

CHAPTER 123

CANE FIRES (PREVENTION)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Offences in relation to cane fires.
4. Power of arrest without a warrant.
5. Lawful burning.
6. Duty to notify police and extinguish fires.
7. Enquiry into origin or cause of fire.
8. Rewards.

CHAPTER 123

CANE FIRES (PREVENTION)

An Act to make better provision for the prevention and control of cane fires and for related matters.

1949-7.
1977-7.
L.N. 168/
1967.
1992-16.

[6th March, 1949]

Commence-
ment.

1. This Act may be cited as the *Canes Fires (Prevention) Act*.

Short title.

2. For the purposes of this Act, the expression

Interpreta-
tion.

"field" includes any field of canes, field of grass or field covered wholly or in part with trash;

"Minister" means the Minister responsible for the Fire Service;

1977-7.

"occupier" includes the manager of any land;

"police station" includes a police sub-station or police post;

"trash" includes any dried cane leaves, megass, straw, brushwood or cut-plant.

3. (1) Any person who unlawfully and maliciously

Offences in
relation to
cane fires.

(a) sets fire to any field; or

(b) throws any lighted cigar or cigarette, or any matter in a state of ignition on to any field or any road or track adjoining any field,

is guilty of an offence and liable on summary conviction, in the case of a first offence, to imprisonment for 12 months, and in the case of a second or subsequent offence, to imprisonment for 2 years.

(2) Any person who

(a) smokes a pipe, cigar or cigarette in any field; or

(b) carries a lighted torch, or other matter in a state of ignition in any field or upon any road or track adjoining any field,

is guilty of an offence and liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months.

Power of
arrest
without a
warrant.
1977-7.

4. Any member of the Police Force may arrest without a warrant any person whom he suspects upon reasonable grounds of having committed or being about to commit an offence under section 3(1).

Lawful
burning.
1977-7.

5. (1) The Minister may, after consultation with the Minister responsible for Agriculture, the Commissioner of Police and the Chief Fire Officer, issue a permit to any person authorising him to start a fire in any field, subject to such conditions as may be specified in the permit.

(2) A person who fails to comply with the conditions of a permit issued under this section is guilty of an offence and liable on summary conviction to a fine of \$500 or to imprisonment for 6 months or both.

(3) Nothing in this section shall be construed as applying to any fire which has been started in any field by or with the consent of the occupier for the purpose of burning a tract in order to limit the spread of any existing fire or to any fire the starting of which is authorised by law.

Duty to
notify police
and
extinguish
fires.
1977-7.

6. (1) Where any fire starts or is started in any field, otherwise than in accordance with section 5, it shall be the duty of every occupier of such field

- (a) immediately to inform the officer in charge of the nearest police station of the outbreak of such fire; and
- (b) to take steps to prevent the spread of, and to extinguish such fire as speedily as possible; and
- (c) to allow any member of the Police Force or Fire Service to enter such field and take such steps as he considers necessary for the purpose of preventing the spread of and extinguishing such fire.

1977-7.

(2) Any person who fails to comply with the provisions of subsection (1) is guilty of an offence and liable on summary conviction

- (a) in the case of a first offence, to a fine of \$500 or to imprisonment for 6 months or both; and
- (b) in the case of a second or subsequent offence, to a fine of \$1 000 or to imprisonment for 1 year or both.

7. (1) Every police officer, on being informed of an outbreak of fire in pursuance of paragraph (a) of subsection (1) of section 6, shall, within 24 hours of the occurrence of such fire, make a report with respect thereto in writing to the Commissioner of Police. Enquiry into origin or cause of fire.

(2) The Commissioner of Police shall, upon receipt of the report aforesaid, forward such report to the Minister.

(3) The Minister may, if he thinks fit, direct a magistrate, having jurisdiction in the district in which the fire occurred, to hold a public enquiry into the causes and circumstances of the fire.

(4) It shall be the duty of the magistrate, as soon as possible after the conclusion of such enquiry, to forward a certified copy of the proceedings to the Minister and to make a report to the Minister with respect to the cause and circumstances of the fire.

(5) Sections 7, 8, 9 and 11 of the *Fire Enquiry Act* shall apply to an enquiry held in pursuance of this section. Cap. 115.

8. The Minister may expend a sum not exceeding \$2 400 in any year in payment of rewards to persons who appear to him to have been active in or towards the apprehension or prosecution of any person charged with any offence against this Act. Rewards.
1992-16.