

THE COUNTRY FIRES ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Setting fire to crop.
4. Setting fire to trash.
5. Fires during night or unattended, prohibited.
6. Power of Minister to prohibit setting fire to trash.
7. Application for permit.
8. Setting fire contrary to order or permit.
9. Setting fire to diseased plants, charcoal kilns, etc.
10. Proof of fire evidence against occupier.
11. Occupier to extinguish fire.
12. Carrying lighted torch insufficiently guarded.
13. Negligent use of fire.
14. Power to enter land and extinguish fire.
15. Punishment of offences.
16. Saving.

SCHEDULE

THE COUNTRY FIRES ACT

[5th March, 1942.]

Cap. 81.
Law
47 of 1955.
Acts
6 of 1968,
17 of 1982
3rd Sch.,
31 of 1995
S. 4.

Short title.

Interpreta-
tion.

1. This Act may be cited as the Country Fires Act.

2. In this Act—

“clear days” shall be reckoned exclusive of the day on which any notice is served and of the day on which any act mentioned in such notice is to be done;

“crop” means any crop, tree, wood or underwood, or other produce of the soil, whether cultivated or not, which is growing in or upon any land;

“occupier” means the person having the immediate charge or management of any land or plantation;

“forest officer” means any forest officer appointed under the Forest Act;

47/1955
S. 2.

“agricultural officer” means any agricultural officer appointed for the purposes of section 7 by the Minister by notice published in the *Gazette*, and includes any agricultural extension officer employed by the Rural Agricultural Development Authority established under the Rural Agricultural Development Authority Act;

6/1968
S. 3 (2) &
Sch.

“agricultural warden” means any agricultural warden appointed under the Praedial Larceny (Prevention) Act;

17/1982
3rd Sch.

“trash” includes any dried cane leaves, megass, straw, brushwood, cut-plant or other inflammable material;

“adjoining land” means any land abutting on or adjoining any other land, not occupied by the same person, on which it is intended to set fire to any trash, and includes any such land notwithstanding the interposition of a road, path, interval, or trace, whether public or private, or a river or watercourse.

Setting fire
to crop.

3. Every person who sets fire to any crop shall be guilty of an offence against this Act:

Provided that fire may be set, subject to the provisions of sections 4 and 5, to growing sugar cane for the purpose of ridding it of any vine or other pest.

Setting fire
to trash.
47/1955
S. 3(a) & (b).

4.—(1) Every person who sets fire to any trash on any land, unless the occupier of such land first—

- (a) serves on the officer or sub-officer in charge of the nearest police station and the occupiers of all adjoining lands the nearest boundaries of which lie within half a mile of the place where it is intended to set fire to such trash, notice of his intention to set fire to such trash on the dates, not exceeding seven, specified in such notice; and
- (b) clears an open space of at least fifteen feet in width round such trash and removes from such open space all inflammable material or other matter likely to burn,

shall be guilty of an offence against this Act.

(2) Every notice under paragraph (a) of subsection (1) shall be served three clear days at least before the first of the dates specified in the notice. Every such notice may be served—

47/1955
S. 3(c).

- (a) in the case of an adjoining occupier, either personally or by leaving it at the residence of the adjoining occupier with some person actually residing therein or, if no such person can be found, by affixing the notice on some open and conspicuous place on the adjoining land; and
- (b) in the case of an officer or sub-officer of police, either personally or by leaving it at the police station with any constable stationed there.

5. Every person who—

- (a) sets fire to any trash between the hours of six in the evening and six in the morning; or
- (b) leaves unattended any fire he may have lit or used in the open air before it is thoroughly extinguished, shall be guilty of an offence against this Act.

Fires during night or unattended, prohibited.

6. The Minister may by order from time to time prohibit, within such parts of the Island and for such period as may be specified in such order, the setting of fire to any trash without a permit.

Power of Minister to prohibit setting fire to trash. 47/1955 S. 4.

7.—(1) Application for such permit as is mentioned in section 6 shall be in the form set out as Form I in the Schedule and may be made to either—

Application for permit. Schedule. 47/1955 S. 5(a).

- (a) an agricultural officer; or
- (b) a forest officer; or
- (c) such other person as the Minister may by order appoint.

(2) For the purposes of this section the Minister may from time to time by notice in the *Gazette* appoint such officers of his department, as he may think fit, to be agricultural officers.

47/1955 S. 5(b). 6/1968 S. 3(2) and Sch.

(3) Any such person as is set out in subsection (1) may grant such application and issue the permit, which shall be in the form set out as Form II in the Schedule, if satisfied—

- (a) that for special reason it is necessary that the permit should be issued; and
- (b) that the applicant has prior to the issue of the permit complied with the requirements of section 4.

47/1955
S. 5(c).

(4) Every such permit shall specify the period, not exceeding fourteen days at the most, within which the permit shall be in force, and the hours during which fire may be set, and the person issuing such permit shall send a copy thereof to the officer or sub-officer in charge of the nearest police station.

(5) Every person who, for the purpose of obtaining a permit, gives to the person to whom application is made any information knowing it to be false, or makes any statement knowing it to be false, shall be guilty of an offence against this Act.

Setting fire
contrary to
order or
permit.

8. Every person who sets fire to any trash—

(a) contrary to the provisions of any order issued under section 6; or

(b) contrary to the provisions of any permit granted under section 7,

shall be guilty of an offence against this Act.

Setting fire
to diseased
plants,
charcoal
kilns, etc.

9. Notwithstanding the provisions of this Act, it shall be lawful to set fire to—

(a) any plant or trash, subject to the provisions of sections 4 and 5, for the purpose of eradicating, or preventing the dissemination of, any disease within the meaning of the Plants (Protection from Disease) Act;

(b) any lime or charcoal kiln.

Proof of fire
evidence
against
occupier.

10. Upon the trial of any person for any offence against this Act proof that any crop or trash on any land was or had been on fire shall be *prima facie* evidence against the occupier of such land of such fire having been set by or with the consent of that occupier.

11.—(1) Every occupier of land shall take all reasonable steps to extinguish any fire on his land which may escape or extend beyond the area to which it was set, or any fire that may come on to, or arise spontaneously on, such land.

Occupier to extinguish fire.

(2) Any occupier who contravenes or fails to comply with the provisions of this section shall be guilty of an offence against this Act.

12. Every person who carries in or upon any plantation, land, or high road adjoining any plantation, any lighted torch, or other matter in a state of ignition, not sufficiently guarded so as to prevent danger from fire shall be guilty of an offence against this Act.

Carrying lighted torch insufficiently guarded.

13. Every person who—

Negligent use of fire.

(a) by the negligent use or management of fire in any place; or

(b) by smoking any pipe, cigar, or cigarette, in any plantation, save and except within a dwelling-house on such plantation,

endangers any buildings, fences, lands, cultivated plants, or other property, shall be guilty of an offence against this Act.

14.—(1) Where a fire, other than one which has been set by or with the consent of the occupier of the lands and in accordance with the provisions of this Act, has broken out on, or come on to, any lands, any officer or sub-officer of police, or any forest officer, or any agricultural warden, may enter upon the land where such fire may be, and upon any land to which it is likely such fire will spread, and do all such things or acts, including the cutting of any fire trace, as may be reasonably necessary for the purpose of extinguishing, or preventing the spread of, such fire.

Power to enter land and extinguish fire.

17/1982
3rd. Sch.

17/1982
3rd. Sch.

(2) Such officer or sub-officer of police, or forest officer, or any agricultural warden, may also, if necessary, call upon every able-bodied male person, between the ages of fourteen and sixty, who may be at the time within a reasonable distance of any such fire to aid and assist him to extinguish, or prevent the spread of, that fire. Every person so called on who omits or refuses to render all reasonable assistance shall, unless he has some reasonable excuse, be guilty of an offence against this Act.

Punishment
of offences.

31/1995
S. 4.

15.—(1) Every person who is guilty of an offence against this Act shall on summary conviction thereof before a Resident Magistrate be liable to a fine not exceeding two thousand dollars or to imprisonment with or without hard labour or any term not exceeding three months.

(2) Every person who causes, permits, allows, or assists, any other person to commit an offence against this Act shall himself be guilty of an offence against this Act.

Saving.

16. Nothing in this Act shall extend to the Urban and Suburban Districts of the Corporate Area as defined in the Kingston and St. Andrew Corporation Act, or to any town or district in which the Parochial Fire Brigade Act (now repealed) was in force immediately prior to the commencement of the Fire Brigade Act.

SCHEDULE

(Section
7 (1))

FORM I

Application for Permit to burn Trash (Country Fires Act)

I.....of.....
in the Parish of.....hereby apply for a
permit to burn trash on lands situated at.....
and the area on which the trash lies is approximately.....

The reasons for this application are—

I have caused an open space of at least fifteen feet to be cleared
round such trash and I have removed from such open space all inflam-
mable material or other matter likely to burn.

I have served notice on the officer (or sub-officer) in charge of the 47/1955
police station at.....and on.....S. 6.
the adjoining occupiers that I intend to burn such trash on the following
dates—

Date.....

(Signed).....
Occupier

FORM II

(Section
7 (3))*Permit to burn Trash (Country Fires Act)*

.....of.....
in the Parish ofis hereby permitted
to burn trash within an area of approximately.....and
on lands situated at..... The dates on
which such trash may be burnt are.....
and fire may be set to such trash at any time between the hours of
.....and.....on any such day.

This Permit shall remain in force for.....days from
the date hereof.

Date.....

(Signed).....
(Title of grantor).

N.B.—Attention is drawn to the provisions of section 5 of the
Country Fires Act.