AGRICULTURAL FIRES ACT

CHAPTER 63:02

Act
20 of 1965

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CHAPTER 63:02

AGRICULTURAL FIRES ACT

An Act to make better provisions for the prevention and control of Agricultural Fires. 20 of 1965.

[24TH NOVEMBER 1965] Commencement.

1. This Act may be cited as the Agricultural Fires Act. Short title.

2. In this Act— Interpretation.

"Committee" means a Fire Advisory Committee established for a county in accordance with section 5;

"county" means any of the eight counties into which Trinidad is divided by the Division of Trinidad Act or the Island of Tobago together with the Islands of Little Tobago, Goat Island, St. Giles or Melville or other small islands and rocks as lie in close proximity to Tobago; Ch. 26:01.

"County Fire Control Officer" means a person who is appointed Fire Control Officer for any county under section 4;

"fire guardian", except in section 7(1) and section 14, includes an honorary fire guardian;

"forest" includes the plant cover on any land and consists of trees, shrubs, plants or grass, whether living or dead;

"owner" includes an assignee, lessee, occupant, purchaser, and any person having the right to cut timber and wood upon any land;

"officer" means any constable, forest officer appointed under the Forests Act, the County Fire Control Officer and a fire guardian appointed under section 7. Ch. 66:01.

3. (1) Subject to section 24, this Act applies to all lands within Trinidad and Tobago except lands included within the limits of any municipality, town or such other areas as may by Order published in the *Gazette* be designated by the Minister. Application.

(2) Nothing in this Act affects or shall be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire.

Appointment of County Fire Control Officers.

4. The Minister may, on the recommendation of the Chief Fire Officer, appoint for every county at least one County Fire Control Officer for the purposes of this Act.

Fire Advisory Committees. Constitution.

5. (1) The Minister may, where he considers it suitable, appoint at least one Fire Advisory Committee for a county, and, subject to this section, a Committee so appointed shall consist of such persons not being fewer than five as the Minister appoints.

(2) The County Fire Control Officer for the county in respect of which a Fire Advisory Committee has been appointed shall be Chairman of the Committee.

(3) Three members of the Committee including the Chairman shall form a quorum for the transaction of business and all questions coming before the Committee shall be decided by a majority of votes, and in the case of an equality of votes the Chairman shall have a second or casting vote.

(4) The Committee may regulate its procedure and without prejudice to the generality of the foregoing, may arrive at decisions by the circulation of papers, save in respect of powers exercisable under section 19(2).

(5) The Committee may exercise such powers, functions and duties as are given to it by this Act and in the exercise of such powers, functions and duties, shall be subject to such general or special directions as the Minister may give from time to time.

Convening meetings.

6. The County Fire Control Officer may, whenever he thinks fit, convene meetings of the Committee but shall, on the first day of each of the months of December, February, May and July or as soon thereafter as is convenient, convene a meeting of the Committee for the purposes of this Act.

Fire guardian.

7. (1) The County Fire Control Officer may, with the approval of the Committee, appoint fire guardians who shall, for the purposes of this Act—

(a) have all the powers of and shall be entitled to all the immunities conferred by any law for the time being in force on any constable;

(b) be paid for his services from such moneys as may be provided by Parliament at such rates as may from time to time be approved;

(c) have authority to exercise and perform all the powers and duties conferred upon an officer by this Act.

(2) The County Fire Control Officer with the approval of the Committee may appoint honorary fire guardians who may exercise the powers and authority conferred and perform the duties imposed upon fire guardians under this Act.

Names of fire guardians to be published in *Gazette*.

8. The names of all persons appointed to be fire guardians under this Act shall be published in the *Gazette,* and the production of the *Gazette* containing a notice of the appointment of any person to be a fire guardian under this Act shall, in all Courts and for all purposes, be *prima facie* evidence that the person to whom such notice of appointment relates is a fire guardian.

Equipment.

9. (1) Every fire guardian shall be provided with a badge and such clothing and equipment as may be approved by the County Fire Control Officer.

(2) The badge referred to in subsection (1) shall be evidence of the office of a fire guardian and shall in all cases be displayed by every such person when exercising the duties of his office.

Resignation.

10. A fire guardian may at any time on giving one month's notice in writing to the County Fire Control Officer resign his appointment as such fire guardian.

Revocation of appointments.

11. The appointment of any fire guardian may be revoked at any time by the County Fire Control Officer with the approval of the Committee.

Delivery of supplied articles upon termination of service.

12. (1) A fire guardian who resigns his appointment or otherwise ceases to be a fire guardian shall forthwith deliver up to the County Fire Control Officer for that purpose every article whatsoever that has been supplied to him at the public expense for the performance of his duties as a fire guardian and that he has not been expressly authorised to keep or use for his private benefit.

(2) A person who fails to comply with subsection (1) is liable on summary conviction to a fine of three hundred dollars or to imprisonment for three months.

Delivery up of supplied articles upon death of fire guardian.

13. (1) When any fire guardian dies, any person in possession of any articles which had been supplied to such fire guardian at the public expense for the performance of his duties as a fire guardian shall, within fourteen days after such death, deliver any such articles over to the County Fire Control Officer.

(2) Any person who contravenes subsection (1) is liable on summary conviction to a fine of three hundred dollars or to imprisonment for three months.

Illness, injury, compensation.

14. (1) A fire guardian who, through no fault of his own, contracts an illness or sustains bodily injury while in the actual discharge of his duties as such—

(a) shall be provided with medicines, medical comforts and medical attendance at the public expense on the written authority of the County Fire Control Officer;

(b) shall receive full pay during any period of incapacity, but not exceeding three months without a recommendation from a medical board, and in no case exceeding twelve months;

(c) is entitled to such compensation as may be authorised by the President.

(2) When a fire guardian through no fault of his own sustains bodily injury while in the actual discharge of his duties as such and is thereby permanently disabled, either totally or partially, the President may, where there is no other law in force regulating the grant of compensation in such cases, grant him a pension or gratuity the amount of which shall be subject to the approval of Parliament.

(3) In case of the death of a fire guardian from bodily injury sustained in the circumstances specified in subsection (2), the President may, where there is no other law in force regulating the grant of compensation in such cases, grant to his dependants a pension or gratuity the amount of which shall be subject to the approval of Parliament.

(4) Fire guardians shall not be workmen for the purposes of the Workmen's Compensation Act, but in the computation of compensation granted under this Act in respect of permanent disability or death the principles of that Act may be followed. Ch. 88:05.

Personation of fire guardian.

15. Any person not being a fire guardian, who in any way purports to be a fire guardian for the purpose of performing any function prescribed for fire guardians under this Act is guilty of an offence.

Unlawful possession of badges.

16. A person who has in his possession any badge, clothing or other equipment furnished for the use of a fire guardian and who does not satisfactorily account for his possession thereof is guilty of an offence.

Fire season.

17. (1) The period commencing on the first day of December in any one year and ending on the thirtieth day of June in the next succeeding year shall for the purpose of this Act be deemed to be the fire season.

(2) The Minister may by Order published in the *Gazette*:

(a) declare any period after the thirtieth day of June in any year and before the first day of December in the next succeeding year to be a fire season for any county;

(b) extend or restrict the fire season for such period as he considers necessary with respect to the whole or any part of the lands to which this Act applies.

Fire permit.

18. (1) A person who desires to set fire other than an indoor domestic fire during a fire season shall apply to the County Fire Control Officer for permission to do so. Every such application shall be in writing and shall contain the following particulars:

(a) the location and approximate area and boundaries of the land, factory or mill where the proposed operation is to be conducted;

(b) the character of the operation;

(c) the number of persons to be employed in the operation;

(d) the location of the camp, if any; and

(e) the probable duration of the operation.

(2) The County Fire Control Officer or another officer authorised by him in writing so to do may issue to a person who makes an application under subsection (1) a permit called a "fire permit" to set fire during a fire season.

(3) A fire permit shall give authority to the holder to set fire only in accordance with the terms and conditions contained in the permit.

(4) No person except the holder of a permit issued under subsection (2) shall set fire during a fire season for any purpose except cooking.

County Fire Control Officer may grant or refuse permit.

19. (1) The County Fire Control Officer or another officer authorised by him in writing to issue permits may—

(a) refuse a permit for any operation or limit the period during or the area over which the operation may be carried on; and

(b) require that a person carrying on an operation under a fire permit shall employ such competent men and shall keep and maintain such firefighting equipment in good repair at such specified locations as the County Fire Control Officer or other officer considers necessary for the control of fires that might be required for or caused by the operation.

(2) A person aggrieved by the refusal of a permit under subsection (1) may appeal in writing to the Committee and the Committee may require the officer who has so refused to state the reasons for the refusal of the application.

(3) The decision of the Committee on any such appeal shall be final.

Planting crops on fired lands.

20. (1) No person shall plant or cause to be planted any annual crop on any land upon which fire has been set contrary to the terms and conditions of a permit within a period of one year after such fire was set out upon that land.

(2) Subsection (1) does not apply to lands—

(a) to which fire has accidentally spread from other lands to which fire was set;

(b) which are used for the cultivation of sugar cane.

(3) A person who plants or causes to be planted any annual crop in contravention of subsection (1) is guilty of an offence.

Limitations on fire permits.

21. (1) A fire permit may be limited as to duration and area, but in any event expires on the thirtieth day of November next following the date of its issue, and may contain such other terms and conditions as the issuing officer considers necessary.

(2) A fire permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension the holder thereof shall extinguish any fire set out under the permit.

Fire prevention measures.

22. (1) Where an officer finds upon the land of any person conditions existing which, in his opinion, may cause danger to life, property or any crop or forest from fire he may order the owner or person in control of the land to do what in the opinion of the officer is necessary to remove the danger, and in default of compliance by such owner or other person may enter upon the land with such equipment and persons as he considers necessary to remove such conditions.

(2) Subject to section 33(4) the cost of any work done under subsection (1) shall be assessed to the owner or person in control of the lands and may be recovered by the County Fire Control Officer as a debt owing to the State.

(3) A person who neglects or refuses to carry out any order given under subsection (1) is guilty of an offence.

Spark preventing devices.

23. (1) Where an officer finds in a county a building or structure having a chimney so constructed or used that, in his opinion, it may cause danger to life, property or forest from fire, he may order the owner or person in control of the building or structure to install a spark arrester of such type as the County Fire Control Officer may approve and to do whatever else that in the opinion of the officer is necessary to remove the danger.

(2) A person who neglects or refuses to carry out any order given under the authority of subsection (1) is guilty of an offence.

Unfinished clearing of land, powers of Committee in connection therewith.

24. (1) Where it appears to the Committee that the condition of any land in any village or town other than a municipality is, by reason of unfinished clearing of land, a source of danger from fire to property in the county, the Committee may give notice to the owner of the land directing him within the time to be named in the notice, to clear the land or such part thereof or to such extent as is necessary to remove, as far as possible, all source of danger by fire.

(2) If the owner fails to complete the work within the time required, the Committee may authorise the County Fire Control Officer to cause the work to be done and the expenses in doing the work shall be a charge upon the land and shall be payable by the owner forthwith.

(3) Subject to section 33(4) the cost of any work done by the County Fire Control Officer may be recoverable summarily by the County Fire Control Officer as a civil debt due to the State.

(4) A person who fails to comply with any requirement under this section is guilty of an offence.

Firebreaks on teak plantations.

25. The owner of any area of land in excess of half an acre that has been planted with teak trees which comprise the majority of trees growing thereon shall construct firebreaks of a minimum width of thirty feet on all sides of that land and shall keep firebreaks clean during the fire season.

Disposal of debris.

26. (1) Every person clearing land for a right of way for any road, ditch, telephone, telegraph, power or pipe line, or clearing land to be flooded for water storage purposes, shall dispose of all refuse, timber, brush or other inflammable material cut or accumulated thereon to the satisfaction of an officer.

(2) Any person who within three hundred feet of any railway or any area over which a right of way exists causes any accumulation of inflammable material shall, at the request of any officer, immediately dispose of the material to the satisfaction of an officer.

(3) No person shall fell or permit to be felled trees or brush in such manner that the trees or brush fall and remain on land not owned by the person felling or permitting the felling of the trees or brush.

(4) Every person having charge of any quarrying, logging, mining or industrial operation or any portable or stationary engine located within one-half mile of any forest shall have the area surrounding the camp, mine, quarry, sawmill or engine cleared of inflammable material.

(5) For the purpose of controlling fires that may be caused either directly or indirectly by an operation of the nature referred to in subsection (4), every person having charge of such operation shall keep and maintain such efficient firefighting and other equipment as may be required by an officer at such locations as the officer considers necessary.

(6) No person shall within one-half mile of any village or town accumulate inflammable material or permit any such accumulation to remain on any property owned by him or under his control.

Use of private equipment.

27. (1) For the purposes of controlling and extinguishing any fire, an officer may use any privately owned equipment and may employ or summon the assistance of any male person between the ages of sixteen and sixty years.

(2) Any person employed or summoned under subsection (1) shall receive such compensation as may be approved by the Minister if in the course of rendering the assistance required by the officer he sustains any personal injury.

(3) A person who refuses or neglects to provide any privately owned equipment or to render assistance when required under this section is guilty of an offence, save that it shall be a defence for such person to prove that he was prevented by illness or infirmity or by any other reasonable cause from so acting.

Duties of owner to extinguish and report fire.

28. Every owner of land upon which there is a fire not authorised under this Act shall use all reasonable efforts to extinguish such fire and shall report it without delay to an officer, and in any prosecution or action the onus is upon the owner to prove that he used all such reasonable efforts to extinguish such fire and that he so reported such fire.

Offences.

29. (1) During a fire season no person, on any lands to which this Act applies, shall—

(a) use or operate within a quarter of a mile of any forest an engine that is not provided with a safe and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire in live coals from all ash pans and fire boxes; or

(b) destroy any wood or waste material by fire within a burner or incinerator operated at or near any mill or factory, or operate any power-producing plant using in connection therewith any smokestack, chimney or other spark-emitting outlet, without installing and maintaining on such burner or incinerator or on such smokestack, chimney or spark-emitting outlet a safe and efficient device for arresting sparks.

(2) In addition to any other remedies provided by this Act, the County Fire Control Officer may apply to the High Court of Justice for an injunction restraining the use of any machinery, engine, burner or plant in connection with which a chimney or other spark-emitting outlet is used.

Prohibitions.

30. No person shall—

(a) throw or drop any burning match, ashes from a pipe, lighted cigarette, cigar or other burning substances on any land to which this Act applies;

(b) without lawful authority, destroy, deface or remove any notice posted under this Act; or

(c) without lawful authority, destroy, damage or remove any equipment placed in a forest for the purpose of protecting such forest from fire.

Entry on private property.

31. It is lawful for an officer while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, or office; and any person who hinders, obstructs and impedes any such officer in the performance of his duty is guilty of an offence.

Travel in forest.

32. Every person using or travelling in any forest shall, upon request, give an officer information as to his name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forests; and any person who refuses to give such information is guilty of an offence.

Penalties.

33. (1) Where not otherwise provided, a person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or Order made thereunder is guilty of an offence.

(2) A person who is guilty of an offence under this Act is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months; and expenses incurred by the County Fire Control Officer in controlling or extinguishing any fire caused by or resulting from the disobedience, refusal or neglect of such person shall be recoverable summarily by the County Fire Control Officer as a civil debt.

(3) The Magistrate, upon making a conviction under subsection (2), may order payment of compensation to the extent of the expenses incurred thereunder by the County Fire Control Officer

(4) On the prosecution for any offence under section 22, 23 or 24, it is a defence for the owner to prove that the order or notice, or requirement is unreasonable and unnecessary.

Assault, etc., on fire guardian.

34. Any person who assaults, obstructs or resists any fire guardian in the execution of his duty, or aids or incites any other person so to assault, obstruct, or resist any fire guardian or any person aiding or assisting such fire guardian in the execution of his duty is liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for six months.

Prosecution of offence. Limitation.

35. (1) A complaint for an offence under this Act shall not be made later than twelve months from the time when such matter of complaint arises.

(2) For the purposes of prosecuting an offence against this Act an officer may appear and conduct proceedings that are the subject of a complaint brought by any other officer before a Magistrate, and may address the magistrate and examine witnesses in the same manner as the officer who brought the complaint is entitled to do.

36. (1) The Minister may make Regulations for carrying out the purposes of the Act. Regulations.

(2) Regulations made under this section may provide that any breach or contravention is punishable by the imposition of a fine of seven hundred and fifty dollars or imprisonment for three months.

SUBSIDIARY LEGISLATION

AGRICULTURAL FIRES REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Definitions.
3. Qualifications for appointment as fire guardian.
4. Application for fire permits.
   Fire permit.
5. Duties of holder of fire permits.
6. Fire for domestic cooking.
7. Penalty.

SCHEDULE.

AGRICULTURAL FIRES REGULATIONS

GN 145/1968.

made under section 36

Citation.

1. These Regulations may be cited as the Agricultural Fires Regulations.

Definitions.

2. In these Regulations—

"fire guardian" means a person appointed as a fire guardian or an honorary fire guardian under section 7 of the Act;

"fire season" means the period commencing on the first day of December in any one year and ending on the thirtieth day of June in the next succeeding year or such other period as the Minister may declare by Order published in the *Gazette;*

"permit" means a fire permit issued by the County Fire Control Officer under section 18 of the Act.

Qualifications for appointment as fire guardian.

3. (1) A person may not be appointed as a fire guardian unless he—

(a) is a citizen of Trinidad and Tobago;

(b) is not less than nineteen years of age and not over thirty-five years of age on the 1st January of the year in which he is appointed;

(c) is of good character;

(d) has attained School Leaving certificate standard;

(e) passes a medical test.

(2) The appointment of a fire guardian shall be for such period as may be determined by the County Fire Control Officer, with the approval of the Committee.

Application for fire permits. Schedule.

4. (1) Any person may apply in writing on Form I as in the Schedule for a fire permit to set out a fire on any land to which the Act applies, during the fire season for—

(a) clearing the land for any purpose; or

(b) disposing of any accumulation of refuse, brushwood or other inflammable material caused by any mining or industrial operation or by any logging or any other woods operation of any kind.

Fire permit. Schedule.

(2) A fire permit shall be as in the Form II in the Schedule.

Duties of holder of fire permits.

5. The holder of a fire permit shall—

(a) pile all refuse, brushwood or other inflammable material in heaps or rows at a distance of at least six feet from any uncleared land, and at such further distance as in the opinion of an officer, is required;

(b) guard a fire until extinguished;

(c) not set out or permit a fire to burn during a high wind;

(d) have at the location of the fire, such competent men and firefighting equipment as may be necessary to prevent the escape of fire.

Fire for domestic cooking.

6. Any person who sets out a fire out of doors for the purpose of cooking shall—

(a) select a location for the fire free from inflammable material;

(b) do all necessary things to prevent the fire from spreading; and

(c) extinguish the fire before leaving the location.

Penalty.

7. Any person who fails to comply with the provisions of regulation 5 or regulation 6 is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for three months.

SCHEDULE

FORM I

THE AGRICULTURAL FIRES ACT

APPLICATION FOR A FIRE PERMIT

The County Fire Control Officer .....

..... County.

I, ... do hereby apply for a fire permit under section 18(1) of the Agricultural Fires Act.

1. Location of the land, factory or mill where operation is to be carried out.	
2. Boundaries of the land, factory or mill.	North South East West
3. Approximate area of the land, factory or mill.	
4. The character of the operation.	
5. The number of persons to be employed in the operation.	
6. The location of the camp, if any.	
7. The probable duration of the operation.	
8. Date when officer may inspect land, factory or mill.	

Date ....
Signature of Applicant

FORM II

THE AGRICULTURAL FIRES ACT

FIRE PERMIT

Under the Agricultural Fires Act, and the Regulations and subject to the limitations thereof, and subject also to the terms and conditions herein, this permit is issued to:—

.....
(Name in full of holder, in block letters)

.....
(Address)

to set out fire upon the following lands:

.....

.....

for the purpose of .....
(state whether for clearing land, or disposing of

.....
brushwood, debris or other inflammable material)

from and including ..... a.m. on the ..... of .....
p.m.

to and including ..... a.m. on the ..... of .....
p.m.

20.....

Dated at ..... this .....

day of ..... 20.....

.....

.....

.....

....
(Signature of Holder) *(Signature of Issuing Officer)*

This fire permit is limited to ..... days and to the .....

..... location.

.....
County Fire Control Officer

.....
County

CERTIFICATE OF FIRE GUARDIAN UNDER REGULATION 4

I, ... Fire Guardian in

the County of ..... do hereby certify that I have inspected the lands, factory and mill referred to in the

application of .....

..... at

..... and I am satisfied that the particulars in the said application are correct in all material respect, and that the requirements regarding means of control and prevention of spread of fire are satisfactory.

.....
Officer

Date ..... 20.....

.....
County of