

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 66 of 2021

The Forests Act, 2015
(Act No. 4 of 2015)

**The Forest (Carbon Stock Management)
Regulations, 2021**

IN EXERCISE of the powers contained in section 105 of the Forests Act 2015, the following Regulations are made:

1. These Regulations may be cited as the Forest (Carbon Stock Management) Regulations, 2021. Title

2. In these Regulations, unless the context otherwise requires— Interpretation
 - “community forest management group” has the meaning assigned to the words in the Act;
 - “deforestation” means the conversion of forest land to non-forest land where forest land is any land with a tree canopy cover of more than ten percent and an area of more than zero point five hectares and a tree height of five metres;
 - “Department” has the meaning assigned to the word in the Act;
 - “Director” has the meaning assigned to the word in the Act;
 - “forest degradation” means reduction in canopy cover while maintaining a minimum canopy cover of ten percent;
 - “forest carbon stock management” means engagement in the generation of green house gas emission reduction or removal;
 - “green house gas emission reduction or removal” means to measure, monitor, report and verify reduction in release or sequestration of gases like carbon dioxide (CO₂), methane (CH₄) or nitrous oxide (N₂O) quantified in terms of carbon dioxide (CO₂) equivalent;
 - “joint forest management committee” has the meaning assigned to the words in the Act;

*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10101 Lusaka. Price K48.00 each.*

“jurisdiction” means a geographic area under a Government agency and “jurisdictional” and cognate expressions shall be construed accordingly;

“jurisdictional programme” means a provincial level emission reduction programme developed by Government;

“nesting” means integration of forest carbon stock management projects into larger scale reducing emission from deforestation and forest degradation programmes;

“permit” means a forest carbon management permit issued under these Regulations;

“programme” means a provinciescale system or arrangement for the recognition of activities aimed at the generation of green house gas emission reduction or removal for carbon trading;

“project” means an action or activity applied to a defined geographical area, formal or organised scheme, covering an area smaller than a province, for the recognition of activities aimed at the generation of green house gas emission reductions or removals for carbon trading;

“user rights” means rights related to forest produce or forest resources;

“validation” means a systematic, independent and documented process for the evaluation of the design of a project against each of the set standards’ criteria; and

“verification” means a systematic, independent and documented process for the evaluation of a project’s delivery of net climate, community and biodiversity benefits in accordance with the project’s validated design and monitoring plan and each of the set standards criteria.

Eligible
activities

3. The following activities are eligible for a project or programme in forest carbon stock management:

- (a) deforestation reduction;
- (b) forest degradation reduction;
- (c) forest conservation;
- (d) sustainable management of forest; and
- (e) enhancement of carbon stocks.

4. (1) Subject to these Regulations, the Director may issue a forest carbon stock management permit in respect of—
- Areas eligible for forest carbon stock management permits
- (a) National Forest;
 - (b) Local Forest;
 - (c) botanical reserve;
 - (d) private forest;
 - (e) joint forest management area;
 - (f) community forest area;
 - (g) game management area;
 - (h) community partner park;
 - (i) bird and wildlife sanctuaries;
 - (j) national park; and
 - (k) private land on leasehold.

(2) Despite subregulation (1), the location of a forest carbon stock management project or programme shall be subject to landuse planning for each land category.

(3) An applicant for a forest carbon stock management permit shall specify the boundaries of the forest carbon stock management project or programme.

5. An applicant for a forest carbon stock management permit to engage in a forest carbon stock management project or programme shall show proof of user rights of the forest or land where the project will be located in the following manner:
- User rights

- (a) in the case of State land, a certificate of title, and consent from the Director for use of the forest;
- (b) in the case of customary land, a community forest agreement, in accordance with the Act; and
- (c) in the case of a protected area, a consent letter from the institution mandated to manage the protected area.

6. An eligible permit holder of forest carbon stock management consists of any of the following:
- Eligible permit holder
- (a) a Government agency;
 - (b) a business agency, registered under any relevant law;
 - (c) an international organisation;
 - (d) a locally existing institution registered under any relevant law;
 - (e) a community forest management group; and
 - (f) a joint forest management committee.

Compliance with the regulatory framework
Act No. 11 of 2006
Act No. 12 of 2011
Act No. 10 of 2017

7. A permit holder who is authorised to engage in forest carbon stock management shall comply with the provisions of the Zambia Development Agency Act, 2006, the Environmental Management Act, 2011, the Companies Act, 2017, and any other relevant written law.

Expression of interest

8. (1) A person who intends to engage in forest carbon stock management shall submit to the Director an expression of interest for approval in Form I set out in the First Schedule.

(2) An expression of interest shall include the following:

- (a) proposed location;
- (b) stakeholder engagement plan;
- (c) proposed carbon accounting methodologies;
- (d) proposed market;
- (e) proposed benefit sharing mechanism; and
- (f) any other information related to a project or programme.

(3) The Director may request a person who submits an expression of interest under subregulation (1) for further information that the Director considers necessary in Form II set out in the First Schedule.

Approval of expression of interest

9. The Director shall, within thirty days of receipt of an expression of interest, approve the expression of interest if the applicant complies with the requirements of these Regulations.

Rejection of expression of interest

10. (1) The Director shall, within thirty days of receipt of the expression of interest, reject the expression of interest if the applicant does not comply with the requirements of these Regulations and inform the applicant of the rejection in Form III set out in the First Schedule.

(2) Where the Director fails to make a determination on the submission of an expression of interest under regulation 8(1) within thirty days of the date of submission, the expression of interest shall be deemed to have been approved.

Application for permit

11. (1) A person, whose expression of interest is approved by the Director, shall apply to the Director for a permit in Form IV set out in the First Schedule on payment of a fee set out in the Second Schedule.

(2) An application under subregulation (1) shall be accompanied by—

- (a) a joint forest management or community forest management agreement with the Director;
- (b) proof of transfer of user rights from the joint forest management committee and the community forest management group in the case of a joint forest management area or a community management area respectively;
- (c) a consent letter from the Director of National Parks and Wildlife in the case of National Parks, game management areas, community partnership parks and bird and wildlife sanctuaries;
- (d) proof of ownership in case of State land;
- (e) a decision letter issued to the applicant by the Zambia Environmental Management Agency regarding the environmental impact assessment undertaken by the applicant in respect of the proposed forest carbon stock management area;
- (f) a technical and financial proposal for the undertaking; and
- (g) proposed methodology originating from recognised international entities and approved by the Director to quantify emission reductions, and to determine the additionality, baseline, leakage and permanence of forest carbon stocks and forest carbon stock management design document.

12. (1) The Director shall, within thirty days of receipt of an application for a permit, approve the application and issue a permit to the applicant if the applicant meets the requirements of these Regulations.

Approval
and issuance
of permit

(2) A permit shall be issued in Form VI set out in the First Schedule.

(3) A permit is valid for a period not exceeding thirty years of the date of issue.

13. The Director shall, within thirty days of receipt of an application for a permit, reject the application if the applicant does not meet the requirements of these Regulations and inform the applicant of the rejection in Form V set out in the First Schedule.

Rejection of
application
for permit

Application
for duplicate
permit

14. A permit holder shall, where a permit is lost, damaged or defaced, apply to the Director for a duplicate permit in Form VII set out in the First Schedule.

Application
for renewal
of permit

15. (1) An application for the renewal of a permit shall be made to the Director at least three months before the expiry of the permit, in Form VIII set out in the First Schedule on payment of a fee set out in the Second Schedule.

(2) The Director may, within thirty days of receipt of an application for the renewal of a permit under subregulation (1), renew the permit if the applicant meets the requirements of these Regulations and has complied with the terms and conditions of the permit

(3) The Director shall, where the Director renews a permit, endorse the renewal on the permit.

(4) A permit that is not renewed by the Director lapses on its date of expiry.

Restriction
on transfer
of permit

16. A permit holder shall not assign, cede or transfer the permit to any other person.

Suspension
or
cancellation
of permit

17. (1) The Director may suspend or cancel a permit if the holder—

(a) obtained the permit by fraud, negligence or misrepresentation;

(b) contravenes the Act and these Regulations or any other written law; or

(c) contravenes any term or condition of the permit.

(2) The Director shall, before suspending or cancelling a permit, notify the holder in writing of the intention to suspend or cancel the permit specifying the reasons for the intended suspension or cancellation of the permit and require the holder to show cause, within a period of thirty days, why the permit should not be suspended or cancelled.

(3) A notice of intention to suspend or cancel a permit shall be in Form IX set out in the First Schedule.

(4) The Director shall, where a permit holder fails to correct the contravention within the period specified under subregulation (2), suspend or cancel the permit.

(5) A notice of the suspension or cancellation of a permit shall be in Form X set out in the First Schedule.

18. (1) Where a jurisdictional level forest carbon stock management project or programme is developed and approved by the Director for the purpose of generating greenhouse gas emission reduction or removal, that forest carbon stock management project or programme shall take precedence over a project that is encompassed within the jurisdiction.

Nesting of projects in higher level entities

(2) A permit holder encompassed within the geographical boundaries of the jurisdiction granted may only trade carbon through the jurisdictional entity.

(3) A permit holder shall not be allowed to trade carbon independently unless with the approval of the Director.

(4) A permit holder encompassed within a jurisdictional project or programme, that has traded carbon before the jurisdictional programme has been approved by the Director, may be granted specific permission by the Director to continue the permit holder's independent trading, for a period not exceeding three years from the date of approval by the Director of the jurisdictional programme.

19. A single greenhouse gas emission reduction or removal shall not be generated or monetised by two different entities or sold to multiple buyers.

Double counting of emission reductions

20. (1) Information submitted in a forest carbon stock management project or programme documents shall be available for public inspection during normal office hours at the offices of the Department.

Transparency

(2) Despite subregulation (1), commercially sensitive information may be protected, where the permit holder can demonstrate that the information is commercially sensitive and confidential.

(3) The Director or an independent validation or verification body shall check that information designated by the permit holder as commercially sensitive does not contain information that would be required to demonstrate—

- (a) transparency in accounting methods;
- (b) benefit sharing arrangements;
- (c) baseline scenario;
- (d) additionality;
- (e) estimation and monitoring of green house gas emission reduction and removal; and
- (f) other important matters related to forest carbon stock management project or programme.

(4) A permit holder shall provide any information requested by the Director including contractual and pricing information from carbon buyers.

(5) The Director may suspend or cancel a permit where a permit holder does not comply with subregulation (3) and (4).

(6) Information in project or programme documents related to the determination of the baseline scenario, demonstration of additionality, and estimation and monitoring of green house gas emission reduction and removal shall not be considered to be commercially sensitive and shall be provided in the public versions of the project or programme documents.

Monitoring,
reporting
and
verification

21. (1) A permit holder shall comply with the monitoring, reporting and verification requirements set out in these Regulations in accordance with methodologies approved by the Director.

(2) Despite the generality of subregulation (1), the permit holder shall—

- (a) for the purpose of validation and verification, provide data and parameters used for the quantification of green house gas emission reduction or removal in accordance with the approved methodology;
- (b) comply with nationally recognised verification requirements;
- (c) establish and apply quality management procedures to manage data and information;
- (d) establish a green house gas information system;
- (e) provide a monitoring plan in accordance with approved methodologies; and
- (f) provide any other relevant information.

(3) A permit holder shall, within thirty days before commencement of the verification and validation notify the Director.

(4) The Director shall assign a forest officer to take part in the validation and verification.

Safeguards

22. A permit holder shall incorporate in the project or programme design and implementation, the social, environmental and fiduciary safeguards in Form XI set out in the First Schedule.

Benefit
sharing

23. (1) A permit holder shall submit that permit holder's benefit sharing mechanism to the Director for approval.

(2) Subject to subregulation (1) a benefit sharing mechanism shall—

- (a) contain a benefit sharing agreement executed by all interested parties;
- (b) be developed jointly with all interested parties;
- (c) contain auditable bench marks; and
- (d) be derived from the gross revenue of carbon credits sold.

(3) A permit holder shall make public an approved benefit sharing mechanism.

(4) A benefit sharing mechanism shall be periodically reviewed after the benefit sharing mechanism becomes operational.

24. (1) A permit holder shall demonstrate adequate management capacity and ability to address forest carbon stock management permanence risks during both the planning and operation of the forest carbon stock management project or programme.

Risk
assessment

(2) A permit holder shall submit a risk assessment and management plan to the Director.

(3) The Director may suspend or cancel a permit where a permit holder does not comply with subregulation (2).

25. A permit holder shall ensure that all documents and records are kept in a secure and retrievable manner for at least seven years after the end of the crediting period.

Records and
information

26. A person shall conduct a carbon transaction in accordance with the existing legislation on carbon trading, and take into account the Republic's international obligations.

Trade and
disclosure

27. (1) The Department shall keep and maintain a register of permits in Form XII set out in the First Schedule

Register of
permits

(2) The Register under subregulation (1) shall be kept at the offices of the Department and shall be open to the public for inspection during normal office hours on payment of a fee set out in the Second Schedule.

28. The fees set out in the Second Schedule are payable for the matters specified therein.

Fees

FIRST SCHEDULE
 PRESCRIBED FORMS
 (Regulations 8, 10, 11, 12, 13, 14, 15, 17, 22 and 27)

FORM I
 (Regulation 8)



REPUBLIC OF ZAMBIA

The Forests Act, 2015
 (Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021
EXPRESSION OF INTEREST IN FOREST CARBON STOCK MANAGEMENT

I. Applicant	
1. Name	
2. Organisation	
3. Title	
4. Address	
5. Telephone	
6. Fax	
7. Email	
8. Website	
II. Proposed Area for Feasibility Study	
9.	Proposed Area:.....(name of forest area as applicable) Village(s): Chiefdom(s): District, (Province).....
10.	Main objectives:
11.	Problem identified
12.	Potential size of area under consideration
13.	Type of forest carbon stock management project or programme being planned
14.	Intended partners
15.	Potential benefits of the initiative
16.	Potential stakeholders
17.	How stakeholders will be engaged
18.	Proposed carbon accounting methodologies
19.	Proposed market

FORM II
(Regulation 8(4))



REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021
REQUEST FOR FURTHER PARTICULARS OR INFORMATION

1) Here insert the full names and address of the applicant

To (1)
.....
.....

2) Here insert the reference no. of the application

Reference No. (2)

You are requested to furnish, within thirty days of this notice, the following information or documents in respect of your expression of interest in forest carbon stock management.

- (a)
- (b)
- (c)
- (d)
- (e)

If you fail to furnish the requested information within the stipulated period, your application will be treated as invalid and shall be rejected.

Dated this day of 20

.....
Director

FORM III
(Regulation 10(1))



REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021
NOTICE OF REJECTION OF EXPRESSION OF INTEREST IN FOREST IN
FOREST CARBON STOCK MANAGEMENT

(1) Here insert the full names and address of the applicant

To (1)
.....
.....

(2) Here insert the reference no. of the application

Reference No. (2)

You are notified that your expression of interest in forest carbon stock management permit has been rejected by the Director on the following grounds:

- (a)
- (b)
- (c)
- (d)

Dated this day of 20

.....
Director

FORM IV
(Regulation 11(4))

REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021

APPLICATION FOR A PERMIT FOR FOREST CARBON STOCK MANAGEMENT

I. Applicant	
1. Name	
2. Organisation	
3. Title	
4. Address	
5. Telephone	
6. Fax	
7. Email	
8. Website	
II. Details	
9. Total carbon inventory	
10. Biomass carbon density (tCO ₂)	
11. Soil Organic Carbon density (tCO ₂)	
12. Canopy height	
13. Canopy cover	
14. Deforestation rate	
15. Potential amount of carbon credits to be sold	
III. Proposed Area for Forest Carbon Stock Management	
16. Proposed Area:..... (name of forest area as applicable)	
	Village(s):
	Chiefdom(s):
	District: (Province).....
17.	Main objectives:
18.	Problem identified
19.	Potential size of area under consideration
20.	Type of forest carbon stock management project or programme being planned
21.	Type of activities to be undertaken
22.	Intended partners
23.	Potential benefits of the initiative
24.	How benefits are expected to be shared with the identified partners
25.	How stakeholders will get their benefits (the Type and form of benefits)

FORM V
(Regulation 12)



REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021

**NOTICE OF REJECTION FOR APPLICATION OF A FOREST CARBON STOCK
MANAGEMENT PERMIT**

(1) Here insert the full
names and address of
the applicant

To (1)
.....
.....

(2) Here insert the
reference no. of the
application

Reference No. (2)

You are notified that your application for a forest carbon stock management permit
has been rejected by the Director on the following grounds:

- (a)
- (b)
- (c)
- (d)

Dated this day of 20

.....
Director

FORM VI
(Regulation 13(2))



REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021

FOREST CARBON STOCK MANAGEMENT PERMIT

Subject to the provisions of the Forests Act. No. 4 of 2015, Section 53(1)(a), (b) of the Laws of Zambia, a permit is granted to:

Name/Company:

Company Registration/NRC No:

Residential Address:

.....

District: Postal Address:

to operate in Forest Reserve/State Land/Customary Land of

..... District,Province.

The Licence will expire on the day of 20.....

The area of operation is hectares with expected emission reduction of

.....

.....
Director

**TERMS AND CONDITIONS OF FOREST CARBON STOCK
MANAGEMENT PERMIT**

1. The permit holder shall be governed by the laws of Zambia and other international and agreements that Zambia is party to.
2. The permit holder shall comply with the provisions of the Forest Act, 2015.
3. The permit holder shall provide data and information to the Department related to forest carbon stock management.
4. The permit holder shall provide information related to the volume of emission reduction, buyer, prices, commitment period for such transaction and any other information as requested by the Director.
5. The permit holder shall demonstrate transparency in accounting methods, baseline scenario, additionality, estimation and monitoring of greenhouse gas emission reduction and removal and other important matters.
6. The permit holder shall provide periodic updates on the management of carbon stock and any information that may be necessary in relation to forest carbon stock forest management.
7. Public disclosure shall be mutually agreed throughout the project implementation time.
8. The permit holder shall develop a project or programme design, emission document or emission reduction document or related document depending on the carbon standard and the said document shall contain full information regarding the areas, size, benefit sharing plan, redress mechanism, obligations of the permit holder and all other environmentally and fiduciary information.
9. The benefit sharing plan shall clearly outline the gross revenue and the break down on how the gross revenue shall be shared.
10. The permit holder shall follow all environmental and social safeguards as guided by the Director.
11. The permit holder shall apply the precautionary principle in the development, management and conservation of forest ecosystems, biological diversity and habitats, taking into account the best scientific evidence available.



REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021

APPLICATION FOR DUPLICATE FOREST CARBON STOCK MANAGEMENT PERMIT

Subject to the provisions of the Forests Act. No. 4 of 2015, Section 53 (1) (a) (b) of the Laws of Zambia, a permit is granted to:

Name/Company:

Company Registration/NRC No:

Residential Address:

District: Postal Address:

To operate in Forest Reserve/State Land/Customary Land
of District, Province

The permit is expected to expire on day of 20.....

The area of operation is hectares with expected emission reduction of

.....
Director

*A duplicate licence is issued under the conditions on which it was issued according to the Forests Act No. 4 of 2015

FORM VIII
(Regulation 15)



REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021

APPLICATION FOR THE RENEWAL OF A FOREST CARBON STOCK MANAGEMENT

		Application No:	
		Date Application form submitted:	
		Date Application form verified:	
		Date Application form reviewed:	
		Date of approval or rejection:	
1.	Type of Permit		
2.	Number of the old Permit		
3.	Type of Applicant		
4.	Registration No. of Applicant		
5.	Physical Address		
6.	Postal Address		
7.	Telephone:		
8.	Email:		
9.	Fax:		
10.	Contact person's name		
11.	Objective of the previous forest carbon management		
12.	Reasons for proposed renewal		
11.	Please indicate the amount of emission reduction achieved of your permit.		
12.	Please indicate number of beneficiaries (show proof or records)		
13.	Please indicate type and form of benefits		
14.	Attach a brief report on forest carbon stock management experiences and outputs		
Signature of Applicant (individual or authorised company representative):			
Date:.....			

FOR OFFICIAL USE ONLY		
Submitted to:	Verified By:	Approved By:
Name:	Name:	Name:
Position:	Position:	Position:
Signature:	Signature:	Signature:
<i>District Forestry Officer</i>	<i>Provincial Forestry Officer</i>	<i>Director – Forestry</i>
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Official Date Stamp </div>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Official Date Stamp </div>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Official Date Stamp </div>
Remarks:		
.....		
.....		
.....		



REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021
NOTICE OF SUSPENSION/CANCELLATION OF PERMIT

(1) Here insert the full names and address of the applicant To (1)

(2) Here insert the reference no. of the application Reference No. (2) You are notified that your forest carbon stock management permit issued to you on Will be

SUSPENDED/CANCELLED by the Director on the following grounds:

- (a)
- (b)
- (c)
- (d)

Dated this day of 20

.....
Director



REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021
SUSPENSION/CANCELLATION OF PERMIT

(1) Here insert the full names and address of the applicant
To (1)

(2) Here insert the reference no. of the application
Reference No. (2)
You are notified that your forest carbon stock management permit issued to you on has been
SUSPENSION/CANCELLED by the Director on the following grounds:

- (a)
- (b)
- (c)
- (d)

Dated this day of 20

.....
Director

FORM XI
(Regulation 22)

REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Carbon Stock Management) Regulations, 2021
REQUIREMENT FOR ENVIRONMENTAL AND SOCIAL SAFEGUARDS
(Safeguards are a measure taken to protect the environment and people from harm)

I. Information by Permit holder	
1. Name	
2. Organisation	
3. Title	
4. Address	
5. Telephone	
6. Fax	
7. Email	
8. Website	
II. Commitment to Safeguards	
9. Actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements	
10. Describe the procedures or processes to ensure alignment with the national forestry policies	
11. Describe how you will show transparency on the management of forest, engagement with local communities	
12. Describe how you demonstrate respect for the knowledge and rights of local communities	
13. Describe how you will ensure full and effective participation of relevant stakeholders	
14. Demonstrate that the actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions are not used for the conversion of natural forests, but are instead used to incentivise the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits	
15. Demonstrate that the actions will address the risks of reversals	
16. Demonstrate that the actions will reduce displacement of emissions	

Signed.....

Date.....

SECOND SCHEDULE
(Regulation 30)

PRESCRIBED FEES

<i>Item</i>		<i>Fee Units</i>
1.	Application for permit	375,000
2.	Application for renewal of permit	75,000
3.	Search of register of permits	1,667

EDGAR C. LUNGU,
President

LUSAKA

17th June, 2021

[MLNR./FDHQ/101/8/15]

