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CHAPTER 23. No. 7.

AGRICULTURAL FIRES.

AN ORDINANCE RELATING TO THE REGULATION
AND PREVENTION OF AGRICULTURAL FIRES.

Ordinances
Ch.23. No.7-
1940.
No. 11-1942.
,, 40-1944.

[29th December, 1915.]

Commence-
ment.

1. This Ordinance may be cited as the Agricultural
Fires Ordinance.

Short title.

2. In this Ordinance—

Interpre-
tation.

“clear days” shall be reckoned exclusive of the
day on which any notice shall be given, and of the
day on which any act mentioned in such notice shall
be done;

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

“Crown lands” means any lands vested in His
Majesty;

“occupier” means the person having the immediate
charge or management of any plantation or land, and
includes an occupying owner, a tenant, contractor, or
cane farmer;

“set fire to land” means the setting fire to any
crop or trash growing or being in or upon any land;

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

3. (1) It shall be lawful for the Governor to appoint for
any County a Fire Vigilance Committee, consisting of such
persons as the Governor by notice in the *Royal Gazette*
may appoint.

Power to
appoint Fire
Vigilance
Committees.

Governor
may
prohibit
setting fire
to land.

(2) It shall be lawful for the Governor, by proclamation, to be published in the *Royal Gazette*, to prohibit the setting of fire to land within such parts of the Colony and within such times to be specified in such proclamation as the Governor may see fit; and any person who, after the publication of and within the time specified in such proclamation, sets fire to any land within any part of the Colony mentioned in such proclamation, shall be liable to a fine of two hundred and forty dollars, or to imprisonment for six months.

Procedure
by person
desiring
to set fire.

4. (1) Every person desirous of setting fire to land shall—

(a) cause an open space of at least twenty-five feet in width to be cleared round the land;

(b) cause all inflammable matter to be carefully removed from such space;

(c) give to the Warden of the Ward in which the land is situated a notice in writing specifying the local situation, extent, and abuttals of the land;

(d) send to the Warden a certificate from a neighbouring land-owner in the form in the Schedule hereto; and

(e) if he is a contractor, cane farmer, or tenant, send to the Warden the consent in writing of the person from whom he holds such land or the attorney, manager, assignee, or successor in title of such person.

Schedule.

Granting of
licence.

(2) Upon receiving the notice and certificate and also, when required, the consent in the last preceding subsection mentioned, the Warden may, in his absolute discretion, either grant a licence to set fire to the land or cause a further inspection to be made and a further certificate in a like form as aforesaid to be given by a competent person to be named by him before granting the licence.

False
certificate.

(3) If any such certificate shall be false in any particular, the person who makes the same, or any applicant for a licence who tenders, utters, or puts off the same or any other false certificate, shall be liable to a fine of two hundred and forty dollars.

(4) A licence to set fire to land shall specify—

(a) the number of persons who shall be present to assist the licensee in controlling the fire; and

(b) the number of watchmen who shall be present on the land so long as any smouldering material remains thereon; and

(c) the period, not exceeding fourteen days, during which the licence shall be in force; and

(d) the hours during which the fire may be set:

Provided always that no fire shall be set on a day prohibited by any proclamation of the Governor.

Form of
licence.
Ord.40-1944,
s. 2 (i).

(5) The powers conferred by this section on a Warden may be exercised by any person authorised by writing under the hand of the Warden so to exercise them.

Exercise of
powers.

(6) A Warden and a person authorised by the Warden to grant licences to set fire may refuse to grant a licence to set a fire where, in the opinion of the Warden or person authorised as aforesaid, the fire would, notwithstanding the precautions required by this Ordinance, cause danger to the land of any other person.

Power to
refuse licence
to set fire.

(7) Any person who, with intent to obtain a licence to set fire to land, forges or alters, or, knowing it to be forged or altered, utters a consent to set fire to land required by this section shall be liable to a fine of two hundred and forty dollars, or to imprisonment for six months, or to both such fine and imprisonment.

Forgery of
consents.

(8) Any person committing a breach of any of the conditions of a licence to set fire to land shall be liable to a fine of ninety-six dollars.

Breach of
conditions of
licence.

Ord.40-1944,
s. 2 (ii).

(9) Every licence to set fire to land granted under this Ordinance shall be in the form in the Schedule hereto.

Form of
licence.
Schedule.

5. Nothing in this Ordinance contained shall apply to setting fire to any cocoa or coconut tree for the purpose of eradicating or preventing the dissemination of any disease or pest within the meaning of the Plant Protection Ordinance, or to setting fire to any tree, plant, or growth in pursuance of an order of an officer appointed under the said Ordinance, or to setting fire to any tree, shrub, growth, or underwood on any land which is being cleared for the

Burning
diseased
trees or
other growth

construction or maintenance of a railway under the provisions of the Railways Ordinance, or for the construction or maintenance by the Works and Hydraulics Department of any road under the provisions of the Roads Ordinance.

Notice to
Police
and to
neighbours.

6. (1) Every person to whom a licence shall be granted under this Ordinance shall, forty-eight hours at least before fire shall be set to such land, serve or cause to be served on the officer or subordinate police officer in charge of the Police Station nearest to such land, and on the occupiers of all lands adjoining the land in respect of which such licence may be granted, a notice specifying the days on and the hours during which it is intended to set fire to such land.

(2) In the case of land occupied by a tenant other than a tenant for years, or by a contractor or a cane farmer, the notice in the last preceding subsection mentioned as being required to be served on all occupiers of adjoining land shall be served upon the person of whom such tenant, contractor, or cane farmer immediately holds, as well as upon such tenant, contractor, or cane farmer.

Meaning of
"adjoining"
land.

(3) For the purposes of this section, land shall be deemed to be adjoining the land in respect of which a licence to set fire has been granted notwithstanding the interposition of a road, path, or trace, whether public or private, or a river or watercourse.

Service of
notice.

7. Every such notice may be served on any occupier by delivering the same to him in person, or by leaving the same at his residence on such adjoining land with some person actually residing therein, or if there be no such residence, or if no person can be found therein, then by affixing such notice in some open and conspicuous place upon such adjoining land.

Fires to be
watched.

8. (1) It shall be the duty—

(a) of every person, whenever fire shall be set to any land under a licence granted to him under this Ordinance, and

(b) of every occupier of land, whenever he has notice that any fire has come on to or is on his land,

so long as any fire shall be on any such land, to cause the same to be closely watched either by himself or by some responsible servant or agent to be by him appointed for such purpose, and it shall be the duty of such person or owner to use every endeavour by himself, his servants and agents, to extinguish any fire which may escape or extend from the land on which any fire shall have been set by him into any neighbouring lands, or to extinguish any fire that may have come on to or be on his land.

(2) It shall be the duty of every occupier of land within twenty-four hours of his having notice that there is a fire on his land, to notify the Warden of the County or Ward in which the land is situate of the existence of such fire: Provided that nothing in this subsection shall apply to an occupier of land who has set fire to his land under a licence issued under this Ordinance.

Ord.40-1944,
s. 3.

(3) Any person contravening any of the provisions of this section shall be liable to a fine of ninety-six dollars.

9. Every person who—

(a) sets fire to, or procures, aids, or abets the setting fire to, any land without a licence under this Ordinance, or

(b) acts in contravention of the provisions of section 6,

shall be liable to a fine of two hundred and forty dollars, or to imprisonment for six months, or to both such fine and imprisonment.

Penalty for setting fire without licence or notice.

10. If fire shall be set to any land in respect of which a licence has been granted under this Ordinance at any time other than on the days or during the hours specified in the licence, the occupier of the land shall be liable to a fine of forty-eight dollars.

Setting fire contrary to licence.

11. On the trial of any complaint for any offence under this Ordinance, proof of any crop or trash growing or being

Proof of setting fire.

in or upon any land having been on fire shall be *prima facie* evidence against the occupier of such land of such fire having been set thereto by such occupier or with his authority.

Charcoal pits.

12. It shall not be lawful for any person to open or use any pit on any land for the making of charcoal, without the licence of the Warden of the Ward within which such pit shall be situate; and every such Warden, before granting any such licence, shall personally inspect or cause to be inspected by some competent person the place in which it is proposed to open or use such pit, and on such inspection, if he shall be of opinion that such pit may be used without danger of fire, may grant a licence for the same; and every such licence shall be and remain in force until the 31st of December of the year in which such licence shall be granted.

Using charcoal pits without licence.

13. Any person who shall open or use any pit for the making of charcoal without a sufficient licence under this Ordinance in that behalf shall be liable to a fine of ninety-six dollars, or to imprisonment for three months.

Setting fire to Crown lands without authority.

14. Every person who shall wilfully set fire to any Crown lands except by virtue of an order in writing of the Warden of the Ward within which such lands may be situated, to be made under the authority of this Ordinance, shall be liable to a fine of two hundred and forty dollars, or to imprisonment for six months.

Warden may order firing of Crown lands.

15. It shall be lawful for the Warden of any Ward within which any Crown lands may be situate, by an order in writing under his hand, to make order for the setting on fire to any such land on any day, not being a day prohibited by any proclamation of the Governor; and public notice of such order having been made shall be given by affixing copies of such order in some open and conspicuous part of the several Police Stations within the several Wards within which such land or any part thereof may be situate, at least ten clear days before the first day to be appointed in or by such order for setting fire to such land: Provided

that no such order for setting fire to any Crown lands shall be made in any case where the Sub-Intendant of Crown Lands shall prohibit the making thereof.

16. Every person who carries any lighted torch or other matter in a state of ignition, not sufficiently enclosed so as to prevent danger from fire, in or upon any public road or any Crown lands, shall be liable to a fine of twenty-four dollars.

Carrying
lighted
torch, etc.

17. (1) Every person who smokes upon any plantation save and except within a dwelling-house, or carries any lighted torch or other matter in a state of ignition not sufficiently enclosed so as to prevent danger from fire upon any plantation, shall be liable to a fine of twenty-four dollars.

Smoking,
etc., on
plantation.

(2) A prosecution under this section may be instituted only by a member of the Police Force.

18. (1) In this section, "authorised person" means the Warden for the County or Ward in which any land referred to in subsection (2) hereof is situated, or any of his Ward Officers, any Fire Patrolman appointed by him or by the Conservator of Forests, any member of the Police Force, any Forest Officer, any Executive Engineer or District Officer or Chief Overseer of the Works and Hydraulics Department, any non-clerical officer of the Agricultural Department, or any member of a Fire Vigilance Committee for any County in which any land referred to in subsection (2) hereof is situate.

Definition.
Ord.40-1944
s. 4.
Ord.11-1942,
s. 2.

(2) Where a fire has broken out on any land, any authorised person may, if he think fit, enter upon any land where such fire may be, and upon any land to which there may be reasonable cause to apprehend that such fire may spread, and do all such matters and things which he shall reasonably deem to be necessary for the purpose of extinguishing such fire or preventing the growth and spreading thereof.

Power to
enter land
and extin-
guish fire.

(3) Such authorised person may also, if necessary, call upon and require every male person who is at the time within a reasonable distance of any such fire to aid and

Persons
present may
be called
upon to
assist.

assist in the extinction of such fire; and any such male person who, after being so called upon and required, shall refuse or fail to aid or assist as he may be directed by such authorised person as aforesaid shall be liable to a fine of twenty-four dollars, unless he proves to the satisfaction of the Magistrate that at the time of such fire he was under the age of fourteen years or over the age of sixty years, or was prevented by bodily sickness or infirmity from so aiding and assisting.

(4) The fact that any such authorised person has called upon and required any male person to aid and assist in the extinction of any such fire shall be conclusive for all purposes that the male person so called upon and required was at such time as aforesaid within a reasonable distance of the fire.

Recovery of penalties.

19. All offences under this Ordinance may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Ordinance.

Appropriation of penalties.

20. All penalties recovered under this Ordinance shall be paid into the Treasury for the use of the Colony.

Reward to informer.

21. (1) Notwithstanding the provisions of section 20, the Governor in Council may award and direct payment by the Accountant General to any person or persons who has or have given information leading to the recovery of any penalty, such portion, not exceeding a moiety in the aggregate, as he may think proper.

(2) This section shall be in force only at such times and in such districts as the Governor may from time to time prescribe by proclamation to be published in the *Royal Gazette*.

Liability for damage caused by fire.

22. Nothing in this Ordinance contained shall take away or diminish the liability of any person for any damage from fire caused by the act of neglect of such person or his servant.

Application of Ordinance.

23. Nothing in this Ordinance contained shall extend to the City of Port-of-Spain or the Boroughs of San Fernando or Arima.

SCHEDULE.

Form of Certificate.

(Section
4 (1) (d).)

I, _____ of _____ in the Ward of _____ landowner [or the person named by _____ Warden of the Ward of _____ to make the inspection required by section 4 of the Agricultural Fires Ordinance] hereby certify as follows:—

(1) I personally inspected on the _____ day of _____, 19____, the land to which _____ of _____ is desirous of setting fire.

(2) The local situation, extent, and abutments of the land are:—

(a) Local situation [here set out particulars].

(b) Extent [here set out area].

(c) Abutments.

(3) The said _____ has caused an open space of at least 25 feet—to wit _____ feet in width to be cleared all round the said land and has carefully removed all inflammable matter from such space.

(Signed.)

N.B.—The person giving or uttering a certificate false in any particular is liable to a fine of \$240, and in default of payment to imprisonment for six months.

Licence to Set Fire to Land.

(Section
4 (9).)

Ward of _____

Warden's Office,

19____

is licensed to set fire to a parcel of land at _____ in the said Ward, containing _____ acres or thereabouts, and bounded as follows, viz.:—

N. by _____

E. by _____

S. by _____

W. by _____

on the following conditions—

(1) that the licensee shall cause to be present _____ persons to assist the licensee in controlling the fire;

(2) that the licensee shall cause _____ watchmen to be present on the land so long as any smouldering material remains on the ground;

(3) that fire shall only be set between the hours of _____ and _____

(4) that this licence shall take effect on _____, 19____, and expire on _____, 19____.

Warden.