



THE REPUBLIC OF KENYA

LAWS OF KENYA

TIMBER ACT

CHAPTER 386

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CHAPTER 386

TIMBER ACT

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CHAPTER 386

TIMBER ACT

[Date of assent: 22nd August, 1970.]

[Date of commencement: 24th May, 1971.]

An Act of Parliament to provide for the more effective control of the sale and export of timber; for the grading, inspection and marking of timber; for control of the handling of timber in transit; and for matters incidental to and connected with the foregoing

[Act No. 14 of 1970, L.N. 103/1971.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Timber Act,

2. Interpretation

In this Act, unless the context otherwise requires—

“**certificate of grading**” means a certificate issued by a grader that the particular parcel of timber to which the certificate relates has been graded by him and complies with the requirements of the Rules relating to the grade of timber concerned;

“**export permit**” means an export permit issued under paragraph (a) of subsection (1) of section 8 of this Act;

“**grader**” means a person authorised as such under section 4 of this Act;

“**prescribed mark**” means a mark prescribed in the Rules for placing on timber of a specified grade or origin;

“**the Conservator**” means the Chief Conservator of forests;

“**the Minister**” means the Minister for the time being responsible for matters relating to forests;

“**the Rules**” means rules made under section 13 of this Act;

“**timber**” means the wood of any tree grown in Kenya, Tanzania or Uganda, whether such wood is unsawn, hewn, sawn or machined, and includes lumber, shooks, slabs, blocks, box boards, flooring strips, shingles and sleepers, but does not include any other article manufactured from such wood.

3. Exclusion of timber

The Minister may, by notice in the *Gazette*, exclude from all or any of the provisions of this Act any timber specified in such notice.

PART II – TIMBER GRADING

4. Authorization of graders

(1) The Conservator may, by notice in the *Gazette*, authorize any person to be a grader for the purposes of this Act.

(2) Every authorization under this section shall, subject to subsection (3) of this section, continue in force for such period, not exceeding three years, as may be specified in the notice concerned.

(3) The Conservator may at any time suspend or revoke an authorization under this section on the ground that he is not satisfied with the qualifications or experience of the person concerned or with the manner in which such person has carried out his duties under this Act.

(4) Any person who, having applied for authorization as a grader, has such application refused or, being a grader, has had his authorization suspended or revoked may, within thirty days after the notification to him of such refusal, suspension or revocation, appeal in writing to the Minister whose decision thereon shall be final.

5. Grading of timber

(1) When an application is made to a grader for the grading of any timber, such timber shall be stacked in convenient parcels in such a manner as to permit of inspection piece by piece by the grader at the premises of the person making such application or at such other place as the grader may reasonably require.

(2) A grader may refuse to grade timber if, for any reason, he considers it to be unfit for grading.

(3) All handling charges connected with the grading of any timber, or in checking such grading, shall be borne by the person requiring such grading or checking, and such person shall provide all labour which may be necessary for the purpose of such grading or checking.

(4) Any person aggrieved by any decision of a grader may, within thirty days of such decision, appeal in writing to the Conservator.

(5) Any person aggrieved by the decision of the Conservator on an appeal under subsection (4) of this section may, within thirty days of such decision, appeal in writing to the Minister, whose decision thereon shall be final.

6. Grade marks

(1) No person other than a grader shall mark any timber with a prescribed mark and no person shall place upon any timber any mark which is so similar to a prescribed mark as to be liable to be mistaken therefor.

(2) No person shall re-saw or otherwise alter the state of a piece of timber bearing a prescribed mark unless before doing so he has effectively obliterated such mark in such a manner as to render it unrecognizable.

(3) No person shall, except in compliance with subsection (2) of this section or to give effect to the regarding of any timber, deface, alter or obliterate any prescribed mark on any timber.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

PART III – SALE AND EXPORT OF TIMBER

7. Restriction on use of grade names

Any person who sells or offers for sale any timber under any name, or colourable imitation thereof, which is prescribed by the Rules for describing any grade of timber, when the timber so sold or offered for sale does not comply with the specifications of such grade as so prescribed, shall be guilty of an offence.

8. Restriction on export of timber

(1) No person shall export or enter for export any timber—

- (a) of Kenya origin, except under and in accordance with the terms of an export permit issued by the Conservator or by a person authorized by him in writing in that behalf;
- (b) of Tanzania or Uganda origin, unless it is accompanied by a document issued in the country concerned allowing such export;
- (c) in respect of which an export permit has been issued, until a certificate of grading has been obtained or in a state other than that in which such timber was when such certificate was issued;
- (d) through any place or port in Kenya which has not been declared by the Conservator, by notice in the *Gazette*, as a place or port of export of timber for the purposes of this Act.

(2) The Minister may, by notice in the *Gazette*, restrict or prohibit the export of any specified timber of Kenya origin.

(3) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and, in addition to any other penalty which may be imposed therefor, the court may order—

- (a) if the timber concerned is the property of the person convicted, that such timber be forfeited; or
- (b) if such timber is the property of some other person, that the person convicted shall pay an additional fine equal to the value of such timber at the date the offence was committed.

9. Cancellation of export permits

The Conservator, or any person authorized by him in writing in that behalf, may cancel any export permit in respect of graded timber if he is of opinion that such timber, by reason of the method of handling or storage whilst in transit, is no longer in the state in which it was when the certificate of grading was issued.

10. Export returns

(1) The Conservator may, by notice in writing, require any exporter of timber to render, to such person or authority, and within such time, as may be specified in such notice, a return in such form as may be required showing all timber exported by such exporter during any period so specified.

(2) Any person who fails to comply with a notice under this section shall be guilty of an offence.

PART IV – MISCELLANEOUS

11. False documents

Any person who signs, issues or uses in respect of any timber any document which purports to be an export permit, certificate of grading or document mentioned in paragraph (b) of subsection (1) of section 8 of this Act, knowing or having reason to believe that the same is false in any material particular shall be guilty of an offence.

12. General penalty

Any person guilty of an offence under this Act shall be liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

13. Rules

The Minister may make rules generally for the better carrying into effect of the provisions of this Act, and, without prejudice to the generality of such power, such rules may—

- (a) provide for the procedure on application for, and the form of, export permits;
- (b) specify the place or places to which timber may, or may not, be exported;
- (c) prescribe the different grades of timber and the specifications thereof;
- (d) prescribe the form of certificates of grading;
- (e) prescribe the marks to be placed on different grades of timber to indicate the origin and grade of such timber, and the method of placing such marks and the registration thereof;
- (f) prescribe the fees which may be charged by graders for grading timber and for services performed in connection therewith;
- (g) provide for the appointment of inspectors and prescribe their powers and duties;
- (h) control or prohibit the sale of wood or wooden goods infected by any insect, fungus or bacterium harmful to wood;
- (i) require the treatment or destruction of any wood or wooden goods so infected which may be dangerous to the property of others;
- (j) prescribe the penalty, not exceeding a fine of six thousand shillings or a term of imprisonment of six months, or both such fine and imprisonment, which may be annexed to any breach of any such rule.

14. Spent.

CHAPTER 386

TIMBER ACT

SUBSIDIARY LEGISLATION

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TIMBER RULES, 1971

[Section 13, L.N. 174/1971.]

1. These Rules may be cited as the Timber Rules, 1971.
2. In these Rules, except where the context otherwise requires—
 - “**air dry**” means fully seasoned to equilibrium moisture content with local atmospheric conditions;
 - “**arris**” means a sharp external angle formed by the meeting of two surfaces of a piece;
 - “**bark pockets**” (also known as “**in bark**”) means patches of bark partially or wholly enclosed within the wood with resin or gum sometimes present in the pocket;
 - “**blemish**” means any feature which mars the appearance of timber but has no adverse effect on its technical quality. Whether a particular feature is classed as a blemish or a defect depends on the purpose for which the timber is to be used;
 - “**bluestain**” means the most common form of sapstain producing a bluish discoloration;
 - “**board**” means a piece of sawn timber 50 mm. or less in thickness and 150 mm. or more in width;
 - “**borer**” means any wood-boring organism (including marine borers) that attacks wood, producing holes or tunnels or similar damage;
 - “**borer holes**” means—
 - (a) pin holes—holes not more than 1.5 mm. in diameter;
 - (b) shot holes—holes over 1.5 mm. and not more than 3 mm. in diameter which may be stained or unstained;
 - (c) large borer holes (grub holes)—holes over 3 mm. in diameter;
 - “**bow**” means curvature of a piece of sawn timber in the direction of its length, whereby the plane of its face deviates from a straight line;
 - “**boxed heart**” means sawn or hewn timber cut so that the heart with any associated defects falls entirely within the four surfaces throughout its length;
 - “**brashness**” means a condition that causes wood to be relatively low in shock resistance;
 - “**brittleheart**” means wood near the heart characterised by brashness (brittleness) caused by compression failures;
 - “**checks**” means small separations of the wood fibres in a longitudinal direction, not penetrating as far as the opposite or adjoining side of a piece of sawn timber;
 - “**clear**” means free from all visible defects;
 - “**compression failures**” (also known as “**felling shakes**”, “**thunder**”, “**rupture**”, “**lightning**” and “**transverse shakes**”, “**upsets**”, “**cross breaks**” or “**cross fractures**”) means fractures across the grain in which the fibres are broken transversely or are crushed by compression. Various causes are suggested, such as felling across obstructions, and internal stresses in the growing tree caused by high winds and growth stresses, etc.;

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“**cup**” (cupping) means curvature of a piece of sawn timber across its width;

“**dead borer holes**” means borer holes in timber which are devoid of faecal pellets or frass;

“**decay**” means the disintegration of wood resulting from the action of wood-destroying fungi including wet rot and dry rot, but does not include infection by sap-staining fungi;

“**defect**” means any feature which adversely affects the technical quality of a timber;

“**dimension stock**” means timber sawn to exact dimensions for a special purpose;

“**dressed**” means sawn timber which is planed or otherwise machined on one or more surfaces;

“**edges**” means the two narrower surfaces of a piece of square-sawn timber;

“**end checks**” means checks on the end of a piece of sawn timber;

“**equilibrium moisture content**” means the moisture content of timber in equilibrium with any given conditions of humidity and temperature;

“**faces**” means the two wider surfaces of a piece of square-sawn timber and “**better face**” means the face with the fewer defects on it, and “**worse face**” means the face with more defects on it;

“**face measure**” means the area in square feet of one face of a board;

“**fine hair cracks**” means fine cracks occurring during seasoning probably due to excessive exposure to the sun;

“**flat sawn**” means timber converted so that the growth rings meet the face in any part at an angle of less than 45°;

“**flute**” means a natural longitudinal groove on the bole of a tree;

“**frass**” means the excreta and wood tissue fragments produced by wood-boring insects;

“**full sawn**” means timber which has been sawn oversize to allow for shrinkage and which should therefore measure more than the nominal dimensions until that timber has been fully seasoned;

“**grade**” means a classification of timber according to quality;

“**graded timber**” means timber passed by a grader as conforming to the quality of one of the grades described in the rules, and as being shipping-dry and free from prohibited defects;

“**grading inspector**” means a person appointed as grading inspector under rule 8 of these Rules;

“**grain**” means the general direction or arrangement of the fibres in timber;

“**green timber**” means timber which has been freshly sawn or which is only partially seasoned;

“**hardwood**” means timber from trees belonging to the botanical group, the Angiosperms;

“**heart**” means the portion of a log which includes the pith and the associated wood that may be defective;

“**heartwood**” means timber from the inner portion of a tree in which the cells are dead and no longer engaged in sap conduction and food storage;

“**hewn timber**” means timber which has been squared with an axe or adze, not by saw;

“**interlocked grain**” means grain whose inclination is reversed in successive growth layers;

“**knot**” means a portion of a branch which has become embedded in the wood by the natural growth of the tree being one of the following types—

- (a) *centre knot*—a knot occurring wholly within the middle half of the face of sawn timber;
- (b) *edge knot*—a knot occurring wholly or partly on the edge of sawn timber;
- (c) *knot cluster*—a group of two or more knots such that the wood fibres are deflected round the entire group. A group of single knots is not a knot cluster;
- (d) *loose knot*—a dead knot that is not held firmly in place;
- (e) *margin knot*—a knot occurring wholly or partly on the outer quarters of the face of sawn timber;
- (f) *sound knot*—a knot solid across its face and as hard as or harder than the surrounding wood to which it is firmly joined, showing no indication of decay and usually darker in colour than the surrounding wood;
- (g) *splay knot*—a knot sawn approximately parallel to its long axis so that the exposed section is definitely elongated;
- (h) *unsound knot*—a knot which is not solid across its face or is softer than the surrounding wood due to decay or other defects;

“**live borer**” means a wood-boring insect which is still alive and may be within timber containing loose faecal pellets or frass;

“**log**” means a section cross-cut from a tree or branch of a tree; if a log is not further prepared than by removal of bark and/or branches or protuberances it is known as a round log; if a log has been sawn or hewn to an approximately rectangular cross-section it is known as a squared log;

“**machined timber**” means timber having a surface or dimension that has been subject to machine operation after initial conversion;

“**moisture content**” means the amount of water in a piece of timber expressed as a percentage of the timber’s oven-dry weight;

“**opening out**” in respect of splits means the divergence of the split from the line parallel to the longitudinal axis of the piece;

“**oversize**” means the number of millimetres of which the nominal width or thickness of a piece of timber is exceeded;

“**pith**” means the central core of the heartwood consisting chiefly of parenchyma or soft tissue;

“**plank**” means a piece of square-sawn timber more than 50 mm. thick and not less than 150 mm. width, whose thickness does not exceed half its width;

“**resin pockets**” (also known as “**pitch pockets**”) means cavities in wood which have become partially or wholly filled with solid or semi-solid resinous or gummy substances with bark sometimes present in the pocket;

“**round timber**” means felled trees, logs or poles;

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“**sapstain**” means discolouration of timber resulting from the growth of certain fungi that derive their nourishment from the cell contents but do not cause decomposition of the timber. It is principally confined to the sapwood, cf. decay;

“**sapwood**” means the outer layers of wood which, in the growing tree, contained living cells and reserve materials such as starch; and “**bright sapwood**” means sapwood free of stain or borer damage;

“**sawn timber**” means timber which has been converted with a saw;

“**scantling**” means a piece of sawn timber of rectangular section more than 1.8 m. long, 50 mm. to 100 mm. thick and less than 150 mm. wide;

“**seasoned**” means timber with a moisture content of 12 percent or less;

“**shake**” means a split, crack or deep check of the following types—

- (a) *compound shake*.—a combination of two or more types of shake;
- (b) *cross shake*.—a shake in cross-grained timber following the grain;
- (c) *felling shake*.—airy shake caused by felling;
- (d) *heart shake*.—a radial shake originating at the heart;
- (e) *ring shake*. (or *cup shake*)—a curved shake following growth zone;
- (f) *shell shake*.—part of a ring shake showing on the surface of converted timber; timber so affected is described as shelly;
- (g) *start shake*.—several radial shakes originating at the heart;

“**shipping dry**” (of timber) means sufficiently seasoned timber to prevent deterioration in transit, and the expression “**deterioration in transit**” refers only to the behaviour of timber under normal conditions in covered railway wagons or in a ship’s hold;

“**shorts**” means short lengths of sawn timber usually less than 1.8 m. long;

“**slope of grain**” means a deviation of the grain (fibres) from the longitudinal axis of the timber, when the deviation is in the same direction throughout the depth of the piece;

“**softwood**” means the timber from trees belonging to the botanical group, the Gymnosperms;

“**split**” (also known as “**shake**”) means a longitudinal separation of the fibres which extends to the opposite face or adjoining edge of a piece of sawn timber;

“**spring**” means curvature of a piece of timber in the plane of its edge; known also as edge bend;

“**square**” means any piece of timber sawn so as to be rectangular and of equal dimensions on all four sides;

“**square-sawn timber**” means timber sawn to a rectangular cross-section with or without wane;

“**stain**” means discoloration or variation from natural colour due to fungi, chemical action or other causes;

“**stone**” means a hard deposit, often calcareous, occurring in pockets in various timber, often a result of old fire damage;

“**strip**” means—

- (a) in the case of softwood—
 - (i) a piece of square sawn timber less than 50 mm. thick and less than 150 mm. wide;

- (ii) a piece of square sawn timber under 45 mm. thick and under 100 mm. wide;
- (b) in the case of hardwood—a piece of square-sawn timber 50 mm. and under in thickness, 50 mm. to 140 mm. wide;

“**surface**” means the two faces and the two edges of a piece of sawn timber;

“**twin hearts**” means two heartwood centres occurring on the end of a log which has been cross-cut at a place where the bole or branch divides;

“**twist**” means spiral distortion of a piece of sawn timber;

“**undersize**” means the number of millimetres by which the width or thickness of a piece of timber falls short of the nominal dimension;

“**unseasoned**” means timber with a moisture content of more than 12 per cent;

“**wane**” means the original rounded surface of a tree remaining on a piece of converted timber;

“**warp**” means distortion of a piece of timber usually developed during seasoning, and includes bow, cup, spring and twist.

3. Every application for an export permit shall be in Form A in the First Schedule to these Rules.

4. Every export permit shall be in Form B in the First Schedule to these Rules.

5. No person shall export any timber, unless it has been—

- (a) graded by a grader in the manner specified in, and complies with one of the grades set out in, the Second, Third and Fourth Schedules to these Rules;
- (b) certified as to grade by a certificate of grading which shall be on Form C in the First Schedule to these Rules;
- (c) marked on one end or face thereof by a grader with the appropriate grade mark set out in the Second, Third and Fourth Schedules to these Rules;
- (d) marked with a distinctive shipping mark either by stencil or some other suitable medium on the same end thereof as is the grade mark prescribed by paragraph (c) of this rule; and
- (e) marked by the miller thereof with his own mark, if any.

6. No timber shall be graded unless it is shipping-dry or drier unless green timber is specified by the buyer in which case the timber shall be graded a specified grade.

7. When a purchaser of timber for use within East Africa requires a certificate of grading in respect of the timber he is buying and/or requires that the timber shall be grade marked according to these Rules the seller shall be entitled to charge up to 2 per cent of the agreed sale price of the timber for this service.

(1) The Chief Conservator of Forests may in writing appoint any suitably qualified person to be a grading inspector for the purpose of these Rules.

(2) Every such appointment shall be personal to the holder thereof and shall, unless sooner revoked, expire on the 31st December of the year in which it has been issued.

(1) A grading inspector may inspect the grading of timber which has been graded by graders, also the lay-out and condition of timber yards and sheds, and may examine any other matter connected with the grading, handling, storage and transport of timber which

Timber

[Subsidiary]

the Chief Conservator of Forests may require, and shall submit reports on the same to, and in such manner and at such intervals as required by, the Chief Conservator of Forests.

(2) Grading inspectors may, in the execution of their duties, enter any premises at any reasonable time, and they shall be given by the owner of such premises any reasonable assistance required.

(3) Any person who resists, hinders or obstructs any grading inspector in the exercise of his powers under this rule shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding one month or to both such fine and such imprisonment.

FIRST SCHEDULE

FORM A

APPLICATION FOR EXPORT PERMIT

Name and address of applicant

Name and address of shipping agent

Name and address of producer

Species and grade of timber to be exported

Quantity in cubic metres Value F.O.B.

[Details required on reverse must be given]

State where timber may be inspected

Name and address of firm to whom consigned

Country and port of destination

Approximate date of shipment

Name of ship, if known

(A separate application must be submitted for each species to be exported.)

I HEREBY DECLARE that the particulars which I have given are true and accurate.

Date Signed

Applicant

Form to be carefully completed in quadruplicate (preferably typewritten) by applicant

REVERSE OF FORM A

Sectional Sizes

Length

Volume in Cubic Metres

Timber

[Subsidiary]

FIRST SCHEDULE, FORM A—continued

Mill identification mark on timber (if any)

Shipping mark

Moisture content (approx.)

Preservative treatment (if any)

(Name of Chemical or Process)

FORM B

EXPORT PERMIT

Messrs.

are hereby authorized to export, in accordance with the Timber Rules, 1971 cu. m.

of timber to as

specified in their application dated

This export certificate is valid for six months only.

Date Signed

for Chief Conservator of Forests

CERTIFICATE OF GRADING

I hereby certify that I have this day inspected the following timber the property of

lying at

and found it to conform with the Timber Rules.

Species	Number of Pieces	Grade	Length	Other Dimensions
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Total number of pieces passed

This certificate has been issued without any alteration or erasure, this

day of, 20

.....

Grader

SECOND SCHEDULE
 HARDWOOD GRADING
 PART I – INTRODUCTION

1. The timber of all hardwood species except *Dalbergia melanoxylon* shall be graded under and in accordance with this Schedule.
2. Unless the specifications state otherwise, all grading will be done on the worse face of the timber.

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3. No timber may be considered to be graded timber which contains any of the following defects—

- (a) live borers;
- (b) rot or decay;
- (c) soft heart or pulpy heart;
- (d) unsound or loose knots;
- (e) undersize.

4. Timber which contains any of the following defects shall be considered unfit for grading unless otherwise stated in the individual specifications—

- (a) brittleheart;
- (b) compression failure;
- (c) severe surface checking;
- (d) warp, twist, cup and bow, unless, in the opinion of the grader, it is so slight that the piece of timber can be surfaced on both sides to its finished dimensions.

5. All timber shall be classified according to its dimensions under one of the following definitions—

- (1) boards and planks;
- (2) strips, including flooring;
- (3) scantlings;
- (4) shorts;
- (5) other graded timber, as defined in Part II of this Schedule.

6. Standard grading, specifications for each of the categories will be found in Part II of this Schedule, and all timber must comply with one of the grades set out in the appropriate grading specifications before it can be considered as graded timber.

7. In certain of the specifications in Part II of this Schedule reference is made to “**standard defects**”; they are defined in the table below—

<i>Defect</i>	<i>Value</i>
(1) one sound knot 15 mm. to 30 mm. in diameter or equivalent	1 defect
(2) one sound knot over 30 mm. and up to 60 mm. in diameter or equivalent.....	2 defects
(3) one sound knot over 60 mm. and up to 90 mm. in diameter or equivalent	3 defects
(4) two sound knots less than 15 mm. in diameter or equivalent	1 defect
(5) three sound knots less than 15 mm. in diameter or equivalent	2 defects
(6) one or more pin holes or shot holes in a group not exceeding 30 mm. in diameter	1 defect
(7) one end split, or splits at each end, not exceeding 275 mm. in aggregate length per	1 defect
.....square metre of face measure, each split opening out for not more than 1 mm. to each 10 mm. length of the split	
(8) one end split, or splits at each end, not exceeding 275 mm. in aggregate length per square metre of face measure, each split opening out for not more than 1 mm. and less than 2 mm. to each 10 mm. length of the split	2 defects
(9) 15 mm. of spring shall be admitted in pieces over 3 m. and up to 4 m. long, and 40 mm. in pieces over 4 m. and up to 5 m. long. Each additional 15 mm. in any piece shall be considered as equal to 1 defect. Not more than two such defects shall be admitted in any piece.	

SECOND SCHEDULE—*continued*

8. Specific provision is made for sapwood in the description of each grade.

PART II – GRADE SPECIFICATIONS

There shall be four grades—

BOARDS AND PLANKS

1. First or prime grade—

- (a) widths 150 mm. and wider;
- (b) lengths 1.8 m. and longer;
- (c) defects admitted—
 - (i) pieces containing less than .75 sq. m. face measure to be free from any defect;
 - (ii) pieces containing .75 to 1 sq. m. face measure may admit one standard defect;
 - (iii) pieces containing 1 to 1.5 sq. m. face measure may admit two standard defects;
 - (iv) pieces containing over 1.5 sq. m. face measure may admit three standard defects;
- (d) sapwood shall not be admitted;
- (e) pieces shall be generally straight-grained;
- (f) the following tolerances in thickness will be admitted—
 - (i) 1 mm. oversize on pieces up to 20 mm. in thickness;
 - (ii) 2 mm. oversize on pieces over 20 mm. and up to 40 mm. in thickness;
 - (iii) 4 mm. oversize on pieces over 40 mm. in thickness.

2. Second or select grade—

- (a) widths and lengths as for first or prime grade;
- (b) defects admitted—
 - (i) pieces containing less than .75 sq. m. face measure shall admit two standard defects of which not more than one shall be due to splits;
 - (ii) pieces containing .75 to 1 sq. m. face measure shall admit four standard defects of which not more than two shall be due to splits and not more than two due to spring;
 - (iii) pieces containing 1 to 1.5 sq. m. face measure shall admit six standard defects of which not more than two shall be due to splits and not more than two due to spring;
 - (iv) pieces containing over 1.5 sq. m. face measure shall admit eight standard defects of which not more than two shall be due to splits and not more than two due to spring;
- (c) bright sapwood shall be admitted provided that it occurs only on worse face and nowhere exceeds one-sixth of the width of that face;
- (d) the same tolerances in thickness will be admitted as in first grade.

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3. Third or standard grade—

- (a) widths and lengths as for first or prime grade;
- (b) defects admitted—
 - (i) sound knots less than 50 mm. in diameter—to the extent of one sound knot to every 1,000 sq. cm. of face measure on the graded face;
 - (ii) end splits—not exceeding in aggregate length 1 mm. for each 10 mm. length of piece;
 - (iii) bright sapwood shall be admitted provided it does not exceed one-sixth of the width of either face;
 - (iv) spring—to the extent of 15 mm. in pieces up to 3 m. long, 20 mm. in pieces 3 to 4 m. long and 35 mm. in pieces more than 4 m. long;
 - (v) borer holes—pin holes or shot holes to the extent of two holes to every 0.1 sq. m. of face measure. Large borer holes shall not be admitted;
- (c) the following tolerances in thickness will be admitted—
 - (i) 2 mm. oversize on pieces less than 65 mm. in thickness;
 - (ii) 4 mm. oversize on pieces 65 mm. or more in thickness.

Strips Including Flooring

- (a) scope—for grading narrow widths, usually to be used as flooring—
- (b) grades—first, or prime and second or select;
- (c) widths—as specified but less than 150 mm.;
- (d) lengths as specified;
- (e) grading requirements applicable to both grades of strips; spring shall be allowed only to the extent of 15 mm. in lengths of 2.5 m. and over. No spring shall be allowed in lengths of less than 2.5 m.

2. First or prime grade—

- (a) one face and both edges shall be free of defect;
- (b) the worse face shall admit slight defect not caused by splits;
- (c) sapwood shall not be admitted;
- (d) the same tolerances in thickness will be admitted as in first grade boards and planks.

3. Second or select grade—

- (a) the better face shall be free from defect;
- (b) edges shall be free from defect other than bright sapwood;
- (c) on the worse face, bright sapwood and sound knots shall be admitted;
- (d) the same tolerances in thickness will be admitted as in first grade.

Shorts (Excluding Flooring Blocks or Strips)

- (a) scope—for grading short lengths (i.e. lengths less than 1.8 m.) of timber of any width, other than flooring, which should be graded under Item 2 above;
- (b) grades—first or prime and second or select;
- (c) general requirements—all lengths must be full, i.e. at least 15 mm. longer than specified.

2. First or prime grade—

- (a) prime is a clear grade, i.e. all short length strips, boards or planks shall have both faces free from any defect, and squares and scantlings shall have all four surfaces free from any defect;
- (b) the same tolerances in thickness will be admitted as in first grade boards and planks.

3. Second or select grade—

- (a) all short-length strips, boards or planks shall have the better face free from all defects. Squares and scantlings shall have two adjacent faces free from all defects;
- (b) the worse face (in strips, boards and planks) or the remaining faces (in squares and scantlings) may contain bright sapwood, provided that this does not exceed one-sixth of the width of the face on which it occurs, and sound knots not exceeding 15 mm. in diameter, but shall be free of any other defects;
- (c) the same tolerances in thickness will be admitted as in first grade.

Scantlings

- (a) scope—for grading scantlings. Lengths under 1.8 m. shall be graded as shorts;
- (b) in grading scantlings all four surfaces should be examined. All scantlings shall be free from shakes, from obvious compression failures and brittleheart and any other defects which in the opinion of the grader would materially impair the strength of the scantling.

2. First or prime grade—

- (a) slope of grain not to exceed 1 in 16;
- (b) spring not to exceed 10 mm. in 3 m.;
- (c) to be free from any other defect;
- (d) heart shall not be admitted;
- (e) the same tolerances in thickness will be admitted as in first grade boards and planks.

3. Second or select grade—

- (a) slope of grain not to exceed 1 in 12;
- (b) spring not to exceed 20 mm. in 3 m.;
- (c) knots not to exceed one-sixth of the width of any face or edge, and not to exceed one-sixth of the width of any face or edge, and to be confined to one corner;
- (e) heart admitted if sound and well-boxed;
- (f) the same tolerances in thickness will be admitted as in first grade.

4. Third or standard grade—

- (a) slope of grain not to exceed 1 in 12;
- (b) spring not to exceed 20 mm. in 3 m.;
- (c) knots not to exceed one-third of the width of any face or edge, nor to exceed 1 in 1 linear metre;
- (d) sapwood not to exceed one-quarter of the width of any face or edge;

Timber

[Subsidiary]

- (e) end splits allowed up to an aggregate of 150 mm. at each end;
- (f) heart admitted if sound and well-boxed;
- (g) the same tolerances in thickness will be admitted as in third grade boards and planks.

Other Graded Timber

1. Timber not meeting any of the standard specifications set out above may be regarded as graded timber, provided that—

- (a) it has been graded by an authorized grader;
- (b) it is shipping-dry or drier (except where green timber is specified by the buyer);
- (c) it is free from live borer, rot, decay, brittleheart, compression failures and unsound or loose knots;
- (d) distortion does not exceed the following limits—
 - (i) bow—25 mm. in 3 m.;
 - (ii) cup—1 mm. in 50 mm.;
 - (iii) twist—3½ percent;
 - (iv) spring—25mm. in 3 running metres.

2. Such timber will be described in the grading certificates as fourth or specified grade.

PART III – GRADE MARKS

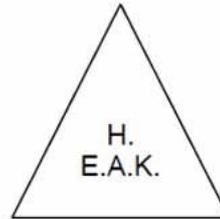
1. First or prime grade—

a circle containing the letters "H.E.A.K." arranged thus—



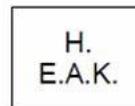
2. Second or select grade—

a triangle containing the letters "H.E.A.K." arranged thus—



3. Third or standard grade—

a square containing the letters "H.E.A.K." arranged thus—



4. Fourth or specified grade—

the letters "H.S.E.A.K." arranged thus—

H.
S.
E.A.K.

THIRD SCHEDULE SOFTWOOD GRADING

PART I – GRADES OF TIMBER

In this Schedule—

1. The timber or all softwood species shall be graded under and in accordance with this Schedule.
2. There shall be six strength grades and five appearance grades.
3. Any species of softwood may be graded either in the strength grades or in the appearance grades.
4. The strength grades shall be—
 - (a) first grade;
 - (b) second grade;
 - (c) third grade;
 - (d) fourth grade,

which grades are defined in Part IV of this Schedule; and

- (e) general grade—this grade shall consist of 50 percent second grade and better and 50 percent third grade;
- (f) specified grade—this grade shall provide for special requirements in cases where an exceptional specification has been agreed between buyer and seller and shall include round timber.

5. The appearance grades shall be—

- (a) first grade;
- (b) second grade;
- (c) third grade,

which grades are defined in Part V of this Schedule; and

- (d) general grade—this grade shall consist of 50 percent second grade and better and 50 percent third grade;
- (e) specified grade—this grade shall provide for special requirements in cases where an exceptional specification has been agreed between buyer and seller and shall include round timber.

PART II – INSTRUCTIONS FOR GRADING

1. (a) Timber to be graded under the strength rules shall be graded on the worse face and edge.
(b) Timber to be graded under the appearance rules shall be graded on the better face.
2. Where any defect which is not included in the grading rules is seen, such defect shall be considered on its estimated damaging effect on the piece of timber.
3. The size of an edge knot shall be measured—
 - (a) where the knot touches the arris, as the width between the arris and a line touching the knot parallel to the arris; or
 - (b) where the knot does not touch the arris, as the width between lines touching the knot and parallel to the arris.

[Subsidiary]

4. The size of a margin knot shall be measured in the same manner as an edge knot.
5. The size of a centre knot shall be the mean of its greatest and least diameters.
6. The size of a knot cluster shall be taken as the sum of the diameters of individual knots measured as centre knots.
7. The amount of wane shall be expressed as a fraction of the width of the surfaces on which it occurs.
8. Slope of grain shall be measured over a distance of not less than twice the width of the piece or edge as relevant disregarding slight local deviations; and it shall be measured as the tangent of the angle of the inclination of the fibres to the long axis of the piece.
9. The size of resin pockets and bark pockets shall be limited to the width specified, and the lengths shall be expressed as the sum of the lengths of all pockets in millimetres to the length of the piece in metres.
10. The size of checks and splits shall be limited to the lengths specified.
11. The amount of bow shall be measured over a length of 3 m. and shall be expressed as the maximum deviation of the face from a straight line joining two points 3 m. apart.
12. The amount of spring shall be measured over a length of 3 m. and expressed as the maximum deviation of the edge from a straight line joining two points 3 m. apart.
13. The amount of twist shall be measured over a length of 3 m. and shall be expressed in degrees.
14. The amount of cup shall be measured over a width of 150 mm. and shall be expressed as mm. per 150 mm.

PART III – SPECIAL CONDITIONS

1. "Sapwood" (*Juniperus procera*)—up to 10 percent is allowed first grade, 20 percent in second grade, and it is unrestricted in the third grade. This applies only when *Juniperus procera* is graded by the appearance rules.
 2. "Live borer"—shall be prohibited in all grades.
 3. "Rot"—shall be prohibited in all grades except in the case of unsound knots.
-

Timber

[Subsidiary]

PART IV – STRENGTH GRADES-FIRST, SECOND, THIRD AND FOURTH

THIRD SCHEDULE—continued

PART IV – STRENGTH GRADES-FIRST, SECOND, THIRD AND FOURTH

Defect and Characteristic	Maximum Permissible Size of Defect or Characteristic per Grade			
	First	Second	Third	Fourth
Knots	Sound knots only	Sound knots only	Unsound knots included	Unsound knots included
Edge	½ thickness	½ thickness	¾ thickness	Unrestricted
Margin	½ width	¼ width	½ width	Unrestricted
Centre	¼ width	½ width	½ width	Unrestricted
Splay	¼ width	½ width	½ width	Unrestricted
Cluster (in total)	¼ width	½ width	½ width	Unrestricted
Rot	Not allowed except in Unsound Knots			
Wane	Not allowed except in Unsound Knots			
Edge	Not allowed	½ thickness	¼ thickness	½ thickness
Face	Not allowed	¼ width	¼ width	½ width
Length	Not allowed	¼ length	½ length	Unspecified
Slope of Grain	1 : 4	1 : 8	Unrestricted	Unrestricted
Resin Pockets and Bark Pockets	Not allowed	Not more than 6mm. wide	Not more than 6mm. wide	Unrestricted
		Not more than 40 mm. in length per metre length of piece	Not more than 80 mm. in length per metre length of piece	
Checks and Splits	Total length not exceeding 150 mm.	Total length not exceeding 225 mm.	Total length not exceeding 300 mm.	Unrestricted
Bow	6mm. in 3m. of length	13 mm. in 3m. of length	25 mm. in 3m. of length	Unrestricted
Spring	6mm. in 3m. of length	13 mm. in 3m. of length	25 mm. in 3m. of length	Unrestricted
Twist	3° in 3m. of length	6° in 3m. of length	9° in 3m. of length	Unrestricted
Cup	1.5 mm. in 150 mm. of width	3 mm. in 150 mm. of length	3 mm. in 150 mm. of width	Unrestricted

Timber

[Subsidiary]

THIRD SCHEDULE—continued				
Defect and Characteristic	Maximum Permissible Size of Defect or Characteristic per Grade			
	First	Second	Third	Fourth
Pith	Not allowed	Not allowed	50 mm. in 3 m.	Unrestricted
Dead Borer Holes	Not allowed	Not allowed	Not allowed	Unrestricted
Undersize (unseasoned timber)	Not allowed	Not allowed	Not allowed	Not allowed
Undersize (seasoned timber)	Not allowed	Not allowed	Must not exceed 3 mm. in thickness nor 3 mm. in width	Must not exceed 3 mm. in thickness nor 3 mm. in width
Oversize (unseasoned timber)	All timber to be sawn oversize by 1 mm. per 20 mm. thickness and width			
Oversize (seasoned timber)	Not more than 3 mm. in thickness and not more than 6 mm. in width			
PART V – APPEARANCE GRADES-FIRST, SECOND AND THIRD				
Defect and Characteristic	Maximum Permissible Size of Defect and Characteristic per Grade			
	First	Second	Third	
Knots per 5 sq. m.	Sound knots only	Sound knots only	Unsound knots included	
Centre or Margin	Up to 40 mm. total diameter	Up to 75 mm. total diameter	Up to 150 mm. total diameter	
Splay	Not allowed	1 up to ¼ width	2 up to ¼ width	
Rot	Not allowed except in unsound knots			
Wane	Not exceeding ¼ thickness 1/16 width ¼ length	As for First	Not exceeding ¼ thickness 1/16 width 1/3 length	
Slope of grain	1 : 14	1 : 8	Unrestricted	
Resin Pockets or Bark Pockets	Not more than 6 mm. wide. Not more than 40 mm. in length per metre length of piece	Not more than 6 mm. wide. Not more than 80 mm. in length per metre length or piece	Unrestricted	

Timber

[Subsidiary]

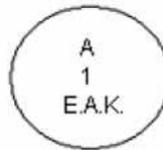
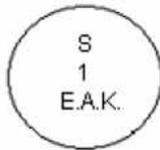
THIRD SCHEDULE—continued			
Defect and Characteristic	Maximum Permissible Size of Defect and Characteristic per Grade		
	First	Second	Third
Checks and Splits	Not more than 1 mm. wide Not more than 40 mm. in length per metre length of piece	Not more than 20mm. wide Not more than 80 mm. in length per metre length of piece	Not more than 3 mm. wide. Not more than 160 mm. in length per metre length of piece
Bow	13 mm. in 3 m. of length	25 mm. in 3 m. of length	50 mm. in 3 m. of length
Spring	6 mm. in 3 m. of length	13 mm. in 3 m. of length	25 mm. in 3 m. of length
Twist	3° in 3 m. of length	6° in 3 m. of length	9° in 3m. of length
Cup	1.5 mm. in 150 mm. of width	3 mm. in 150 mm. of width	6 mm. in 150 mm. of width
Dead Borer holes	Not allowed	Not allowed	Unrestricted
Sapwood, where distinct from heartwood	Not allowed	up to 20% of face graded	Unrestricted
Bluestain	5%	15%	Unrestricted
Undersize (unseasoned timber)	Not allowed	Not allowed	Not allowed
Undersize (seasoned timber)	Not allowed	Not allowed	Not exceeding 3 mm. in thickness not 6 mm. in width
Oversize (unseasoned timber)	All timber to be sawn oversize by 1 mm. per 20 m. of thickness and width		
Oversize (seasoned timber)	Not more than 3 mm. in thickness and not more than 5 mm. in width		

[Subsidiary]

PART VI – GRADE MARKS

1. In all grades, the letter “S” above the grade number shall denote that the timber has been graded by the strength rules, and the letter “A” shall denote that the timber has been graded by the appearance rules.

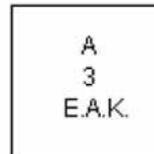
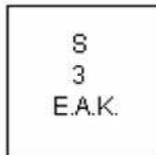
- (a) In the case of first grade, a circle containing the letters E.A.K. surmounted by the figure 1—



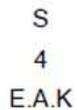
- (b) In the case of second grade, a triangle containing the letters E.A.K. surmounted by the figure 2—



- (c) In the case of third grade, a square containing the letters E.A.K. surmounted by the figure 3—



- (d) In the case of fourth grade, the letters E.A.K. surmounted by the figure 4—



- (e) In the case of general grade, the letters E.A.K. surmounted by the letter G—

Timber

[Subsidiary]

S
G
E.A.K.

A
G
E.A.K.

- (f) In the case of specified grade, the letters E.A.K. surmounted by the letter S—

S
S
E.A.K.

A
S
E.A.K.



Timber

[Subsidiary]

FOURTH SCHEDULE
BLACKWOOD GRADING

PART I – INTRODUCTION

1. In this Schedule, unless the context otherwise requires—

“**blackwood**” means the species *Dalbergia melanoxylon*, also known as East African Blackwood and Mpingo.

PART II – GRADING INSTRUCTIONS

1. Blackwood timber shall be graded in accordance with the following instructions—

- (a) the grading of blackwood timber shall be done on all faces of the timber and all cut surfaces shall be free from any form of coating before grading is attempted;
- (b) no blackwood timber shall be graded unless the heartwood is black, very dark brown or very dark purple;
- (c) no blackwood timber shall be graded unless it is cut full to the sizes specified by the purchaser;
- (d) no blackwood log shall be graded if the sapwood exceeds 20 mm. in width at its narrowest point measured radially;
- (e) no blackwood timber shall be graded if the outer parts of such log are deeply or severely fluted;
- (f) no blackwood timber shall be graded if it contains live borer;
- (g) no blackwood timber shall be graded as “first grade” unless it conforms with the specifications set out in section 2 of this part;
- (h) no blackwood timber shall be graded as “second grade” unless it conforms with the specifications set out in section 3 of this part;
- (i) no blackwood timber which has been graded shall be marked with any grading mark other than the mark delineated and described in Part III which is appropriate to its grade;
- (j) when defects are encountered in any blackwood timber which are not defined in the list of defects contained in Appendix I to this Part, they shall be considered as equivalent to such defects according to their damaging effect on the piece of timber under inspection.

GRADES OF BLACKWOOD TIMBER

2. For first grade—

- (a) logs to be 230 mm. or more in minimum diameter of the heartwood at the smaller end;
- (b) logs to be 9 in. or more in minimum diameter of the heartwood at the smaller end;
- (c) logs to be generally round in shape at the ends, reasonably straight, free from excessive fluting, completely free from very deep flutes, and free from twin hearts;
- (d) logs to have 75 percent or more of the heartwood at the ends free from the visible defects as defined in paragraph 4 of this Part;

- (e) logs to be free from unsound knots and free from sound knots over 150 mm. in average diameter of heartwood. Sound knots and knot clusters under 50 mm. in average diameter of heartwood will be permitted up to a maximum of three knots in each 1m. length of log;
- (f) sawn or machined timber to be completely free from visible defects as defined in paragraph 4 of this Part and free from knots of any size.

3. For second grade—

- (a) logs to be 150 mm. or more in minimum diameter of the heartwood at the smaller end;
- (b) logs to be generally round in shape at the ends, reasonably straight, free from very deep flutes, and free from twin hearts;
- (c) logs to have 60 percent or more of the heartwood at the ends, free from defects as defined in paragraph 4 of this Part;
- (d) logs to be free from unsound knots and free from sound knots over 75 mm. in average diameter of heartwood. Sound knots and knot cluster under 75 mm. average diameter of heartwood will be permitted up to a maximum of three knots in each 1m. length of log;
- (e) sawn or machined timber to have 95 per cent of each face completely free from visible defects as defined in paragraph 4 of this Part and free from knots of any size.

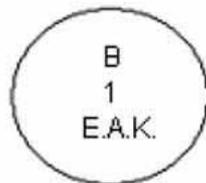
4. The visible defects are—

- (a) hollow, soft, rotten or shattered heart;
- (b) borer holes in the heartwood;
- (c) all types of shakes;
- (d) checks more than 15 mm. deep;
- (e) included bark or inbark;
- (f) pockets containing bark, stone, sand, resin or foreign matter;
- (g) sound knots, over 75 mm. in diameter of heartwood; unsound knots of any size;
- (h) twin hearts in the heartwood of a piece of timber;
- (i) sapwood;
- (j) fine hair cracks (in sawn timber only).

PART III – GRADE MARKS

1. First grade—

A circle containing the letters "B.1.E.A.K." arranged thus—



[Subsidiary]

2. Second grade—

A triangle containing the letters "B.2.E.A.K." arranged thus—

