

- Counterfeits or fraudulently uses on any forest produce, a mark used by an authorized person.

### **Under Section 89 of this Act**

#### **Other offences under this Act**

- The obstruction of an authorized person in the execution of his/her duties under this Act.

### **Court's special powers upon convicting a person of an offence under this Act**

The criminal court may in addition to levying any other penalty on a person convicted of an offence under the National Forestry and Tree Planting Act also make any of the following orders:-

#### **Power to order forfeiture**

- Order forfeiture of any forest produce in respect of which the offence was committed.
- Order forfeiture of forest produce found in possession of the person convicted.
- Order forfeiture of any vehicle, weapon, or other thing which was used to commit the offence or which was capable of being used to take forest produce found in his/her possession.

#### **Power to order cancellation of any license/ bar acquisition of a license (section 86)**

- Order that a license be cancelled.
- Bar a person from obtaining a license from any responsible body or forest management institution for a period that it deems fit.

#### **Power to order compensation (section 85)**

The court may order a person convicted of any offence under this Act to pay compensation for the loss or damage caused as a consequence of his/her offence.

#### **Power to order that person to do any act that he/she had failed or refused to do {section 87 (a)}.**

#### **Power to order that person to vacate a forest reserve {section 87 (b) (i)}.**

#### **Power to order that person to restore land within a forest reserve to its original state {section 87 (b) (ii)}.**

#### **Power to order that person to remove any livestock, buildings or enclosures which he/she may have put on the land within the forest reserve or crops which he/she may have planted on land within the forest reserve {section 87 (b) (iii)}.**



## **SIMPLIFICATION OF THE NATIONAL FORESTRY AND TREE PLANTING ACT 8/2003**

### **SENSITISATION PACK No: 6**

# **OFFENCES UNDER THE NATIONAL FORESTRY AND TREE PLANTING ACT**

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- What is an offence?
- What is a crime?
- What is a conviction?
- What is a penalty?
- What offences are created by the National Forestry and Tree Planting Act?
- Court's special powers upon convicting a person of an offence under this Act

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## What is an offence?

An offence is defined as anything which is considered to be illegal under law. It is an illegal action or crime. An offender is one who commits an offence forbidden by law. For something to be an offence it must bear the following characteristics:

- It must be specifically described to be an offence by any law.
- The act or omission forbidden by the law must have been committed.
- It must bear a penalty/punishment if one is found to be guilty of having committed the offence.

## What is a crime?

A crime is an illegal activity i.e an activity that is forbidden by the law. A person who is involved in illegal activities is called a criminal.

## What is a conviction?

A conviction is a decision by a court of law that someone has committed an offence or is guilty of having committed a crime. A person who has been convicted of committing an offence or crime is a convict.

## What is a Penalty?

A penalty is a punishment for breaking a law, rule or legal agreement.

## What offences are created by the National Forestry and Tree Planting Act

There are two categories of offences created by the National Forestry and Tree Planting Act namely:-

- General offences (*Section 81*)
- Other offences (*Sections 82 and 89*)

### General offences

#### *Under Section 81 of this Act*

If anyone does any of the following he/she commits a general offence punishable under this Act:-

- Fails to comply with any of the terms and/or conditions of any license issued by a responsible body / forest management institution e.g National Forestry Authority, Uganda Wildlife Authority, District Forestry Officer.
- Fails to obey an order of an authorized person.
- Fails or neglects to plant trees in accordance with this Act.
- Fails to sustainably manage, maintain and control a forest in accordance with this law.
- Fails to comply with the provisions of a forest management plan.

- Alters, moves, destroys or defaces any forest boundary mark e.g a number of encroachers in the Central Forest Reserves have been found to have altered or defaced or moved forest boundaries.

The penalty for a general offence if convicted is a fine not exceeding forty currency points, or to imprisonment for a term not exceeding five (5) years.

### Other offences under this Act

#### *Under Section 82 of this Act*

If anyone does any of the following he/she commits an offence punishable under this Act:-

- Utters a fake license or issues a license under this law without lawful authority to do so.
- Is found in possession of license which has been fraudulently issued under this law.
- Submits any false information sought in a license application under this law.
- Counterfeits, alters, obliterates or defaces any stamp, mark, sign or license under this Act.
- Knowingly receives or keeps in his/her possession any forest produce bearing fraudulent marks or which has been cut or removed in contravention of this law.
- Transports, deals in or stores timber with counterfeit marks.