Constitution; and
- (c) has at least five years professional experience in the relevant field at management level.

(3) The Managing Director shall hold office for a term of five years, and be eligible for re-appointment for a further term of five years.

(4) The Managing Director may be removed from office by the Board in accordance with the terms and conditions of service for—

- (a) serious violation of the Constitution or any other law, including a contravention of Chapter Six;
- (b) gross misconduct, whether in the performance of the office holder's functions or otherwise;

- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence; or
- (e) bankruptcy.

(5) Prior to removal under subsection (4), the Managing Director shall be given—

- (a) sufficient notice of the allegations made against him or her; and
- (b) an opportunity to present a defense against the allegations.

(6) The Managing Director shall—

- (a) subject to the direction of the Board, be responsible for the day to day management of the Authority;
- (b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Authority, the exercise, discharge and performance of its objectives, functions and duties, and the general administration of the Authority; and
- (c) be the secretary of the Board.

### **Conduct of business and affairs of the Board**

**11.** The business and affairs of the Board shall be conducted in accordance with the First Schedule to this Act.

### **Remuneration and allowances of Board members**

**12.** A member of the Board shall be paid such remuneration or allowances, as the Salaries and Remuneration Commission may recommend.

### **Reporting requirement**

**13.** The Authority shall submit to the County Executive Committee quarterly reports of its activities.

### **Staff of the Authority**

**14.** (1) The Board shall in consultation with the Makueni County Public Service Board competitively appoint suitably qualified staff as may be necessary for the efficient performance of the functions of the Authority.

(2) In the appointment of staff of the Authority, the Makueni County Public Service Board and the Board shall comply with the values and principles set out in the Constitution and in particular—

- (a) afford adequate and equal opportunities for appointment and advancement at all levels, of youth, men and women, members of all ethnic groups, gender and persons with disabilities;
- (b) exercise transparency in the recruitment process; and
- (c) ensure competitive recruitment and selection on the basis of personal integrity, competence and suitability.

### **Community Forest Organizations**

**15.** (1) A member of a community living in close proximity to a forest in the county may, together with other members or persons resident in the same area, register a Forest Community Organization in accordance with the provisions of the Societies Act (Cap. 108). The organization shall—

- (a) fairly and freely elect officials to run the affairs of the organisation;
- (b) develop by-laws for proper operation, maintenance and management of forests;
- (c) resolve disputes relating to utilization of forest resources and benefits;
- (d) receive grievances from the public and provide feedback and escalate to the Authority where necessary; and
- (e) assist in the mobilization and awareness on programs and projects engineered towards management of forests within the county.

(2) The county executive committee member in consultation with the Authority shall prescribe guidelines on the formation and operations of the organisations.

### **Authorisation of Community Forest Organisations**

**16.** (1) A community forest organization intending to manage a forest in the county shall seek authorization through the Authority.

- (2) A registered organization may apply to the Authority to—
  - (a) participate in the conservation and management of a county forest; and
  - (b) be assigned user rights and benefits in relation to a particular forest.

(3) The Authority shall maintain a register of the organisations in such form as it may determine, and shall enter in the register—

- 
- (a) the particulars of members registered;
  - (b) the particulars of the forests;
  - (c) the nature of conservation and management duties assigned;
  - (d) the user rights and benefits assigned;
  - (e) the date of submission of annual returns, indicating the total number of trees cut and grown; and
  - (f) any other particulars the Authority may deem necessary.

**PART III—ESTABLISHMENT, CONSERVATION AND MANAGEMENT OF COUNTY FORESTS AND LANDSCAPE RESTORATION.**

**Establishment of County forests.**

**17.** (1) The Authority may in consultation with County government establish and manage county forests on public land defined under Article 62(2) of the Constitution.

(2) The Authority may in consultation with County government establish a county forest on private or community land provided that such land is acquired in accordance with Article 40 of the Constitution.

(3) Notwithstanding subsection (2), a county forest may not be established over community land that is occupied and owned by an indigenous community within the meaning set out in Article 260 of the Constitution.

(4) After completing the public consultations, the Authority responsible for forestry shall prepare a policy position paper with analysis of the benefits of the proposed county forest, assessing the impact of not creating the forest, examining the public benefit, and benefit to communities that are adjacent to the forest, and any other additional matters as may be approved by the County Executive Committee Member.

(5) The policy position paper shall also describe the land in question including legal description, locality and current land uses for the land.

(6) The County Executive Committee Member shall publish the policy paper in the Gazette and conclude public participation within three months.

(7) The Authority shall undertake an Environmental Impact Assessment following the procedure set out by the Environmental Management and Coordination Act, 2009.

(8) The Authority shall within twelve months of commencing the process in subsection (1), submit the proposal that includes the policy

paper and the Integrated Environmental Impact Assessment license to the County Executive Committee Member for submission to the County Assembly for approval.

(9) The County Assembly shall make a determination within six months of receiving the proposal for establishment of a county forest.

(10) Where the County Assembly approves the proposal, the Governor shall within three months of the approval, establish the county forest through a notice in the *Gazette*.

(11) The County forests are provided under first schedule of this Act and any other forest subsequently acquired by the County Government with the approval of the County Assembly shall be published in the Kenya Gazette by the County Executive Committee Member.

#### **Ungazetted forests**

**18.** (1) All un gazetted public forests in the County are vested in the County Government, subject to any rights of user in respect thereof, which by or under this Act or other written law, have been or are granted to any other person.

(2) The County Executive Committee Member may, with the approval of the County Assembly and after consultation with the National Land Commission declare through a *Gazette* notice any un-alienated public land or any land purchased or otherwise acquired by the County to be a county forest.

#### **Management of county forests\**

**19.** (1) Every county forest, arboreta, botanical garden or recreational park shall be managed in accordance with a management plan as may be prescribed by the County Executive Committee Member.

(2) The Authority shall be responsible for the preparation, through public participation, a management plan with respect to each county forest, arboretum, botanical garden or recreational park.

(3) A management plan prepared under this section shall set out the primary management objective with respect to the county forest, arboreta, botanical garden or recreational park.

(4) The County Executive Committee Member in charge of forestry and landscape restoration shall submit an annual compliance report to the County Executive Committee, with respect to each management plan under implementation under this section.

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(5) The Authority shall provide annual status implementation report for incorporation into the State of Environment report as prescribed by EMCA 1999 (2015)

### **Community user rights and benefits**

**20.** A community living in close proximity to a forest in the county is entitled to access the forest and collaboratively participate in its management with the following user rights and benefits—

- (a) controlled collection of medicinal herbs;
- (b) regulated use of non-wood forest products;
- (c) licensed harvesting of timber or fuel wood;
- (d) regulated grass harvesting and grazing;
- (e) regulated collection of forest produces for community-based industries;
- (f) licensed ecotourism and recreational activities;
- (g) licensed scientific research and education activities;
- (h) controlled spiritual and cultural activities;
- (i) development of community wood and non-wood forest-based industries;
- (j) carbon credits;
- (k) licensed bee keeping, honey production and any other consumable forest products;
- (l) other user rights and benefits as maybe defined through regulations; and
- (m) limited access, user and benefit rights.

### **Role of Community Forest Organization in management of forests**

**21.** (1) A Community Forest Organization may participate in conservation and management of forests through a joint management agreement between the organization and the Authority, defining benefit sharing and how the forest community may contribute to the generation of benefits.

(2) The Community Forest Organization shall—

- (a) protect, conserve and manage the forest or part of the forest in accordance with an approved management agreement entered into with the Authority and the provisions of the management plan for the forest;

- (b) formulate and implement sustainable forest programs that shall be consistent with the traditional forest user rights of the relevant forest community;
  - (c) protect sacred groves and protected trees;
  - (d) assist the Authority or any other relevant authority in enforcing the provisions of this Act including in relation to the enforcement of this Act and other written laws;
  - (e) with the approval of the Authority, enter into partnerships with other persons for the purposes of ensuring the efficient and sustainable conservation and management of the forest;
  - (f) inform the Authority of any developments, changes and occurrences within the forest which are critical for the conservation of biodiversity;
  - (g) coordinate fire management, reporting illegal activities and other activities that contravene the conservation and management of the forest; and
  - (h) do any other act that is necessary for the efficient conservation and management of the forest.
- (3) The management agreement between the Authority and the organization may confer any of the following forest user rights—
- (a) collection of medicinal herbs;
  - (b) harvesting of non-wood forest products;
  - (c) harvesting of timber or fuel wood;
  - (d) grass harvesting and grazing;
  - (e) collection of forest produce for community based industries;
  - (f) ecotourism and recreational activities;
  - (g) scientific research and education activities;
  - (h) plantation establishment through forest best practices;
  - (i) contracts to assist in carrying out specified forestry operations;
  - (j) bee keeping and access to forest based consumable products;
  - (k) development of community wood and non-wood forest based industries; and
  - (l) other benefits which may from time to time be agreed upon between the department and an organization.

(4) Subject to sub section (2)—

- (a) none of the activities specified in this section shall be carried out so as to conflict with the county vision as enshrined in the County Integrated Development Plan, community & human rights and conservation of biodiversity; and
- (b) the County Executive Committee Member may, in consultation with a Community Forest Organization and the Authority, prescribe rules for the conduct of the activities specified in this section.

(5) The County Executive Committee Member may make regulations and guidelines for the better carrying out of the provisions of this section.

**Management of community forests.**

**22.** (1) All community forests shall be vested in the community, subject to any rights of user in respect thereof, which by or under this Act or other written law, have been or are granted to any other person.

(2) The Authority shall register each community forest in accordance with Regulations prescribed in accordance with this Act.

(3) Upon registration, the community may apply—

- (a) to the Authority, National Government or any other relevant agency for technical advice regarding appropriate forestry practices and conservation; or
- (b) for funding, subject to availability of funds, loans from the Makueni County Forest Management and Landscape Restoration Fund for the development of the forest.

(4) A community that establishes or owns a community forest may through the Authority apply to the County Executive Committee Member responsible for County Treasury for exemption from payment of all or part of the land rates and such other charges as may be levied in respect of the land on which the forest is established.

**Management of private forests.**

**23.** (1) A person who owns a private forest within the county, including a forest in the course of establishment, on land owned by the person, may apply to the Authority for registration of the forest under this section.

(2) The Authority shall register the forest under sub-section (1) where the forest meets the criteria prescribed under this Act or any other written law.

(3) The Authority shall give annual updates of the forests registered under this section to the County Assembly.

(4) Upon registration under subsection (2), the owner of a private forest may apply to the Authority for technical advice regarding appropriate forestry practices and conservation;

(5) A person who owns a private forest may through the Authority apply to the County Executive Committee Member responsible for County Treasury for exemption from payment of all or part of the land rates and such other charges as may be levied in respect of the land on which the forest is established.

#### **Arboreta and recreational parks.**

**24.** (1) The Authority may establish and maintain arboreta, green zones or recreational parks for use by persons residing within its area of jurisdiction.

(2) For the purposes of subsection (1) the Authority, shall cause housing estate developers within its jurisdiction to make provision for the establishment of green zones.

(3) The Authority may establish and maintain a recreational park in every market center within its area of jurisdiction.

(4) No arboretum or recreational park shall be converted to any other use unless the Authority consults the residents of the area in the jurisdiction within which such arboretum, green zones or recreational park is situated and issues a consent.

(5) For purposes of this section, the Authority, may, in consultation with relevant agencies prescribe conditions as to the species of trees to be planted in a green zone, arboretum or recreational park.

#### **Management of indigenous forests.**

**25.** (1) All indigenous forests and woodlands shall be managed in a sustainable basis for purposes of—

- (a) conservation of water, soil and biodiversity;
- (b) riparian protection;
- (c) aesthetic, cultural, spiritual and heritage use;
- (d) recreation and eco-tourism;
- (e) sustainable production of wood and non-wood products;
- (f) carbon sequestration and other environmental services;
- (g) education and research purposes; and

(h) habitat for wildlife in terrestrial forests and fisheries in forests.

(2) In pursuance of sub-section (1), the Authority shall, through a public participatory process, prepare forest management plan.

(3) The Authority shall use the forest management plan to ensure effective conservation and management of the forest.

#### **Management of plantation forests.**

**26.** (1) All plantation forests shall be managed in a sustainable basis for the production of wood and other forest products and services for commercial purposes.

(2) The Authority may collaborate with relevant agencies in setting aside land for establishment of seed sources that shall be used to produce quality germ plasm.

(3) The Authority shall enhance marketing and value addition of products from plantation forestry.

(4) The forest plantation land owner shall observe the precautionary and other environmental sustainability principles.

(5) The plantation owner shall ensure proper species site matching for superior plantation trees.

#### **Forest management agreements**

**27.** (1) The Authority may advertise and receive applications from any person, institution or organization and through a competitive process approve and enter into an appropriate management agreement for all or part of a county forest.

(2) A management agreement entered into under subsection (1) shall specify—

- (a) the period for which the forest shall be managed;
- (b) the terms and conditions under which the applicant shall manage the forest;
- (c) any royalties and charges payable in respect thereof to the county;
- (d) the mechanism for settlement of disputes arising in respect of the agreement;
- (e) the circumstances under which the agreement may be terminated; and
- (f) the benefits which the applicant shall extend to the local community.

(3) Nothing in this section shall be deemed to transfer or to vest in any person, institution, or organization any right of ownership of any land declared to be public, other than the privilege of management and control.

(4) The County Executive Committee Member shall prescribe Regulations and guidelines to give effect to this section.

**Termination or variation of a management agreement**

**28.** (1) The Authority may terminate a management agreement or withdraw a particular user right where—

- (a) the community adjacent to a county forest breaches the terms and conditions thereof;
- (b) the person, institution or organization breaches the terms and conditions of a forest management agreement entered into pursuant to Section 26 (1) of this Act;
- (c) it is necessary for the purpose of protecting or conserving biodiversity; or
- (d) the community adjacent to a County forest petitions the Authority to terminate the agreement or withdraw the user right.

(2) Where the Authority intends to terminate a management agreement or withdraw a particular user right, it shall notify the association at least thirty days before the management agreement is terminated or the user rights withdrawn.

(4) Nothing in this section shall be construed to limit the grounds on which, in accordance with the terms of a management agreement, the agreement or any user right may be terminated.

(5) The County Executive Committee Member shall prescribe regulations or guidelines on the procedure to be followed in the event a party wished to terminate the agreement.

**Consent for quarrying in public county forests.**

**29.** (1) The Authority shall only give its consent for quarrying operations in a forest area where—

- (a) the area does not contain rare, threatened or endangered species;
- (b) the forest does not have any cultural importance or contain sacred trees or groves;
- (c) an environmental impact assessment or audit has been carried out and a license issued for proposed quarrying;
- (d) the forest is not an important catchment area or source of

springs: provided that the Authority shall, on the recommendation of the relevant county department or agency and in consultation with the relevant national government agencies publish rules to regulate and govern quarrying operations in forest areas; and

- (e) the carrying on of the quarrying operations shall not contravene any regulations made in accordance with this act.

(2) Subject to subsection (1), quarrying may be carried out in a forest in the county under the authority of a mining consent issued by the Authority and in accordance with any other relevant written law.

(3) A consent under subsection (2) shall not be issued unless the applicant has implemented mitigation measures to prevent injury to human beings, livestock and wildlife traversing the forest.

(4) The conditions on which a consent for quarrying and any allied activity carried out in the forest, shall, where the activity concerned is likely to result in the depletion of forest cover in any forest, include a condition requiring the consent to undertake compulsory restoration and re-vegetation immediately upon the completion of the activity.

(5) Re-vegetation shall be undertaken in consultation with the Authority, which shall determine the seeds and seedlings proposed to be used in such re-vegetation.

(6) A consent shall not be issued under this section unless the applicant has deposited an environmental bond to the Authority which shall be commensurate to the extent of the rehabilitation of the quarry site.

### **Management plans**

**30.** (1) Every county forest and county nature reserve shall be managed in accordance with a management plan that complies with the requirements prescribed by regulations made by the County Executive Committee Member.

(2) The Authority shall be responsible for the preparation of a management plan with respect to each county public forest and nature reserve.

(3) A community that owns a community forest within the county shall prepare a management plan, in consultation with the Authority, for the management of the community forest.

(4) The County Executive Committee Member shall prepare and supervise the implementation of forest management plans for public, community and private forests in the county.

### **Joint management of forests**

**31.** (1) A forest owner may enter into an agreement with any person for joint management of the forest for a period specified in the agreement.

(2) The County Executive Committee Member may make regulations and guidelines for the better carrying out of the provisions of this section.

### **Mapping for establishment of County forests and determining scope of land degradation.**

**32.** (1) The Authority, in collaboration with other relevant County Government departments shall —

- (a) undertake a mapping of all county public land in urban and rural areas;
- (b) determine suitability for establishment of county forests, arboreta, botanical gardens and recreational parks;
- (c) determine the level of land degradation including soil erosion, deforestation, soil health and resilience, soil toxicity and invasive species on the mapped county public land;
- (d) assess the level of climate change impacts on forest;
- (e) establish the requirements for rehabilitating the land including but not limited to soil fixation, indigenous tree growing, and the recovery of biodiversity;
- (f) evaluate the use of fire as a management tool for the forest;
- (g) examine the environmental management measures utilized by landowners

(2) The outcomes of this assessment shall be included in the Forest and Landscape Restoration implementation plan, Financing Plan and County Development Plan for the determined duration.

### **Rehabilitation of degraded areas**

**33.** (1) The Authority shall in rehabilitation of public degraded areas—

- (a) develop rehabilitation strategies;
- (b) set aside funds for the rehabilitation of the public sites;
- (c) collaborate with other stakeholders and the community for rehabilitation of the degraded areas; and
- (d) monitor the progress of the rehabilitation of the degraded sites.

(2) On recommendation of the County Executive Committee Member issue guidelines on the rehabilitation of private degraded areas.

**Climate change mainstreaming.**

**34.** The County Executive Committee Member shall ensure that County Climate Change Action Plan is implemented in line with this Act.

**Movement of Forest Products**

**35.** (1) An Authorized officer of the Authority under this Act shall issue a certificate of origin and transportation to any person who wishes to transport any forest products.

(2) The certificate shall be issued upon payment of prescribed fees.

(3) The County Executive Committee Member shall make regulations for implementation of this section.

**Co-operation regarding Inter-County cross-border forest resources**

**36.** The County Executive Committee Member may form joint Committees under Inter-Governmental Relations Act, 2012 for purposes of sustainable management of inter-county cross-border forest resources.

**Chain-of-custody**

**37.** (1) The Authority shall publish in the Gazette a chain-of-custody system for the verification of the origin of forest products from public, community and private forests and the compliance of license holders in accordance with this Act.

(2) A person in possession of or trading in forest products shall comply with the requirements of the chain-of-custody system established under this section.

(3) Failure to comply with the provisions of this section shall be an offense under this Act.

**PART IV—FINANCIAL PROVISIONS**

**Establishment of County Forest Management and Landscape Restoration Fund**

**38.** (1) There shall be established Makueni County Forest Management and Landscape Restoration Fund. The County Executive Committee Member shall develop regulations to provide for the management and administration of the Fund.

(2) While developing the regulations, considerations on financial prudence, reporting and auditing will be incorporated as envisioned in public finance and management Act, 2012 and other relevant laws

### **Sources of the Fund**

**39.** The fund shall consist of—

- (a) such moneys as may be appropriated by the County Assembly for the purposes of the Authority;
- (b) monies levied from the use of forests or forest lands;
- (c) such sums of monies as may be received by the Fund in the form of endowments, grants, donations, bequests or other gifts;
- (d) such monies as may accrue or become payable to the Authority as permitted under this Act or any other written law; and
- (e) any other lawful means of raising revenue.

## **PART V — ENFORCEMENT AND COMPLIANCE**

### **Powers of officers**

**40.** The Officer in charge of the Authority's enforcement or any authorized officer under this Act may—

- (a) demand from any person the production of an authority, permit or license for any act done or committed by that person in a National, county, community or private forest or in relation to any forest produce for which a license is required under this Act or under any guidelines and regulations made thereunder;
- (b) require any person found within a county forest who has in his possession any forest produce suspected to have come from such forests, to give an account of the manner in which they became possessed thereof, and, where the account given is not satisfactory, arrest and take such person before a court of competent jurisdiction;
- (c) search any person suspected of having committed an offence under this Act or of being in possession of any forest produce in respect of which an offence has been committed, and arrest the person, seize and detain any baggage, package, parcel, conveyance, tent, hut or building under the control of that person or his agent or servant;
- (d) provided that no person shall be arrested under this section unless the officer has reasonable cause to believe that person may fail to appear to answer a summons, or unless that person refuses to give his name and address or gives a name and address which there is reasonable cause to believe is false;

- 
- (e) search any vehicle or vessel and seize and detain any forest produce in respect of which there is reason to believe that an offence has been committed, together with any tools, equipment, vessels, vehicles or livestock used in the commission of the offence:  
Provided that the officer seizing such property shall forthwith report the seizure to the nearest police station or a court of competent jurisdiction having jurisdiction over the area where the offence takes place;
  - (f) seize and detain any livestock found in a county forest without any authority;
  - (g) confiscate any equipment, or receptacle placed without authority in a county forest.
  - (h) impound any vehicle which is reasonably believed to be loaded with any forest product without authority for the purpose of transporting such forest products.

#### **Powers of Authorized officers**

- 41.** (1) An authorized officer under this Act may—
  - (a) enter any private or community forest in order to assess the condition thereof or to perform any such other act which the officer considers necessary in the circumstances; or
  - (b) enter the premises of any forest-based industry or forest produce
  - (c) dealer to inspect any forest produce placed or found within the premises to satisfy himself that the industry or dealer is abiding by the provisions of a license issued under this Act:  
Provided that during such inspection due regard shall be given to the rights of the proprietor.
  - (d) take all reasonable steps to prevent the commission of an offence under this Act; and
- (2) In enforcing this Act, an Authorized officer who is of or above the rank of Sergeant Forest Ranger shall have the same powers conferred on a police officer under the Criminal Procedure Code (Cap. 75) and the National Police Service Act, (No. 11 of 2011)

#### **PART VI—OFFENCES AND PENALTIES**

##### **Prohibited activities in forests**

- 42.** (1) Except under a license or permit or a management agreement issued or entered into under this Act, no person shall, in a county or community forest—

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- (a) fell, cut, take, burn, injure or remove any forest produce;
  - (b) be or remain therein between the hours of 7 p.m. and 6 a.m. unless using a recognized road or footpath, or is taking part in cultural, scientific or recreational activities;
  - (c) erect any building or livestock enclosure, except where the same is allowed for a prescribed fee;
  - (d) smoke, where smoking is by notice prohibited, or kindle, carry or throw down any fire, match or other lighted material;
  - (e) de-pasture or allow any livestock to be therein;
  - (f) clear, cultivate or break up land for cultivation or for any other purpose;
  - (g) enter any part thereof which may be closed to any person;
  - (h) collect any honey or beeswax, or hang on any tree or elsewhere any honey barrel or other receptacle for the purpose of collecting any honey or beeswax, or enter therein for the purpose of collecting honey and beeswax, or be therein with any equipment designed for the purpose of collecting honey or beeswax;
  - (i) construct any road or path;
  - (j) set fire to, or assist any person to set fire to, any grass or undergrowth or any forest produce;
  - (k) possess, bring or introduce any chain saw or logging tools or equipment;
  - (l) damage, alter, shift, remove or interfere in any way whatsoever with any beacon, boundary mark, fence notice or notice board

(2) Any person found guilty of an offence against the provisions of section 41 (1) (a) to (l) shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(3) It shall be an offense for any person to enter into a carbon trading agreement in relation to a county forest in the disguise of representing the Authority or the county government in such a transaction.

(4) Any person who contravenes the provisions of Section 42 (3) above shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

### **General Penalty**

**43.** A person found guilty of an offence against the provisions of this Act for which no specific penalty is provided shall be liable on

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conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

#### **Prohibitions on farm forest produce**

**44.** (1) Except under a license or permit issued under this Act, no person shall transport any farm forest produce.

(2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

#### **Power to impose instant fines and penalties**

**45.** The Authority shall have powers to impose instant fines and penalties for offences under this Act as provided under the Second Schedule of the Act.

### **PART VI—MISCELLANEOUS PROVISIONS**

#### **Application of other laws**

**46.** (1) Where a provision of this Act requires a person to conserve or protect the environment, the relevant provisions of the Environmental Management and Co-ordination Act, 1999, shall also apply with respect to the manner in which the conservation or protection shall proceed.

(2) No user rights or other license or permit granted under this Act shall exempt a person from complying with the relevant provisions of the Environmental Management and Co-ordination Act, 1999, or any other written law concerning the conservation and protection of the environment.

(3) A user or other related right shall not be granted under this Act where the requirement for a strategic environmental, cultural, economic and social impact assessment license under the Environmental Management and Co-ordination Act, 1999, has not been complied with.

#### **Customary rights**

**47.** Nothing in this Act shall be deemed to prevent any member of a community in close proximity to a county forest from using, subject to such conditions as may be prescribed by this Act or any other written law, such forest produce as it has been the custom of that community to take from such forest otherwise than for the purpose of sale.

#### **Incentives and benefit sharing**

**48.** (1) Subject to Article 69 of the Constitution, benefits accruing from investments in forests shall be shared equitably among local

communities by applying various options including applying but not limited to —

- (a) forest conservation and landscape restoration initiatives;
  - (b) infrastructure in county forests;
  - (c) Provision of green jobs; and social amenities, in accordance with rules made under this act or other relevant laws.
- (2) To accelerate restoration, the County Executive Committee Member will develop guidelines on restoration incentives.

#### **Tax and fiscal incentives.**

**49.** (1) The County Executive Committee Member may in consultation with the Authority recommend to the County Executive Committee Member responsible for finance tax, and other fiscal incentives for purposes of increasing investments in forest land use and forest resource utilization in order to promote forest conservation and management, and to prevent or abate forest degradation.

(2) The County Assembly may determine the tax and fiscal incentives applicable.

#### **County tree growing and landscape restoration events and days.**

**50.** (1) There is established a county tree planting day which will be during the October November December rain each year to be pronounced by the County Executive Committee Member and published in the Gazette.

(2) The Authority shall plan and execute programs necessary for observing the county tree-growing events and other relevant national and international tree planting days.

#### **Reporting to the County Assembly**

**51.** The County Executive Committee Member shall prepare and submit to the county assembly a report on all activities of tree growing and landscape restoration.

#### **Application of Part IX of No. 34 of 2016**

**52.** The offences set out in Part IX of the Forest Conservation and Management Act, 2016 shall apply to this Act with necessary modifications.

#### **Dispute resolution**

**53.** (1) Any dispute that may arise in respect of forest conservation, management utilization and landscape restoration shall in the first instance be referred to the County Environment Committee.

(2) Any matter that may remain un-resolved in the manner prescribed above, shall be referred to the National Environment Tribunal for determination, pursuant to which an appeal subsequent thereto shall, where applicable, lie in the Environment and Land Court as established under the Environment and Land Court Act, 2011.

### **Regulations**

**54.** (1) The County Executive Committee Member shall make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, the County Executive Committee Member may prescribe regulations—

- (a) on incentives for sustainable forest management and landscape restoration;
- (b) development of a benefit sharing formula for benefits accruing from forest investments;
- (c) conditions subject to which any license, permit or authorization may be granted or issued under this Act;
- (d) regulating activities in public forests, provisional forests, nature reserve and visitor indemnity;
- (e) prescribing measures that enhance community participation in the conservation and management of forests;
- (f) providing for propagation and protection of endangered and threatened tree species;
- (g) controlling the harvesting, collection, sale of and disposal of forest produce including timber grading and marking, production, transportation and marketing of charcoal;
- (h) prescribing the amount of royalties or fees payable under this act generally or in particular cases;
- (i) regulating the use and occupation of county forests for the purposes of residence, cultivation, and grazing;
- (j) for eco-tourism including recreation, camping, picnicking and cultural activities; and
- (k) providing for compulsory use of property marks by the county government and owners of private forests for the purpose of identifying wood sold from county, community, provisional and private forests.

**FIRST SCHEDULE:**

**CONDUCT OF BUSSINESS AND AFFAIRS OF THE BOARD.**

[Section 10.]

**Tenure of office and conduct of business of the Board**

1. (1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(2) Other than ex-officio members, a member of the Board shall, subject to the provisions of this section, hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term of three years.

(3) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.

(4) A member other than the chairperson or an ex-officio member may—

- (a) at any time resign from office by notice in writing to the Cabinet Secretary;
- (b) be removed from office by the Cabinet Secretary if the member—
  - (i) has been absent from three consecutive meetings of the Board without the permission of the chairman; or
  - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors; or
  - (iii) convicted of an offence involving fraud or dishonesty; or
  - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
  - (v) is incapacitated by prolonged physical or mental illness; or
  - (vi) is found to have acted in a manner prejudicial to the aims and objectives of this Act; or Forest Conservation and Management No. 34 of 2016 - 43 - [Issue 3]
  - (vii) fails to comply with the provisions of this Act relating to disclosure; or

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(viii)is otherwise unable or unfit to discharge his/her functions as a member of the Board.

### **Meetings of the Board**

**2.** (1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting: Provided that the chairperson may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

(2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary. (3) The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(4) The chairperson shall preside over all meetings of the Board in which he is present, but in his/her absence, the vice-chairman shall preside, and in his/ her absence the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(5) At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.

### **Disclosure of interests**

**3.** (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, he/she shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made. 4. Board may regulate procedure Save as provided in this Schedule, the Board may regulate its own procedure.

**SECOND SCHEDULE: MAKUENI COUNTY FORESTS**

<b>S/NO.</b>	<b>Forest name</b>	<b>Area (ha)</b>
1.	Kiou, Ndulume, Kenze	188
2.	Yekanga	100
3.	Mavindini	100
4.	Mutungu Hill	8
5.	Mbuinzau, Kai A+B, Kilema	16,800
6.	Kalumbi and Mwambwani Hills	109
7.	Kitundu A+B, Kyangoma, Nduuni, Salamala, Mukatini	47
8.	Kathekani, Ititi, Kalimakoi, Muliluni	125
9.	Ithumba	5
10.	Nzaini Tree Nursery	2
11.	Nzueni, Muvau, Unoa	304
<b>Total Area</b>		<b>17,788</b>

**THIRD SCHEDULE; INSTANT PENALTIES AND FINES**

<b>Handling of unlicensed forest products and produce</b>		
Person handling Timber	Per incidence	20,000.00
Vehicle ferrying Timber- vehicle (impounded)	Per incidence	50,000.00
Person handling Charcoal-	Per sack	500.00
Vehicle ferrying Charcoal	Per incidence	50,000.00
Person handling Poles	Per incidence	20,000.00
Vehicle handling Poles	Per incidence	50,000.00
Person handling Honey	Per incidence	10,000.00
Stumps and firewood	Per incidence	10,000.00
Stones and minerals	Per incidence	20,000.00
Stones and mineral vehicle	Per incidence	50,000.00
Gum and resins attendant	Per incidence	5,000.00
<b>Involvement of unlicensed forest activities whether on community land or county forests</b>		
Livestock- Cattle, sheep, goat	Per head	500.00
Bee keeping attendant	Per incidence	10,000.00
Logging and charcoal burning attendant	Per incidence	20,000.00
Cultivation – attendant	Per incidence	20,000.00
Mining attendant	Per incidence	20,000.00
Herding attendant	Per incidence	10,000.00
Any other activity (of destructive nature to conservation and	Per incidence	20,000.00

preservation) practitioner			
Dumping (solid, liquid hazardous, hospital, construction, or semi liquid including sanitary)	Per incidence	20,000.00	
Encroachment, interfering of beacons on trust lands, gazetted forests including wet land (person encroaching, per beacon)	Per incidence	100,000.00	
Impounding fee for hand/power saw	Per day	500.00	
Any other destructive activity or illegal activity	Per incident per person	100,000.00	

## FOURTH SCHEDULE

### PRESCRIBED FORMS AND NOTICES

Serial Number: MCFMLR Form 1 \_\_\_\_\_



### CERTIFICATE OF ORIGIN FOREST PRODUCE FROM FARM LANDS AND COMMUNITY FORESTS

*(Issued under Makueni County Forest Management and Landscape Restoration Act 2024; The forest Harvesting Rules, 2009 and Makueni County Laws and regulations)*

#### PART A: DETAILS OF FOREST PRODUCE OWNER

Name of produce

owner.....LR/Plot No.....

ID No.....Mobile Phone No.....

County.....Sub-County.....Ward.....Village.....

Purpose of Harvesting:

#### PART B: ASSESSMENT OF FOREST PRODUCE

No.	Type of produce	Species	Quantity to be harvested/ moved (No./Kgs/Ton/Litres/Bags)	Remarks (By Authorized Officer)
1.				
2.				
3.				
4.				
5				
6				
7				

I certify the information given above is true and has been authenticated by a site visit.

Name.....Signature..... Date.....

### **PART C: APPROVALS**

**Authorized Officer - Approved / Not Approved)**

Fees/other charges due to the County Government have been paid for forest produce in Part B (above).

Name:.....Designation.....Signature.....



### **FIFTH SCHEDULE – PRESCRIBED FORMS AND NOTICES**

**Serial Number/ MCFMLR Form 2** \_\_\_\_\_



**Government of Makueni County**



**Republic Of Kenya**

**GOVERNMENT OF MAKUENI COUNTY**

### **FORM B**

#### **FARM/ COMMUNITY FOREST PRODUCE MOVEMENT**

#### **PERMIT**

Mr./Mrs. .....is authorized to transport.....

From.....To.....

Official receipt No.....Vehicle Reg. No. .....

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Dates of Transportation.....Permit Expiry.....

Name of issuing Officer.....

Signature & Official Stamp.....Verified.....

**Distribution:** Original-To applicant, Duplicate- To remain in the book

**Conditions:**

- (i) Only the original copy of the permit is valid for movement of farm/Community Forest produce
- (ii) This permit is valid for single journey.
- (iii) This permit can only be issued by the Director of Environment and Climate Change, County Government of Makueni.
- (iv) This permit does not apply to small quantities (head-load of firewood) of farm / community forest produce for domestic use.
- (v) Issuing permits will be done during working days and not over weekend and public holidays.
- (vi) The permit will be issued on production of Certificate of Origin for the Farm/Community Forest Produce.
- (vii) Transportation of Farm Forest Produce must be done during day time hours (6 am-6 pm).
- (viii) The royalty is per the Third Schedule of Makueni County Forest Management and Landscape Restoration Act 2023



## **MEMORANDUM OF OBJECTS AND REASONS**

This Bill seeks to provide for implementation of specific national government policies on forestry in accordance with Section 10 of Part 2 to the Fourth Schedule of the Constitution, 2010.

### **PART I—Preliminary**

This Part contains section 1—4. It contains the short title of the Bill, interpretation of terms as used in the Bill, the objects of the Bill and guiding principles and values.

### **PART II—Administration Of Sustainable Forest Management And Landscape Restoration**

This part comprises of section 5—16. It establishes an Authority and provides for the functions of the Authority, powers of the board, its management, roles and advisory functions powers and further, it provides for establishment of forest Community Organizations and their registration.

### **PART III—Establishment, Conservation And Management Of County Forests And Landscape Restoration**

This Part contains section 17-37. It contains substantive provision of establishment, conservation and management of county forests.

### **PART IV—Financial Provisions**

This part contains section 38-39. It contains financial provisions and establishes the County Forest Management and Landscape Restoration Fund alongside its sources of funds.

### **PART V- Enforcement and Compliance**

This part contains section 40-41. It contains provisions for enforcement and compliance on forestry matters and that of officers and confers powers to enforcement and authorized officers.

### **PART VI— Offenses and Penalties**

This part contains section 42-45. Provides for offenses and penalties.

### **PART VII— Miscellaneous Provisions**

This part contains section 46-54. It contains provision on application of other laws, customary rights and incentives and benefits sharing. It further provides for tax and fiscal incentives and county tree planting and events and the extension of offences under Part IX of the Forest Conservation and Management Act, 2016, dispute resolution and provision on regulations.

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The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

JOSEPH MUEMA,  
*Chairperson, Committee on environment and Climate Change.*