

CHAPTER 151

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CHAPTER 151

THE TIMBER (EXPORT) ACT.

Commencement: 1 June, 1950.

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

Preliminary.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “certificate of grading and export” means a certificate of grading and export issued under this Act;
- (b) “export” means export from East Africa;
- (c) “graded timber” means timber graded and marked or passed unmarked in accordance with this Act and any rules made under this Act;
- (d) “grader” means a grader authorised under section 7;
- (e) “grading inspector” means a grading inspector appointed under section 10;
- (f) “marked” means marked in accordance with this Act and any rules made under this Act;
- (g) “timber” means any wood of trees grown in East Africa whether unsawn, hewn, sawn or machined, and includes lumber, shooks, slats, blocks, box boards, flooring strips, shingles and sleepers, but not any other article manufactured from such wood.

2. Power to exclude timber and to control movement.

The Minister may make regulations for the following purposes—

- (a) the exclusion of any kind of timber from the provisions of this Act;
- (b) the restriction or prohibition of the movement of any kind of timber from Uganda either by kind or by quantity.

Export.

3. No export except under certificate of grading and export.

(1) No person shall export any timber to which this Act applies without a valid certificate of grading and export issued for that purpose by the chief conservator of forests or by some person authorised by him or her to issue such a certificate.

(2) A certificate of grading and export shall only be issued in respect of graded timber.

(3) Every certificate of grading and export shall expire six months after the date of issue.

4. Particular restrictions on export.

No person shall—

- (a) export timber except through such places or ports of exit as the chief conservator of forests may, by statutory instrument, declare to be places or ports of exit for the purposes of this section; or
- (b) export any timber in respect of which a certificate of grading and export has been issued except in the state in which it was when the certificate of grading and export was issued.

5. Power to cancel certificate in certain cases.

Where any graded timber is in the opinion of the chief conservator of forests, or of a person authorised by him or her in writing for that purpose, so handled or stored while in transit that the timber is not in the state in which it was when the certificate of grading and export was issued, then the certificate of grading and export in respect of the timber may be cancelled.

6. Prohibition of false certificate of grading and export.

No person shall sign, issue or use in respect of any timber, whether the timber is timber to which this Act applies or not, any document being or purporting to be a certificate of grading and export under this Act knowing or having reason to believe that the document is false, either wholly or in any material particular.

Grading and marking.

7. Chief conservator of forests to authorise graders.

(1) The chief conservator of forests may authorise in writing any person to be a grader for the purpose of carrying out this Act.

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

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

8. Inspection of timber by grader, etc.

(1) When any application is made to a grader to inspect and grade any timber, the timber shall be stacked in parcels to admit of inspection piece by piece by the grader at the owner's mill or such other place as the grader shall require.

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

(3) All handling charges in connection with grading or in connection with any check on grading shall be at the expense of the owner or consignor who shall provide all necessary labour.

9. Marking of timber.

(1) No person other than a grader shall mark any timber, whether the timber is timber to which this Act applies or not, with a mark which is the same as a mark prescribed by any rules made under this Act.

(2) No person shall mark any timber, whether the timber is timber to which this Act applies or not, with a mark so similar to any mark prescribed by any rules made under this Act that it may be or can be mistaken therefor.

(3) When the owner of a piece of marked timber desires to resaw it or otherwise to alter its state, he or she shall before doing so effectively obliterate the mark so that it cannot be mistaken for a mark prescribed under any rules made under this Act.

10. Appointment of grading inspectors.

(1) The chief conservator of forests may, in writing, appoint a public officer to be a grading inspector for the purposes of this Act.

(2) An appointment made under subsection (1) shall be personal to its holder and shall expire on the 31st day of December of the year in which it was made.

(3) Notwithstanding subsection (2), the chief conservator of forests may revoke an appointment made under subsection (1) on the ground that an appointee has not carried out his or her duties in a satisfactory manner.

11. Powers and duties of grading inspector.

- (1) A grading inspector shall—
- (a) inspect timber which has been graded and the layout and condition of timber yards and sheds;
 - (b) examine any other matters connected with the grading, handling, storage and transport of timber as the chief conservator of forests may require; and
 - (c) submit reports on the inspections and examinations carried out by him or her to the chief conservator of forests in such manner and at such intervals as may be required by the chief conservator of forests.

(2) A grading inspector may, in the execution of his or her duties, enter any premises at any reasonable time; and the owner of the premises shall give any reasonable assistance required by the grading inspector.

Miscellaneous.

12. Information may be required.

The chief conservator of forests may by notice in writing require any person exporting any timber to furnish him or her with such particulars in respect of

the exports as may be specified in the notice, and any person who—

- (a) fails to furnish the particulars within one month from the receipt of the notice; or
- (b) makes any false statement in respect of the particulars, commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

13. Offences and penalties.

(1) Any person who contravenes any regulation made under section 2 or the provisions of section 3 or 4 commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and, in addition, the court may order—

- (a) that the timber in respect of which the contravention or failure occurred be forfeited to the Government; or
- (b) where the person convicted is not the owner of the timber, that person to pay an additional fine equal to the value of the timber at the time of export or movement, as the case may be.

(2) It shall be a good defence to any proceedings against any person in respect of a contravention of section 4(b) to prove—

- (a) that it was by reason of storage or handling while in transit that the timber was not in the state in which it was when the certificate of grading and export was issued; and
- (b) that the results of that storage or handling were due to circumstances beyond his or her control.

(3) Any person who contravenes section 6 or 9 commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

14. Appeal to chief conservator.

Any person aggrieved by any decision of a grader may appeal within thirty days of the date of the decision to the chief conservator of forests.

15. Appeal to Minister.

Any person aggrieved by any decision of the chief conservator of forests

made under this Act may appeal within thirty days of the date of the decision to the Minister whose decision shall be final and shall not be called in question in any court.

16. Rules.

The chief conservator of forests may make rules for any purpose for which rules may be made under this Act, for prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect, and, in particular, but without prejudice to the generality of the foregoing provisions, may make rules with respect to any of the following matters—

- (a) the procedure on application for and the forms of certificates of grading and export, and the place or places to which timber may be exported by virtue of the certificates;
- (b) the procedure on application for the grading of timber, and the grade or grades of timber in respect of all or different classes and forms of timber;
- (c) the fees to be paid in respect of grading and services connected with the grading;
- (d) the marks to be placed upon timber, the method of placing the marks and the registration of the marks.

History: Cap. 247; Act 14/1970.