

THE GRASS FIRES ORDINANCE 2002

(No: 24 of 2002)

(assented to: 26th November 2002)
(commencement: upon publication)
(published: 4th December 2002)

AN ORDINANCE

To repeal the Grass Fires Ordinance 1955 (Title 4.3) and to make fresh provision regulating the intentional burning of vegetation outside Stanley

ENACTED by the Legislature of the Falkland Islands as follows —

Short title

1. This Ordinance may be cited as the Grass Fires Ordinance 2002.

Interpretation

2. In this Ordinance —

“a permission” means a permission granted by the Director of Agriculture under section 4 of this Ordinance;

“open season” means the period from and including 1 April to 15 September in each year or such date subsequent to 15 September in any year, as the Director of Agriculture may determine by way of written notice published in the Gazette; and

“vegetation” means growing or standing vegetation and includes peat, brushwood, bushes, crops, grass, stubble, trees and undergrowth, does not include tussac, but does include dead vegetation and vegetable refuse resulting from any agricultural operation.

Prohibition on setting fire to vegetation and tussac

3.(1) No person shall intentionally set fire to any vegetation outside the boundaries of Stanley except under, in accordance with and subject to the terms and conditions of a permission granted under section 4 or in accordance with section 5.

(2) No person shall intentionally set fire to tussac.

Permission to burn vegetation

4. (1) The Director of Agriculture may from time to time grant a permission authorising the burning of vegetation.

(2) A permission shall be in writing and may be granted —

(a) to persons generally;

(b) in respect of vegetation in such area as may be specified in the permission or in respect of all vegetation outside the boundaries of Stanley generally;

(c) in respect of such type or types of vegetation as may be specified in the permission;

(d) authorising the burning of vegetation during such period as may be specified in the permission; and

(e) subject to such terms and conditions as the Director of Agriculture may think fit.

(3) A permission and its terms and conditions may at any time be varied, revoked or suspended by notice in writing given by the Director of Agriculture.

(4) A permission and any variation or revocation thereof or of any of its terms and conditions may be granted or given effect by way of a notice published in the Gazette.

Exemptions

5. Nothing in this Ordinance shall prohibit or make it unlawful for the owner or occupier of any land or for any other person with the permission of the owner or occupier of that land intentionally to set fire to vegetation –

(a) during the open season; or

(b) at any time, for either of the following purposes –

(i) the disposal by burning of garden rubbish; or

(ii) the provision of heating or cooking facilities for any property,

provided that in any case falling within paragraph (a) he complies with the conditions mentioned in section 6.

Standard conditions

6.(1) There shall be deemed to be inserted as conditions of a permission under section 4 the following conditions –

(a) the permittee shall before setting fire to the vegetation notify the chief police officer of his intention to do so; and

(b) the permittee shall notify each of the owners and occupiers of any farm lying within two miles of any place at which he intends to light a fire.

Offences

7. (1) A person who contravenes section 3 commits an offence and shall be liable on conviction to a fine not exceeding level 6 on the standard scale or to imprisonment for a term not exceeding six months.

(2) A person who intentionally sets fire to vegetation contrary to any term or condition of a permission or contravenes the proviso to section 5 commits an offence and shall be liable on conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

Damage caused to land

8. For the avoidance of any doubt, nothing contained in this Ordinance shall affect the right of any person aggrieved to obtain damages or any other form of relief for any loss sustained by him as a result of damage caused by fire or any anticipated such loss, or in any way affect the application of the law relating to criminal damage by arson.

Repeal

9. The Grass Fires Ordinance 1955 (Title 4.3) is repealed.

Passed by the Legislature of the Falkland Islands this 22nd of November 2002.

C. ANDERSON,
Clerk of Councils.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,
Clerk of Councils.