

CHAPTER 62

THE BUSH FIRES ACT

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BUSH FIRES

(14th June, 1901.)

5/1901.

1/1943.

25/1956.

15/1961.

18/1989.

S.I. 39/1989.

1. This Act may be cited as the Bush Fires Act.

Short title.

2. In this Act—

Interpretation.

"Commissioner" includes the Commissioner of Police and any other Gazetted Police Officer or subordinate police officer authorized by the Commissioner for the purposes of this Act;

"crop" means any growing crop, tree, wood, underwood, furze or grass or other produce of the soil whether cultivated or not, or whether standing or cut down;

"Crown lands" means any land vested in Her Majesty, Her heirs or successors; or any land in the occupation of the Government;

"land" includes any crop or trash being in or upon any land;

"owner" includes tenant, occupier and the person having the immediate charge or management of any plantation or land;

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

3. It shall be lawful for the Cabinet, by order to prohibit the setting of fire to land within such parts of Antigua and Barbuda and within such times to be specified in such order as the Cabinet may see fit, and any person who, after the publication of, and within the time specified in such order, shall set fire to any land within any part of Antigua and Barbuda mentioned in such order, shall, on summary conviction be liable to pay a fine not exceeding three thousand dollars, or to be imprisoned for such term not exceeding six calendar months as to a Magistrate shall seem fit.

Prohibition of fires by proclamation.

Licence to set fires.

4. Any owner desirous of setting fire to any land shall give to the Commissioner a notice in writing giving a sufficient description of the locality of such land, and the Commissioner shall inspect such land, or cause the same to be inspected by some competent person to be named by him, and on such inspection being made, may, if he shall see fit, and subject to such conditions as he may determine and impose grant a licence to set fire to such land or any part thereof, in which licence shall be specified the days within which such licence shall be in force:

Provided that no such day shall be a day prohibited by any order of the Cabinet with respect to such locality.

Penalty for setting fire without licence.

5. If fire shall be set to any land without a sufficient licence in that behalf under this Act, or in breach of any condition attached to such licence by the Commissioner, the owner shall, on conviction thereof before a Magistrate, for every such offence be liable to pay a fine not exceeding three thousand dollars or to be imprisoned for any term not exceeding six months as to such Magistrate 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 Magistrate, for every such offence be liable to a fine not exceeding three thousand dollars or to be imprisoned for any term not exceeding six months.

Provisions as to rubbish dumps.

6. The provisions of sections 4 and 5 shall not apply to fires set under the authority of the Chief Public Health Inspector on lands selected by him for use as rubbish dumps.

Liability of owner.

7. On the trial of any information, or in any proceeding for a summary conviction under this Act, 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.

Penalty for setting fire without permission of the Commissioner.

8. Any person who shall set fire to any Crown lands except by virtue of an order in writing from the Commissioner to be made under the authority of this Act shall, on conviction thereof before a Magistrate, be liable to a fine not exceeding three thousand dollars or to be imprisoned

for any term not exceeding six calendar months, as to the Magistrate shall seem fit.

9. It shall be lawful for the Commissioner, by an order in writing under his hand, to make an order for the setting of fire to any Crown land on any day not being a day prohibited by any order of the Cabinet; 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 offices within the district 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.

Fires on Crown land.

10. For the better extinction of fires, every constable on its coming to his knowledge that a fire has broken out on any land shall forthwith give notice thereof to the police officer in charge of the nearest police station and thereupon it shall be lawful for such officer, with such assistants as he shall see fit, to enter upon any land where such fire may be, or to which there may be reasonable cause of apprehension that such fire may spread, and to do all such matters and things as such officer shall reasonably deem to be necessary for the purpose of extinguishing such fire, or preventing the growth or spreading thereof.

Extinction of fires.

11. It shall be lawful for any police officer or any Magistrate or Justice of the Peace to call upon and require every male person present at such fire to aid and assist in the extinction of such fire, and any such person who after being so required, shall refuse or fail to aid or assist in such manner as such officer or Magistrate or Justice of the Peace may direct shall, on conviction thereof before a Magistrate, be liable to a fine not exceeding two hundred and fifty dollars or to be imprisoned for any term not exceeding three months as the Magistrate shall seem fit, unless he shall prove to the satisfaction of the Magistrate that at the time of the 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 so aiding and assisting.

Persons may be called upon to assist in putting out fires.

Penalty for refusing to assist.

12. On the commission of any offence against this Act any of the offending parties who first discovers and

Queen's evidence.

informs against the other or others of such offending parties, before any information has been lodged against such informing party or parties for such offence shall upon the conviction of the party against whom such information was given, be discharged and acquitted from all penalties to which, at the time of such information given, such informing party might have been liable for or by reason of any such offence committed by such informing party, and the evidence of such informing party shall on any trial at law touching such offence be admitted to prove the facts thereof or relating thereto.

One moiety of fine to be paid to informer.

13. All fines and penalties recovered under the provisions of this Act shall be paid into the Public Treasury for the public uses of Antigua and Barbuda:

Provided that after deducting from any such fine or penalty the costs of the conviction, if any, the Magistrate may, if he thinks fit, direct any sum, not exceeding one moiety of the residue, to be paid to the person upon whose information such conviction was obtained:

Provided further that where the pecuniary penalty is not paid and the person incurring such penalty is sent to prison in lieu of such payment of such penalty it shall be lawful for the Minister, if he thinks fit, to cause such reward as he thinks fit to be paid out of the Public Treasury to the person upon whose information such conviction was obtained.

Prosecution and punishment.

14. Any person accused of having committed any of the offences hereinbefore set forth, may, notwithstanding any other law to the contrary, be prosecuted on complaint before a Magistrate in the manner prescribed by the Magistrate's Code of Procedure Act, and shall, on conviction, be liable to the punishments hereinbefore respectively prescribed for such offences:

Provided that, where any such Magistrate shall impose a term of imprisonment on any person so convicted as aforesaid, such imprisonment may be either with or without hard labour.

Saving of existing liability.

15. Nothing in this Act 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, 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.
