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No. 3 of 2025

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**THE TANA RIVER COUNTY SUSTAINABLE CHARCOAL
PRODUCTION ACT, 2025**

AN ACT of the County Assembly of Tana River to promote sustainable charcoal production exclusively from the evasive *prosopis juliflora* species and to provide guidelines on the legal requirements for producers, transporters and traders engaged in the charcoal business and ensuring forest and environmental conservation; and for connected purposes

ENACTED by the County Assembly of Tana River, as follows—

PART I —PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Tana River County Sustainable Charcoal Production Act, 2025.

Interpretation

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

“Act” means the Tana River County Sustainable Charcoal Production Act, 2021;

“Biodiversity” means the variability among living organisms from all sources, including the ecological complexes of which they are a part and the diversity within and among species, and ecosystems;

“Certificate of origin” means a certificate of confirmation of sources of charcoal issued by the charcoal producer under this Act;

“Charcoal” means wood fuel product derived from carbonization of wood or other plant materials;

“County Charcoal Management Committee” means the County Charcoal Management Committee established under section 5 of this Act to advise the Department on all matters relating to the management and conservation of County forests;

“County Chief Officer” means the County Chief Officer responsible for the Administration of the County Department responsible for Environment;

“County Department” means the County Department responsible for Environment;

“County Executive Committee Member” means County Executive Committee Member in-charge of the Department of Environment and Natural Resources in Tana River County;

“County” means the Tana River County as established under Article 176(1) of the Constitution;

“Community” means a clearly defined group of users of forest land and resources identified on basis of ethnicity, similar culture, mode of livelihood or similar community of interests as provided under Article 63 of the Constitution;

“County forest” means—

- (a) any forest situated on community land which has been set aside by the County Government pursuant to the provisions of the Community Land Act;
- (b) any arboretum, recreational park or mini-forest created under section 30 of this Act;
- (c) any forest established as County forest in accordance with the provisions of section 24 of the this Act;

“Deforestation” means the negative reduction of forest cover from the original status;

“Environmental Impact Assessment” shall have the meaning assigned to it under the Environmental Management and Co-ordination Act (EMCA 1999).

“Forestry” refers to the science of establishing, tending, utilising and protecting forest and tree resources, and includes the processing and use of tree products;

“Forest owner” means--

- (a) in the case of public forests; the Kenya Forest Committee;
- (b) in the case of Community forests; the County Government;
- (c) in the case of private forests; an individual, association, institution or body corporate;

“Gazette” means the County *Gazette* or the *Kenya Gazette*;

“sustainable use” in relation to a forest means the use of a forest and any of its natural resources in a manner and to an extent which does not

compromise the capacity of the forest and its use and that of future generations, and does not degrade the carrying capacity of supporting ecosystems;

“*prosopis juliflora*” is an invasive, thorny, deep-rooted tree species commonly known as *mathenge* and is characterized by its rapid growth, high drought tolerance and ability to thrive in arid and semi-arid regions; and

“Protected tree” means any tree or tree species which has been declared under section 34 of the Forests Act to be protected.

Application

3. This Act shall apply to all forests and woodlands on the County and private land in the County.

Objects and purposes of this Act

4. The objectives of this Act are to —

- (a) contribute to poverty reduction, employment creation and improved livelihoods through sustainable use, conservation and management of forests and trees;
- (b) contribute to sustainable land use through soil, water and biodiversity conservation, and tree planting through the sustainable management of forests and trees;
- (c) promote the participation of the communities, private sector and other stakeholders in forest management to conserve water catchment areas, create employment, reduce poverty and ensure sustainability of the forest sector;
- (d) promote dry land forestry to produce wood fuel, charcoal, other wood products and non-wood forest products;
- (e) promote forest extension to enable farmers and other forest stakeholders to benefit from forest management approaches and technologies;
- (f) promote forest research, training and education to ensure sustainable charcoal production;
- (g) promote adaptation and mitigation efforts in Climate Change; and

- (h) assist the County Government in revenue generation and collection from engagement in legal and sustainable charcoal production.

PART II— ADMINISTRATION

Establishment and Composition of the County Charcoal Management Committee

5. There is established the County Charcoal Management Committee which shall comprise—

- (a) the Chief Officer in the County Department of Environment, who shall be the Chair of the Committee;
- (b) Director in-charge of matters related to forestry who shall be the Secretary;
- (c) County Director of National Environment Management Authority appointed under the National Environmental Management Act, 1999;
- (d) a representative of the County Revenue Department;
- (e) a representative of Civil Society Organizations to be appointed by the County Executive Committee Member and approved by the County Assembly;
- (f) County Forest Conservator appointed under the Forest Conservation and Management Act, 2015;
- (g) a representative of community forest associations to be appointed by the County Executive Committee Member and approved by the County Assembly;
- (h) three community representatives from the youth, women and persons with disabilities to be appointed by the County Executive Committee Member and approved by the County Assembly; and
- (i) a representative of the Private Sector appointed by the County Executive Committee Member and approved by the County Assembly.

Qualifications of members of the Committee

6. (1) A person is qualified for appointment as member of the Committee under sub-section (5) (e), (g), (h) and (i) if that person—

- (a) is a citizen of Kenya;
- (b) is a holder of a Secondary School Certificate or its equivalent; and
- (c) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution

(2) In appointing persons as members of the Committee, the County Executive Committee Member shall—

- (a) have regard to ethnic and regional diversity of the people of Tana River County; and
- (b) take into account the national values set out in Article 10 of the Constitution.

Functions of the County Charcoal Management Committee

7. The functions of the County Charcoal Management Committee shall be to—

- (a) vet and approve applications recommended by the chief officer for environment; from Charcoal Producer Associations, transporters and individual farmers for the purposes of regulation;
- (b) review and recommend licensing of Charcoal Producer Associations;
- (c) monitoring of tree planting events by the Charcoal Producer Associations;
- (d) consider and recommend applications for issuance, cancellation or revocation of charcoal producers' license;
- (e) assess and approve plans and structures of intended charcoal production;
- (f) perform such other functions as may be delegated by the County Executive Committee Member or as may be necessary or expedient for licensing sustainable charcoal production, transportation and marketing in accordance with this Act.

Powers of the County Charcoal Management Committee

8. The Committee shall have all the powers necessary for the performance of its functions under this Act and in particular but without prejudice to the generality of the foregoing; the committee shall have power to—

- (a) approve and ratify all policies and restoration plans of the Charcoal Producer Associations;
- (b) revoke or suspend a license issued under this Act; and
- (c) partner with other organizations with similar functions to its own whether within the County or otherwise.

Oath of office

9. The Chairperson, Members and the Secretary shall, before assuming office, make and subscribe, before the Governor, to the oath of office or affirmation set out in the Third Schedule.

Tenure of office

10. A member of the Committee, apart from *ex-officio* members, shall hold office for a period of three years and shall be eligible for reappointment.

Removal of members of the Committee

11. A member of the Committee may be removed from office on any one or more of the following grounds—

- (a) serious violation of the Constitution or any other law;
- (b) gross misconduct, whether in the performance of their functions or otherwise;
- (c) physical or mental incapacity that will render the person incapable of performing his or her duties;
- (d) absence from three consecutive meetings of the Committee without a reasonable explanation;
- (e) incompetence or negligence of duty; or
- (f) bankruptcy.

Vacation of office

12. A person shall cease to be a member of the Committee if that person—

- (a) resigns in writing to the County Executive Committee Member;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;

- (c) is incapacitated by prolonged physical or mental illness from performing the duties of the office of a member of the Committee;
- (d) is removed from office in accordance to the provisions of section 10; or
- (e) dies.

Conduct of business by the Committee

13. The conduct and regulation of the business and affairs of the Committee shall be as provided in the Fourth Schedule.

Appeal

14. Any person who is aggrieved by the decision of the County Charcoal Management Committee may within thirty days of communication to him or her of such decision appeal to the National Environmental Tribunal established under the Environmental Management and Co-ordination Act, 1999.

PART III—ESTABLISHMENT OF CHARCOAL PRODUCER ASSOCIATIONS

Establishment of Charcoal Producer Association

15. (1) All commercial charcoal producers shall organize themselves as charcoal producer association(s) as set out in the First Schedule and Form 1 of the Second Schedule.

(2) The Association under sub-section (1) shall be registered under the Societies Act.

(3) A Charcoal Producer Association that meets all the requirements provided under this section alongside the first and second schedule shall be issued with a license.

Roles of Charcoal Producer Associations

16. The roles of Charcoal Producer Associations are—

- (a) to facilitate sustainable production of charcoal by members;
- (b) ensure that members implement the restoration and conservation plans;
- (c) develop and implement a code of conduct for its members for self regulation;

- (d) to assist the County Government and the Kenya Forest Service in enforcing the provision of this Act relating to sustainable charcoal production, transportation and marketing; and
- (e) each association shall maintain a register of all charcoal producers within their jurisdiction and licensed under this Act.

Producer Association Formation and Licensing

17. (1) The Charcoal Producer Association shall—
- (a) provide a list of all members and their addresses;
 - (b) prepare their constitution and rules;
 - (c) register as an association with the Registrar of Societies and compliance to all statutory requirements;
 - (d) provide a list of operational areas of the group and their scope of work;
 - (e) list the group's record of activities relating to charcoal production and transportation;
 - (f) carry out environmental impact assessment test for each charcoal producing area and further carry out area zoning for charcoal production;
 - (g) give information relating to land ownership;
 - (h) give a record of the present activities on the land;
 - (i) provide a list of intended technology to be used in charcoal production;
 - (j) provide information on the quantity of charcoal they produce;
 - (k) provide information of charcoal collection points in their area of application.
 - (l) package, Label and brand their charcoal and any other value addition strategies forward the application to the Chairperson of the County Charcoal Management Committee for review.
- (2) A Charcoal Producer Association that meets all the requirements provided under this section and any other requirements set by this Act may be issued with a license.

Charcoal Transporters Association

18. (1) All persons desirous of engaging in the business of transporting Charcoal within or from Tana River County shall organize themselves in a Transporters Association.

(2) The Association under sub-section (1) shall be registered under the Societies Act.

(3) The formation of Charcoal Transporters Association shall entail the following—

- (a) provide a list of all members and their addresses;
- (b) prepare their constitution and rules;
- (c) register as an association with the Registrar of Societies and compliance to all statutory requirements;
- (d) list operational areas of the group and their scope of work;
- (e) list the group's record of activities relating to charcoal transportation;
- (f) provide information on the quantity of charcoal they transport;
- (g) provide information of charcoal collection points in their area of application;
- (h) provide a description of the intended means of transportation for the charcoal;
- (i) forward the application to the chairperson of the county charcoal management committee for review.

(4) A Charcoal Transporters Association that meets all the requirements stipulated under this Section and any other requirements set by this Act may be issued with a transportation permit.

PART V—LICENCING OF CHARCOAL PRODUCERS

Requirement for a licences

19. (1) No person or association shall establish or engage in charcoal production for commercial purposes unless such person has applied for and obtained a license issued by the Committee under this Act.

(2) A license under this Act shall be granted on—

- (a) Application in the prescribed Form 2 as set out in the Second Schedule,

- (b) upon payment of the prescribed fee; and
- (c) subject to recommendation of the County Charcoal Management Committee or such other conditions as the County Executive Committee Member responsible for Environment may determine.

(3) The Charcoal Producer Association, on recommendation of the County Charcoal Management Committee, where it considers it expedient for ensuring sustainable charcoal production, may at any time vary the conditions referred to in sub-section (2) above.

(4) Notwithstanding sub-sections (1), (2), and (3) above, any person desirous of producing charcoal on his or her own land is exempted from seeking a license, provided that the charcoal so produced is not for commercial purposes.

(5) Any person who intends to produce charcoal on his or her own land for commercial purposes shall be required to obtain a license under this Act.

(6) Any person who produces charcoal pursuant to sub-section (4) above and intends to transport it for sale shall be required to obtain a charcoal movement permit issued under this Act.\

Issuance of license

20. (1) Every person or association desirous of obtaining a license shall —

- (a) make application to the County Charcoal Management Committee or the relevant charcoal producer association in prescribed form as set out in Form 2;
- (b) provide such other information as may be prescribed or deemed necessary; and
- (c) pay the prescribed fee.

(2) An application for the renewal of a license shall be made at least one month before the expiry date of the existing license.

(3) On receipt of an application under this Act, the Committee may make such investigation or require the submission of such declaration or further information as it may deem necessary in order to enable it to consider the application and make recommendation to the Committee.

(4) In considering the license application, the Committee shall have regard to the material considerations which include—

- (a) a registration certificate of the Association or firm accompanied with its constitution and list of members or articles of incorporation, as the case may be;
- (b) the place or places where charcoal is to be produced;
- (c) designated charcoal collection point(s);
- (d) consent from the owner, or authorized person, of the land where charcoal is to be produced as set out in Form 3 of the Second Schedule;
- (e) tree species, number of trees and estimated volume to be used for charcoal production;
- (f) type of technology to be used as may be prescribed under this Act or any other written law, in particular, the Energy Act; and
- (g) a reforestation or conservation plan for the area where trees will be managed for charcoal production.

(5) After considering an application made under this Act and all matters appearing relevant thereto, the Committee may, with the approval of the County Executive Committee Member, grant or refuse to grant the license and may attach to any license so granted such conditions as the committee may deem expedient.

(6) Every license issued under this Act, shall, unless invalidated pursuant to provisions of any other written law made thereunder, remain valid up to the date stated therein or where no such date is specified up to 31st December of the year in which it is issued.

(7) A license issued under this Act is not transferable.

(8) Any person aggrieved by the decision of the committee may, within thirty days of communication to him or her of such refusal, appeal to the National Environment Tribunal established under the Environmental Management and Co-ordination Act, 1999.

(9) The Tribunal may confirm, vary or reverse the decision and shall issue instructions as to its decision to the Committee.

Revocation, suspension or cancellation of license

21. (1) The County Charcoal Management Committee shall cancel, revoke or suspend any licence issued under this Act where the holder of a licence contravenes the provisions of the license.

(2) The County Charcoal Management Committee shall, upon its intention to suspend the licence under sub-section(1), notify the concerned

party accordingly and give a fourteen (14) days notice of revocation or cancellation thereof unless the concerned party fulfils such conditions as may be specified in the notice.

(3) The County Charcoal Management Committee may confirm, vary or cancel a licence for charcoal production under this Act upon expiry of the period prescribed under sub-section (2) of this Act.

(4) Whenever a licence issued under this Act is revoked, suspended or cancelled, the holder thereof shall cease operations of the charcoal production the subject of the licence until a new licence is issued by the Committee.

Prohibition relating to licences

22. (1) No person shall —

- (a) unlawfully alter or endorse, or lend a license issued to him or her to any other person;
- (b) possess or attempt to operate pursuant to a license issued to another person; or
- (c) having been disqualified from holding a license under the Forests Act or this Act apply for a license without disclosing to the Committee the disqualification.

(2) Any person who contravenes this Act shall be guilty of an offence and liable to a fine of not less than fifty thousand shillings or to imprisonment for a term of not less than one year, or to both such fine and imprisonment.

Requirement to provide data

23. (1) The holder of a licence issued under this Act shall submit at any time as the County Executive Committee Member may specify, data in respect of charcoal production as the County Executive Committee Member may prescribe.

(2) Any person who contravenes this section commits an offence.

Restriction on charcoal production to invasive species

24. (1) All charcoal producers operating within the county shall exclusively produce charcoal from the invasive species known as *prosopis juliflora*.

(2) Any charcoal producer who produces or sells charcoal from any other tree species shall be guilty of an offence and liable to a fine of not less

than fifty thousand or to imprisonment for a term of not less than six months, or to both such fine and imprisonment.

Promotion of Alternative Energy Sources

25. (1) The County Executive Committee Member shall promote the use of alternative energy sources like briquette production from materials such as sludge, cow dung, sawdust, rice husks and other biodegradable waste.

(2) The County Executive Committee Member shall provide support, incentives and guidelines to individuals and associations engaged in the production and use of these alternative energy sources to reduce reliance on traditional wood-based charcoal and enhance environmental sustainability.

Requirement for a reforestation conservation plan

26. (1) Every charcoal producer shall ensure that charcoal is produced in a sustainable manner and as may be prescribed from time to time by this Act.

(2) No person or association may be granted a licence for charcoal production without a reforestation plan for the area the subject of the proposed charcoal production.

County tree planning event

27. There shall be specified tree planting events in the County and the County Executive Committee Member shall be the patron in overseeing the events.

Regulation of Charcoal Production from Indigenous and Exotic Trees

28. (1) Charcoal production from indigenous or exotic trees shall be strictly limited to on-farm forestry practices.

(2) Such production must receive prior approval from the County Executive Committee Member.

(3) Any person who produces charcoal from indigenous and exotic trees without the approval of the County Executive Committee Member commits an offence and liable on conviction to a fine of not less than fifty thousand shillings or to imprisonment for a term of not less than six months, or to both such fine and imprisonment.

(4) The Department shall ensure that the approved practices are sustainable and do not negatively impact the environment or biodiversity.

Protection of endangered and threatened plant species

29. (1) No person shall produce charcoal from endangered, threatened and protected plant species.

(2) The County Executive Committee Member shall, through the *Gazette*, publish regularly a list of endangered, threatened and protected plant species on a yearly basis.

(3) Any person who contravenes this section shall be guilty of an offence and liable to a fine of not less than fifty thousand shillings or to imprisonment for a term of not less than one year, or to both such fine and imprisonment.

PART VI—CHARCOAL TRANSPORTATION**Charcoal movement permit**

30. (1) No person shall, move charcoal or charcoal products from one place to another unless —

- (a) he or she is in possession of a valid charcoal movement permit issued under this Act and is operating in conformity with the terms and conditions of such permit; and
- (b) he or she has a certificate of origin for the charcoal the subject of the charcoal movement permit duly signed by the relevant association or person from whom charcoal is to be obtained; or
- (c) he or she has a receipt from the vendor or farmer.

(2) A charcoal movement permit as prescribed in Form 4 of the Second Schedule may, on application to and approval by the Committee, be issued to a person or an association specifying the vehicle or vessel conveying charcoal or charcoal products on payment of prescribed fee.

(3) In the case of a vehicle or vessel, identification and registration details of the vehicle or vessel shall be entered in the charcoal movement permit before the same is issued.

(4) The charcoal movement permit shall not be transferred to or used for any other vehicle or vessel unless approved by the Committee.

(5) Any person who contravenes this section shall be guilty of an offence and liable to a fine of not less than fifty thousand shillings or to imprisonment for a term of not less than six months, or to both such fine and imprisonment.

PART VII—TRADE IN CHARCOAL**Record keeping**

31. (1) Any person engaged in wholesale or retail trade in charcoal shall keep record of the sources of charcoal, in particular, the certificate(s) of origin and the movement permit(s).

(2) No person or association shall engage in trade in charcoal with unlicensed charcoal producers.

(3) A forest officer or a duly authorized officer may at any time inspect the premises in which wholesale or retail trade in charcoal is being undertaken for the records.

(4) Any person who contravenes this section shall be guilty of an offence and liable to a fine of not less than fifty thousand shillings or to imprisonment for a term of not less than six months, or to both such fine and imprisonment.

Inter County trade relations

32. (1) No person or association shall bring into Tana River County from another County charcoal or charcoal products unless he or she is in possession of a permit issued under this Act.

(2) A person seeking a permit under this Act shall submit an application in the prescribed Form 5 of the Second Schedule to the Committee and shall provide a proper description of the source of charcoal.

(3) The Committee shall consider every application submitted under sub-section (2) and shall forward the application together with its recommendation thereon, taking into account the supply and demand situation, to the Committee for approval.

(4) Where an application under this Act is approved by the Committee, an inter-County trade permit may be issued to the applicant, subject to payment of the prescribed fee.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of not less than fifty thousand shillings or to imprisonment for a term of not less than six months, or to both such fine and imprisonment.

PART VIII—ENFORCEMENT PROVISIONS

Production of license

33. Any licence or permit issued pursuant to this Act shall, on demand, be produced to a forest officer or a duly authorised County officer.

Inspections

34. (1) Inspections for charcoal production, transportation and marketing shall be carried out by a forest officer or a duly authorized County officer—

- (a) regularly;
- (b) when non-compliance is suspected; and
- (c) when required for the purpose of license or permit.

(2) Whenever practicable, inspections shall be carried out without prior notice.

Presumption.

35. It shall be presumed, prima facie, until the contrary is proved, that the person in possession of a charcoal movement permit is duly valid.

Enforcement team.

36. For the purposes of this Act, the enforcement team shall comprise but not limited to—

- (a) Officers of the National Police Committee;
- (b) Officers of the Kenya Forest Committee;
- (c) Officers of the Kenya Wildlife;
- (d) Officers of the County Enforcement Department or related administrative department;
- (e) County village, ward and sub-county administrators;
- (f) authorised community policing members; and
- (g) any other persons as the County Government may deem necessary for carrying out enforcement Activities within the County.

Powers of the enforcement team

37. The enforcement officers may—

- (a) demand from any person the production of an authority or licence for any Act done or committed by that person in a County or provisional forester, in relation to any forest produce particularly charcoal for which a licence required under this Act or under any rules made hereunder;
- (b) require any person found within or without a County or provisional forest who has in his possession any forest produce particularly charcoal suspected to have been taken from such forest, to give an account or manner in which he became in possession thereof and where the account given is not satisfactory, arrest and take such person before a court of law.
- (c) search any vehicle or any vessel and seize and detain any charcoal suspected to have originated from suspicious sources and in respect of which there is reason to believe that an offence has been committed and report to the relevant authorities.

General penalty

38. Any person who contravenes the provisions of this Act for which no specific penalty is provided shall be guilty of an offence and liable to a fine of not less than ten thousand shillings or an imprisonment for a term not exceeding three months.

Effect of conviction

39. (1) The conviction of the holder of a license or permit or his or her authorized agent for any offence under the Forests Act or this Act, unless the Committee in writing otherwise directs, has the effect of cancelling the license or permit and such instrument shall cease to be valid from the moment of conviction.

(2) Any person convicted of an offence under this Act shall, unless the Committee in writing otherwise directs, stands disqualified from holding a license or permit related to the provisions under which he or she has been convicted, for a period of one year from the moment of conviction.

(3) The holder of any licence or permit which is cancelled pursuant to this Act shall, within fourteen days from the date of conviction surrender the licence or permit to the committee.

PART IX—MISCELLANEOUS**Compensation for loss or damages**

40. (1) Where a person is convicted of an offence of damaging, injuring or removing forest produce from any forest, the court may in addition to any other ruling order—

- (a) that such person pay to the forest owner, by way of compensation, a sum equal to the determined value of the forest produce so damaged, injured or removed and where the value cannot be estimated, ten thousand shillings for each offence;
- (b) if it is proved to the satisfaction of the court that the person so convicted is the agent or employee of another person, that other person to pay by way of compensation to the forest owner, the value of the forest produce, unless after hearing that other person, the court is satisfied that the offence was not due to his or her negligence or default;
- (c) the forest produce be removed, and any vessels, vehicles, tools or implements used in the commission of the offence, be forfeited to the County:

Provided that the value of the forest produce shall be the commercial value of the forest produce shall be the commercial value of the forest produce and the cost of repairing the damage caused to biodiversity and the ecosystem as a result of the activities complained of.

(2) Where a person is convicted of an offence of occupying or cultivating land in a forest area without a license, the court may, in addition to any other penalty imposed under this Act, order such person to remove any buildings, enclosures, huts or crops within a period to be specified in the order, and if the person so convicted fails to comply with an order within the period so specified, the buildings, enclosures, huts or crops shall be deemed to be the property of the State, local authority or forest owner, as the case may be, and may be disposed of as the State, local authority or forest owner may think fit:

Provided, however, that expenses incurred as a result of keeping in custody anything seized or detained under this section shall be borne by the person whose property is seized or detained.

Regulations

41. (1) The County Executive Committee Member shall, in consultation with the Committee make regulations for or with respect to any matter which is necessary or expedient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the foregoing, regulations may be made under this section for—

- (a) controlling the harvesting, collection, sale of and disposal of forest produce;
- (b) prescribing and reviewing the amount of fees payable under this Act generally or in particular case;
- (c) the circumstances in which licenses, permits, leases, and other agreement may be applied for, and the manner in which a person to whom a license is granted may exercise a right or privilege suffered upon him/her by the licensee;
- (d) regulating the felling, cutting and removal of forest produce in areas where trees may be felled or removed;
- (e) providing for compulsory use of property marks by the County Government and owners of private forests for the purpose of identification; regulating the establishment of charcoal based industries;
- (f) providing for measures that enhance community participation in the conservation and management of forest at the local level; and
- (g) regulating the production, transportation and marketing of charcoal.

FIRST SCHEDULE**[Section 15]****INFORMATION ON CHARCOAL PRODUCER ASSOCIATIONS**

1. Every community shall encourage individuals or groups involved in charcoal production to form associations.

2. The purpose for which the associations are established is to reduce licensing bureaucracy and make the licensing more affordable.

3. Each association shall specify—:

- (a) list of members of the association and its addresses;
- (b) list of current/interim officials;
- (c) the Constitution and Code of Practice for the Association;
- (d) the place or places where the Association operates from;
- (e) activities of the association in relation to charcoal production and transportation;
- (f) information on whether it owns land and the type of activities on the land;
- (g) type of technology the Association members use in charcoal production and the extent to which they have complied with the requirements under this Act or Regulations or any other written law, in particular the Energy Act;
- (h) her technical and financial capability.

4 A registered Charcoal Producer Association desirous of engaging in charcoal will be eligible provided that its constitution so allows and upon its fulfilment of the requirements set out in paragraph (3) of this Schedule.

SECOND SCHEDULE

[Section 15]

PRESCRIBED FORMS**FORM 1**

Application Reference No.....

**THE TANA RIVER COUNTY SUSTAINABLE CHARCOAL
PRODUCTION ACT, 2024****CERTIFICATE OF REGISTRATION OF ASSOCIATION**

1. Name of Association

2. PIN No. Members

4. Full Address

5: Location of Association:

Conservancy/Area.....Sub-county

Ward.....Village

has been registered as a Charcoal Producers' Association for purposes of engaging in sustainable charcoal production in accordance with the provisions of the Forests Conservation and Management Act, 2015 and the provisions of this Act made thereunder and contingent to conditions specified hereunder:

.....

Fees paid in words.....In figures.Date of issue.....

Date of expiry: 31st December

.....
County Executive Committee Member

FORM 2

[Section 19, 20]

Application Reference No.....

**THE TANA RIVER COUNTY SUSTAINABLE CHARCOAL
PRODUCTION ACT, 2024**

APPLICATION FOR CHARCOAL PRODUCER LICENCE

Part A: Details of Applicant

A1. Name of Licensee (Association or Firm).....

Reg. Cert

A2. PIN No.....

A3. Full Address.....

Part B: Details of Current Charcoal Licence

B1: Name of the current charcoal licence.....

B2: Locality and Date of issue the current charcoal licence.....

Part C: Material Considerations

C1: Place or places where charcoal is to be produced.....

C2: Designated charcoal collection point(s).....

C3: Consent from land owner as prescribed in Form 3.....

C4: Tree species to be used for charcoal production.....

C5: Type of technology to be used

C6: A recommendation from local environment committee.....

C7: Reforestation/conservation plan for the area.....

Part D: Declaration by Applicant

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand that the charcoal license may be suspended, varied, revoked or cancelled if any information given above is false, misleading, wrong or incomplete.

.....

*Name**Position**Signature*

No. 3 *Tana River County Sustainable Charcoal Production* **2025**

On behalf of

Association/Company name and seal Date

Part E: For Official Use Only

Approved/Not Approved.....

Comments.....

Officer. Signature.....Date.....

Fees paid in words.....

In figures.Date of issue.....

Signature

County Executive Committee Member

FORM 3

(Section 20)

**THE TANA RIVER COUNTY SUSTAINABLE CHARCOAL
PRODUCTION ACT, 2024****CONSENT FROM THE LAND OWNER****Part A: Consent Holder**

A1. Consent holders' Name (Association or Firm).....

A2. PIN No.....

A3. Full Address.....

Part B: Consent Grantor

B1: Name of the land owner or authorised person.....

B2: Locality (LR. No.).....

B3: PIN No.

B4: Full Address.....

Part C: Declaration by Land Owner/Authorized Person

I hereby give the association/firm named above consent to produce charcoal on my parcel of land using indigenous/farm forestry wood resources in accordance with the provisions of the Forests Act, 2005, the Tana River County Sustainable Charcoal Production Act, 2014 made thereunder and the following conditions:

.....

.....

.....

Given under my hand

.....

Name Land Owner/Authorised Person Signature

On behalf of firm

Association/Company name and seal Date

PART D: FOR OFFICIAL USE ONLY

Approved/Not Approved.....

Comments.....

OfficerSignature.....Date.....

County Executive Committee Member

FORM 4

[Section 30]

THE TANA RIVER COUNTY SUSTAINABLE CHARCOAL
PRODUCTION ACT, 2024

CHARCOAL MOVEMENT PERMIT

1. Name.....Sub-County.....Ward.....

Name..... of (address).....

Nationality..... ID No/Passport No.

Is hereby authorized to transport charcoal/charcoal products named
herein below:

CHARCOAL/CHARCOAL

PRODUCTS.....QUANTITY.....

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

Firm/AssociationPlace

Firm/AssociationPlace.....

2. Reasons for movement.....

3. Date of Transportation..... Date of expiry.....

4. Official Receipt No.....

5. Name of Issuing Forest Officer.....

Designation..... Signature

6. Name of forest officer supervising removal.....

Designation..... Signature Date.....

2025

Tana River County Sustainable Charcoal Production

No. 3

Fees paid in words.....In figures.

Date of issue.....

.....
County Executive Committee Member

Contingent to any conditions as may be specified:

(a) The charcoal movement permit is not transferable.

(b) Transport of charcoal shall take place between 6 a.m. and 6 p.m.

FORM 5

[Section 32]

APPLICATION FOR CHARCOAL INTER-COUNTY TRADE PERMIT

Part A: Details of the Applicant

A1. Name of Applicant (Association or Firm).....

A2. Reg. Cert No.....

A3. PIN No.....

A4. Full Address.....

A5. Business Location: Name of Building/Place.....

LR No.Street/Road.....

County.....Sub-County.....

Part B: Business Details

B1: Other than the business for which this application is made, are you involved in any other trade in the forestry industry?
YES/NO.....B2: If answer to B1 above is in the affirmative, specify nature or type of business(es)
.....
.....

B4: Name and Address of Consignee/Supplier.....

Part C: Safety Requirements

C1: Does the charcoal for export/import meet the safety standards?
YES/NO.....

C2: Is the charcoal free from fire and safe for transportation.....?

C3: If answer to C1 and C2 is in the affirmative, specify measures taken to
render the charcoal free from fire and other hazards.....

Part D: Declaration by Applicant(s)

I/We declare that the particulars and information supplied by me/us
herein are true, accurate and correct in every respect. I/We understand
clearly that discovery of any false information provided by me/us will
render this application invalid.

Signature.....

Date.....

Name (of signatory).....

Position (in business).....

Part E: For Official Use Only

Approved/Not Approved.....

Comments.....

Officer Signature.....Date.....

Fees paid in words.....In figures.....

Date of issue.....

County Executive Committee Member.

2025

Tana River County Sustainable Charcoal Production

No. 3

THE THIRD SCHEDULE

(S. 9)

**OATH/AFFIRMATION OF THE OFFICE OF
CHAIRPERSON/MEMBERS/SECRETARY OF THE COMMITTEE**

I..... having been appointed (the chairperson to /member of /secretary to) the County Charcoal Management Committee under the Tana River County Sustainable Charcoal Production Act, 2024, do solemnly (swear/declare and affirm) that I will at all times obey, respect and uphold the Constitution of Kenya and all other laws of the Republic, as well as the laws of the County, as legislated by the County Assembly; that I will faithfully and fully, impartially and to the best of my knowledge and ability, discharge the trust and perform the functions and exercise the powers devolving upon me by virtue of this appointment without fear, favour, bias, affection, or prejudice. (SO HELP ME GOD).

Sworn/declared by the said

Before me this day of.....

.....
Governor

FOURTH SCHEDULE (s. 13)**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF THE COMMITTEE****Meeting of the Committee**

1. (1) The Committee shall hold such number of meetings at such places and at such times as it shall consider necessary for the proper discharge of its functions.

(2) Notwithstanding sub-paragraph (1), the Committee shall meet not less than four times in each financial year.

(3) At least fourteen days' notice shall be given prior to any meeting of the Committee.

Special meetings

2. The chairperson or any three members may call a special meeting whenever it is expedient for the transaction of the business of the Committee by giving not less than seven days' notice to the members.

Presiding at meetings

3. (1) The chairperson shall preside at all meetings of the Committee.

(2) In the absence of the chairperson at a meeting, the vice-chairperson shall preside at that meeting of the Committee.

(3) In the absence of the chairperson and the vice chairperson at a meeting, the members present shall elect a member to preside at that meeting off the Committee.

Quorum

4. The quorum for the conduct of business at meeting of the Committee shall be a majority of the members of the Committee.

Voting

5. (1) A decision on any matter before the Committee shall be by a majority of votes of the members present and voting.

(2) In the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

Vacancies and defects in appointment

6. Proceedings of the Committee shall not be invalid by reason only of a vacancy in the membership of the Committee or by reason of a defect in the appointment of a member.

Minutes

7. (1) Minutes of the proceedings at meetings of the Committee shall be kept in such a manner, as the County Executive Committee Member shall direct.

(2) The minutes of the meetings of the Committee shall be available to the County Executive Committee Member or to a person nominated by the County Executive Committee Member, on the request of the County Executive Committee Member.

Power of the Committee to regulate its own procedure

8. Subject to the provisions of this Schedule, the Committee shall regulate its own procedure

Code of conduct

9. The Committee may establish a code of conduct, applicable to all members of staff of the Committee and justifiable for purposes of disciplinary proceedings, to ensure—

- (a) compliance with applicable law;
- (b) the effective, efficient and economical use of the Committee's resources;
- (c) the effective, efficient and economical use of funds designated for payment to beneficiaries of social protection;
- (d) the promotion and assistance of the human dignity of beneficiaries of social protection;
- (e) the promotion and maintenance of a high standard of professional ethics;
- (f) the prevention of conflicts of interest; and
- (g) the assistance of confidential information held by the Committee.

Conflict of Interest

10. (1) A member or employee of the Committee shall be considered to have a conflict of interest for the purposes of this Act if the member or employee acquires any pecuniary or other interest that could conflict with the proper performance of the members or employees duties as a member or employee of the Committee.

(2) If at any time a member or employee of the Committee has a

conflict of interest in relation to any matter before the Committee for consideration or determination or any matter the Committee could reasonably expect might come before it for consideration or determination the member or employee shall immediately disclose the conflict of interest to the other members of the Committee and refrain from taking part, or any further part, in the consideration or determination of the matter.

(3) Where the Committee becomes aware that a member or employee has a conflict of interest in relation to any matter before the Committee, the Committee shall direct the member or employee to refrain from taking part, or taking any further part in the consideration or determination the matter.

(4) If a chairperson has a conflict of interest the member shall, in addition to complying with the other provisions of this section, disclose the conflict that exists to the County Executive Committee Member in writing.

(5) Upon the Committee becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or employee or the Committee and the member with the conflict of interest shall not vote on this determination.

(6) Where the Committee determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in paragraph (5), the member shall vacate office as a member of the Committee unless the member has eliminate the conflict to the satisfaction of the Committee within thirty days of the declaration of the conflict of interest.

(7) The Committee shall report to the County Executive Committee Member any determination by the Committee that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Committee.

(8) The annual report of the Committee shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(9) The Committee shall cause minutes of all resolution and proceedings of meetings of the Committee to be entered in books kept for that purpose.