

CHAPTER 190.**BUSH FIRE PREVENTION.**

ARRANGEMENT OF SECTIONS.

SECTION.

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CHAPTER 190.**BUSH FIRE PREVENTION.**

5 of 1906.
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An Ordinance to empower the Governor to make regulations for the prevention of bush fires.

[23RD APRIL, 1906]

Short title.

1. This Ordinance may be cited as the Bush Fire Prevention Ordinance, and shall apply to the Colony and Protectorate.

Creation of protective belts.

2. (1) It shall be lawful for the Governor from time to time by Order to describe areas within which no bush may be cut along belts of land, hereinafter called protective belts, and to fix the length and breadth of such belts either generally or in respect of a particular belt:

Provided always that no cultivated land shall be included in any protective belt.

Definition of cultivated land.

(2) For the purposes of this section the expression "cultivated land" shall include land on which there is a crop or on which kola trees or any other form of cultivation regarded by the Governor as permanent are or is growing.

(3) It shall be sufficient for the purposes of this Ordinance if, in any order to be made by the Governor as aforesaid, the areas are prescribed in terms or under conditions such that the inhabitants of the locality may know, or by reasonable enquiry can ascertain, the boundaries of the prescribed areas.

3. It shall be lawful for the Governor by Order to entrust the care and supervision of protective belts to any person or body of persons. Care of protective belts.

4. It shall be lawful for the Governor from time to time by Order to make provision for the better carrying out of the provisions of this Ordinance, and to impose penalties not exceeding fifty pounds in any case for any contravention thereof. Rules.

Such Order may include directions for the guidance of persons or bodies of persons to whom the care and supervision of protective belts are entrusted by section 3 hereof, and with respect to the collection of produce therefrom, and to the purposes to which the proceeds arising from such produce may be appropriated.

5. (1) Whenever a protective belt includes land which immediately before the establishment of the belt was owned by any private person or body-corporate and the amount of such land exceeds one-third of the land owned by the person or body-corporate in the vicinity of such belt, it shall be lawful for the Governor to direct that such person or body-corporate shall receive other land in compensation for the land included as aforesaid in a protective belt. Compensation.

(2) The land to be given by way of compensation as aforesaid shall be granted out of Crown lands, if any, situated conveniently for the purpose, but if there be no such Crown lands, it shall be lawful for the Governor to order that the owners of the land benefited by the belt who have not been deprived of any land by the establishment thereof shall transfer land by way of compensation to the owner who has been deprived as aforesaid.

(3) The area of land to be granted or transferred shall *cætaris paribus* be equal to the area of which the grantee or transferee has been deprived, but differences in the quality of the land originally held and the land to be granted or transferred shall be taken into consideration.

6. (1) In the event of the owners who are ordered to compensate as aforesaid failing so to do, the person aggrieved shall refer his claim for compensation to the person or body of persons entrusted with the supervision of protective belts under the provisions of section 3 hereof. Compensation in case of dispute.

(2) The person or body of persons to whom any such claim for compensation as aforesaid is referred shall decide how much land is to be granted as compensation and the boundaries of such land.

(3) Any person aggrieved by the decision aforesaid may appeal to the Magistrate whose decision shall be final.

(4) Any person who fails to deliver up land in accordance with any voluntary agreement arrived at, or in accordance with the decision of any person or body of persons or of any Magistrate as aforesaid, shall be liable to a penalty not exceeding one hundred pounds.

It shall be lawful for the Governor to award the whole, or any part of the amount recovered in respect of such penalty, to the person aggrieved.

Offences.

7. (1) Any person, whether in the areas prescribed as aforesaid or elsewhere—

(a) cutting, or causing to be cut, bush or timber, or otherwise damaging any protective belt; or

(b) carelessly setting fire to grass or bush; or

(c) setting fire to grass or bush except for agriculture or other legitimate purpose; or

(d) setting fire to grass or bush without first clearing the ground for a space of twelve feet round the area intended to be burnt; or

(e) setting fire to grass or bush when a strong wind is blowing;

shall be guilty of an offence, and liable on summary conviction thereof to a fine not exceeding ten pounds or to imprisonment, with or without hard labour, for a period not exceeding three months.

(2) The payment of any penalty, or the serving of any term of imprisonment, imposed under the provisions of this section, shall not be deemed to diminish or take away any civil liability for damage in respect of any act or omission made an offence herein.