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# **REGULATIONS ON THE LAW ON FORESTRY AND WILDLIFE**

**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**CHAPTER I  
GENERAL PROVISIONS**

**ARTICLE 1  
Scope of application**

These Regulations are applicable to all activities involving protection, conservation, use, exploitation and production of forest and wildlife resources and covers the marketing, transport, storage and primary transformation (by artisan or by industry) of these resources.

**CHAPTER II  
PROTECTION OF FOREST AND WILDLIFE RESOURCES**

**SECTION I  
National parks and reserves**

**ARTICLE 2  
Creation**

1. National parks and reserves are created, altered or abolished by decree passed by the Council of Ministers, following verification of one or more of the following circumstances:
  - a) The existence of a natural ecosystem with unique characteristics, or which is representative of national heritage;
  - b) The existence of a rare, endemic, declining or virtually extinct species of flora and fauna;
  - c) The existence of fragile ecosystems, as well as those localised on a more than 45-degree slope;
  - d) The existence of natural water sources, degraded areas with special environmental characteristics and which it is possible to rehabilitate;
  - e) The existence of unique landscapes and exceptional scenic beauty.
2. A proposal for the creation of the protection zones referred to in this article must be accompanied by:
  - a) The delimitation of the area;
  - b) The opinion of the administrator of the district or districts covered, based on consultation with the local community;
  - c) The opinion of the provincial governor;
  - d) The opinion of the Ministry for Co-ordination of Environmental Action.

**ARTICLE 3  
Exercise of activities**

The unusual exercise of any activity in a protection zone, referred to in article 11 (2)<sup>1</sup> of Law 10/99 of 7 July may only be authorised through an environmental licence in terms of the law.

**ARTICLE 4  
Use of resources**

1. The use of resources existing in protection zones may only be carried out taking into consideration the norms, restrictions and exceptions laid out in the legislation in force, and the management plans of the respective zones.
2. The use of resources in terms of the previous paragraph shall not negatively affect the ecosystem and the ecological equilibrium in the protection zone referred to.

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<sup>1</sup> Translator's note: this should probably be a reference to article 11 (1), as article 11 (2) does not refer to protection zones.

**ARTICLE 5**  
**Delimitation of a buffer zone**

1. A buffer zone shall be established around the protection zones. The buffer zone is understood to cover a portion of land around the zone, forming a transition area between multiple use areas and the protection zone, the object of which is to reduce the impact arising from human activity, on the respective protection zone.
2. On determining the limits of the planned buffer zone, geographic features of the protection zone, the management plan, concessions and other third party rights around the zone must be taken into consideration.

**ARTICLE 6**  
**Management Plan**

The preparation of management plans for protection zones is done with the participation of all interested parties including the local community.

**SECTION II**  
**Zones with historical cultural use and value**

**ARTICLE 7**  
**Declaration**

1. Forests situated in rural cemeteries, cult worship areas, forestry comprising vegetation used by the local community for the extraction of traditional medicine and forests which are home to species of wildlife used in cults, are all considered to be zones of historical cultural use and value, assuming that the exploitation of such species is not prohibited by law.
2. It is within the competence of the Provincial Governor to declare zones of historical cultural use and value, by despatch, in terms of the law and these Regulations.
3. The Provincial Governor may declare zones of historical cultural use and value when they are very well known as such, or by conversion of a verbal declaration into writing signed by the representatives laid out in line a) of paragraph 3 of this article.
4. The request for the declaration of a zone as laid out in this article shall be made by the local community and should contain:
  - a) A letter of request signed by not less than ten members of the respective community, duly identified;
  - b) Reasons for the request, with an indication of the cultural value, historical and social facts, and other elements which justify the declaration in terms of the law;
  - c) Geographical limits of the area.
5. The absence of a declaration shall not prejudice the rights defined in the law relative to the use of the area and the forest and wildlife resources by the local communities for economic, social, cultural and historic purposes in accordance with their customary norms and practices.

**ARTICLE 8**  
**Access to resources**

Access to natural resources, even where it is for personal consumption, shall not prejudice the rules on protection and conservation, and restrictions may be established taking into account the following:

- a) The exploitation of species of flora and fauna whose use or exploitation is prohibited by law;
- b) The use of instruments and methods permitted by law;
- c) The quotas for the killing/felling of species of flora and fauna established in terms of these Regulations.

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**CHAPTER III  
SUSTAINABLE USE OF FOREST RESOURCES**

**SECTION I  
General rules**

**ARTICLE 9  
Forestry Exploitation**

1. Forestry exploitation is understood to mean all operations or measures linked to the extraction of forest products to satisfy human needs, in accordance with the technical norms of production and conservation of forestry heritage.
2. Forest products are classified as:
  - a) Timber based: logs, sawn timber, plywood, panels and parquet;
  - b) Non timber based: roots, twigs, various spontaneous fibres, tan bark; products of alkaloid substances, cork, naturally occurring rubber, resin, gum, leaves, flowers, mushrooms, honey, wild fruit and seed with commercial and industrial use;
  - c) Ligneous fuel: firewood and charcoal;
  - d) Construction materials: rods, poles, posts, supports, bamboo, reeds, grass and any other product which may be classified as such.

**ARTICLE 10  
Transport**

1. The transportation of forest products by any method requires a transport authorisation, issued by the Provincial Forestry and Wildlife Services.
2. The Provincial Governor shall, on the proposal of the Provincial Forestry and Wildlife Services, define the quantities and types of forest products that are exempt from the transport authorisation in terms of the previous paragraph.
3. In the stowage and transportation of forest products the rules on freight transport established in the national roads legislation shall be observed

**ARTICLE 11  
Classification of timber producing species**

1. Timber producing species are classified according to their commercial and scientific value, rarity, use, strength and quality as precious, first, second, third and fourth grade as per the lists in Annex I, which is an integral part of these Regulations.
2. The Minister of Agriculture and Rural Development shall have the authority to approve and alter the species classification table provided for in the preceding paragraph whenever necessary, as well as the list of flora species considered protected.

**ARTICLE 12  
Export of timber as logs**

1. The exportation of timber in log form is permitted for precious, second, third and fourth grade timber obtained under a simple licence or forestry concession.
2. First grade timber may only be exported after it has been processed in terms of these Regulations.
3. For the purposes of the preceding paragraph processed timber is considered to be that which has undergone primary transformation from log into planks, board, beams, lengths of parquet and laminate.

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**ARTICLE 13**  
**Closed season for forestry**

1. A general closed season for the exploitation of all native forest species is established and shall run from 1st January to 31st March.
2. The Minister of Agriculture and Rural Development shall have authority to establish special closed seasons for particular zones or forest species.
3. Felling, haulage or transport from the felling site to the principal depot during general and special closed seasons referred to in these Regulations is forbidden.
4. The principle depot is considered to be the place where forest products are assembled for transportation to their respective destinations.

**ARTICLE 14**  
**Timber-yard stock**

1. During the closed season only the transportation of forest products from the principal depot to the market or forestry industry is permitted, upon confirmation of the existing quantities by means of a certificate of timber-yard stock issued by the Provincial Forestry and Wildlife Services.
2. Timber-yard stock is considered to be a forest resource which has been felled but which has not for whatever reason been removed from the exploitation site.
3. Outside of the cases referred to in the previous paragraph the timber shall be considered as abandoned and shall revert automatically to the State, without prejudice to the sanctions laid out in the law.

**SECTION II**  
**Forestry exploitation regimes**

**ARTICLE 15**  
**Exploitation for personal consumption**

1. Local communities may, at any time of the year, extract forestry resources for their own consumption, without paying a forestry exploitation fee.
2. The forest products extracted for personal consumption by the local communities may only circulate within the Administrative Post in which the community is located.

**ARTICLE 16**  
**Exploitation by simple licence**

1. Exploitation under a simple licence is only permitted for individual Mozambicans, corporate persons constituted solely of Mozambican citizens, and local communities who wish to exploit the forestry resources for commercial, industrial and fuel purposes.
2. Each national operator will be issued with a simple licence valid for one year with a limit of 500 cubic metres or equivalent, independently of species.
3. Each simple licence shall correspond to a contiguous area equivalent to the volume to be exploited, in accordance with the simplified management plan approved by the Ministry for Co-ordination of Environmental Action.

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**ARTICLE 17**  
**Licensing period**

1. Licensing for the exploitation of timber forestry resources as referred to in article 10 of these Regulations is carried out annually, and the respective applications should be submitted to the Provincial Governor via the Provincial Forestry and Wildlife Services between 2<sup>nd</sup> January and 15<sup>th</sup> February of the year in which the exploitation is to be carried out.
2. Licence applications made in terms of the deadlines referred to in paragraph 1 of this article shall be decided on within the time periods established by the rules on the functioning of Public Administration Services.

**ARTICLE 18**  
**Requirements**

1. Applications for simple licences are addressed to the Provincial Governor and contain:
  - a) Letter of request made on the appropriate form accompanied by the information necessary to identify the applicants and the area;
  - b) Proof of Mozambican citizenship in the case of individuals;
  - c) Proof that the company is constituted solely of Mozambicans in the case of corporate persons, supported by the identity documents of each of the shareholders;
  - d) Topographical drawing, in triplicate on a scale of 1:50,000 based on a map of the region, showing existing paths, roads, settlements and other relevant details;
  - e) Opinion of the District Administrator, preceded by consultation with the local communities, as per the procedure laid out in these Regulations;
  - f) Simplified management plan;
  - g) Exploitation plan;
  - h) Indication of projected markets;
  - i) Indication of the number of jobs to be created and other benefits to the local communities;
  - j) Declaration that the applicant has not submitted any other simple licence application for the current year.
2. The simplified management plan referred to in line f) of the preceding paragraph shall contain:
  - a) Preliminary inventory indicating principle species existing in the area;
  - b) Estimate of the quantity, quality and nature of the products;
  - c) Mean annual exploitation;
  - d) Reference to the industrial and mechanical methods used in the complete exploitation cycle.
3. The Provincial Forestry and Wildlife Services have authority to verify compliance with the requirements of the application, and to check that the application is correctly addressed, and that all the documents required are attached. If there is any anomaly, the applicant shall immediately be given notice to remedy it as a condition for the application to be received and processed.
4. When the application is lodged, the Provincial Forestry and Wildlife Services shall issue the applicant with a document proving the existence or non-existence of previous applications still in force in respect of the same area, by means of a "negative certificate".
5. If another application is being processed, the applicant shall be given the process number, date of lodgement and the identity of the other applicant.

**ARTICLE 19**  
**First-to-file rule**

1. If two or more people have applied for the same area or an overlapping area for the exploitation of the same forest product, or for products which are different but which cannot be exploited simultaneously, the licensing right belongs to the applicant that first submitted a valid

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application, which shall be evidenced by the entry number and issue date of the document referred to in paragraph 4 of the preceding article.

2. In the event that an application is withdrawn, revoked or lapses, applications rank in the order in which they are lodged, and the responsible authorities shall give the applicant next in line notice to exercise his right within 30 days reckoned from the date of the notice.

## **ARTICLE 20**

### **Application process**

1. The Provincial Forestry and Wildlife Services shall process applications for simple licenses in accordance with the rules governing the functioning of Public Administration Service, and they shall be obligated to carry out the following steps:
  - a) Verification of the area requested;
  - b) Verification of the suitability of the applicant, based on whether he has or has not committed any infraction provided for in article 41 of law 10/99 of 7th July;
  - c) Verification of the forestry potential referred to in the preliminary inventory presented by the applicant, and of other biodiversity characteristics in the area;
  - d) Verification of evidence of the capacity to fell, haul and transport, as well as of the use of the forest products resulting from the exploration;
  - e) Inspection of the area with the assistance of the interested party or his representative, to establish the technical terms and conditions for exploitation.
2. The costs of the actions referred to in the preceding paragraph shall be borne by the applicant, by means of a deposit payable in terms of a costs schedule to be established by dispatch from the Minister of Agriculture and Rural Development.
3. Once the actions stipulated in the preceding paragraph have been carried out, the Provincial Director of Agriculture and Rural Development shall, within the same time period, issue an opinion, which shall be attached to the process for dispatch by the Provincial Governor.
4. If the application is rejected the dispatch shall give technical, economic or social reasons for the rejection, and if it is approved it shall indicate any special conditions which must be observed.
5. A simple licence will only be issued after inspection of the equipment, namely the technical means for use in felling, haulage and transport, and once the exploitation fee applicable to the authorised products has been paid in full.
6. The Provincial Directorate of Agriculture and Rural Development shall, prior to the start of exploitation, inform the respective local administrations about applications that have been approved and what terms and conditions apply.

## **ARTICLE 21**

### **Licence**

1. A simple forestry exploitation licence is issued by the provincial directorate following approval of an application, in accordance with the model to be approved by dispatch of the Minister of Agriculture and Rural Development, which license shall include among other things:
  - a) Identity of the licence holder;
  - b) Number, date of issue and validity period of the license;
  - c) Area covered by the licence including dimension and boundaries;
  - d) Quantity of forest products to be exploited;
  - e) Species, grades and respective diameters to be felled;
  - f) Special conditions;
  - g) Proof of payment of a bond of three times the value of the applicable exploitation fee.
2. The topographical sketch of the exploitation area shall include coordinates, natural geographical boundaries and other easily identifiable geographical features.

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3. A licence for exploitation of forest resources on land in respect of which the occupiers have the right of land use and benefit requires the consent of the respective right holder, and partnerships for the exploitation of these resources may be established on terms to be agreed upon between the parties.

#### **ARTICLE 22** **Licence renewal**

1. A forestry exploitation licence shall be renewed up to 30 days prior to its expiry, upon the request of the respective license holder or his representative, by means of a letter of request addressed to the competent entity under the terms of article 18 of these Regulations, in the following cases:
  - a)When there are still forest resources in the respective area for continued exploitation, as per the terms of the approved management plan;
  - b)When the licence holder has failed in whole or in part to complete the exploitation contemplated in the previous licence, as a result of force majeure.
2. For the purposes of the preceding paragraph, force majeure comprises the occurrence of floods, cyclones, or interruption of circulation on the principal access roads to the exploitation area.
3. The renewal of the licence is conditional upon nothing having occurred to discredit the applicant in relation to the previous exploitation and upon his being considered a suitable operator following inspections carried out by the Provincial Forestry and Wildlife Services.
4. The Provincial Governor has the authority to renew simple licences.
5. The request for renewal shall contain:
  - a)Reference to the period for which the renewal is sought;
  - b)A topographical sketch of the area which is the object of the renewal, if it is partial;
  - c)A detailed report of the previous exploitation, giving the reasons for the application for renewal;
  - d)An exploitation plan and a management plan for the period for which the renewal is requested.

#### **ARTICLE 23** **Transfer**

A simple licence is transferable to the legal heirs of the licence holder on his death, and it shall be valid for the year to which it refers. For corporate persons, the transfer shall occur in terms of the legislation in force on the subject.

#### **ARTICLE 24** **Firewood and Charcoal**

1. The use of the principle product of forest species that produce precious timber of grades 1, 2 and 3 for the production of firewood and charcoal is prohibited, as is the use of rare or protected species or species of historical or socio-cultural value.
2. For the purposes of the preceding paragraph, misshapen logs or those which for whatever natural reason or felling defect cannot be used by the timber industry are not considered to be principle products. This situation shall be confirmed by the Provincial Forestry and Wildlife Services.
3. Industries for the processing of tea, tobacco, textiles and ceramics, which function based on energy obtained from ligneous fuels, must fuel their industries with firewood and charcoal derived from forestry concessions or from the exploitation of forestry plantations established for this purpose.

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4. Firewood and charcoal derived from a forestry concession may be exported in terms to be defined in a Diploma to be issued jointly by the Ministers of Agriculture and Rural Development, Co-ordination of Environmental Action and Industry and Commerce.

### **SECTION III Forestry Concession**

#### **ARTICLE 25 Exploitation pursuant to a forestry concession**

1. A forestry concession is considered to be a demarcated area in the public domain destined for exploitation for provision of timber to industry, granted to a particular operator under a forestry concession contract, based on a previously approved management plan.
2. Exploitation under a forestry concession may be carried out by any national or foreign individual or corporate person, and also by local communities interested in exploiting forest resources for commercial, fuel or industrial purposes, based on their capacity as an operator and in accordance with the management plan prepared according to the regulation on Environmental Impact Evaluation and approved by the sector.
3. Forest products destined for national industries (plywood, laminates, panels, agglomerates, mosaic parquet and similar) enjoy a reduction in the exploitation fee, as defined by a specific diploma issued by the Minister of Agriculture and Rural Development.

#### **ARTICLE 26 Concession process**

1. Requests for forestry concessions shall be addressed to the following entities:
  - a) Provincial Governor for areas of up to a maximum 20,000 hectares;
  - b) Minister of Agriculture and Rural Development, for areas of between 20,000 and 100,000 hectares;
  - c) Council of Ministers, for areas beyond the authority of the Minister.
2. An application for forestry exploitation under a concession shall be organised by means of a legal, duly numbered concession process, which shall contain the following:
  - a) Letter of request accompanied by photocopy of identification document. In the case of corporate persons, the articles of incorporation shall be attached;
  - b) Six copies of the topographical map which must include all the identifying features of the land, especially the boundaries, rivers, lagoons, roads, ways, paths and populated areas;
  - c) A descriptive report, which shall include a general description of the forestry areas marked on the map and an indication of the principle species that will be subject to exploitation, making reference to the quality and nature of the products, a preliminary forest inventory, mean annual volume to be exploited, degree of industrialisation and markets to be supplied, and indicating the mechanical and industrial means to be used in the complete exploitation process, projected installations;
  - d) Means of guaranteeing the transformation of forest products obtained in terms of paragraph 2 of article 16 of law 10/99 of 7th July, as well as technical and industrial processing capacity;
  - e) Declaration from the local administration accompanied by the favourable opinion of the local communities with reference to the exploitation application, in accordance with the procedure provided in these Regulations, or a negotiated settlement with the owner when dealing with areas in which rights to land use and benefit are held;
  - f) A survey of all third party rights existing in the area and proposals for their harmonious integration into the requested exploitation;
  - g) A reference to the intention of the applicant to use waste from the process for fuel in terms of article 19 of law 10/99 of 7<sup>th</sup> July.

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**ARTICLE 27**  
**Application process**

1. Once all the information referred to in the preceding article have been collated, the process is filed with the Provincial Forestry and Wildlife Services, and the first to file rule referred to in article 19 hereof shall be observed.
2. The Provincial Forestry and Wildlife Services have the authority to:
  - a) Provide cadastral information based on the map regarding the legal status of the land;
  - b) Verify the suitability of the applicant based on the existence or not of infractions in terms of article 41 *et seq.* of law 10/99 of 7th July;
  - c) Verify the preliminary forest inventory presented by the applicant;
  - d) At the cost of the applicant, publish a notice for three days in a widely circulated newspaper, for claims by third parties;
  - e) Display notices for thirty days at the Provincial Forestry and Wildlife Services, at the offices of the district administration, administrative posts and localities.
3. If there is a claim, it shall be presented through the Provincial Forestry and Wildlife Services within thirty days of the end the publication period.
4. After notice of approval of the application has been given, the applicant has one hundred and eighty days to present a management plan, under pain of loss of the authorisation and forfeiture to the State of any sums already paid.
5. The applicant will also be notified if the application is rejected, so that the applicant may, if he so wishes, lodge an appeal within the legal time limit, which shall have the effect of suspending the process.
6. The top copy of the concession process shall be kept at the competent National Directorate of Forestry and Wildlife, the second copy at the Provincial Forestry and Wildlife Services, the third at DINAGECA, the fourth at the Ministry for co-ordination of Environmental Action and the fifth copy to the respective Provincial Cadastre Services.

**ARTICLE 28**  
**Forestry concession contract**

1. The terms referred to in the preceding articles having been observed, once the management plan presented by the applicant has been approved in terms of paragraph 2 of article 25, and the competent authority has decided on the application, a concession contract shall be entered into, with the state represented by the Provincial Governor.
2. The annual concession fee will be established in a Diploma passed jointly by the Ministers of Agriculture and Rural Development and Planning and Finance, in accordance with the extent of the area and its economic potential.
3. The forestry concession contract shall contain, namely:
  - a) The species to be exploited;
  - b) The duration of the contract;
  - c) The involvement of and benefits to the local community;
  - d) The mechanisms for the control and inspection of concession activities;
  - e) The exploitation quota set per species for the first five years of the concession;
  - f) The projected corporate and industrial installations to be established.
4. The concessionaire shall, within thirty days of signing the concession contract, have it published in the *Boletim da República*.

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**ARTICLE 29**  
**Commencement of forestry exploitation**

Forestry exploitation under a concession shall commence when the following conditions are met:

- a) The corporate and industrial installations shall have been inspected;
- b) Annual exploitation blocks shall have been defined and properly marked by signboards in accordance with the management plan;
- c) The quantity and quality of the species for exploitation shall have been determined;
- d) Annual concession fee shall have been paid;
- e) The exploitation fee shall have been paid in full, in accordance with the annual volume to be felled as defined in the management plan approved by the sector;
- f) An annual exploitation licence shall have been issued.

**ARTICLE 30**  
**Application to renew a concession**

1. The concession holder may apply to have the concession renewed up to 12 months prior to its expiry, on the following terms:
  - a) Letter of request giving the technical reasons for requesting renewal of the concession;
  - b) Presentation of an up to date descriptive report;
  - c) Management plan in terms of paragraph 1 of article 16 of law 10/99 of 7th July;
  - d) Detailed reports indicating the investment made during the previous concession period;
  - e) Any increases or reductions in investments and volumes for the following concession period.
2. The competent body in terms of these Regulations may grant the renewal of a concession contract for a fixed period and establish such terms and conditions as it considers appropriate, or it may refuse the renewal. In either case they must notify the applicant of the decision up to ninety days prior to the end of the concession.

**ARTICLE 31**  
**Rights of a concession holder**

1. The concession holder shall have the following rights:
  - a) To carry out within the concession area, on an exclusive basis, exploitation, research and analysis of the forest resources provided for in their respective concession contract, and to pursue the operations and work necessary for this purpose;
  - b) Within the concession area, to make use of land necessary to conduct the exploitation of the resource, namely the establishment of industrial, corporate and management installations, subject to an application for the right to land use and benefit in terms of the applicable legislation;
  - c) To dispose of the forest products resulting from the exploitation within the terms of the concession;
  - d) To challenge the allocation of the concession area to third parties, in whole or in part, for the same purpose or for incompatible purposes while the concession contract is in force;
  - e) To process forest products which result from the work of other operators on terms to be agreed upon between the parties.
2. The use of other natural resources existing in the concession area requires a licence or authorisation from the relevant authority.

**ARTICLE 32**  
**Obligations of a concession holder**

1. The concession holder is obligated to:
  - a) Establish an industrial processing unit;
  - b) Carry out sustainable exploitation of forest resources in accordance with the approved management plan;
  - c) Respect the rights of third parties within the concession area;

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- d) Permit access for the local communities to natural resources which they require for their personal consumption in terms of law 10/99 of 7th July;
- e) Exploit the resources existing in the area in harmony with the norms and customs of the respective local communities, subject to legal exceptions;
- f) Contract sworn inspectors to guarantee the inspection of the concession, in accordance with the law;
- g) Give preference to local communities when recruiting labour for the concession;
- h) Pay the annual forestry concession fee and respective exploitation fees.

**ARTICLE 33**  
**Delimitation of the concession area**

1. The concession area shall be delimited provisionally by means of a 2-metre wide perimeter path.
2. The concessionaire shall delimit his respective concession area within a maximum of 2 years and shall carry the cost of doing so.
3. The concessionaire shall put up sign boards in defined locations in accordance with the management plan, with the following information:  
*Name of concessionaire...*  
*Concession contract number...*  
*Date of authorisation...*  
*Date of termination...*
4. The delimitation of the concession area shall be done according to the norms laid out in the Technical Annex to the Land Law regulation approved by Ministerial Diploma No. 29 A/2000 of 17th March, with the necessary adaptations.

**ARTICLE 34**  
**Duration of concession contract**

1. The forestry concession contract has a maximum duration of fifty years renewable at the request of the applicant.
2. Request for renewal shall be made one year prior to the expiry of the contract.
3. When determining the duration of a concession contract the size of the area, the forestry potential, the installed capacity for industrial processing and the sustainability of exploitation shall be taken into account.
4. Assignment of a forestry concession contract requires the authorisation of the Provincial Governor, without prejudice to the legal procedures concerning assignments of rights.

**SECTION IV**  
**Hearing of the local community**

**ARTICLE 35**  
**Procedures**

1. Local communities shall be heard in the presence of the applicant or his representative, by the organs of local State administration, by means of actions to be taken by the Provincial Forestry and Wildlife Services, the cost of which is carried by the applicant.
2. When the area which is the object of an application for a forestry concession or simple licence is totally or partially in an area where the respective local communities hold rights of land use and benefit, then the negotiation of the terms and conditions of exploitation must be carried

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

out between the local community the applicant and the State as represented by the respective Provincial Directorate of Agriculture and Rural Development.

### **ARTICLE 36**

#### **Consultative meeting**

1. Based on the report provided by the applicant when lodging the application, the local administration where the concession area is shall call a meeting with the local community, indicating clearly and explicitly what the objectives of the meeting are and giving a minimum of fifteen days notice to ensure the full knowledge and participation of the community.
  - a) For the purposes of the preceding paragraph, the District Administrator or, by delegation, the Head of the Administrative Post, may chair the consultative meeting.
2. Institutions, associations, organisations or any other interested party may attend the consultative meeting as observers.
3. Participants in the meeting shall reach decisions by consensus of the community members present (both men and women) and decisions shall be read and signed by at least ten members.

### **SECTION V**

#### **Forest Plantations**

#### **ARTICLE 37**

##### **Exploitation of Forest plantations**

Any national or foreign corporate or individual person, as well as local communities, may hold title to and exploit a forest plantation, in accordance with the articles that follow.

#### **ARTICLE 38**

##### **Procedures**

1. The title holder of a forestry plantation shall apply to the Provincial Forestry and Wildlife Services for the right to exploit the forest products in their plantation, indicating the licence number of their plantation, the species and quantities to be exploited, the length of time required and the site of the respective products.
2. The Provincial Forestry and Wildlife Services shall immediately conduct an inspection to check the facts provided and issue an exploitation authorisation, which shall include the conditions which the exploitation must observe, as well as the use of waste products of the exploitation.
3. The titleholder of a forest plantation is exempt from the forestry exploitation fee, without prejudice to other fiscal obligations in terms of special applicable legislation applicable, and he shall bear the cost arising from the inspection, and the issuing of the respective transport licences.

### **SECTION VI**

#### **Extinguishment of rights**

#### **ARTICLE 39**

##### **Forms of extinguishment**

Forestry exploitation rights are extinguished:

- a) By renunciation by the right holder;
- b) By lapse or expiry of the validity period;
- c) By revocation.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**ARTICLE 40**  
**Renunciation**

Renunciation may be done by means of a declaration addressed to the Provincial Forestry and Wildlife Services, written by the right holder or his especially empowered representatives, or it may be done tacitly.

**ARTICLE 41**  
**Expiry**

All simple licences, forest concessions and authorisations expire at the end of their validity period, except in the case of renewals provided for under these Regulations.

**ARTICLE 42**  
**Revocation**

1. Exploitation rights may be revoked when the right holder does not observe the terms and conditions established for the forestry exploitation in question, and there is no right to indemnification.
2. The Provincial Directorate of Agriculture and Rural Development may suspend forestry exploitation activity in whole or in part if they find technical reasons that make the exploitation unsustainable.

**CHAPTER IV**  
**SUSTAINABLE WILDLIFE EXPLOITATION**

**SECTION I**  
**Preliminary provisions**

**ARTICLE 43**  
**Objects of hunting (Game)**

1. Any wildlife that inhabits or passes through the national territory is considered to be an object of hunting (game), with the exception of those protected by law
2. In terms of the present regulation the species referred to in the previous number are classified into the following groups:
  - a) Small game
  - b) Large game
3. Small game comprises birds, with the exception of ostrich, buck, pig, reptiles, rodents and carnivores, with the exception of crocodile, lion, leopard, hyena, painted dog and cheetah.
4. Big game comprises anything not covered by the previous paragraph.
5. Protected animals are those listed in annex II, which is an integral part of these Regulations.

**ARTICLE 44**  
**Restrictions on hunting**

1. The following are objects of hunting (game):
  - a) Animals listed in annex II of these Regulations;
  - b) Young of any type of game;
  - c) Pregnant females or females accompanied by young or the distinguishable members of any type of game;
  - d) Any other animal that may be declared as protected by law or by convention.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

2. In exceptional cases the capture of protected species or their young may be authorised, as may the collection of eggs of protected species, for teaching or scientific purposes, when the products are destined for scientific research institutions or museums, or for the purpose of reproducing wildlife in captivity, or for the restocking of protection zones and game farms.
3. The National Directorate of Forestry and Wildlife or the National Directorate of Conservation Areas for Tourism, depending on the area of capture, shall have authority to authorise the acts referred to in the previous paragraph and shall indicate methods, locations and the period in which the capture is to be made.
4. Any hunting activity shall, in terms of law No. 10/99 of 7th July and of the present regulation, guarantee sustainability by following the rules and technical conditions pertaining to hunting.

#### **ARTICLE 45 Hunting Products**

1. Subject to legal exceptions, the game legally killed or captured is considered to be the property of the hunter.
2. The hunter has the right to his respective trophy, subject to legal exceptions.
3. The transport of game products on any road requires a certificate of animal health.
4. The hunter loses the right to the game and the respective trophy whenever the animal killed seeks refuge or falls in a protection zone, game farm or official game park, it being illegal for the hunter to continue to pursue the animal or invoke any right over it and, in either case, the hunter shall endeavour to notify the authorities in the closest protection zone or the owner of the game park or game farm.
5. During the hunt the hunter assumes full responsibility for harm caused to third parties, as well as harm caused by his assistants, those accompanying him, his dogs and his hunting tools and means.

#### **SECTION II Hunting**

#### **ARTICLE 46 Time and Place**

1. A joint Diploma from the Minister of Agriculture and Rural Development and the Minister of Tourism shall, each year, approve a hunting calendar and the respective provincial hunting quotas.
2. For the purposes of these Regulations, the general closed season is the period between 1st October and 31st March.
3. The Minister of Agriculture and Rural Development and the Minister of Tourism shall have authority to establish, by joint Ministerial Diploma, special closed seasons for specific zones or species, whenever there are technical reasons to do so.
4. It is only lawful to hunt during the day, day being considered as the hours between daybreak and sunset, except in cases specifically established in these Regulations.
5. Hunting of leopard, lion, crocodile and warthog are exceptions from the previous number.
6. Hunting may only be carried out in "multiple use" zones, on game farms, in official game parks, in buffer zones and in historically and culturally valuable zones.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)



7. Hunting is forbidden in the following areas and circumstances:
  - a) Protection zones;
  - b) Preferred roosts of birds;
  - c) Nesting sites;
  - d) Protected verges along national roads and the edge of railways, up to 500m on each side, measured from the centre of the track;
  - e) Islands and islets in the national territory;
  - f) Watering holes for wild animals;
  - g) Fires or flooded areas during the fire or flood, and covering an area of 500m into adjacent land.
8. It is forbidden to hunt or carry a hunting weapon during the closed season.
9. During the period referred to in the previous paragraph, weapons must be transported in their cases.

#### **ARTICLE 47 Hunting tools and means**

1. Only the following tools may be used for hunting:
  - a) Hunting weapons
  - b) Bow and arrow and other "white weapons" except for mechanical snares and traps
  - c) Clubs
  - d) Hunting dogs
  - e) Decoy lures
  - f) Boat, for water birds and crocodile
  - g) Horse
  - h) Bait, in the hunting of lion and leopard in official game parks and in game farms
  - i) Other weapons classified as hunting weapons in the legislation on the subject.
2. The employment of snares, nets, dart and tranquilliser guns is only permitted in the capture of animals destined for research, zoos, museums and for repopulation where approved by the National Directorate of Forestry and Wildlife, and visible signs shall be placed to signal their presence.
3. Subject to the exceptions provided by law, hunting in motor vehicles, aeroplanes or helicopters, the use of lamps, poisons, explosives, flares, ambush and waiting at water holes is forbidden.
4. Lamps may only be used in the hunting of leopard, lion and warthog and also crocodile when carried out by boat on rivers, lakes and lagoons.

#### **ARTICLE 48 Firearms for use in hunting**

1. A hunter is permitted to use the following firearms for hunting:
  - a) Smooth bore shotgun/rifle in the case of small game;
  - b) Rifled bore shotgun/rifle, repeating karabiner with chamber larger than 40mm and larger than 6mm calibre, and sights, either open, front or telescopic may be used;
  - c) Rifles, either pump action, repeating or semi automatic;
  - d) Mixed shotguns with over a 40mm chamber and 6mm calibre;
  - e) Tranquilliser and dart guns for the capture of wild animals in terms of the present legislation;
  - f) Other firearms as established by a separate diploma.
3. Automatic or semi automatic weapons shall be modified so as to permit the introduction of a maximum of two rounds.
4. The use of weapons for hunting requires a licence from the Ministry of the Interior.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
 Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
 E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)



**ARTICLE 49**  
**Special obligations of a hunter**

Hunters have the following special obligations:

- a) To kill only animals contained in the licence;
- b) To use hunting tools and means permitted in accordance with the licence;
- c) Not to abandon any piece of dead game except in cases where during or following its escape the game is found to be in a protected area, an official game park or a game farm;
- d) Not to destroy nests of birds or reptiles or their eggs;
- e) Not to make a line of more than six hunters;
- f) Not to transport dead game sectioned in such a manner that it is unrecognisable to inspectors in terms of its species and sex;
- g) Not to sell spoils, either dried or fresh, except in terms of the law;
- h) To do everything within their power not to abandon wounded animals, especially species considered dangerous.

**ARTICLE 50**  
**Other factors**

1. Assistants are considered to be those who assist the hunter named on the license in question and may transport game but may not kill or use firearms.
2. The hunter is solely responsible for the actions of his assistants and those accompanying him, as well as for damages and infractions caused by them during the hunt that they are accompanying.
3. A hunter shall not be accompanied by more than three people.

**ARTICLE 51**  
**Hunting guide**

A hunting guide is any national or foreign citizen domiciled in Mozambique, who is legally authorised to conduct hunting excursions or safaris and to accompany tourists for photo safaris, or to observe the wildlife in their habitat.

**ARTICLE 52**  
**Duties of a Hunting Guide**

Hunting guides have the following obligations:

- a) To establish of a fixed camp in the area;
  - b) To accompany at each time a maximum of two hunters;
  - c) To distribute, whenever possible, game meat from the tourists to the local communities in the hunting area;
  - d) To report all infractions that he becomes aware of;
  - e) To avoid any action which could put at risk the lives or possessions of the tourists;
  - f) To remove snares, traps and nets, unless set up in the terms of these Regulations;
  - g) Defend local communities against the attacks of animals which have become dangerous, assisting with their removal or culling should circumstances require it;
  - h) Register in his log book all occurrences, all relevant facts which he knows about, for the purpose of statistics or control and management;
  - i) Take out third party liability insurance.
2. The hunting guide may be civilly or criminally liable for the injury or death of any of the people whom he is accompanying, if it is proved that he was negligent or fraudulent in terms of the cause of the accident.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**ARTICLE 53**  
**Hunting guide's permit**

1. The National Directorate of Conservation Areas shall have authority to issue the hunting guide's permit, having consulted with the hunters' club.
2. When making the application the applicant shall:
  - a) Prove that he has specific training;
  - b) Present a criminal record check;
  - c) Present a weapon registration certificate in his name or in the name of the entity that will employ him;
  - d) Present a medical certificate proving his physical fitness and mental stability with special reference to hearing, vision and reflexes and mental health;
  - e) Present a declaration of honour in which he promises to uphold and enforce the hunting law and the ethics of the sport;
  - f) Make a declaration of honour to the effect that, in case of danger, he will defend the lives of tourists he is accompanying and his assistants;
  - g) Prove that he has basic first aid training.

**ARTICLE 54**  
**Regulation**

The Ministers of Tourism and Labour have authority to issue regulations on permits for hunting guides and their assistants, by joint Ministerial Diploma.

**SECTION III**  
**Modalities**

**ARTICLE 55**  
**Hunting licences**

1. Only those holding a valid hunting licence and other legally required documents may hunt.
2. Hunting licences are of two types distinguished by colour, as established by a joint Ministerial Diploma of the Minister of Agriculture and Rural Development and the Minister of Tourism, one being for nationals and the other for foreigners.
3. Obtaining a hunting licence is conditional on:
  - a) Being over 18 years old;
  - b) Not suffering any physical or mental defect which would make the act of hunting dangerous;
  - c) A declaration from the applicant that he is not by legal or judicial means prohibited from hunting or carrying or using a firearm.
4. A hunting licence shall include:
  - a) Number and date of issue;
  - b) Validity period;
  - c) Recent passport photograph of the holder;
  - d) Full name, date and place of birth of the holder;
  - e) Nationality and usual place of residence of the holder;
  - f) The prohibition or otherwise of the use of fire arms and other legal conditions imposed on the holder;
  - g) The species covered by the licence;
  - h) A table of observations on the behaviour of the holder.
5. The hunting licence is personal and non transferable.
6. Only hunters having one of the following types of hunting license are permitted to hunt:

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

- a) Licence type A
- b) Licence type B
- c) Licence type C
- d) Licence type D
- e) Licence type E
- f) Licence type F

7. Each type of licence corresponds to a type of hunting, tools to be used, type of hunter, species to be hunted and area for hunting.

**ARTICLE 56**  
**Issuing of licences**

Applications for licences must be made on the appropriate form, which will be approved by a joint Ministerial Diploma from the Minister of Agriculture and Rural Development and the Minister of Tourism.

**ARTICLE 57**  
**Type A Licence**

1. Hunting licence type A is for sport hunting in official game parks and game farms and may be issued to foreigners or nationals in terms of paragraph 1 of article 22 of Law No. 10/99 of 7th July.
2. The hunting licence referred to above permits the holder to hunt large and small game in keeping with the respective licence.
3. The Ministry of Youth and Sport shall be heard as part of the process of licensing the type of hunting laid out in this article, with respect to the sport aspect of the activity.

**ARTICLE 58**  
**Application**

1. The application for a model A licence is done by concessionaires of official game park concessions or game farm owners, on behalf of the beneficiary hunters as per the quota established for the concession holder, and is addressed to the National Director of Conservation Areas or the National Director of Forestry and Wildlife, respectively, depending on whether the application or from an official game park or a game farm.
2. The application shall contain:
  - a) The name of the hunter who will use the licence;
  - b) The identity of the concession holder with reference to their respective game park or game farm;
  - c) The legal requisites for the issuing of a licence as per the present regulation;
  - d) The quota of species allocated for the respective hunting season, or in the case of game farms an approved management plan;
  - e) An indication of the species to be hunted as well as the tools and methods to be used and the hunting guide in charge.

**ARTICLE 59**  
**Type B Licence**

1. Hunting licence type B is designed for use for sport hunting in multiple use zones, exclusively by national citizens in terms of paragraph 2 of article 22 of Law No. 10/99 of 7th July.
2. Under the license referred to above, the respective licensees are allowed to hunt the animals for which the licence has been issued, using the tools and methods permitted for the hunting of these respective species.

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

3. Type B licence applications shall contain:
  - a) Name of applicant;
  - b) The legal requisites for the concession of the licence in terms of the present regulation;
  - c) An indication of the area where the hunting is to take place;
  - d) The hunting period;
  - e) The species to be hunted;
  - f) The permitted tools and methods to be used.
4. Holders of type B licences shall, when requesting the licence present proof of civil liability insurance for damage to third parties, or pay surety to the Provincial Forestry and Wildlife Services to guarantee the payment of fines and damage caused by the hunter, his assistants and those accompanying him.
5. The application for a type B licence should be addressed to the Provincial Governor via the respective Provincial Forestry and Wildlife Services.

#### **ARTICLE 60 Type C Licence**

1. A type C licence is to be used for commercial hunting by game farm operators in terms of article 23 of law 10/99 of 7th July.
2. The licence referred to in this article is applied for by the game farmer and the following shall be presented:
  - a) Name of the hunter who will use the licence;
  - b) Identification of the game farm and its owner;
  - c) Game farm management plan;
  - d) Species to be hunted;
  - e) Hunting period;
  - f) Methods and tools to be used
3. Once the items required by the previous paragraph have been complied with the Provincial Forestry and Wildlife Services will inspect the game farm to establish the terms and conditions of the hunt.
4. A type C licence is exempt from hunting fees but the applicant is required to cover the costs of the issuing of the licence, inspections, transport licences and respective trophy certificates.
5. The application for a type C licence is addressed to the National Director of Forestry and Wildlife.

#### **ARTICLE 61 Type D licence**

1. A type D hunting licence is used for hunting carried out in multiple use forest areas for the personal consumption of the applicant in terms of article 21 of law 10/99 of 7th July and may only be issued to Mozambican nationals.
2. The abovementioned licence permits the holder to hunt small game using the tools permitted for the hunting of that species as per the respective licence.
3. The application for a type D licence is addressed by the interested party to the Provincial Governor via the Provincial Forestry and Wildlife Services and shall contain:
  - a) The name of the applicant;
  - b) The legal requirements fulfilled in order to grant the licence in terms of these Regulations;
  - c) The place where hunting will take place;
  - d) The species to be hunted and the permitted tools and methods to be used;
  - e) Indication of the assistants and accompanying persons, if any.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**SECTION IV**  
**Community Hunting**

**ARTICLE 62**  
**Community Hunting Zones**

The exploitation of wildlife by local communities for their own consumption may be carried out in the following areas:

- a) Hunting in areas of historical and cultural use and value;
- b) Hunting in multiple use zones;
- c) Hunting in official game reserves;
- d) Hunting in productive forests.

**ARTICLE 63**  
**Community Hunter**

1. The right to hunt in terms of the previous article shall only be recognised for an individual who is a member of a particular local community, in accordance with the customary norms and practices and who is recognised in the quality and role of community hunter.
2. The status of community hunter is non-transferable.
3. Community hunters shall be recognised by the respective Provincial Forestry and Wildlife Services by means of a verbal declaration from the community applicant accompanied by the testimony of a minimum of five members, without prejudice to steps carried out by the Provincial Forestry and Wildlife Services in order to confirm this.
4. Community hunters shall, in the exercise of their activities, meet the obligations laid down for hunters in article 49 of these Regulations, in particular to assure the protection of the local community against attacks on people or goods by wild animals.

**ARTICLE 64**  
**Type E licence**

1. A type E licence is for the hunting of small game by local communities for their own consumption and is issued to the community hunters as specified in the previous article.
2. Local councils shall have authority to licence members of the local community to kill species of small game for their own consumption, adhering to the management plans of the official game reserves, the rules of sustainability in the zones of historical and cultural use and value, and in co-ordination with the Provincial Forestry and Wildlife Services.
3. Hunting carried out in this way is exempt from fees.

**SECTION V**  
**Capture of wild animals**

**ARTICLE 65**  
**Type F licence**

A type F licence is used for the capture of wild animals or the collection of eggs, which may be carried out by any individual person, national or foreign.

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

## **ARTICLE 66**

### **Application**

The procedures and requirements necessary to obtain a type F licence are governed by the prerequisites laid out in the preceding articles, with the necessary adaptations, according to the type of applicant, location and species that is the object of the application.

## **ARTICLE 67**

### **Regulation**

The Minister of Agriculture and Rural Development and the Minister of Tourism shall issue a joint Ministerial Diploma to define the rules on the capture of wild animals and the collection of eggs.

## **SECTION VI**

### **Hunting to defend persons and property**

## **ARTICLE 68**

### **Requirements**

1. The following are the requirements for hunting in defence of persons and property:
  - a) The existence of an actual or imminent attack by wild animals on persons or property;
  - b) The impossibility of driving the animals away.
2. For the purposes of these Regulations, an actual attack is considered to be one or more wild animals are chasing or attacking persons or property; and an imminent attack is considered to be when one or more wild animals are heading for or have entered property or dwelling areas with strong indications that they may attack the persons or property existing there.
3. For the purposes of paragraph 1, the impossibility to drive away animals is considered to exist when dealing with dangerous animals, or others that are not dangerous when they will not go away after the use of methods considered to be the norm for driving away that particular species.
4. Property is taken to mean human life, crops, domestic animals, dwellings, vehicles and other items of economic value or social relevance.
5. The hunting referred to in this article is not subject to closed seasons or to the limitations and restrictions defined for hunting activities.

## **ARTICLE 69**

### **Competent entities**

1. Specialised brigades comprising inspectors or other officers of the sector, community agents sworn inspectors, hunting guides and community hunters are competent to carry out hunting in defence of persons and property.
2. For the purposes of the preceding paragraph, sworn inspectors, hunting guides and community hunters may apply to the Provincial Forestry and Wildlife Services for authorisation to hunt in defence of persons and property.
3. Hunting in defence of persons and property is unpaid, and all those locally involved in it shall mobilise resources in order to carry it out when requested by the competent entities or services referred to in paragraph 1 of this article.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**ARTICLE 70**  
**Hunting in defence of human life**

The type of hunting referred to in the preceding articles, when in defence of human life, may be carried out by any individual with or without licence provided that the requirements established in article 68 hereof have been met, and that they notify the nearest Administrative Services or Authorities afterwards, within not more than 48 hours of the event, unless the occurrence is in such a remote area that they may justify making a later notification.

**ARTICLE 71**  
**Abuse of hunting in defence of persons and property**

Any person who is not authorised or who alleges to be hunting in defence of persons and property but does not meet the legal requirements for this purpose, and who consequently captures, kills or wounds a species of wild animal, will be charged with hunting without a licence or hunting not in breach of the legally established conditions.

**ARTICLE 72**  
**Destination of products**

The spoils resulting from the wild animals killed in terms of the previous articles, when considered to be hygienic and safe for consumption, will be distributed free to the respective local communities, a part having been saved for those involved in the hunt.

**ARTICLE 73**  
**Regulation**

The Minister of Agriculture and Rural Development and the Minister of Tourism shall have authority to establish, by joint Ministerial Diploma, any other norms of application and exercise of hunting in defence of persons and property, as well as the conditions for culling for reasons of management and ecological imbalance.

**SECTION VII**  
**Trophies**

**ARTICLE 74**  
**Possession and transport of trophies**

1. The possession, transport and marketing of trophies from wildlife species are subject to a manifest from the National Directorate of Forestry and Wildlife or the National Directorate of Conservation Areas for Tourism, depending on where the trophy came from, up to 30 days following the hunting season to which it applies.
2. A trophy manifest consists of the registration of the trophy in the name of the licence holder, and having the site and date of the killing marked on the trophy with indelible ink, subject to the payment of the relevant manifest fee.
3. If the manifest has not been done within the time period referred to in paragraph 1, the trophies may travel within the country under the respective hunting licence.

**ARTICLE 75**  
**Transformation and manufacture of trophies**

1. Any individual or corporate person interested in carrying out the transformation, marketing, preparation or manufacture of trophies shall request the relevant authorisation from the Minister of Agriculture and Rural Development.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

2. The Ministry of Agriculture and Rural Development has the competence to inspect trophies, whether transformed or not, with a view to confirming the legality of their origin or of the raw materials used

**ARTICLE 76**  
**Movement of trophies**

1. The alienation for valuable consideration or for free of any trophy not accompanied by a declaration of the seller in respect of the transfer of manifest, licence or respective transport licence is null and void.
2. The exportation of trophies requires the authorisation of the Minister of Agriculture and Rural Development, without prejudice to other authorisations and procedures required by other bodies.

**ARTICLE 77**  
**Found trophies**

1. Any person who finds a hunting trophy shall submit it in return for a receipt to the Provincial Forestry and Wildlife Services, Provincial Directorate of Tourism or the closest administrative or police authority within 30 days of having found it.
2. Trophies found and handed in as above will be sold at a public auction when they are not considered to be national heritage in terms of the following article, and 20% of the sale value will be given to the finder.

**ARTICLE 78**  
**Trophies considered to be State heritage**

1. Certain trophies because of their size, weight, shape or other characteristics or genus may be declared national heritage of the State and be used for museums, official collections or scientific purposes.
2. The specific characteristics of such trophies will be established in joint Ministerial Diploma from the Minister of Agriculture and Rural Development, the Minister of Planning and Finance and the Minister of Culture.

**CHAPTER V**  
**REGENERATION OF FOREST AND WILDLIFE RESOURCES**

**SECTION I**  
**Reforestation**

**ARTICLE 79**  
**Forestry Plantations**

1. Any individual or corporate person interested in establishing a forestry plantation for conservation, commercial, fuel or industrial purposes may do so in terms of the following articles.
2. The establishment of plantations for the purposes mentioned in the previous paragraph presupposes that the interested party has the right of land use and benefit in respect of the area to be planted in terms of the Land Law.

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Translation by Mozlegal and Nakosso

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)



**ARTICLE 80**  
**Forestry plantations for conservation purposes**

Projects to restore degraded areas solely for conservation purposes do not require an environmental impact assessment.

**ARTICLE 81**  
**Industrial, commercial and fuel purposes**

Projects for plantations for industrial, commercial and fuel purposes require an environmental impact assessment.

**SECTION II**  
**Repopulation of wildlife**

**ARTICLE 82**  
**Introduction of species**

Any individual or corporate person who holds the concession of a game farm or an official game reserve, as well as those who, under a contract of transfer of exploitation and management, exploit a protection zone or an area with adequate conditions for the creation of a game farm, may introduce wildlife species in the respective areas provided they have the required licences.

**ARTICLE 83**  
**Ownership of species introduced**

1. The species and their young resulting from introduction by concession holders, under concession contracts and contracts for the transfer of exploitation and management of protection zones are the property of the State, except where the contract establishes a different regime.
2. Species and their respective young introduced by game farm concession holders are the property of the concession holders except if another regime has been established by contract.
3. Exceptions to the previous paragraph are any young born after the expiry or revocation of the game farming concession.
4. Species introduced by individual or corporate persons who are performing disciplinary measures for committing infractions of law 10/99 of 7th July and of these Regulations are always considered the property of the State.

**ARTICLE 84**  
**Breeding and exploitation of wild animals**

1. The breeding and exploitation of wildlife is undertaken for the purpose of obtaining spoils and trophies for marketing, preferentially of species endemic in the region.
2. The following requirements apply to the establishment of a game farm:
  - a) Presentation of management and exploitation plans;
  - b) Effective fencing in keeping with the type of animals to be bred;
  - c) Maintenance of lagoons (watering holes) and places for the containment and securing of animals;
  - d) Presentation of a hunting plan including respective hunting periods;
  - e) Indication of food sources;
  - f) Preparation of an inventory of natural resources existing in the proposed area;
  - g) Projection of industrial installations appropriate for the handling and processing of meat and trophies;
  - h) Creation of security measures and alternatives in the case of dangerous animals.

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Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

3. The application for authorisation to establish a game farm under the terms of the previous paragraph is addressed to the Minister of Agriculture and Rural Development and shall contain documentary proof of the right of land use and benefit.
4. The Minister of Agriculture and Rural Development has authority to approve, by means of a Minister Diploma, any other rules on the breeding and exploitation of wild animals.

**ARTICLE 85**  
**Commencement of activities**

1. Once the project has been approved in terms of the requirements set out in the previous paragraph, the applicant will be notified and will be required to begin detailed studies of the area and preparing a management and exploitation plan, within a time not to exceed 90 days.
2. The Provincial Forestry and Wildlife Services shall inspect the installations prior to the start of activity with a view to verifying that all the conditions established in the management plan for the start of activities have been observed.

**CHAPTER VI**  
**MANAGEMENT OF FOREST AND WILDLIFE RESOURCES**

**SECTION I**  
**General Rules**

**ARTICLE 86**  
**Competent Authority**

The management, administration, control and supervision of activities involving the use of forest and wildlife resources as well as the respective ecosystems existing within the national territory are the responsibility of the State through the Ministry of Agriculture and Rural Development.

**ARTICLE 87**  
**Conservation zones for tourism purposes**

1. The national parks and reserves, zones for the development of eco-tourism, projects for the development and operation of eco-tourism and community programmes involving conservation and eco-tourism as well as the official game reserves fall under the Ministry of Tourism.
2. The Minister of Tourism, in collaboration with the Ministry for Co-ordination of Environmental Action, has authority to approve internal regulations and management plans for the zones referred to in the preceding paragraph.

**SECTION II**  
**Consultants to carry out inventories and management plans**

**ARTICLE 88**  
**Compulsory registration**

1. Forest and wildlife inventories as well as management plans referred to in law 10/99 of 7th July and in these Regulations may only be carried out by persons registered at the Ministry of Agriculture and Rural Development as inventory or management consultants in the sector of forest and wildlife resources, under the terms and conditions established in this section.
2. The registration may be done as an individual consultant, a consultancy company or a consortium of companies or consultancy institutions dedicated to environmental studies.

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**ARTICLE 89**  
**Inventory and Management Consultants**

Forest and wildlife management and inventory consultants will be designated as such when they are registered, in terms of these Regulations, as specialised agents with training and authority to prepare inventories and management plans and to represent and discuss technical issues with the Ministry on behalf of the applicant.

**ARTICLE 90**  
**Conditions for access**

1. The application for registration as a wildlife and forest management and inventory consultant shall be made in writing by the interested party and shall include the following information:
  - a) Higher level academic qualifications certificate in the area of speciality in question;
  - b) Curriculum vitae demonstrating experience and knowledge of the sector.
2. In the case of companies and consortia, as well as institutions, the application shall furnish details of the consultants in terms of the previous paragraph, as well as documents proving the legal existence of the company or institution.

**ARTICLE 91**  
**Access for foreign specialists**

Foreign specialists who wish to register as wildlife and forest management and inventory consultants in the country shall, in addition to meeting the requirements detailed in lines a) and b) of paragraph 1 of the preceding article, comply with the applicable labour legislation.

**ARTICLE 92**  
**Access to Information**

A wildlife and forest management and inventory consultant, as agent of the applicant, is entitled to access all information existing in relation to the area where he works.

**ARTICLE 93**  
**Methodology**

In the preparation of inventories and management plans, the consultants shall observe the established methodologies and technical principles as well as internationally accepted technical norms for studies of this nature, based on the principles of forestry certification.

**ARTICLE 94**  
**Responsibility of consultants**

1. Wildlife and forest management and inventory consultants are civilly and criminally liable for the information that they supply in their reports and for the content of their management plan.
2. The Ministry may suspend or cancel the registration of a consultant or the respective company or institution when they present inventories or management plans considered technically unacceptable, the implementation of which would threaten the sustainability of the resource in question.

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**SECTION III**  
**Participative Management**

**ARTICLE 95**  
**Local Councils**

1. With a view to guaranteeing compliance with article 31 of law 10/99 of 7th July, local councils for the management of forest and wildlife resources will be established, comprising an equal number of members from the following sectors:
  - a) Local community representatives;
  - b) Individual or corporate persons conducting activities linked to forest and wildlife resources;
  - c) Associations, organisations or non-governmental organisations linked to forest and wildlife resources or to local community development;
  - d) The State.
2. The Local Management Councils for Forestry and Wildlife, known by the abbreviation COGEP, are governed by the legislation in force on associations.

**ARTICLE 96**  
**Personality (legal)**

1. COGEPs are corporate persons governed by private law, with legal personality independent of their members.
2. In the performance of their functions, COGEPs are independent and obey the law, and may prosecute any violation of the law by their associates or by third parties.

**ARTICLE 97**  
**Attributes of COGEP**

1. In exercising their powers and meeting their objectives and general guidelines, COGEPs shall, with regard to their geographic or administrative area, take the following into consideration:
  - a) The procedure for applications to exploit forest and wildlife resources;
  - b) The development of activities whereby the sustainable use of forest and wildlife resources contributes to raising the standard of living of members of local communities;
  - c) The mechanisms for resolution of conflicts that involve different parties involved in the use and exploitation of forest and wildlife resources;
  - d) Collaboration with State bodies responsible for the inspection and control of forest and wildlife resources;
  - e) The improvement of policy and legislation related to forest and wildlife resources;
  - f) The promulgation of activities designed to control fires;
  - g) The guidelines of the management plans for resources situated in their geographical area.
2. The COGEPs may consult with the Ministry of Agriculture and Rural Development and the Ministry of Tourism, or the Provincial Governments and other State bodies.
3. The COGEPs may propose the cancellation or revocation of a specific project, to the entity in charge, when they verify that the project is not in keeping with the real purposes of rural development and sustainable use of forest and wildlife resources.

**ARTICLE 98**  
**Representation**

Whenever they are asked to, the COGEPs may represent the interests of their members, namely the local communities, private sector, associations and organisations, in dialogue with the State, with a view to defending the interests of these members in the management, conservation, exploitation, use and the obtaining of any ensuing benefits arising therefrom.

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Translation by Mozlegal and Nakosso

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**ARTICLE 99**  
**Delegation of powers**

1. The Ministers of Agriculture and Rural Development and of Tourism shall issue a joint Ministerial Diploma to define, by means of a technical annex, the terms and conditions for the delegation of management powers to the local communities, the private sector or organisations and associations, or those in partnership with the State, with a view to involving these in the exploitation, use and conservation of forest and wildlife resources.
2. The delegation of management powers referred to in the previous paragraph may be effected when the respective subject matter concerns:
  - a) Protected areas;
  - b) Buffer zones;
  - c) Official game reserves;
  - d) Productive forests;
  - e) Multiple use forests;
  - f) Multiple use zones.

**ARTICLE 100**  
**Fees**

1. For access to, and the exploitation and use of forest and wildlife resources, the fees are as established in tables I and II respectively, which are an annex hereto and an integral part of these Regulations.
2. Local communities are exempt from the fees when the forest and wildlife resources are destined for their own consumption.
3. The competence referred to in paragraph 6 of article 35 of law 10/99 of 7th July, to update the fees provided in these Regulations periodically, is hereby delegated to Ministers of Agriculture and Rural Development, Planning and Finance and Tourism.

**ARTICLE 101**  
**Forestry and wildlife repopulation surcharge**

1. Over and above the licence fee for forestry and wildlife exploitation, a percentage of 15% is charged and this constitutes a surcharge destined for the repopulation of forestry and wildlife.
2. The Minister of Agriculture and Rural Development or of Tourism shall issue a Ministerial Diploma to establish the mechanisms of usage of the funds referred to in the previous paragraph, for the repopulation of forestry and wildlife in the respective areas in their charge.

**ARTICLE 102**  
**Benefits for the local communities**

1. Twenty per cent of any fee levied for forestry or wildlife exploitation is destined to benefit the local communities from the area where the resources have been extracted, in accordance with the terms of paragraph 5 of article 35 of law 10/99 of 7th July.
2. By joint Ministerial Diploma, the Ministers of Agriculture and Rural Development, Planning and Finance and Tourism shall define the mechanisms for channelling and using the value referred to in paragraph 1 by the local communities.

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**SECTION IV**  
**Forest clearing**

**ARTICLE 103**  
**Authorisation to clear forest**

1. Authorisation for forest clearing may only be granted following consultation with the Ministry for Co-ordination of Environmental Action and the owners of rights to land use and benefit, in accordance with the respective exploitation plans.
2. An application for authorisation for the purposes in the previous paragraph shall be accompanied by provisional authorisation or a certificate issued by the cadastre services, confirming the regularity of the application in terms of the Land Law and regulations

**ARTICLE 104**  
**Application process**

1. Once the formalities referred to in the preceding paragraph have been fulfilled, the Provincial Forestry and Wildlife Services shall proceed to do the following:
  - a) Hear the Cadastre Services in every case where there is any doubt as to the legal status of the application;
  - b) Conduct an inspection to determine the area and the species to be dozed, with the costs borne by the interested party;
  - c) Calculate the amount of the fee to be paid by the applicant.
2. All commercially valuable forest products resulting from forest clearing shall be treated in the manner set out in these Regulations for exploitation under a simple licence for commercial, industrial or fuel purposes, and the applicant shall enjoy an option to obtain such a licence.

**ARTICLE 105**  
**Authorisation**

1. Once the formalities referred to in the previous article have been observed, the responsible authority shall issue an authorisation, which shall occur within a period not exceeding ninety consecutive days, counting from the start date, except in clearly justified cases.
2. The authorisation for forest clearing may establish other special terms and conditions that apply, and exceptions may be made for certain species that are part of the national heritage, taking into consideration their type, form, age, location and other specific attributes.

**ARTICLE 106**  
**Use of fires**

1. Except in cases expressly referred to in these Regulations, the use of forest burning is expressly prohibited under pain of civil, administrative and criminal liability in terms of the law.
2. The District Directorate of Agriculture and Rural Development may authorise forest clearing by burning if the following conditions are observed:
  - a) Delimitation, by means of fire breaks, of the area to be cleared;
  - b) The safeguarding of the species to be excepted from the clearing in terms of the previous article;
  - c) Establishment of a fire team involving local communities, to prevent the fire spreading;
  - d) Inventory of the wildlife resources existing in the area and payment of a felling licence relative to the species that will necessarily be affected by the fire

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

**CHAPTER VII  
FORESTRY AND WILDLIFE CONTROL**

**ARTICLE 107  
Competence**

1. The Minister of Agriculture and Rural Development, through its local and central structures, is responsible for inspection, monitoring, disciplining, and orientating the activities related to protection, conservation, use, exploitation and management of forest and wildlife resources, without prejudice to the specific powers and responsibilities of other State bodies.
2. Parks, national reserves, eco-tourism development zones, community eco-tourism projects and programmes, as well as official game reserves, shall be supervised by the Ministry of Tourism through its local and central structures, without prejudice to coordination in terms of the previous paragraph.
3. The Ministers of Agriculture and Rural Development, Tourism and the Interior shall issue a joint Ministerial Diploma to approve the statute and regulations governing forestry and wildlife inspectors, with regard to:
  - a) Conduct of inspectors;
  - b) Type of uniform and identification;
  - c) Firearms and other equipment necessary for inspection work and for their protection;
  - d) Specific and technical training;
  - e) Methods of interaction between inspectors and police authorities in inspection work, security and public order;
  - f) Location of fixed control points;
  - g) Mechanisms for the apprehension of instruments and products of an infraction;
  - h) Detention of law-breakers.

**ARTICLE 108  
Parties involved in inspection process**

1. Forestry and wildlife inspectors, sworn inspectors and local community agents are involved in the inspection of forest and wildlife resources.
2. In addition to those mentioned above, the inspection process may also involve forestry and wildlife officers, tourism officers, local councils for participatory resource management, public security officers, defence and security forces, agricultural agents, cadastre service officers on field visits and, in general, all public functionaries.
3. Forest and wildlife resources located in State areas of defence and national security are under the protection and supervision of the Ministry of National Defence.

**ARTICLE 109  
Procedures**

1. The intervening parties as referred to in paragraph 1 of the preceding article shall draw up a notice of infractions within a period not exceeding 8 hours after having knowledge of the facts, by filling in the relevant form.
2. The intervening parties referred to in paragraph 2 of the previous article shall report all infractions that they know of, by reporting the facts, without prejudice to their taking measures to secure the detention of the person committing the infraction.
3. Once the notice of infractions has been drawn up the person committing the infraction is to be informed, with an indication of the rule infringed, the penalty for it and any other consequences that may exist.



4. The reports referred to in paragraph 2 of this article shall be presented to the inspectors or community agents so that they can issue the relevant notice of infractions.

#### **ARTICLE 110 Notice of infractions**

1. The notice of infractions shall be drawn up in triplicate and contain:
  - a) The identity of the person committing the infraction and any other agents involved;
  - b) Indication of the facts and proof where it exists;
  - c) The legal rule infringed;
  - d) The expected penalty and any other consequences;
  - e) Aggravating or attenuating circumstances;
  - f) The method, instruments and products of the infraction;
  - g) The date, hour and place of the infraction or where the notice was served, if different;
  - h) Seizures made by the person serving the notice;
  - i) The name, signature and position of the person serving the notice;
  - j) Indication of witnesses if they exist.
2. A notice of infractions carrying a fine shall be remitted to the Provincial Forestry and Wildlife Services or, if it deals with a conservation area, to the Tourism Services, for the purposes of voluntary payment of the corresponding fine.
3. In the case of notices of infractions carrying prison sentences, one copy shall be sent to the competent court and another to the authorities where the person committing the infraction may voluntarily pay a fine while waiting for a court decision on the criminal proceedings.
4. If the fine is not paid voluntarily within the specified time limit, a copy of the notice shall be remitted to the fiscal executions judge, in terms of the legislation on this matter, with a view to obtaining compulsory collection of the same.

#### **ARTICLE 111 Goods, products, and instruments apprehended**

1. The inspectors and others involved in the process of inspection, when drawing up notice of infractions, shall:
  - a) Confiscate the hunting or forestry exploitation licence;
  - b) Seize the objects and instruments used in the direct commission of the infraction;
  - c) Confiscate products that are the direct result of the infraction, or any other item that could serve as evidence.
2. In cases where it is not possible immediately to confiscate the items apprehended the inspector or community agent shall order the person committing the infraction to accompany him to a place where, safely and on the proper form, the person committing the infraction or other national individual or corporate person can be appointed as a bailee in terms of the civil law.
3. The goods apprehended in terms of the preceding paragraph, following confirmation of the infraction, in cases where they ought not to be returned, or where they are perishable, shall be dealt with in terms of article 45 of law 10/99 of 7th July, and when they ought to be sold at public auction, the legally defined formalities established in special legislation shall be observed.
4. The Ministers of Agriculture and Rural Development, Planning and Finance and the Interior shall, by joint dispatch, determine the destiny of vehicles and firearms declared forfeited to State.

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)



**ARTICLE 112**  
**Rewards**

1. Fifty per cent of the value derived from fines for transgression of the forestry and wildlife legislation goes to the forestry and wildlife inspectors and local community agents who participated in drawing up the legal proceedings for the transgression, as well as local communities or any citizen who reported the infraction.
2. The Ministers of Agriculture and Rural Development, Tourism and Planning and Finance shall issue a joint Ministerial Diploma to establish the mechanisms for the distribution of the percentage referred to in the previous paragraph among those involved.

**ARTICLE 113**  
**Risk subsidy**

The forestry and wildlife inspectors and sworn inspectors shall enjoy a risk subsidy, which corresponds to 20% of their basic salary.

**CHAPTER VIII**  
**INFRACTIONS AND PENALTIES**

**ARTICLE 114**  
**Graduation of fines**

1. Fines provided for by law are graduated, within legal limits, according to the seriousness of the infraction, the aggravating and extenuating circumstances that apply, as well as other surrounding circumstances such as the dimension, consequences, quantity, quality, location and value of the forest and wildlife resources that are the subject of the infraction, and the respective fine is applied in accordance with Annex III, which is an integral part of these Regulations.
2. Accumulated infractions are punished with the sum of the corresponding fines.
3. Until proved otherwise, it is presumed that forest and wildlife resources were extracted or felled by the person who is transporting or is in possession of them.
4. Having determined the value of the fine, the person to be fined is given notice to pay the fine voluntarily within 15 days counting from the date of the notice, under pain of fiscal execution in terms of the relevant legislation.

**ARTICLE 115**  
**Other forestry and wildlife infractions**

For transgression for which no sanction has been specified in terms of Annex II, the minimum fine as defined in part a) of paragraph 2 of article 41 of law 10/99 of 7th July is applicable.

**CHAPTER IX**  
**FINAL PROVISIONS**

**ARTICLE 116**  
**Applications in progress**

1. Processes in progress in respect of applications for use, exploration, management or conservation of forest and wildlife resources are subject to law 10/99 of 7th July and to the present regulation.

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Translation by Mozlegal and Nakosso

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

2. The applicants shall, within 180 days counting from the date when these Regulations enter into force, show their desire to continue with the application, under pain of cancellation thereof.

**ARTICLE 117**  
**Zoning of forest and wildlife heritage**

1. The zoning of forest heritage consists of the identification of multiple use forest and of productive forest where protection, conservation and exploitation of forest and wildlife resources may be carried out under the terms of these Regulations.
2. The Minister of Agriculture and Rural Development has the authority to proceed with zoning forest and wildlife resources in terms of the previous paragraph.

**ARTICLE 118**  
**Cadastre and registration**

The National Directorate of Forestry and Wildlife shall organise national and provincial cadastres and registers of forestry and wildlife, as well as the respective system of geographic information.

**ARTICLE 119**  
**Complementary measures**

It is incumbent upon the Minister of Agriculture and Rural Development to adopt such additional measures as may be necessary for the implementation of these Regulations, except in cases where these have been specifically assigned to other entities.

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**Translation by Mozlegal and Nakosso**

Mozlegal - Rua General Pereira D'Eça n.º 90, C.P. 1839  
Tel. +258 21 496900 – Fax +258 21 496802 Maputo – Moçambique  
E-mail: [adrian.frey@mozlegal.com](mailto:adrian.frey@mozlegal.com) Website: [www.mozlegal.com](http://www.mozlegal.com)

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