

CHAPTER 19

BUSH BURNING (PROHIBITION) LAW

A Law to prohibit the burning of bush and to make provisions for related matters

A N S L Cap 19

[27th August 1991]

1. This Law may be cited as the Bush Burning (Prohibition) Law.

Short title

2. In this Law—

Interpretation

“bush” means any forest, tree, grassland, plantation, or other plant growth, whether dry or fresh;

“fire” includes other inflammable or combustible matters;

“forest officer” means any officer in the Forestry Commission not below the rank of an Assistant Conservator of Forests;

“open place” includes farmland (whether cultivated or uncultivated), forest, grassland, thicket, meadow, park, field, village square and other public places.

3. Notwithstanding anything contained in the Forest Law or any other Law, no person shall—

Prohibition of fire.

(a) set fire to any forest, trees, grassland, grasses or any other vegetation in any place;

(b) by the use or application of fire in an open place, destroy, damage or in any manner affect, any land, trees, woods, woodland, thicket, logs or other wooden matter or forest resources;

(c) except as permitted by or excused under any enactment in force in the State, set fire on anything in an open place; or

(d) set fire to anything in such a manner as to endanger the life, health or property of any other person.

4. (1) Any person who—

Penalty

(a) contravenes,

(b) attempts to contravene;

(c) aids or abets any other person in contravening ; or

(d) counsels or procures any other person to contravene;

- (e) is accessory before or after the fact to such contravention,

is guilty of an offence and liable on conviction to a fine of one thousand naira or in default, to imprisonment for one year.

- (2) It is no defence to a prosecution for an offence under subsection (1) that the accused person has a right or interest in anything or place on which it is alleged that fire was set.

Power of arrest

5. (1) The chairman of a local government, a superior police officer, or forest officer or other person authorized by any of them in writing, may arrest without warrant any person who commits or is reasonably suspected to have committed an offence against this Law.

(2) Any person arrested pursuant to subsection (1) shall, as soon as may be practicable, be arraigned before the Magistrate's Court having jurisdiction in the place where the offence was committed to be dealt with according to law.

Prosecution not to operate as bar to civil action

6. A prosecution for an offence against this Law shall not operate as a bar to any civil proceedings that may be instituted for damages or injury caused by the fire, set, applied or used by any person in contravention of any provision of section 3.

SUBSIDIARY LEGISLATION
(No subsidiary legislation)

