

Repealed by 40 of 1915

TRINIDAD AND TOBAGO.

No. 6.—1910.

14th March.

AN ORDINANCE relating to the prevention of accidents by fire.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

31st March, 1910.

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 1909.

Interpretation.

2. In this Ordinance—

The word "Owner" means the person having the immediate charge or management of any plantation or land.

The word "Crop" means any growing crop, tree, wood, or underwood, or other produce of the soil, whether cultivated or not.

The word "Trash" means any megass, straw, brushwood, or other inflammable matter.

The words "Set fire to land" mean the setting fire to any crop or trash growing or being in or upon any land.

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

The words "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. It shall be lawful for the Governor, by proclamation from time to time, 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 from time to time see fit; and any person who, after the publication of and within the time specified in such proclamation, shall set fire to any land within any part of the Colony mentioned in such proclamation, shall, on conviction thereof before a Stipendiary Justice of the Peace, forfeit such sum not exceeding fifty pounds nor less than five pounds or be imprisoned for such term not exceeding six months, as to such Justice shall seem fit.

Governor may prohibit setting fire to land.

4. Any person desirous of setting fire to any land shall give to the Warden of the Ward within which such land may be situate a notice in writing specifying the local situation extent and abuttals of such land, and shall cause an open space of at least twenty-five feet in width to be cleared round the land and all inflammable matter to be carefully removed from such space.

Notice by person desiring to set fire.

Trace to be made.

Upon receiving such notice, such Warden shall inspect such land and such open space, or cause the same to be inspected by a neighbouring landowner or by some competent person to be named by such Warden. Where the inspection is made by a landowner, such landowner shall furnish to the Warden a certificate in writing stating that he has inspected such land and such open space, and the result of such inspection.

Inspection of land and trace.

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 shall be guilty of an offence and shall on conviction thereof before a Stipendiary Justice of the Peace forfeit a sum not exceeding £50 nor less than Five pounds.

On such inspection or certificate the Warden may if he shall see fit, grant a license to set fire to such land, in which license shall be specified the days within which such

Granting of license.

license shall be in force. Provided always that no such day shall be a day prohibited by any proclamation of the Governor.

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 within the meaning of the Agricultural Protection Ordinance No. 127 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 Ordinance No. 127.

Notice to
Police and to
neighbours.

6. Every owner of land in respect of which a license shall be granted under this Ordinance, shall twenty-four 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 owners of all lands adjoining the land in respect of which such license may be granted, a notice specifying the days of the week and month (not exceeding fourteen days at the most) within which it is intended to set fire to such land.

Service of
notice.

7. Every such notice may be served on any 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.

Fires to be
watched.

8. It shall be the duty of every owner whenever fire shall be set to any land under a license granted to him under this Ordinance, to cause such land whether during the continuation or after the expiration of his license and so long as any fire shall be thereon, to be closely watched by some responsible servant or agent to be by such owner appointed for such purpose, and it shall be the duty of such 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.

Every owner contravening the provisions of this section shall be guilty of an offence against this Ordinance and on summary conviction shall forfeit and pay any sum not exceeding Twenty Pounds.

9. If fire shall be set to any land without a sufficient license in that behalf under this Ordinance, or without such certificate having been delivered or such notice having been given as hereinbefore required, the owner shall, on conviction thereof before a Stipendiary Justice of the Peace forfeit for every such offence such sum not exceeding Fifty pounds nor less than one pound as to such Justice shall seem fit. And every person not being the owner, who shall set fire or aid or assist in setting fire to such land shall on conviction thereof before a Stipendiary Justice of the Peace, forfeit for every such offence a sum not exceeding ten pounds nor less than one pound.

Penalty for setting fire without License, &c.

10. If fire shall be set to any land at any time other than on the days specified in the license, the owner of the land shall be guilty of an offence against this Ordinance and on conviction thereof before a Stipendiary Justice of the Peace shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Setting fire contrary to license.

11. On the trial of any information, or in any proceeding for a summary conviction 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 owner of such land of such fire having been set thereto by such owner or with his authority.

Proof of setting fire.

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.

Charcoal pits.

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 shall on conviction thereof before

Using charcoal pits without license.

a Stipendiary Justice of the Peace, forfeit a sum not exceeding Twenty Pounds, or be imprisoned for any term not exceeding three months, with or without hard labour, as to such Justice shall seem fit.

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 situate, to be made under the authority of this Ordinance, shall on conviction thereof before a Stipendiary Justice of the Peace, forfeit a sum not exceeding Fifty Pounds nor less than Five Pounds or be imprisoned with or without hard labour for any term not exceeding six months, as to the convicting Justice shall seem fit.

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 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.

Carrying
lighted torch,
etc.

16. Every person who shall carry 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 high road or any Crown lands, shall on conviction thereof before a Stipendiary Justice of the Peace, forfeit for every such offence a sum not exceeding Five Pounds.

Smoking, &c.,
on plantation.

17. Every person who shall smoke upon any plantation save and except within a dwelling house, or shall carry 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 on conviction thereof before any Stipendiary Justice of the Peace, forfeit for every such offence any sum not exceeding Five Pounds.

18. 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 Warden or Officer 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 extinguish fire.

Such Warden or Officer may also if necessary call upon and require every male person present at any such fire to be aiding and assisting in the extinction of such fire; and any such person who after being so required shall refuse or fail to be aiding or assisting as he may be directed by such Warden or Officer as aforesaid shall be guilty of an offence against this Ordinance, and on conviction thereof before a Stipendiary Justice of the Peace shall be liable to a fine not exceeding Five Pounds, unless he shall prove to the satisfaction of such Justice that at the time of such fire he was under the age of fourteen years or above the age of 60 years, or was prevented by bodily sickness or infirmity from being so aiding and assisting.

Persons present may be called upon to assist.

19. All penalties and forfeitures under Section 17 hereof may be sued for and recovered on the information of the owner of the plantation or land on which the offence shall have been committed. All other penalties or forfeitures under this Ordinance may be sued for on the information of any person.

Who may recover penalties.

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

Appropriation.

21. Notwithstanding the provisions of Section 20 of this Ordinance, one moiety of any penalty or forfeiture recovered under this Ordinance, shall be payable to the informant.

Reward to informer.

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*.

Imprisonment
in default of
payment
of penalty.

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

Liability for
damage caused
by fire.

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.

Port-of-Spain
and San
Fernando.

24. Nothing in this Ordinance contained shall extend to the town of Port-of-Spain or the suburbs thereof, or the town of San Fernando.

Repeal.

25. The Fire Ordinance No. 170, the Fire (Amendment) Ordinance No. 282 and the Fire Ordinance 1908 (No. 5 of 1908) are hereby repealed.

Provided that this repeal shall not affect the validity or invalidity of any thing done or suffered or any right accrued or liability incurred before or any proceeding pending or uncompleted at the commencement of this Ordinance.

Passed in Council this fourteenth day of March, in the year of Our Lord one thousand nine hundred and ten.

HARRY L. KNAGGS,
Clerk of the Council.