

The Prairie and Forest Fires Act, 1982

being

Chapter P-22.1 of the *Statutes of Saskatchewan, 1982-83* (effective March 1, 1983) as amended by the *Statutes of Saskatchewan, 1986, c.17; 1986-87-88, c.53; 1993, c.12; 1996, c.F-19.1; 2000, c.50; 2001, c.31; 2003, c.29; 2005, c.M-36.1 and 26; 2010, c.N-5.2; and 2014, c.19.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	SHORT TITLE		PROHIBITIONS
1	Short title	15	General
	INTERPRETATION	16	Duty to notify officer
2	Interpretation	17	Permits in burning permit areas
	APPLICATION	17.1	Powers re extreme fire hazards
3	Application of Act	18	Emergency fires
	ADMINISTRATION	19	Fire hazards
4	Administration	20	Certain fires prohibited
4.1	Burning permit areas	21	Industrial or commercial operations
5	Provincial fire rangers	22	Clearing right of way
6	Municipal fire rangers	23	Prohibitions during fire season
7	Municipal bylaws	24	Closure of forest land
8	Responsibility for fire fighting	24.1	Powers re terrorist activity
8.1	Repealed	25	Railways
8.2	Repealed		OFFENCES, PENALTIES AND PROSECUTIONS
8.3	Repealed	26	General
8.4	Repealed	27	Institution of prosecution
8.5	Repealed	28	Arrest without warrant
8.6	Repealed	29	Powers of officer re land or dwelling
8.7	Repealed	30	Civil actions for damages
	LIABILITY FOR COST OF FIRE FIGHTING		GENERAL
9	Exemption from certain liability	31	Power of departmental officer to start fires
10	Individuals	32	Notices
11	Rural municipality	33	Compensation for employee's property
11.1	Costs re urban and northern municipalities	34	Investigation of fires
12	Industrial or commercial operators	35	Service of documents
	FIRE FIGHTING	36	Fire control agreements
13	Obtaining assistance in fire fighting	37	Repealed
13.1	Commandeering of equipment	38	Regulations
14	Duties of persons assigned to fight fires	39	R.S.S. c. P-22 repealed

CHAPTER P-22.1

An Act respecting Prairie and Forest Fires

SHORT TITLE

Short title

1 This Act may be cited as *The Prairie and Forest Fires Act, 1982*.

INTERPRETATION

Interpretation

2 In this Act:

- (a) **“burning permit area”** means a provincial forest and every quarter section of land lying wholly or partly within 4.5 kilometres of the boundaries of a provincial forest, and includes any other areas designated pursuant to section 4.1;
- (b) **“Crown”** means Her Majesty in right of Saskatchewan;
- (c) **“department”** means the department over which the minister presides;
- (d) **“departmental officer”** means any person employed by the department in connection with the administration and enforcement of this Act;
- (e) **“director”** means the official appointed as the director pursuant to subsection 4(2);
- (e.1) **“escaped fire”** means:
 - (i) a fire of a size and nature prescribed in the regulations; or
 - (ii) a fire designated by the minister pursuant to the regulations as being an escaped fire;
- (f) **“fire fighting”** means controlling and extinguishing a fire and includes:
 - (i) travelling to, preparing for and returning from a fire;
 - (ii) repairing and maintaining fire fighting equipment; and
 - (iii) any other activities that are necessarily incidental to controlling and extinguishing a fire;
- (g) **“fire ranger”** means a person appointed as a fire ranger pursuant to section 5 or 6;
- (h) **“fire season”** means the period of time in each year commencing on April 1 and ending on October 31, or any other period of time that may be designated by the minister;
- (i) **“forest land”** means any uncultivated land in Saskatchewan on which trees or shrubs are growing or standing or any barren, dry marsh or bog, and includes any highway over any such lands;

(j) **“forest products”** includes pulp, pulpwood, paper, veneer, plywood, lumber, timber, poles, posts, chips and other products accruing from a forest harvesting operation;

(j.1) **Repealed.** 2005, c.26, s.3.

(k) **“industrial or commercial operation”** means an activity related to timber, forest, mining, drilling and construction activities, and includes any other activities that may be specified in the regulations;

(l) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(m) **“municipal council”** means the council of a rural municipality, the council of a resort village within a burning permit area, or the council of a municipal district;

(m.1) **“northern municipality”** means a northern municipality as defined in *The Northern Municipalities Act, 2010* other than a northern settlement or the Northern Saskatchewan Administration District;

(n) **“officer”** means:

(i) a departmental officer;

(ii) a fire ranger;

(iii) a member of the Royal Canadian Mounted Police;

(iv) a park warden of any National Park of Canada;

(v) police officers employed by a city, town, village or other municipal corporation; and

(vi) any person that may be designated as an officer in the regulations;

(o) **“owner”** includes a purchaser from the Crown, assignee, permittee, lessee, occupant, timber management licensee, holder of a mining claim or location and a person having legal title to any land or the right to cut timber and wood on any land;

(p) **“prairie”** means an area other than forest land;

(q) **“provincial forest”** means the provincial forests designated pursuant to section 12 of *The Forest Resources Management Act*;

(r) **“provincial lands”** means any lands vested in the Crown;

(s) **“provincial park”** means a provincial park constituted pursuant to *The Parks Act*;

(t) **“railway company”** includes every railway company owning or operating a railway that transacts business in Saskatchewan, whether as an original enterprise or undertaking or under a lease, contract or agreement or otherwise;

(u) **“recreation site”** means a recreation site constituted by the Lieutenant Governor in Council pursuant to *The Parks Act*;

- (u.1) **Repealed.** 2005, c.M-36.1, s.456.
- (v) “**start**” means kindle, light, place or set out;
- (w) “**vacant Crown land**” means land in the name of the Crown that is not disposed of pursuant to a lease.

1982-83, c.P-22.1, s.2; 1986, c.17, s.5; 1986-87-88, c.53, s.3; 1993, c.12, s.3; 1996, c.F-19.1, s.103; 2001, c.31, s.3; 2005, c.26, s.3; 2005, c.M-36.1, s.456; 2010, c.N-5.2, s.463; 2014, c.19, s.49.

APPLICATION

Application of Act

- 3(1) This Act does not apply within any city, town, village or any other municipal corporation.
- (2) Notwithstanding subsection (1), this Act applies within:
- (a) every resort village within a burning permit area;
 - (b) every rural municipality and that part of a municipal district that is prescribed in the regulations; and
 - (c) every northern municipality.
- (3) Notwithstanding subsection (1), the minister may undertake fire fighting in any part of Saskatchewan where he considers it necessary or feasible to do so.

1982-83, c.P-22.1, s.3; 1986-87-88, c.53, s.4; 2014, c.19, s.49.

ADMINISTRATION

Administration

- 4(1) The department shall administer this Act and the regulations.
- (2) The minister shall appoint an official, to be known as the director, to manage and direct the administration of this Act and the regulations and that officer is responsible to the minister in the performance of his duties and the exercise of his powers.

1982-83, c.P-22.1, s.4.

Burning permit areas

- 4.1(1) The minister may, by order, designate any area or areas of Saskatchewan as a burning permit area.
- (2) The minister shall cause an order made pursuant to subsection (1) to be:
- (a) published in a daily or weekly newspaper that is widely circulated in the vicinity of the burning permit area; and
 - (b) posted in one or more conspicuous places in the vicinity of the burning permit area.

1993, c.12, s.4.

Provincial fire rangers

5 The minister or the director may appoint fire rangers to carry out the provisions of this Act and the regulations and may cancel an appointment at any time.

1982-83, c.P-22.1, s.5.

Municipal fire rangers

6(1) A municipal council may appoint any fire rangers that it considers necessary to carry out its responsibilities under this Act and the regulations and under any municipal bylaws with respect to fire fighting.

(2) Fire rangers appointed pursuant to subsection (1) and other persons assisting a rural municipality or municipal district in fire fighting are to receive any remuneration for their services that may be determined by the municipal council.

(3) Every municipal council shall provide fire rangers appointed pursuant to subsection (1) with any equipment and supplies for fire fighting that may be prescribed by the municipal council.

1982-83, c.P-22.1, s.6; 2014, c.19, s.49.

Municipal bylaws

7(1) A municipal council may make bylaws not inconsistent with this Act respecting:

- (a) the prevention and protection of property against forest or prairie fires;
- (b) the means, equipment and supplies to be used in extinguishing or preventing the spread of a fire;
- (c) the supply and care of any equipment necessary for use in case of a fire;
- (d) the issuing of permits authorizing burning in any part of the rural municipality or municipal district that is not within a burning permit area and prescribing the conditions to be observed by permittees;
- (e) any instructions to fire rangers relating to their duties that the municipal council considers necessary;
- (f) any other matters that it considers advisable for the purposes of this Act and the regulations.

(2) The secretary treasurer of a rural municipality or administrator of a municipal district shall supply each fire ranger appointed pursuant to subsection 6(1) with a copy of this Act, the regulations made under this Act and any municipal bylaws made pursuant to subsection (1).

(3) The secretary treasurer of a rural municipality or administrator of a municipal district shall forward to the minister a copy of any municipal bylaws made pursuant to subsection (1).

1982-83, c.P-22.1, s.7; 2014, c.19, s.49.

Responsibility for fire fighting

8(1) Subject to the other provisions of this Act, if a fire originated or is burning in a rural municipality or in that part of a municipal district that is prescribed in the regulations, the rural municipality or municipal district is responsible for controlling and extinguishing the fire.

(2) Where a fire in a rural municipality or that part of a municipal district that is prescribed in the regulations originated in a burning permit area, provincial forest, provincial park, recreation site or vacant Crown land, the department is responsible for controlling and extinguishing the fire.

(3) Where a fire that originated or is burning in a rural municipality or that part of a municipal district that is prescribed in the regulations is, in the opinion of a departmental officer, a threat to a burning permit area, provincial forest, provincial park, recreation site or vacant Crown land, the department may take action for controlling and extinguishing the fire.

1982-83, c.P-22.1, s.8; 2014, c.19, s.49.

8.1 to 8.7 Repealed. 2005, c.26, s.4.

LIABILITY FOR COST OF FIRE FIGHTING

Exemption from certain liability

9(1) The Crown, members of the Executive Council, employees of the department and persons who assist the department in fire fighting pursuant to this Act are not liable for any damages, costs, losses or actions arising or resulting from a fire or in respect of any fire fighting undertaken with reasonable care or omitted to be undertaken in good faith by the minister or by any person acting pursuant to this Act or the regulations, but the minister may make payments with respect to damages, costs and losses in any amount that he considers reasonable.

(2) Subject to sections 11 and 11.1, rural municipalities, municipal districts, resort villages within burning permit areas, employees of municipal councils and persons who assist municipal councils in fire fighting pursuant to this Act are not liable for damages, costs, losses or actions arising or resulting from a fire or in respect of any fire fighting undertaken with reasonable care or omitted to be undertaken in good faith by the rural municipality, municipal district or resort village or by any person acting pursuant to this Act or the regulations.

1986-87-88, c.53, s.5; 1993, c.12, s.5; 2014, c.19, s.49.

Individuals

10 Where any person disobeys, refuses or neglects to carry out any of the provisions of this Act, the regulations made under this Act or any municipal bylaws made pursuant to subsection 7(1) and the department, a municipal council or any person incurs expenses fighting any resulting fire, that person is liable for the expenses incurred, and those expenses are a debt due to the Crown, the rural municipality, the municipal district or the person, as the case may be, are payable on demand and may be recovered in any court of competent jurisdiction.

1982-83, c.P-22.1, s.10; 2014, c.19, s.49.

P-22.1**PRAIRIE AND FOREST FIRE****Rural municipality**

11 Where the department incurs costs as a result of fire fighting action taken pursuant to subsection 8(3) or at the request of the rural municipality or municipal district, the rural municipality or municipal district is liable for all or part of the cost of controlling and extinguishing the fire that the minister considers reasonable, and that cost is a debt due to the Crown, is payable on demand and may be recovered in any court of competent jurisdiction.

1982-83, c.P-22.1, s.11; 2014, c.19, s.49.

Costs re urban and northern municipalities

11.1(1) Notwithstanding subsection 3(1), if the department incurs costs as a result of fire fighting action taken with respect to a fire that originated in a city, a town, a village, a resort village, that part of a municipal district that is prescribed in the regulations or a northern municipality, the city, town, village, resort village, municipal district or northern municipality, as the case may be, is liable for all or part of the cost of controlling and extinguishing the fire that the minister considers reasonable.

(2) The cost mentioned in subsection (1) is a debt due to the Crown, is payable on demand and may be recovered in any court of competent jurisdiction.

2014, c.19, s.49.

Industrial or commercial operators

12 When a fire is burning on land upon which an industrial or commercial operation is being carried on, the person conducting the operation, his agents or contractors on site are responsible for controlling and extinguishing the fire, and for that purpose, subject to the provisions of any agreement with the minister entered into pursuant to section 36, the person shall pay for any services that may be necessary.

1982-83, c.P-22.1, s.12.

FIRE FIGHTING**Obtaining assistance in fire fighting**

13(1) Where an extreme fire hazard exists or the safety of persons or property is endangered by a prairie fire or forest fire, an officer may obtain the voluntary assistance of any adult for the purpose of fire fighting.

(2) The department, the rural municipality or the municipal district, as the case may be, shall pay compensation to every person who assists in fire fighting pursuant to subsection (1).

(3) The amount of compensation to be paid to a person by the department pursuant to subsection (2) is to be determined by the minister.

(4) No person who assists in fire fighting pursuant to subsection (1) shall be deemed to be an employee of the department, the rural municipality or the municipal district, as the case may be, for the purposes of this Act or any other Act or law.

(5) An officer may in writing delegate his or her powers pursuant to subsection (1).

1993, c.12, s.6; 2014, c.19, s.49.

Commandeering of equipment

13.1(1) Where an extreme fire hazard exists or the safety of persons or property is endangered by a prairie fire or forest fire, an officer may commandeer or use any privately owned equipment for the purpose of fire fighting.

(2) The department, the rural municipality or the municipal district, as the case may be, shall pay compensation to any person from whom private property is commandeered or used pursuant to subsection (1).

(3) The amount of compensation to be paid to a person by the department pursuant to subsection (2) is to be determined by the minister.

(4) An officer may in writing delegate his or her powers pursuant to subsection (1).

1993, c.12, s.6; 2014, c.19, s.49.

Duties of persons assigned to fight fires

14(1) Every person who assists in fire fighting pursuant to this Act shall:

- (a) proceed as directed;
- (b) take with him or her all equipment with which the person has been supplied or which has been commandeered for the person pursuant to subsection 13.1(1);
- (c) assume responsibility for the fire fighting equipment placed in his care;
- (d) obey all reasonable orders and requirements of the officer or person in charge of a fire; and
- (e) make every reasonable effort to control and extinguish the fire and to protect any life and property endangered by the fire.

(2) No person who assists in fire fighting pursuant to this Act shall:

- (a) leave a fire before it is extinguished or before he is relieved from duty by the officer or the person in charge of the fire; or
- (b) in any way impede, obstruct or hinder the efforts of other persons from extinguishing or controlling a fire.

1982-83, c.P-22.1, s.14; 1993, c.12, s.7.

PROHIBITIONS

General

15 In a burning permit area or elsewhere, whether a permit is required or not, no person shall:

- (a) start any outdoor fire for any purpose without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- (b) start any outdoor fire for any purpose when weather conditions are conducive to a fire's readily escaping control;
- (c) fail to take reasonable steps to control a fire for the purpose of preventing it from spreading;
- (d) deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire's spreading;
- (e) conduct any activity that involves the use of a fire or that might reasonably be expected to cause a fire to spread, unless he exercises reasonable care to prevent a fire from occurring;
- (f) leave the place where he has started an outdoor fire without fully extinguishing the fire.

1982-83, c.P-22.1, s.15.

Duty to notify officer

16 Every person 16 years of age or over who, during a fire season, knows or has reason to believe that there is an outdoor fire likely to cause damage to or loss of property, shall promptly notify or cause notice to be given to an officer or an employee of the rural municipality or municipal district in which the fire is situated.

1982-83, c.P-22.1, s.16; 2014, c.19, s.49.

Permits in burning permit areas

17(1) No person shall start an outdoor fire during the fire season within a burning permit area unless he is the holder of a permit authorizing him to do so.

- (2) Permits authorizing the starting of outdoor fires in burning permit areas may be issued by the minister or by a departmental officer in a form approved by the minister.
- (3) Every permit issued pursuant to subsection (2) is subject to:
 - (a) this Act and the regulations; and
 - (b) the conditions specified in the permit.
- (4) The minister or a departmental officer may revoke a permit where, in his opinion, he considers it necessary to do so.
- (5) The decision of the minister respecting the issue or revocation of a permit is final.

(6) Where a permittee starts an outdoor fire that spreads or is likely to spread and expenditure is incurred by the department, a rural municipality, a municipal district or any person in controlling or extinguishing the fire, the permittee is liable for the amount expended, and that amount is a debt due to the department, rural municipality, municipal district or person, as the case may be, is payable on demand and may be recovered in any court of competent jurisdiction.

1982-83, c.P-22.1, s.17; 2014, c.19, s.49.

Powers re extreme fire hazards

17.1(1) Notwithstanding any other Act or law, where, in the opinion of the minister or the director, an extreme fire hazard exists or the safety of persons or property is endangered by a prairie fire or forest fire, the minister or director may, by order, do any or all of the following:

- (a) notwithstanding section 18 or any permit issued pursuant to section 17, prohibit the setting or propagation of any fire or type of fire within a burning permit area;
 - (b) require the evacuation of any area within a burning permit area; or
 - (c) prohibit entry into or occupation of any area within a burning permit area.
- (2) The minister shall cause an order made pursuant to subsection (1) to be:
- (a) published in a daily or weekly newspaper that is widely circulated in the vicinity of the burning permit area; and
 - (b) posted in one or more conspicuous places in the vicinity of the burning permit area.
- (3) No person shall fail to comply with an order made pursuant to subsection (1).
- (4) Notwithstanding subsection (3), where an order has not been published and posted in a manner prescribed by subsection (2), no person shall be convicted for failing to comply with an order unless the person knew or ought to have known of the substance of the order.

1993, c.12, s.8.

Emergency fires

18 Notwithstanding section 17 but subject to sections 15 and 17.1, any person may start a fire within a burning permit area for the purpose of obtaining necessary warmth or cooking food.

1982-83, c.P-22.1, s.18; 1993, c.12, s.9.

Fire hazards

19(1) Where a departmental officer finds on any land within a burning permit area conditions which, in his opinion, constitute a fire hazard endangering life or property, he may order the owner or occupant of the land to reduce or remove the hazard within a fixed period and in any manner that the departmental officer prescribes in writing.

P-22.1**PRAIRIE AND FOREST FIRE**

(2) Where a departmental officer finds that the order made pursuant to subsection (1) has not been carried out, he may enter upon the land with any equipment and persons that he considers necessary and may perform the required work to reduce or remove the fire hazard.

(3) The owner or occupant of the land on which work is performed pursuant to subsection (2) shall, on demand, reimburse the department for the cost of the work performed, and that cost is a debt due to the Crown, is payable on demand and may be recovered in any court of competent jurisdiction.

1982-83, c.P-22.1, s.19.

Certain fires prohibited

20(1) No person shall start a fire within a burning permit area for the purpose of burning slabs, edgings, shavings, mill waste or any other debris within 30 metres of any part of a sawdust pile.

(2) Where a person has started a fire contrary to subsection (1), he shall, upon the request of an officer, extinguish the fire immediately.

1982-83, c.P-22.1, s.20.

Industrial or commercial operations

21(1) At the request of the director, every person carrying on or having charge of an industrial or commercial operation within a provincial forest shall submit to the director a fire control plan for approval.

(2) The minister may, by order, suspend the operations of any person described in subsection (1) until a fire control plan acceptable to the director has been submitted to and approved by the director.

(3) Every person conducting a commercial or industrial operation within a provincial forest during the fire season shall have readily available and shall keep in a serviceable condition any fire fighting equipment that may be prescribed in the regulations.

1982-83, c.P-22.1, s.21.

Clearing right of way

22 Every person clearing a right of way within a provincial forest shall pile and burn, subject to section 17, on the right of way all refuse, timber, slashings, choppings and brush cut on the right of way or shall otherwise dispose of the same in any manner that may be directed by an officer.

1982-83, c.P-22.1, s.22.

Prohibitions during fire season

23(1) Within a provincial forest during the fire season no person shall:

- (a) use or operate an engine or boiler that is not provided with an efficient device for preventing the escape of sparks and fire;

- (b) use or operate a smoke-stack, chimney, burner or any similar device without using an efficient apparatus preventing the escape of sparks and fire;
 - (c) while engaged in the manufacture of forest products, destroy waste wood material by burning it without properly confining the place of burning or safeguarding the surrounding property against the danger of fire.
- (2) Upon the laying of an information for the violation of subsection (1), no person shall, unless the written approval of an officer is obtained, operate the device which is the subject of the information, or operate a device in a manner which is the subject of the information, until:
- (a) the accused has been acquitted; or
 - (b) the device or the manner of operating the device is modified to the satisfaction of an officer.

1982-83, c.P-22.1, s.23.

Closure of forest land

- 24(1)** Where the minister considers it necessary for the protection of any forest land, he may, by public notice, at any time during the fire season, declare a designated part of the forest land to be closed for the period of time specified in the notice.
- (2) During the period of time specified in a notice issued pursuant to subsection (1), no person shall enter or travel in the area designated in the notice unless he holds a valid travel permit issued under this section.
- (3) The minister, any departmental officer or any person authorized by the minister may issue travel permits authorizing entry upon forest land for the purpose of travelling, camping, fishing, picnicking or for any other specified purpose.
- (4) Every travel permit is subject to this Act and the conditions specified on the permit.
- (5) A travel permit may be revoked at any time by an officer.

1982-83, c.P-22.1, s.24.

Powers re terrorist activity

24.1(1) In this section:

- (a) **“minister’s designate”** means a person designated by the minister for the purposes of this section;
- (b) **“regulated area”** includes any area to which this Act applies;
- (c) **“terrorist activity”** means a terrorist activity as defined in the *Criminal Code*.

(2) Notwithstanding any other provision of this Act or any provision of the regulations, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and that the terrorist activity or possible terrorist activity constitutes a fire hazard endangering life, property or the environment:

- (a) the minister may, by order:
 - (i) close, or prohibit or restrict access to or travel in, any regulated area that the minister may specify;
 - (ii) evacuate any regulated area or any premises within a regulated area that the minister may specify; and
 - (iii) require any person to take any other action that the minister considers necessary:
 - (A) to protect the health or safety of the public against that hazard;
 - (B) to protect property against that hazard; or
 - (C) to prevent serious damage to the environment caused or that may be caused by that hazard; and

- (b) the minister may take any action that the minister considers necessary:
 - (i) to protect the health or safety of the public against that hazard;
 - (ii) to protect property against that hazard; or
 - (iii) to prevent serious damage to the environment caused or that may be caused by that hazard.

(3) Subject to subsection (4), a minister's designate may make any order described in clause (2)(a) if:

- (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity constitutes a serious threat to the environment, to property or to the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that serious threat; and
- (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the serious threat.

(4) An order made by a minister's designate pursuant to subsection (3):

- (a) must specify the time at which it is made; and
- (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.

- (5) Immediately after making an order pursuant to subsection (2) or (3), the minister or the minister's designate, as the case may be, shall:
- (a) serve a copy on any person named in the order; and
 - (b) cause the order to be published by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.
- (6) No person shall fail to comply with an order made pursuant to subsection (2) or (3).
- (7) No action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister, any person authorized or designated by the minister to do any thing or exercise any power pursuant to this Act, the department, an officer, any person lawfully accompanying an officer or any employee or agent of the department for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this section or any regulations made for the purposes of this section or in the carrying out or supposed carrying out of any function or duty imposed by this section or those regulations.

2003, c.29, s.42.

Railways

- 25(1)** Where a fire originates within 100 metres of the centre of the track of a railway company:
- (a) it is, for the purposes of this Act, conclusively presumed to have been caused by the railway company;
 - (b) the railway company shall take any immediate action that is necessary to extinguish the fire; and
 - (c) where satisfactory action is not taken by the railway company, the minister, a municipal council or any other person may take any action that is necessary to control and extinguish the fire.
- (2) The railway company is liable for all costs of and incidental to extinguishing a fire described in subsection (1), and any costs incurred pursuant to clause (1)(c) are a debt due to the Crown, the rural municipality, the municipal district or the person, as the case may be, are payable on demand and are recoverable in any court of competent jurisdiction.
- (3) Subject to section 17 and to subsection (2) of this section, nothing in this Act prevents a railway company from burning over the land held by it under its right of way, but every person causing, commencing or in charge of any burning undertaken pursuant to this subsection shall take any precautions and safeguards that are necessary to prevent the escape of the fire.

1982-83, c.P-22.1, s.25; 2014, c.19, s.49.

OFFENCES, PENALTIES AND PROSECUTIONS

General

26 Any person who contravenes any provision of this Act or the regulations or who aids, abets, causes, counsels or procures another person to contravene any of the provisions of this Act or the regulations is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$250,000;
- (b) in the case of a corporation, to a fine of not more than \$500,000;

and is, in addition, liable to civil action for damages at the suit of the Crown or any person whose property has been injured or destroyed as a consequence of the contravention.

1986-87-88, c.53, s.7; 2003, c.29, s.43.

Institution of prosecution

27 A prosecution for a contravention of a provision of this Act or the regulations may be instituted by an officer or by any other person authorized by the minister to do so.

1982-83, c.P-22.1, s.27.

Arrest without warrant

28 Any officer may arrest without warrant any person found committing an offence against this Act or the regulations.

1982-83, c.P-22.1, s.28.

Powers of officer re land or dwelling

29(1) For the purpose of discharging his duties, any officer may, without warrant, enter on or pass over any land other than a dwelling.

(2) Any officer may, without warrant, enter any dwelling, building or structure which is on fire, or which the officer has reasonable grounds to believe is threatened by a fire, for the purpose of controlling or extinguishing the fire or preventing injury to persons or property.

1986-87-88, c.53, s.8.

Civil actions for damages

30 Nothing in this Act is to be construed so as to derogate from any common law right to bring and maintain a civil action for damages caused by fire.

1982-83, c.P-22.1, s.30.

GENERAL

Power of departmental officer to start fires

31 Notwithstanding any other provision of this Act, a departmental officer may start a fire or cause a fire to be started under his instructions on any provincial lands or within a burning permit area for the purpose of protecting timber, decreasing fire danger, improving or controlling wildlife habitat or for any other purpose relating to the proper management of the land.

1982-83, c.P-22.1, s.31.

Notices

32 No person shall unlawfully destroy, deface or remove a notice posted in relation to any matter regulated by this Act.

1982-83, c.P-22.1, s.32.

Compensation for employee's property

33 Where a person, while employed by the department for the purpose of fire fighting, suffers loss of or damage to personal property, the minister may compensate him for the loss or damage if it is shown to the satisfaction of the minister that the loss or damage was caused by the fire and is not attributable to the person's own carelessness.

1982-83, c.P-22.1, s.33.

Investigation of fires

34 The minister or any departmental officer may investigate the cause, origin and circumstances of any forest or prairie fire with a view to ascertaining whether the fire was the result of negligence, carelessness, accident or otherwise, and in doing so may exercise any of the powers conferred upon the Fire Commissioner by *The Fire Prevention Act, 1980*.

1982-83, c.P-22.1, s.34.

Service of documents

35 Where any document relating to any matter regulated by this Act is served by registered mail, it is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive the document or that he received it at a later date.

1982-83, c.P-22.1, s.35.

Fire control agreements

36 The minister may enter into fire control agreements with:

- (a) any person carrying on any timber, forest, mining or other industrial or commercial operation;
- (b) the government of any province;
- (c) any city, town, village or other municipal corporation; or
- (d) any other person.

1982-83, c.P-22.1, s.36.

37 Repealed. 2000, c.50, s.20.

Regulations

38(1) For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word used in this Act but not defined in this Act;
 - (b) respecting any matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (b.1) respecting the size and nature of escaped fires for the purposes of clause 2(e.1) and authorizing the minister to designate any fire as an escaped fire subject to any terms prescribed in the regulations;
 - (b.2) **Repealed.** 2005, c.26, s.5.
 - (c) respecting the prevention of forest or prairie fires and the protection of forests and property against forest or prairie fires;
 - (d) respecting the means, equipment and supplies to be used in extinguishing or preventing the spread of a fire.
- (2) A regulation made pursuant to clause (1)(b.1) may be made retroactive to a day not earlier than April 1, 2001.

1982-83, c.P-22.1, s.38; 2001, c.31, s.5; 2005, c.26, s.5.

R.S.S. c. P-22 repealed

39 *The Prairie and Forest Fires Act* is repealed.

1982-83, c.P-22.1, s.39.