

# **The National Environment (Hilly And Mountainous Area Management) Regulations, 2000.**

## **STATUTORY INSTRUMENTS**

**2000 No. 2**

**The National Environment (Mountainous and Hilly Areas Management) Regulations, 2000.**

*(Uganda section 107 of the National Act Cap 153)*

[23rd December 1999]

### **Part I: Preliminary.**

#### **1. Citation.**

These Regulations may be cited as the National Environment (Mountainous and Hilly Areas Management) Regulations, 2000.

#### **2. Interpretation.**

In these Regulations unless the context otherwise requires -

"Authority" means the National Environmental Management Authority established under section 4 of the Act;

"beneficial use" has the meaning assigned to it in the Act;

"contour furrows" means depressions or ditches established along contours on hill slopes for purposes of detaining run-off and controlling erosion on farm-land;

"developer" means a person who is developing a project which is subject to an environmental impact assessment process;

"environmental impact assessment" means that systematic examination described in section 19 of the Act;

"gentle slope" means land having a slope of between 0% and 3%;

"hazardous waste" has the meaning assigned to it in the Act;

"hilly area" means an area with a natural elevation of land of local area and well defined outline higher than a rise and lower than a mountain;

"landscape" means the surface of the earth and the land forms of a region in the aggregate as produced or modified by geological force and man;

"lead agency" means a ministry, department, parastatal agency, local government system or public officer in which or upon whom any law vests functions of control or management of any segment of the environment;

"livestock" includes cattle, horse, donkeys, mules, pigs, sheep, goats, camels and all other domesticated animals;

"local authority" means local governments established under the Local Governments Act Cap 243;

"local environment committee" means a committee on the environment appointed under section 16 of the Act;

"minister" means the Minister to whom the President has assigned responsibility for the Act;

"medium slope" means land having a slope of between 3% and 15%;

"mountainous area" means an area with a steep elevation with a restricted summit area projecting 1000 feet or more above the surrounding land;

"person" means a natural or legal person;

"policy committee" means the policy committee on the environment established under section 7 of the Act;

"prescribed" means prescribed by or under these Regulations or continued in operation by these Regulations under standards and guideline made pursuant to these Regulations;

"project" includes both projects and policy that leads to projects with an impact on the environment;

"soil" includes earth sand, rock, shells, minerals, vegetation in the soil, flora and fauna in the soil and the derivatives thereof such as dust;

"soil erosion" means general process whereby soil particles are worn away or removed by natural agencies include weathering, solution, corrosion and transportation;

"steep slope" means having a slope of 15 % and above;

"sustainable use" means the present use which does not compromise the right to use the same resource by future generations;

"Technical Committee" means a technical committee appointed under section 10 of the Act;

"vegetation cover" includes any kind of cover over the soil such as forest, woodlands, grasslands, agricultural crops, range lands and plantations including a combination of these;

"wetlands" means area permanently or seasonally flooded by water where plants and animals have become adapted; and include swamps, mambos, areas, vegetation, areas of impeded drainage, or blackish salt;

"wise use" means sustainable use of mountainous and hilly areas in away compatible with the maintenance of the natural properties of the ecosystem.

## **Part II: Management of Hilly and Mountainous Areas.**

### **3. Objectives.**

These Regulations shall apply -

(a) to facilitate the sustainable utilisation and conservation of resources in mountainous and hilly areas by and for the benefit of the people and communities living in the area;

(b) to promote the integration of wise use of resources in mountainous and hilly areas into the local and national management of natural resources for socio-economic development; and

(c) to regulate and promote efficient and sustainable use of resources in mountainous and hilly areas so that the functions and values derived therefrom are maintained for the present and future generations.

### **4. Principles.**

(1) Every land owner or occupier shall while utilizing land in a mountainous and hilly area -

(a) observe the carrying capacity of the land;

(b) carry out soil conservation measures;

(c) utilize underground and surface water resources;

(d) carry out measures for the protection of water catchment areas;

(e) use the best available technologies to minimize significant risks to ecological and landscape aspects; and

(f) maintain such vegetation cover as may be determined by an agricultural extension officer or a local environment committee.

(2) A district environment committee may with respect to hilly and mountainous areas in its jurisdiction -

(a) regulate land use through zoning;

(b) restrict and control the activities which are inconsistent with good land husbandry practices; and

(c) make guidelines for the management of areas prone to landslides, floods, drought, avalanches, falling rocks, fires and damage by wind.

## **5. Sub-committees on soil conservation.**

(1) A district environment committee may establish a sub-committee on soil conservation which shall consist of -

- (a) the Resident District Commissioner as Chairperson;
- (b) the District Agricultural Officer;
- (c) District Forest officer;
- (d) District Environment Officer;
- (e) A member of the local environment committee; and
- (f) Two other members appointed by the district environment committee.

(2) The district environment committee shall determine the rules of procedure for the sub-committee on soil conservation.

(3) The sub-committee shall advise the district environment committee on the best practicable ways of conserving soil in mountainous and hilly area.

(4) The advice of the sub-committee shall be made in writing and shall relate to a specific area or a specific land owner or occupier.

(5) The district environment committee after considering the recommendations made under sub-regulation (3) may in its discretion serve upon the owner or occupier of the land a conservation order which may—

(a) require the person upon whom such conservation order is served, to adopt, undertake and complete such measures and works as may be specified in the order for the prevention of erosion of the soil;

(b) prohibit the person upon whom such conservation order is served from doing any act or thing specified in the order which in the opinion of the district environment committee, has caused, is causing or is likely to cause erosion of the soil;

(c) specify -

- i) the date before which any measures or works shall commence to be adopted or undertaken;
- ii) a date or dates before which any specified stages of any measures or works shall be completed;
- iii) a date before which such measures or works shall be completed;

(d) prescribe such measures or works to be adopted, undertaken and completed or prohibit such act or thing only as having regard to the nature and location of the land, its value and the purposes for which it is used or is capable of being used.

(6) A copy of a conservation order made under the provisions of this regulation shall be served upon all persons having an estate or interest in the land affected by such conservation order which estate or interest has been registered under the provisions of the Registration of Titles Act.

(7) Any person to whom a conservation order has been directed who fails to comply with any of the requirements of such conservation order commits an offence.

## **6. Identification of mountainous and hilly areas.**

(1) Each District Council shall make by-laws identifying mountainous and hilly areas within its jurisdiction which are at risk from environmental degradation.

(2) A mountainous and hilly area is at risk from environmental degradation if -

i) it is prone to soil erosion;

ii) landslides have occurred in such an area;

iii) mud flows have occurred in such an area;

iv) vegetation cover has been removed or is likely to be removed from the area at a rate faster than it is being replaced;

v) any other land use activity in such an area is likely to lead to environmental degradation.

(3) Each District Council shall notify the Authority of the mountainous and hilly area identified under sub-regulation (1) by applying to the Executive Director for the registration of the mountainous and hilly area in Form A of the First Schedule to these Regulations.

(4) The Executive Director on receipt of the application made in sub-regulation (3) shall after considering the application register the mountainous and hill area in the register of mountainous and hilly areas, which shall be in the Form B of the First Schedule to these Regulations.

## **7. Register.**

The Authority shall maintain a register of mountainous and hilly areas which have been identified as being under threat from environmental degradation.

## **8. Restrictions on the use of mountainous and hilly areas.**

(1) A person who desires to -

(a) graze livestock;

(b) establish a camping or other recreational facility for tourist purposes;

(c) plant or cultivate crops; or

(d) carry out any development activity requiring an environmental impact assessment,

in a mountainous and hilly area where the slope (gradient) exceeds 15% shall make an application to the local environment committee of the lower local governments in "Form A" set out in the Second Schedule to these Regulations.

(2) The local environment committee may after considering the application submitted under sub-regulation (1) and where it deems it necessary after affording the applicant an opportunity to be heard grant a permit in "Form B" set out in the Second Schedule to these Regulations.

(3) Where the local environment committee deems it necessary, it may request the opinion of a local agricultural extension officer or persons who may be affected by an activity, the subject of an application under sub-regulation (1), before granting a permit under sub-regulation (2).

(4) A person permitted under sub-regulation (2) to carry out an activity in a mountainous and hilly area shall take such precautions as may be directed by the local environment committee or environment officer including the measure specified in the Third Schedule to prevent environmental degradation.

(5) A person who carries out any activity regulated under sub-regulation (1) contrary to the provisions of these Regulations commits an offence.

#### **9. Role of local councils.**

(1) Any local council within whose jurisdiction an activity likely to degrade the environment of a mountainous and hilly area is taking place, shall in writing inform the local agricultural extension officer.

(2) A local council shall identify hilly and mountainous areas where the council itself may collectively allow or carry out reforestation or reforestation activities including tree planting.

#### **10. Duty of land owners. Occupiers and users.**

(1) Without prejudice to regulation 3, every land owner or occupier whose land is situated in a mountainous and hilly area shall take measures -

(a) to reduce water run off through the grassing of medium and steep slopes;

(b) to mulch and bund gardens on medium and steep slopes;

(c) to practice agroforestry;

(d) to prevent the burning of grass in areas of intensive agriculture or on steep slopes.

#### **11. Prevention of fires in hilly and mountainous areas.**

A person shall not without the authorisation of a forest officer or a local environment committee, cause a fire to a forest or grassland on a hilly and mountainous area

## **12. Land use mapping.**

The District Council shall carry out land use mapping in all mountainous and hilly areas within their jurisdiction, showing the characteristics, status, use and any other information relevant to such areas.

## **13. Afforestation and reforestation.**

(1) Pursuant to regulation 10, where a hilly and mountainous area is risk from environmental degradation, a local environment committee may issue an order in writing to a person or persons holding an interest in land in that area to take measures for planting trees and other vegetation to protect the area.

(2) The order issued under sub-regulation (1) shall specify species of trees which shall be planted at the time within which the directions contained therein are to be complied with.

(3) A tree planted in pursuance of an order issued under this regulation shall be the property of the person planting it.

(4) Every person who has planted trees pursuant to an order issued under these Regulations shall take all such precautions as may be necessary to prevent the destruction of or injury to such trees.

(5) A person who contravenes any provision of an order made under this regulation commits an offence and is liable on conviction to imprisonment for a term not exceeding eighteen months or to a fine not less than one hundred and eighty thousand shillings and not more than eighteen million shillings or both as provided for under section 98 of the Act.

(6) Where a person on whom an order under this regulation has been served, fails, neglects or refuses to take the action required by the order, the District Environment Officer may enter upon the land subject to the order and take all the necessary action in respect of the activity to which that order relates and to enforce that order he or she as may deem fit.

## **14. Grazing of livestock.**

(1) A District Council shall make bye-laws with respect to identified hilly and mountainous areas to prohibit or restrict grazing in such areas.

(2) The district environment committee may issue an order prescribing the maximum number of livestock that may be grazed or permitted to be grazed on any particular area of land.

(3) An order issued under sub-regulation (2) shall be affixed in a conspicuous place and shall be published in a newspaper having wide circulation in the area affected by the order.

(4) A person shall not cause or permit any livestock belonging to him or her or under his or her control to graze on any land in respect of which there is in force an order made by the district environment committee prohibiting grazing.

(5) A person who causes or permits any livestock belonging to him or her or under his or her control to graze on any land in contravention of sub-regulation (4) commits an offence.

## **15. Closed and open seasons.**

A District Council or a local government may by statutory instrument declare a mountainous or hilly area -

(a) closed to all or any activity for a period of time if the area is at risk of being degraded and prohibit the carrying out of any activity in the area; and

(b) an open season, permitting specified activities in such an area subject to such conditions as it may deem necessary.

## **16. Rules for soil conservation.**

(1) A land owner or occupier on gentle slopes in a hilly or mountainous area shall -

(a) not cultivate any garden exceeding one hundred meters in width;

(b) leave an uncultivated strip of land of not less than two meters width between all cultivated plots which shall be planted with grass approved by the local environment committee;

(c) follow contour lines marked by the local agricultural extension officer and the local environment committee in planting crops;

(d) grass with low growing grasses all house compounds except winnowing areas and areas for drying foodstuffs;

(e) not demarcate fields or plots by furrows or gullies; and

(f) lay parallel to, halfway between the existing bunds, trash lines consisting of dead vegetation where the land is planted with permanent crops.

(2) A land owner or occupier on medium slopes in a hilly or mountainous area shall -

(a) not cultivate any garden exceeding seventy five meters in width;

(b) leave an uncultivated strip of land of not less than three meters width between all cultivated plots which shall be planted with grass approved by the local environment committee;

(c) follow contour lines marked by the local agricultural extension officer and the local environment committee in planting crops;

(d) grass with low growing grasses all house compounds except winnowing areas and areas for drying foodstuffs;

(e) not demarcate fields or plots by furrows or gullies; and

(f) lay parallel to and halfway between the existing bunds, trash lines consisting of dead vegetation where the land is planted with permanent crops.



(3) A land owner or occupier on steep slopes in a hilly or mountainous area shall -

(a) not cultivate any garden exceeding twenty five meters in width;

(b) leave an uncultivated strip of land of not less than three meters width between all cultivate plots which shall be planted with grass approved by the local environment committee;

(c) follow contour lines marked by the local agricultural extension officer and the local environment committee in planting crops;

(d) grass with low growing grasses all house compounds except winnowing areas and areas for drying foodstuffs;

(e) not demarcate fields or plots by furrows or gullies; and

(f) lay parallel to, and halfway between the existing bunds, trash lines consisting of dead vegetation where the land is planted with permanent crops.

(4) Without prejudice to sub-regulations (1), (2) and (3), a land owner or occupier shall comply with the provisions set out in the Forth Schedule.

(5) A land owner or occupier shall protect all paths, cattle tracks, ditches and access roads against soil erosion by -

(a) making run-off channels and soak away pits or stakes;

(b) closing them when they start to erode or cause erosion; and

(c) creating alternative routes.

(6) The agricultural extension officer or local environment committee may require in writing any person or his or her employees or servants to take necessary measures to prevent soil erosion.

(7) Any person who fails to comply with a notice under sub-regulation (6) within three months of the date of such a notice commits an offence.

#### **17. Measures and guidelines for soil conservation.**

(1) The rules prescribed in regulation 16 notwithstanding, the guidelines set out in the Third Schedule to these Regulations shall be observed by every person intending to or conducting any activity in a mountainous and hilly areas as defined in these Regulations.

(2) A person who fails or neglects to observed the measures and guidelines under sub-regulation (1) commits an offence.

### **18. Introduction of alien or exotic species.**

A person who introduces into any mountainous and hilly area an alien or exotic plant or animal contrary to the provisions of the statute and the Plant Protection Act, commits an offence in the terms prescribed by those Statutes.

### **19. Disposal of hazardous wastes.**

A person who disposes off hazardous wastes on a mountainous or hilly area contrary to the provisions of the Statute and regulations made thereunder commits an offence.

### **20. Delegation of powers and functions.**

The Executive Director may, where necessary delegate any of the functions and powers under these Regulations to any officer of the Authority, or to a lead agency.

### **21. Offences and penalties.**

(1) Any person who contravenes any of the provisions of these Regulations -

(a) may have his or her permit issued under these Regulations revoked; or

(b) shall be liable upon conviction to imprisonment of not less than three months or to fine of not less than three months or to a fine of not less than thirty thousand shillings and not more than three million shillings or both as provided for under section 102 of the Act.

(2) Where an offence has not been specified under these Regulations, a person who violates any of the provisions of these Regulations commits an offence contrary to section 103 of the Statute.

### **22. Appeals.**

(1) A person aggrieved under these Regulations by a decision of the local environment committee or local agricultural extension officer may appeal to the district environment committee.

(2) A person aggrieved under these Regulations by the decision of the district environment committee may appeal to the Executive Director.

(3) A person aggrieved under these Regulations by the decision of the Executive Director may appeal to the Board.

(4) A person aggrieved by the decision of the Board may appeal to the Chief Magistrate's Court.

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**SCHEDULES**

FIRST SCHEDULE

FORM A

REPUBLIC OF UGANDA

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(Regulation 6)

THE NATIONAL ENVIRONMENT Act Cap 153

**The National Environment (Mountainous and Hilly Areas Management) Regulations, 2000**

APPLICATION FOR REGISTRATION OF MOUNTAINOUS AND HILLY AREAS

I hereby apply for the registration of a mountainous and hilly area, of which particulars are given below.

Name and address of applicant .....

.....

Name of mountainous and hilly area .....

Location of mountainous and hilly area .....

*(village, parish, sub-country, county, district)*

.....

Extent of mountainous and hilly area .....(in kilometers)

Activities being carried out in mountainous and hilly area .....

.....

.....

Nature of environmental degradation occurring/likely to occur .....

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.....

Resolution of District Council (*please attach*)

Any other information .....

Date: .....

Signature .....

Designation/Title: .....

Official Seal

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**FOR OFFICIAL USE ONLY**

Application received by .....

..

Executive Director

*National Environment Management Authority*

FORM B

REPUBLIC OR UGANDA

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(Regulation 6)

THE NATIONAL ENVIRONMENT Act Cap 153

**The National Environment (Mountainous and Hilly Areas Management) Regulations, 2000.**

REGISTER OF MOUNTAINOUS AND HILLY AREAS

**Registration Number**

Name of Mountainous/Hilly area .....

.....

Location (District, county, sub-county, village) .....

.....

Activities being carried out in the mountainous/hilly area .....

.....

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.....

Nature of environmental degradation occurring/likely to occur .....

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Measures recommended by the Executive Director .....

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Remarks .....

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Date: ..... *Signature:*.....

SECOND SCHEDULE

FORM A

REPUBLIC OF UGANDA

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(Regulation 8)

THE NATIONAL ENVIRONMENT Act Cap 153

**The National Environment (Mountainous and Hilly Areas Management) Regulations, 2000**

APPLICATION FOR A PERMIT TO CARRY OUT ACTIVITIES IN MOUNTAINOUS AND HILLY AREAS

I hereby apply for a permit to carry out activities in mountainous and hilly areas, of which particulars are given below.

Name and address of applicant .....

.....

Location of mountainous and hilly area .....

*(village, sub-county, county, district)*

.....

Activities to be carried out .....

.....

Estimated life span of activity .....

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Proposed area (in hectares) to be for the activities .....

Executive Summary of environmental impact assessment *(please attach where necessary)*

.....

Any other information .....

.....

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Date: ..... Signature: ..

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**FOR OFFICIAL USE ONLY**

Application received by .....

On .....

*(date)*

Fee paid Shs .....

*(in words)*

...

Chairperson

*Local Environment Committee.*



FORM B

REPUBLIC OF UGANDA

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(Regulation 8)

THE NATIONAL ENVIRONMENT Act Cap 153

**The National Environment (Mountainous and Hilly Areas Management) Regulations, 2000**

PERMIT TO CARRY OUT ACTIVITIES IN MOUNTAINOUS AND HILLY AREAS

**Permit No.**

Name .....

Address .....

You are hereby permitted to carry the following activities in .....

*(location)*

mountainous and hilly area .....

.....

.....

This permit is granted valid from .....to .....

*(date) (date)*

This permit is subject to the following conditions .....

.....

.....

.....

Date: ..... Signature: .....

.....

Chairperson

*Local Environment Committee*

### **THIRD SCHEDULE**

(Regulation 8)

#### **SOIL CONSERVATION MEASURES AND GUIDELINES**

Soil conservation is required as a basis for environmentally sound production of food, wood, and other commodities based on sustainable use of land, species and ecosystem. In most areas of Uganda the combination of several conservation practices are recommended and packages will depend on area and crops/ livestock/tree species on the land.

##### **1. Lowlands and flat areas (Slopes up to 3%)**

Lowlands are the alluvial plains and the bottom lands of small tributaries in a catchment. The following soil conservation structures and practices are recommended:

- (a) surface or subsurface drainage;
- (b) interception and diversion ditches;
- (c) rows of crops should be laid out at right angles to the contour lines;
- (d) crop rotation;
- (e) fertility improvement (package will depend on crops and area).

Diversion ditches or field ditches should be at a spacing of 100 to 200 meters; depth of 30 cm and length not more than 500 meters. These should be laid out slightly off the contour to obtain a gradient of 0.3 to 0.5%. The collecting ditches (depth 60cm), should drain into main ditches or natural drainage ways and should run in the direction of the greatest slope.

##### **2. Medium slopes (Undulating to hilly to paragraph) - Slopes of 3 to 15%.**

The recommended conservation practices in this category are as follows:

- (a) contour cultivation;

- (b) contour ridges or absorption banks at a spacing of 30m;
- (c) grass strips and cropping, width 30m;
- (d) mulching;
- (e) agroforestry;
- (f) crop rotation and fertility improvement;
- (g) wind breaks or shelter belts; should be located perpendicular to main erosive wind direction.

### 3. Steep topography (Slopes 15% and above).

Simple conservation practices are insufficient to stop erosion and the following management practices are recommended:

- (a) terraces;
- (b) contour cultivation (ploughing and planting along the contour), and absorption banks at a spacing of 10-20 m;
- (c) crop rotation and fertility improvement;
- (d) strip cropping - strip width 10 to 20 m;
- (e) agroforestry.

### 4. Pasture and Rangelands.

#### i) Pasture lands;

- (a) contour furrows at small distances 920m);
- (b) interception ditches;
- (c) stone cordons: loose stones on the surface collected and deposited on contours;
- (d) silt traps- built from stones or soil in small depressions;
- (e) pasture and fertility improvement.

In addition, an optimum stocking rate is required. The following are the recommended stocking rates.

- (a) areas with fertile soils and rainfall >850 mm per year = 2 cows per hectare;
- (b) areas with low fertility and rainfall <850 mm per year = 1 cow per hectare.

Pasture species and animal breeds are additional considerations which should be taken into account to finally determine the stocking rate.

ii) Rangelands:

The recommendations in this category apply to the "Cattle Corridor" and are dependant on the state of the rangelands.

(a) re-vegetation or reseedling - closing the area to grazing and allow natural grasses to establish or re-seed with suitable species of grasses and legumes.

(b) gully control with mechanical barriers (dry reeds, vegetation, stones, *etc*),

(c) controlled or rotational grazing;

(d) run off harvesting divert and impound run off to prevent soil erosion gully development and allow slow permeability into the soil;

(e) fertility improvement;

(f) remove low value grass and tree species to allow nutritive species to proliferate and cover bare ground.

HENRY MUGANWA KAJURA,

*Minister for Water, Lands and Environment.*