

P.N.D.C.L.229

CONTROL AND PREVENTION OF BUSHFIRES ACT, 1990

ARRANGEMENT OF SECTIONS

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P.N.D.C.L. 229

CONTROL AND PREVENTION OF BUSHFIRES ACT, 1990.

AN ACT to prohibit the starting of bushfires and to provide for related matters.

1. Prohibition of bushfires

Except as otherwise provided under this Act, it is unlawful for a person to start a bushfire for any purpose.

2. Meaning of starting a bushfire

For the purposes of this Act, a person starts a bushfire if an action of that person results in the uncontrolled burning of a farm, forest or grassland.

3. Burning within conservation areas

The Chief Conservator of Forests or the Chief Game and Wildlife Officer may authorise

1. This Act was issued as the Control and Prevention of Bushfires Law, 1990 (P.N.D.C.L. 229) made on the 1st day of March, 1990 and notified in the *Gazette* on 20th April, 1990. It repeals the Bush Fires Law, 1983 (P.N.D.C.L. 46).

any of the staff of the Chief to set fire within an established forest or wildlife conservation area for the purpose of

- (a) the management of the area, or
- (b) the protection of the area against accidental fire.

4. Burning outside conservation areas

(1) A person authorised by the Director of Agricultural Extension Services or the Director of Animal Health and Production Department may set fire to a specified area other than a conservation area for the purpose of range management or any other agricultural purpose.

(2) A fire set by virtue of subsection (1) shall be controlled and confined to the specified area and shall not exceed the purpose for which the fire is permitted.

5. Bushfire Control Sub-committees

(1) There shall be established within the area of authority of a District Assembly, within three months of the coming into force of this Act, a Bushfire Control Subcommittee of the Executive Committee of the Assembly.

(2) The Sub-committee shall consist of the members of the District Assembly as determined by the Assembly.

(3) The Sub-committee may co-opt a person and, in particular,

- (a) the District Fire Officer,
- (b) the District Forestry Officer, or the Officer in charge of the Forest District within the area of authority of the District Assembly,
- (c) the officer in charge of the wildlife office or conservation area in the District,
- (d) a senior officer of the Agricultural Extension Service in the district, or
- (e) a senior officer of the Department of Animal Health and Production in the District, to advise it on the performance of its functions under this Act.

(4) The Sub-committee shall regulate its own procedure.

6. Functions of the Sub-committee

(1) The Sub-committee shall

- (a) draw up for the consideration of the District Assembly the appropriate by laws to ensure adequate prevention, control and monitoring of bushfires;
- (b) specify the period or periods in the year, and thereafter yearly, within which the burning of farm slash, grass, herbage and dead wood shall be prohibited;
- (c) draw up, where appropriate, a District early burning programme and ensure that it is implemented under proper control and supervision;
- (d) set up town, area and unit bushfire control committees which shall direct the activities of the town, area or unit fire volunteer squads;

- (e) educate residents of the District on the hazards of uncontrolled fires;
- (j) compile data on the bushfire outbreaks and offences within the District and submit these with quarterly reports to
 - (i) the District Assembly;
 - (ii) the Chief Fire Officer;
 - (iii) the Chief Conservator of Forests;
 - (iv) the Chief Game and Wildlife Officer; and
 - (v) the Environmental Protection Council.

(2) The Sub-committee shall, in proposing any by-laws under this section take into consideration the ecological characteristics of the District.

7. Fire volunteer squad

There shall be established in every town, area or unit a fire volunteer squad.

8. Control of fire

A person who starts a fire permitted by this Act shall control the spread of the fire.

9. Prevention of fire

(1) An organisation responsible for the clearing and weeding of a roadside shall ensure that the roadside is kept free of all bushfire hazards.

(2) Where damage is caused by a fire set by an employee of the organisation the organisation is responsible for the damage.

10. Training of fire volunteer squads

The National Fire Service is responsible, on the coming into force of this Act, for the training of town, area and unit fire volunteer squads.

11. Offences

(1) A person who contravenes or fails to comply with a provision of this Act commits an offence and is liable on conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment or community labour not exceeding twelve months or to both the fine and the imprisonment or community labour and for a subsequent offence to a term of imprisonment or community labour not exceeding two years.

(2) Where a person is convicted of an offence under subsection (1) the Court may in addition to the penalty that it may impose, order the offender to make good the value of the property including the crops or trees damaged or destroyed by the fire caused by that person.

12. Duty to report bushfire

(1) A person, in the area of the bushfire commits an offence, if that person

- (a) fails to report a person known to that person to have started or caused a bushfire, to a person or body specified in subparagraphs (i) to (v) of paragraph (b) of this subsection, or
- (b) being aware of the occurrence of a bushfire, without good cause, fails to report the occurrence to
 - (i) a member of the town, area or unit fire volunteer squad, or
 - (ii) a member of the bushfire control Sub-committee, or
 - (Hi) a police officer, or
 - (iv) the traditional authority,
 - (v) *Omitted*.²

(2) A person found guilty under subsection (1) is liable on conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment or community labour for a term not exceeding one month or to both the fine and the imprisonment.

The Minister may, by legislative instrument, make Regulations to give full effect to this Act.

14. Interpretation

In this Act unless the context otherwise requires,

"conservation area" means an area protected by law and administered to conserve natural resources, by the Forestry Department, Department of Game and Wildlife or by a District Assembly with the technical assistance of these Departments;

"**District Assembly**" includes a Municipal and a Metropolitan Assembly;

"Minister" means the Minister responsible for Local Government;

"**range management**" means control and manipulation of vegetation for optimum usage by human beings, livestock or wild animals;

"**specified area**" means an area specified in a permit issued by the Forestry Department, Department of Game and Wildlife, Agricultural Extension Service or Department of Animal Health and Production in which burning is necessary for range management of fire protection.

15. Repeal

*Spent.*³

2. The reference to Committee for the Defence of the Resolution is omitted, as that organisation no longer exists.

3. The section provided for the repeal of the Control of Bushfires Law, 1983 (P.N.D.C.L 46).