

CHAPTER 6

AGRICULTURAL FIRES ACT

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ACT

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CHAPTER 6

AGRICULTURAL FIRES ACT

An Act to regulate the setting of fires on agricultural land.

[1st September, 1951.]

1. Short title

This Act may be cited as the Agricultural Fires Act.

2. Interpretation and application

(1) In this Act—

“Authorised Officer” means the Chief Extension Officer (Agriculture) or any officer authorised by the Chief Extension Officer (Agriculture) to grant a licence for the setting of fires on land;

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

“setting of fire on land” means the setting of fire to any crop, vegetable matter or trash growing or being in or upon any land;

“trash” means any megass, straw, brushwood, or other inflammable matter.

(2) This Act applies only to the setting of fires on land which is under cultivation or in course of preparation for agricultural purposes.

3. Procedure by persons desiring to set fire on land

Every person before commencing the setting of fire on land shall apply in writing or in person to an Authorised Officer for a licence to do so and shall state in his or her application the location and extent of such land and the reasons why, in his or her opinion, burning is necessary or justifiable.

4. Procedure by Authorised Officer on receipt of application, etc.

(1) Upon receiving the application mentioned in the preceding section, the Authorised Officer may, in his or her absolute discretion, grant or refuse a licence for the setting of fire on the land, or cause an inspection of the land and report thereon to be made by some competent person to be named by him or her before granting or refusing the licence.

(2) A licence granted under this Act shall be, as far as circumstances permit, in the form in the Schedule and shall contain such terms and conditions as the Authorised Officer may impose.

5. Time for reply to applicant by the Authorised Officer

If the Authorised Officer does not reply to the applicant within ten days of the receipt by him or her of the application mentioned in section 3, such applicant shall be at liberty to set fire on his or her land without incurring any liability or penalty under this Act.

6. Appeal to Minister

Any person aggrieved by the refusal of the Authorised Officer to grant a licence may appeal to the Minister.

7. Penalty for setting fire on land without licence

Every person who sets fire on, or procures, aids or abets the setting of fire on any land (except under the provisions of section 5) without a licence under this Act shall be liable to a fine of five hundred dollars and to imprisonment for three months.

8. Saving of existing liability

Nothing in this Act shall take away or diminish the liability of any person for any damage from fire caused by the act or neglect of such person or his or her employee, and nothing in this Act shall take away or diminish the liability of any person to prosecution and punishment for an offence at common law or under any other law:

Provided that no person shall be punished twice for the same offence.

Schedule

AGRICULTURAL FIRES ACT

Licence to Set Fire on Land

[Section 4.]

Licence is hereby granted to for the setting of fire to on land situate at in the parish of

The fire may be set between the hours of 7 a.m. and 4 p.m.

This licence is granted subject to the following terms and conditions:

.....
.....
.....
.....

This licence expires on the..... (date)

Given under my hand this (date)

.....
Authorised Officer

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SUBSIDIARY LEGISLATION

No Subsidiary Legislation
