

TRINIDAD AND TOBAGO.

No. 40.—1915.

I ASSENT,

[L.S.]

S. W. KNAGGS,  
*Acting Governor*

29th December, 1915.

AN ORDINANCE relating to the regulation and prevention of agricultural fires.

[29th December, 1915.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short Title.

1. This Ordinance may be cited as the Agricultural Fires Ordinance, 1915.

2. In this Ordinance—

Interpretation.

“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.

“Crop” means any growing crop, tree, wood, or under-wood, or other produce of the soil, whether cultivated or not.

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

“Set fire to land” mean the setting fire to any crop or trash growing or being in or upon any land.

"Crown Lands" mean any lands vested in His Majesty His Heirs or Successors.

"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.

3.—(1.) It shall be lawful for the Governor, by proclamation, 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, is liable to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour, for any term not exceeding six months.

Governor may prohibit setting fire to land.

(2.) A proclamation under the preceding Sub-section shall be published in the *Royal Gazette* and shall take effect as from a date to be mentioned in such proclamation, and it shall be lawful for the Governor to issue such proclamations from time to time and to alter or revoke the same by proclamation in the *Royal Gazette*.

(3.) The production of a copy of the *Royal Gazette* containing any proclamation as aforesaid shall be *prima facie* evidence in all courts and for all purposes whatever of the due making and tenor of such proclamation.

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

Procedure by person desiring to set fire.

- (a.) Cause an open space of at least 25 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 abutments 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.

(2.) Upon receiving the notice and certificate and also where required the consent in the preceding Sub-section mentioned, the Warden may in his absolute discretion, either grant a license 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 license.

(3.) If any such certificate shall be false in any particular, the person who makes the same, or any applicant for a license who tenders, utters, or puts off the same or any other false certificate is liable to a penalty not exceeding £50.

Form of  
license.

(4.) A license to set fire to land shall specify the period, not exceeding fourteen days at the most, within which such license shall be in force and the hours during which fire may be set. Provided always that no such day shall be a day prohibited by any proclamation of the Governor.

(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.

Burning  
diseased trees,  
plants, etc.

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, 1911 or any Ordinance amending the same or extending the provisions thereof, or to setting fire to any tree, plant or growth in pursuance of an order of an Inspector 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 construction of a railway under the provisions of the Railways Ordinance, No. 145, or for the construction or maintenance by the Public Works Department of any road under the provisions of the Roads Ordinances.

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

Notice to  
Police and to  
neighbours.

(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 preceding Sub-section mentioned as being 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.

7. Every such notice may be served on any <sup>occupier</sup> owner 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 no person can be found therein, then by affixing such notice in some open and conspicuous place upon such adjoining land.

Service of  
notice.

8.—(1.) It shall be the duty—

Fires to be  
watched.

- (a.) Of every person whenever fire shall be set to any land under a license granted to him under this Ordinance;
- (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.) Any person contravening the provisions of this section is liable to a penalty not exceeding Twenty Pounds.

Penalty for  
setting fire  
without  
license or  
notice.

9. Every person who

(a.) Sets fire to or procures, aids or abets the setting fire to, any land without a license under this Ordinance; or

(b.) Acts in contravention of the provisions of Section 6 of this Ordinance;

is liable to a penalty not exceeding £50. *or not exceeding £50 or both fine and imprisonment*

Setting fire  
contrary to  
license.

10. If fire shall be set to any land in respect of which a license has been granted under this Ordinance at any time other than on the days or during the hours specified in the license, the occupier of the land is liable to a penalty not exceeding £10.

Proof of  
setting fire.

11. On the trial of any information for any offence under this Ordinance, proof of any crop or trash growing or being 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 license of the Warden of the Ward within which such pit shall be situate; and every such Warden before granting any such license 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 license for the same; and every such license shall be and remain in force until the thirty-first day of December of the year in which such license may be granted.

Using charcoal  
pits without  
license.

13. Any person who shall open or use any pit for the making of charcoal without a sufficient license under this Ordinance in that behalf is liable to a penalty not exceeding Twenty Pounds, or to imprisonment for any term not exceeding three months, with or without hard labour.

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 situate, to be made under the authority of this Ordinance, is liable to a penalty not exceeding Fifty Pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Setting fire to Crown lands without authority.

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 of 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 Constabulary 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 always 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.

Warden may order firing of Crown lands.

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, is liable to a penalty not exceeding Five Pounds.

Carrying lighted torch, etc.

17. 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, is liable to a penalty not exceeding Five Pounds.

Smoking, &c. on plantation.

18.—(1.) Where a fire has broken out on any land, the Warden of the Ward in which such land is situate or any of his Ward Officers or any Commissioned or Non-Commissioned Officer of Constabulary may if he thinks fit enter upon the land where such fire may be, and upon any land to which there may be reasonable cause of apprehension that such fire may spread, and do all such matters and things as such

Power to enter land and extinguish fire.

Warden or Officer shall reasonably deem to be necessary for the purpose of extinguishing such fire or preventing the growth and spreading thereof.

Persons  
present may  
be called upon  
to assist.

(2.) Such Warden or Officer 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 be aiding and assisting in the extinction of such fire; and any such person who after being so called upon and required shall refuse or fail to be aiding or assisting as he may be directed by such Warden or Officer as aforesaid is liable to a penalty not exceeding Five Pounds, 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 above the age of sixty years, or was prevented by bodily sickness or infirmity from being so aiding and assisting.

(3.) The fact that any such Warden or Officer has called upon and required any male person to be aiding and assisting in the extinction of any such fire shall be conclusive for all purposes that the person so called upon and required was at such time as aforesaid within a reasonable distance of the fire.

Who may  
recover  
penalties.

19.—(1.) All offences under this Ordinance may be prosecuted before a Magistrate in the manner laid down in the Summary Conviction Offences (Procedure) Ordinance, No. 1. 1918.

(2.) All offences under Section 17 hereof may be prosecuted on the information of the occupier of the plantation or land on which the offence shall have been committed. All other offences under this Ordinance may be prosecuted on the information of any person.

Appropriation.

20. All penalties recovered under this Ordinance shall be paid into the Colonial Treasury for the use of His Majesty the King.

Reward to  
informer.

21. Notwithstanding the provisions of Section 20 of this Ordinance, the Governor in Executive Council may award and direct payment by the Receiver-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.

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*.

22. If any person is convicted of any offence under Sections 4, 8, 9, 10, 16, 17 or 18 of this Ordinance, and makes default in the payment of any penalty imposed by such conviction, every such person shall be imprisoned either with or without hard labour for any term not exceeding six months.

23. Nothing in this Ordinance contained 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 servant.

24. Nothing in this Ordinance contained shall extend to the City of Port-of-Spain as defined, from time to time under the provisions of the Port-of-Spain Corporation Ordinance, 1914, or the Boroughs of San Fernando or Arima.

25. The Ordinances Nos. 6 of 1910 and 5 of 1912 are hereby repealed.

Passed in Council this Seventeenth day of December, in the year of Our Lord one thousand nine hundred and fifteen.

J. M. FARFAN,  
*Acting Clerk of the Council.*

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## SCHEDULE.

Section 4.

## FORM OF CERTIFICATE.

I \_\_\_\_\_ of \_\_\_\_\_ in the Ward of \_\_\_\_\_  
land owner (or the person named by \_\_\_\_\_ Warden of the  
Ward of \_\_\_\_\_ to make the inspection required by Section 4  
of the Agricultural Fires Ordinance, 1915) hereby certify as follows:—

(1.) I personally inspected on the \_\_\_\_\_ day of \_\_\_\_\_  
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 inflam-  
mable matter from such space.

(Signed)

N.B.—The person giving or uttering a certificate false in any particular is liable to a  
penalty not exceeding £50 and in default of payment to imprisonment with or without  
hard labour for a term not exceeding six months.