

FOREST LAW No. 6831

ARTICLE 1

(AS AMENDED BY LAW NO. 3373, 1987):

- Tree and woodland communities, which are grown by human efforts, are regarded as Forest, together with their lands;
- Privately owned lands containing trees and woodland species, which do not grow naturally in the neighbouring forest or any kind of trees or woodlands on privately owned land and smaller than three hectares are not considered as forest;

ARTICLE 2

(According to the amendments made by Law No. 3302 of 1986 and Law No. 3373 of 1987 to adjust the Forest Law according to the Articles 169 and 170 of the Constitution):

- A. The areas of which preservation as forest would be of no scientific value and which could be converted into agricultural land for the purpose of complete or partial settlement of the forest village populations; and the areas under the forest regime but covered by heath and shrub, and determined as suitable for conversion into agricultural use.
- B. The areas that scientifically and technically lost their forest character prior to the date of 31 December 1981, and determined to be suitable for different agricultural purposes such as farmland, vineyard, garden, fruit, olive, hazelnut, pistachio orchards; or livestock purposes such as pasture, summer and winter grazing lands; or the settlement areas where city, town or village buildings exist, shall be excluded from the forest regime. Apart from such areas, no limitation of any kind can be placed on the boundaries of forest.

ARTICLE 4

- Three categories of forest ownership are accepted as:
 - (1) State forest;
 - (2) Forest belonging to public legal entities;
 - (3) private forest.

ARTICLE 6

(AS AMENDED BY THE LAW NO 3373)

All forest owned by the other parties than the State are subject to the control of the General Directorate of Forestry.

ARTICLE 7

Cadastre surveys and delineation of borders of all State forests, forest belonging to public institutions with legal entities, and private forest together with all kinds of immovable within or next to them are undertaken by forest cadastre commissions.

ARTICLE 11

Announcement of proceedings prepared by the Forest Cadastre Commissions through public notice is as the same as actual service.

ARTICLE 13

(AS AMENDED ON 23.9.1983 BY LAW NO: 2896)

DEVELOPMENT OF FOREST VILLAGERS AND THEIR TRANSFERS

Among the habitants of villages or scattered settlements within or next to forests:

A) Who could be developed within their own surroundings, are the primary beneficiaries of the Forest Villagers Development Fund, which is described in Article 3 of the Annex.

B) That are not possible to be developed within their own surroundings or that have to be transferred because of the serious water and land system problems, are partially or completely moved to the lands taken out of forest boundaries (according to Article 2B of this law), if such lands are not available, to other places, with the proposal of the Ministry of Forestry, consent of the Ministry of Rural Affairs and Cooperatives and the decision of the Council of Ministers. The lands belonging to the transferred villages is immediately planted as State Forest.

ARTICLE 14

In State Forest:

A) To cut or uproot grown or planted seedlings, to damage plantation areas, to choke or wound trees, to cut their branches and tops or to get produce wooden tiles from the trees,

B) To cut old or young trees or to uproot them or to get tar or bark or resinous wood from them, to cut leaning or overthrown trees or to take or uproot them or produce coal from them.

C) To collect forest seeds or any kind of forest flora, valonia, lime tree, galnut, medical and industrial plants,

D) To fish in lake reservoirs, dam reservoirs and streams through using dynamite or poison,

E) To get soil, sand an pebbles for one's own needs without commercial purposes are forbidden.

ARTICLE 17

Except for the buildings and institutions built with the purpose of protecting, producing or developing the forest, it is forbidden to build any kind of building or barn or animal shelter, to open or cultivate land or to settle within the forest.

Any kind of building or establishment built on the land acquired through burning or making use of the empty places through invasion, by encroachment or cutting, uprooting or trimming in any way, cannot be registered with a title deed in the name of anyone. Those places are directly under the control of the Forestry Management. The wreck on the burnt forest lands cannot be sold to individuals. They are assigned to meet the needs of official institutions and agencies.

In the State forest lands out of tourism areas and centres, permits can be given by the Ministry of Forestry by charging appropriate amounts of payments, to real persons and legal entities for buildings and installations which are for public benefit. The period of this permission cannot exceed forty-nine years. All kinds of buildings and facilities other than the ones built by the State become the property of the State at the end of the permission period without any reservation and payment. However, for owners of such permission that are evaluated to be operating in accordance with the determined objectives, Forestry administration have the right to extend their permission up to ninety-nine years by charging annual amounts according to value of similar buildings and facilities. In this case, the transfer is done at the end of this period. In tourism oriented facilities, the permission owners are entitled to servitude in title deed. Neither the permission nor servitude can be used for any other purpose.

In the case of requests of permits for such building and facilities in the forests of the agencies with legal personality or in private forest lands, The Ministry of Forestry can give permission without the consent of the Ministry of Finance. In this case, the parties in accordance with general provisions determine issues like the cost, period, and transfer of the facilities.

ARTICLE 18

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

Establishment of any kind of factories for processing forest products is subject to authorisation of the Ministry of Forestry, serving the provisions on acquiring license and duties. Allocation of stone, sand and soil in forest areas up to one kilometer away from the forest boundaries or establishment of small saw mills and strips, operation of wood using mines in processing lime, coal, turpentine, tar gum and establishment of fish farms at a distance up to four kilometers from the forest borders are under the jurisdiction of the General Directorate of Forestry reserving the provisions on acquiring license and duties.

On burnt forest lands, reforestation and regeneration sites, dam catchment areas, none of the activities mentioned in the first part of this Article are allowed.

ARTICLE 19

The access of any kind of domestic animal to forest is prohibited. The forestry administration only allows grazing for the animals suffering from malnutrition in drought regions as well as the animals belonging to the forest villagers (villages within their boundaries forest exist). This permission can be given under the terms and conditions of a given period, for the defined animal species and areas, and with the condition that no damage should be given to the forest.

ARTICLE 20

Range and Pastoral Matters

The people entitled to rights in highlands, wintersheds and grazing lands within State forest or who are willing to enter such areas with or without their animals, are obliged to abide by the existing precautions and not to harm the forest.

ARTICLE 21

The grazing of herds on the State forest lands should be done according to the plans and permission of the forestry administration.

ARTICLE 23

AS AMENDED ON 23.9.1983 BY LAW: 2896

The forests under the threat of landslides and leach out and the forests protecting the air, roads and railways, of habituated areas against sand storms and preventing the river beds from getting filled or State forest vital for national defense or areas covered with chaparral and heather are permanently reserved as protection forest by the Ministry of Forestry. The burnt or damaged State forest are reserved as protection forest until they become productive.

The boundaries of protection forest are determined and declared to the surrounding villages. The conditions, principles and periods of designation of such forests and management, development, improvement and utilisation principles and decisions are decided by the Ministry of Forestry.

ARTICLE 24

Establishment of new protected areas on the forests belonging to persons and institutions other than the State or addition such areas to the existing protected areas for securing their integrity is done by decision of the Council of Ministers. In case of the owners not complying with the decision, then such areas are confiscated according to general provisions.

Ministry of Forestry allocates, plans and manages the suitable forests and forest lands as the national parks, nature parks, nature reserves, natural monuments and forest recreation sites, to provide the needs of the society for scientific, environmental, aesthetic and recreational purposes.

ARTICLE 26

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

With the purpose of protection of forest, prevalence of utilisation values, introduction of multifunctional usage principles in forestry and management plans, the production in State forests is undertaken or have undertaken by the State in accordance with the principles determined by the Ministry of Forestry and forest management plans or can be assigned in accordance with the provisions of Article 40.

ARTICLE 29

The tariff values of forest products from State forest are determined by the General Directorate of Forestry by regions and according to local market conditions, and approved by the Ministry of Forestry.

ARTICLE 30

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

In market sales of forest products from State forest, auction is applied. The amount and quality of forest products in the auction have to be organised in parties considering the sales principles and local necessities.

In case of meeting needs of public institutions and agencies or when considered necessary and useful in urgent needs of sale, all kinds of forest products can be sold by allocation, with market prices.

The principles and conditions of sales mentioned in this Article are determined by the Council of Ministers.

ARTICLE 31

This Article sets, for the villages that have productive forest within their borders, rights and conditions to meet roundwood needs of village households only once and at the subsidized prices (tariff value plus felling, extraction, piling costs) for their house, barn, store etc. construction purposes and of the forest village communities for building common installations and structures such as school building, mosque, health centre, village guest house, bridge etc. For repair of such installations roundwood needs of villagers are provided at 1/3rd of the cost price (at the depot).

Fuelwood needs of people of these villages are provided at tariff values in the forest. In case of delivery of the wood at roadside, harvesting, extraction and piling costs are added to tariff value.

ARTICLE 32

In the forest villages that have only unproductive forest within their borders, roundwood needs of the village households for house, barn, store etc. construction purposes and of the forest village communities for building common installations and structures such as school building, mosque, health centre, village guest house, bridge etc. are provided at 1/3rd of cost value from the closest wood pile.

Similarly, fuelwood needs of people of these villages are also provided at 1/3rd of cost price from closest pile.

ARTICLE 34

provides the following rights and privileges;

- to the forest village cooperatives: a) up to 25 % of the sawlog and industrial wood production at subsidised price (production cost) for processing at their sawmills; b) if they do not have sawmills, payment of the difference between the production cost and the previous year average auction price for 25 % of the sawlog and industrial wood production;
- to the forest village households or cooperatives: up to 80 % of the fuel wood production at subsidised price (cost price) (to provide income from selling of this wood at the market sale right-);
- To persons and entities (i.e. cooperatives) worked in felling, extraction and piling of roundwood and fuelwood, in addition to normal rate an additional payment of 10% of the normal rate is paid.

ARTICLE 35

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

According to Articles 31, 32 and 33, in constructing houses, barns, straw-sheds and storehouses on areas belonging to forest, it is necessary to build in accordance with the building systems determined on this subject.

The regulations about the determination of building systems are prepared/have prepared by the Ministry of Forestry, with the consent of the Ministry of Reconstruction and Housing, Ministry of Rural Affairs and Cooperatives and Ministry of Energy and Natural Resources and enforced by the Council of Ministers.

ARTICLE 36

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

The costs of cutting, hauling, and stacking with tariff price and the necessities of the ones who are entitled to the right to building timber and the people among this group with poor status are determined by the board of village alderman with the participation of the forest chief considering the productivity of the forest and the requirements of the demanders.

The common necessities of the village have priority.

The fuelwood demands are supplied through distribution of productivity considering the existing population and number of households.

Decline of the number of households and the change in the population are informed to the forest management by the village's board of alderman.

The requirements of people, who are entitled to obtain their fuelwood needs at production cost, determined by the same board at the related locality.

The headman of the village is obliged to inform the forest administration about the persons who do not use fuelwood themselves but sells to others.

ARTICLE 37

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

Except logs, poles, mine props, industrial wood, paper wood, fuel wood, fiber wood, stick, resine, resinous wood, boxwood, storax included in the annual production program of the State, all other kinds of forest products and residues are allowed to be utilised in determined locations and periods, giving priority to forest villages development cooperatives or to neighbouring villagers or workers as with the payment of tariff prices according to Article 40 of the Forest Law.

In case of determination and approval of the unwillingness of the locals or cooperatives to undertake this job or in inadequacy of manpower, such products and remains are allowed to be utilised by others under the same conditions or can be produced by the forest management and sold.

The harmful roots and shrubs and other harmful plants determined by General Directorate of Forestry can be permitted to be cut, uprooted and collected under the conditions determined by the forest management. The people who cut, grub up, uproot and collect such plants do not pay any cost.

ARTICLE 40

The forest administration gives priority to the local forest villagers and cooperatives for employment in the forestry activities.

ARTICLE 42

Transportation within the forest are realised in routes determined by the forest management. The transportation permits should always be carried and exposed to related personnel when requested. When trade is not intended, it is not necessary to have transport permit in case of transporting forest products from factories and firms in villages and cities.

Such firms and factories are obliged to issue stamped invoices for such goods.

Official institutions and establishments can transport the timber for their own usage from their stock locations or factories to their offices with their valid permits.

MANAGEMENT AND IMPROVEMENT

ARTICLE 45

Determination and registry of forest areas belonging to public institutions are dealt with by “Forest Cadastre Commissions”, stated in Article 7. The boundaries determined by this method have to be exposed by the owners within two years after limitation through erecting concrete or hewn stones or putting marks on constant rock. The expenditures of the Commission belong to the State whereas the other expenditures related to limitation belong to related persons.

ARTICLE 46

The forests that belong to public institutions are either managed by their owners or others. However, such forests are managed and operated through management plans and maps prepared by the forest administration free of charge. The forest administration controls obedience to these plans.

It is necessary to prepare/have prepared these plans in the shortest time possible, starting in the first work season following the application date to forest administration by the owners.

ARTICLE 47

The forest that belongs to public institutions cannot be divided and transferred or assigned to persons or institutions together with their land.

MANAGEMENT AND PROTECTION

ARTICLE 48

The management and protection of forest that belong to public institutions are undertaken by their owners under the control and supervision of the State by the provisions of this Law.

ARTICLE 49

The provisions of Articles 14, 17, 18, 19, 20, 21, 41 about State forests is also applicable to the forests that belong to public institutions of legal entity.

LIMITATION, MAP, MANAGEMENT AND IMPROVEMENT

ARTICLE 50

Owners of private forest are obliged to install the necessary signs to forest borders (determined by cadastre commissions) as decided by the provisions of Article 7 of this Law.

ARTICLE 51

Private forests are managed and administered in accordance with management plans and maps undertaken by their owners and approved by the forest administration. Obedience to and proper implementation of these plans are controlled by the forest administration. The map and management plans of the ones who do not undertake this task and have it approved in the determined period are prepared by the forest administration and the cost is collected in four instalments within two years.

ARTICLE 52

(AS AMENDED ON 22.5.1987 BY LAW NO: 3373)

Except for the private forest established through planting and seeding, the private forests cannot be divided to pieces less than 500 hectares and assigned to others or distributed to inheritors.

However, according to Article 17 of this law, on the private forest lands of which surrounding town, district and village settlement areas exist, buildings and installations can be constructed in accordance with the development plans with the condition that their area do not exceed 6 % of the total horizontal area. It is important to take care of the natural properties of the forest areas while constructing buildings and installations.

Private forests are informed to local Registry by the forest administration.

ARTICLE 53

If there are more than one owner of the private forest, then it is necessary to assign one of them as responsible director in relations with the forest administration. In case of failure to assign such a director, then the forest management requests the local civil court to choose a responsible director.

ARTICLE 54

The legal expenditures and fees of the forest officers working in the planning, marking, production and control tasks are paid by the owners of private forest.

The total amount covering these expenditures and fees is deposited to the forest cashier in advance to be deducted later.

MANAGEMENT AND PROTECTION

ARTICLE 55

The management and protection of private forest belong to their owners under the control and supervision of the State.

ARTICLE 57

Provides rights, supports and conditions for allocation of suitable degraded forestlands to village communities or real persons for forest plantation establishment and utilisation purposes.

ARTICLE 59

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

The planted areas mentioned in Paragraph 2 of ARTICLE 57 are transferred to the related public institution and are under the jurisdiction of the provisions applicable to forest that belong to public institutions acquiring legal entity.

In planning, project preparation and implementation, technical, assistance can be provided to real and legal entities of private Law willing to have plantations on their own areas, if requested. Provisions applicable to private forest are valid for such areas as well.

ARTICLE 62

AS AMENDED ON 5.6.1986 BY LAW NO: 3302

The General Directorate of Forestry coordinates the necessary publications and propaganda with the purpose of proliferating and establishing forest love.

The basics of charging the students and soldiers with plantation and maintenance tasks and introduction of courses about advantages of trees are organised through regulations prepared by the Ministry of Agriculture, Forestry and Rural Affairs. Ministry of National Education and Ministry of National Defense.

ARTICLE 63

Provides rights and conditions for tax exemption for the persons who establish forest or fast growing tree species plantations for a period of 50 years.

ARTICLE 64

A Reafforestation Fund is established in the Ministry of Forestry for supporting reforestation/afforestation establishment and maintenance activities by the villagers, village communities, private sector and other State institutions and enterprises. Revenues of this fund composed of:

- a) amounts to be transferred from the State Budget (General Budget);
- b) up to 5 % of the sale revenues of the forest district directorates (this rate is determined by the Minister every year);
- c) donations;
- d) other revenues;
- e) revenues of permits, servitude and leasing rights given on forest areas according to article 16, 17, 18 and 115 of the Forest Law.

ARTICLE 66

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

The necessary seedlings for forest plantation areas to be established by forest village can be supplied free of charge by the forest administration. Such plantation areas are under permanent control and supervision of the forest administration for undertaking necessary precautions to develop and grow them.

EXTINGUISHING FOREST FIRES

ARTICLE 68

The individuals who notice fire or signs of fire within or around the forest are obliged to inform this to the forest administration or to the nearest village headman's office, gendarme units or territorial governors immediately.

ARTICLE 69

In forest fires, all the man population between the ages of 18 and 50 from villages and towns around the forest are obliged to go the fire area and to support the fire extinguishing team together with the equipment used in fire extinguishing such as axe, spade, saw and mattock.

If these people are not sufficient for extinguishing the forest fire, then the ones under the same obligation from adjacent towns and villages are sent to the site as well.

PROSECUTION OF CRIME

ARTICLE 79

The forest officers are authorised to determine the proofs related to forest offenses by a minute and to get hold of the individuals committing the crime as well as detaining the products, equipment and vehicles related to the offense

The provisions of this Article are valid for the forests grown from planting or seeding by their owners.

The police, gendarme, headmen, villagers and the guards are obliged to help the forest officers in case of such a demand.

ARTICLE 80

The forest officers are authorised to detain the hunted animals and vehicles of individuals hunting in forest, forest lakes and ponds, against to Paragraph C of Article 14, and without hunting license and permission obtained from forest administration.

ARTICLE 81

The headman and board of alderman in villages within forest or around forest are obliged to cooperate with the forestry organisation in protecting the State forest within the village boundaries.

The authorisations written in “Prosecution of Crimes” are used separately in accordance with principles determined by the Ministry of Forestry or together with the members of the forestry organisation.

ARTICLE 87

Grazing animals captured on forbidden forest areas are seized and delivered to the nearest village’s headmen or municipalities in return of receipt. If the owner of the animal is present to sign the written record, then the animal is returned to him.

ARTICLE 89

For application of this Law, The General Directorate of Forestry is authorised to control the processing and manufacturing of forest products. The General Directorate of Forestry determines the methods of this control as well as controlling forest products transportation documents.

ARTICLE 91

AS AMENDED BY LAW NO: 2896 DATED 23.9.1983

Anyone who cuts timber against Paragraphs A and B of Article 14 are penalised from two months to one year imprisonment and for 5.000 to 200.000 TL per cubic meter of timber. But for trees under 20 cm diameter, these penalties are doubled.

Anyone who cuts trees, fuelwood and produces firewood and coal which are among the forbidden actions in Paragraphs A and B of Article 14 are punished with imprisonment from one month to six months and 1.000 TL to 5.000 TL Per quintal of coal . Fine cannot be less than 3.000 TL.

In case of the aforementioned cutting actions to be realised by motor tools and equipment, then the penalties are doubled.

Penalties for actions that are mentioned in Paragraph A of the Article 14 as cutting or uprooting plants, demolishing plantation areas, choking or wounding trees are increased to five times if the trees concerned have a diameter of less than 8 centimetres.

Anybody commits the actions (A) and (B) in Article 14 and not mentioned in above paragraphs is punished with from one month to three months and 5.000 TL to 30000 TL fine.

Committant of the actions written in Paragraph (C) are punished with 10.000 TL fine and committants of the actions written in Paragraph (D) are punished with 100.000 TL.fine.

If commitment of the actions in paragraphs (A) and (B) of Article 14 is realised by the owner of private forest, he/she is punished with from one month to one year imprisonment and minimum 10.000 TL fine according to amount of damage.

However, owners of the private forest established by planting seedlings or sawing seeds are subject to the rule the above paragraph.

Penalties which are written above are increased to one times more for the commitment of the actions written in Article 14 with animal feeding purposes.

If the above mentioned crimes are committed by villagers other than the ones residing in forest villages, the above penalties are doubled.

ARTICLE 92

AS AMENDED BY LAW NO: 2896 DATED 23.9.1983

According to Article 16 of this Law mine pits opened without permission are closed by the Administration. Any kind of building, instruments, carriages or extracted mine materials are seized. The court decides to confiscate seized property. Article 84 of this Law is applicable to confiscated property. Anybody who opens mine pit without permission is punished with 500.000 TL fine according to the Article 16 of this Law.

If any damage is caused it will be also be compensated. If an individual does not take necessary measures against the notice of the administration, he is sentenced to half of this fine.

Until the implementation of these measures the mine pits are closed by the Forestry Administration.

ARTICLE 93

AS AMENDED BY LAW NO: 2896 DATED 23.9.1983

Committants of actions which are prohibited in Article 17 of this Law and performers of works without permission that are subject to permission are punished with from six months to one year imprisonment.

If the occupation or utilization actions are committed in forest areas with completed cadastral surveying or burnt forest areas or committed as clearing, they will be subject to for one year to three years imprisonment.

If occupied, utilized or cleared area is more than five hectares, penalties which are written in these paragraphs are increased to the one and a half as much.

Any kind of crops or constructions will be confiscated. Confiscated crops are sold by forest administration and their income is registered as revenue. Confiscated constructions can be used in forest services or other public services. Otherwise, demolition of those constructions is executed by the forest administration.

ARTICLE 94

AS AMENDED BY LAW NO: 2896 DATED 23.9.1983

Against the regulations in Article 18, any foundation established in the State forest is seized by forest administration and confiscated by the court.

Committants of the action in Article 14/E are punished with 10.000 TL Fine.

ARTICLE 95

The persons who take their animals for grazing to forest areas without permit (against Article 19 of the Forest Law) have to pay 500 TL for per goat and 200 TL for per other small ruminant. If such offense committed by persons who are not member or resident of forest villagers, the fine is doubled.

ARTICLE 98

AS AMENDED BY LAW NO: 2896 DATED 23.9.1983

If any forest villager does not use conveniently or sells forest products which are given to him/her for his/her own needs, according to Articles 31.32 and 33 of this Law and anyone who buys or accepts those products are sentenced to two months to one year imprisonment and from 15.000 TL to 50.000 TL fine.

Doubled effective value of these products is collected as compensation separately from the committants of the action in above mentioned paragraph.

ARTICLE 100

AS AMENDED BY LAW NO: 2896 DATED 23.9.1983

Transporters of any forest products without marking on them or without transportation permit document (against Article 41) are punished according to Article 108.

ARTICLE 101 and **102**- are about the fines and penalties applied to private forest owners, who do not establish marking signs on the border between their lands and state forest lands and who do not prepare/have prepared management plans for their private forests within given period.

ARTICLE 103

AS AMENDED ON 3.11.1988, BY LAW NO: 3493

It is about the obligations, certification of seedlings and plants which will be used in afforestation.

The individuals acting against the provisions of Article 67 have to pay a fine of 100.000 TL. The individuals causing damage through grazing their animals in plantation and regeneration areas have to pay a fine of 300.000 TL. whereas the individuals harming other areas are due to a fine of 100.000.

ARTICLE 104 – Anyone who does not obey the obligation in Article 68 is punished with from one month to six months imprisonment.

ARTICLE 106- Anyone who attempts against the Articles 72 and 73 of this Law is punished according to the Article 230 of Turkish Penal Code.

(Article 72 is about the obligation of officers and Article 73 is about the obligation of railway officers in transporting of fire extinguishing teams).

ARTICLE 107

AS AMENDED BY LAW NO: 3493 DATED 3.11.1988

People who does not obey to measures in Article 74 are punished with 20.000 TL of fine by local superior public officer. (Article 74 is about the forbidding of entrance to forest areas).

ARTICLE 108

AS AMENDED BY LAW NO: 2896 DATED 23.9.1983

Anyone who transports, saws, works, accepts sells, buys or keeps illegally harvested or collected forest products is punished with a fine of 5.000 - 50.000 TL.

If actions which are written in above mentioned paragraph are committed by the traders or workers dealing with any kind of forest product, they are punished with from one year to five year imprisonment and minimum 150.000 TL. of capital fine.

If the value of illegal forest products is less, half of the main penalty will be applicable, but if the value is more it will be the double of main penalty.

Any kind of carriage used for transportation of illegal forest products is seized by administration and confiscated by courts.

ANNEXED PROVISIONS

ARTICLE 115

AS AMENDED ON 23.9.1983 BY LAW NO: 2896

Designation of any kind of servitude for buildings and establishments for public use constructed on State forests depends on the permissions of Ministries of Finance, and Forestry.

ARTICLE 116

(AS AMENDED BY LAW NO: 2896)

The owners of trees and woodland on areas that are not considered as forests mentioned in Article 1 of this Law can make use of these in the following ways:

A) On areas mentioned in Paragraph (Ç) and (E), in provincial cemeteries mentioned in Paragraph (D) and areas covered with fruit trees (excluding stone pines and Valonia oaks), the owners can undertake cutting and transportation without any restriction or condition.

In case the trees cut are the species of trees present in State forests, a document is arranged for these trees, no further duty or transport permit is required.

A) On areas mentioned in Paragraph (F) and (G), in provincial cemeteries mentioned in Paragraph (D) and areas covered with stone pines and Valonia oaks, the owners can meet all their fuelwood requirements from these areas by informing the local forest management and acquiring written approval. In this case, no duty or transport permit is necessary. All cuttings, with the market sale purpose are due to inventory, duty and transport operations. The expenses by the Forestry Management are collected in cash from the land owners.

The individuals acting against this provision are penalised with confiscation in accordance with Article 109 of this Law .

AMENDMENTS IN THE FOREST LAW

Article 1 of Law 4114 dated 4.1.1995 and Article 76 of Law No. 6831 dated 31.8.1956 have been altered as below.

ARTICLE 76

- a) Spending the night in places other than places that are pointed out in forest by Forest Administration,
- b) Setting fires in forest other than fire places which are pointed out by forest administration or to leave those places without extinguishing the fire,
- c) Throwing inflammable things and burning cigarettes in forest,
- d) Burning stubble in places which are four kilometers to forest or in villages which are determined in Articles 31 and 32 of this Law,

are forbidden.

ARTICLE 2

The first Paragraph of Article 83 of Law 6831 has been altered as below.

Actions relating to crimes shown in second Paragraph of Article 110 will be judged in principal criminal courts. Actions relating to crimes shown in third Paragraph will be judged in courts of capital crimes and other crimes in this Law will be judged in police courts.

ARTICLE 3

The first Paragraph of the Article 105 of the Law No. 6831 had been altered as shown below.

If any person who is under the liability of fire extinguishing avoids going to the fire area or does not work will be penalised with 5.000.000 TL fine by superior civil official. This amount can be increased to 15.000.000.TL. by the decree of government.

ARTICLE 4

Article 110 of the Law No. 6831 had changed as below.

ARTICLE 110

Committers of the actions described in the Article 76.

- a) Committers of written action in Paragraph (a) will be punished by 1.000.000.TL. fine.
- b) Committers of the actions written in Paragraphs (b) and (c) will be punished by one-year imprisonment and from 16.000.000 to 50.000.000 TL. fine.

c) Committers of action which has been described in the Paragraph (d) will be punished by 1-year imprisonment and from 10.000.000 to 300.000.000. TL. fine.

Persons who cause forest fire by negligence or improvidentness will be punished by from two years to five years imprisonment and 200.000.000. to 500.000.000 T.L. fine.

If the damage is high the court increases the penalty to one and half of the fine.

If the damage is low the Court decreases the penalty to one and half of the fine or if the damage is very low the penalty can be decreased to one third of the whole of the fine.

If the fire puts anyone's life in danger the penalty will be increased to one fourth of the fine. If the fire causes death of anyone it will be increased to one and half of the fine.

Anyone who sets fire in forest on purpose will be punished with ten years to fifteen years capital imprisonment and from 500.000.000 to one billion T.L. fine.

If damaged area by fire is more than three hectares, the penalty will be increased twice as much. If the fire puts anyone 's life in danger the penalty will be increased to twice as much. If the fire causes to death the accused person will be sentenced to imprisonment for life.

Any terrorist group or person sets fire to State forest with terrorism purposes will be sentenced from 24 years to 30 years of capital imprisonment and from 5 billions to 10 billions of T.L. capital fine. If the burned forest area is more over than 1 hectare or dangers anyone's life he will be sentenced with imprisonment of life. If the fire caused to death of anyone, committers of this crime will be sentenced with the capital punishment of death.

Actions relevant to setting of fire to State forest with terrorist purposes will be judged by the Courts of State Security according to "The Law About Foundation and Proceedings of The Courts of State Security" No.2845.

The provisions of article 4 of the Law about Execution of Punishments No. 647 cannot be applied to punishments, which had been shown in this article.