

CHAPTER 145

PREVENTION OF FIRES

TABLE OF PROVISIONS

SECTION

1. Short title
2. Interpretation
3. Notice to be given of intention to set fire to land
4. Space to be cleared round land before fire is made
5. Exemption from giving notice
6. How notice is to be given
7. Where no notice is given—penalty. Persons assisting to set fire liable to penalty. Saving of civil remedies
8. Penalty for non-compliance with provisions of Act
9. Penalty for carrying or leaving lighted torch, etc.
10. Duty to extinguish fire
11. Fires on plantations
12. Exemption
13. Appointment of fire-rangers
14. Powers of fire-rangers

*Ordinances Nos. 8 of 1878, 3 of 1886, 4 of 1924, 12 of 1929, 2 of 1945,
31 of 1950, 26 of 1961, 7 of 1966, Legal Notice No. 96 of 1979*

AN ACT FOR THE BETTER PREVENTION OF ACCIDENTS BY FIRE

[25 June 1878]

Short title

1. This Act may be cited as the Prevention of Fires Act.

Interpretation

2. In this Act, unless the context otherwise requires—
“owner” means the person having immediate charge or management of any house, plantation or land;
“setting fire to land” means the setting fire to anything growing or being on the land.

Notice to be given of intention to set fire to land

3. Any person not being a Fijian who is desirous of setting fire to land shall, not less than 7 days beforehand, give notice thereof in writing to the owners of all lands adjoining the land it is his desire to set fire to, and such writing shall specify the local situation, extent and abutments of such land:

Provided always that when the owners of such lands are Fijians notice shall be given in Fijian to the respective chiefs of the nearest Fijian villages to the land it is intended to set fire to and such chiefs shall cause such notice to be proclaimed in their villages.

Space to be cleared round land before fire is made

4. Before fire shall be set to any land the owner shall cause an open space of not less than 4 metres in width to be cleared round the land and all inflammable matter to be carefully removed from such space and shall, not more than 2 clear days before fire shall be set to such land, give notice to the owners of the adjoining lands of the hour at which it is intended to set fire to such land.

(Amended by Legal Notice 96 of 1979.)

Exemption from giving notice

5. The provisions of sections 3 and 4 relating to the giving of notice shall not apply to setting fire to land by the owner for the purposes of cultivating or harvesting sugar cane.

(Inserted by Ordinance 26 of 1961, s. 2.)

How notice is to be given

6. Every notice required to be given under the provisions of section 3 may be served on any owner by delivering it to him in person or by leaving the same at his residence or, if there is no person residing or no residence upon the land adjoining the land it is intended to set fire to, then by affixing it on some open and conspicuous place on such land.

Where no notice is given—penalty. Persons assisting to set fire liable to penalty.

Saving of civil remedies

7. If fire is set to any land without such notices having been given as are hereinbefore required, the owner shall be liable for every such offence to a fine not exceeding \$100 or to imprisonment for any term not exceeding 6 months. Every person not being the owner who aids or assists in setting fire to such land shall be liable for every such offence to a fine not exceeding \$20 or to imprisonment for a term not exceeding 6 weeks:

Provided always that nothing in this Act contained shall take away or interfere or be construed to take away or interfere with the right of any person to sue for and recover at common law or otherwise compensation for or in respect of any damage or injury occasioned by the reckless or negligent use of fire.

(Amended by Ordinance 2 of 1945, s. 11.)

Penalty for non-compliance with provisions of Act

8. Every person who without complying with the provisions of this Act wilfully or negligently sets fire to any land shall be liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding 6 months.

(Amended by Ordinance 2 of 1945, s. 11; 7 of 1966, s. 15.)

Penalty for carrying or leaving lighted torch, etc.

9. Excepting as hereinbefore provided any person who shall ignite, use or carry any lighted torch, fire-stick or other matter in a state of ignition in such a manner as to create danger from fire or shall leave any fire which he may have lighted or used in the open air before the same be thoroughly extinguished shall be liable for every such offence to a fine not exceeding \$40 or to imprisonment for a term not exceeding 3 months.

(Amended by Ordinance 2 of 1945, s. 11; 26 of 1961, s. 3.)

Duty to extinguish fire

10.—(1) It shall be the duty of every male person between the ages of 18 years and 60 years who in the vicinity of and is aware of a fire which is occasioning damage or which is likely to spread to aid and assist in extinguishing the fire and for that purpose and for the purpose of preventing a fire from spreading every such person may enter upon any land where the fire may be or to which there is reasonable apprehension that it may spread and may do such matters and things as are reasonably necessary for the purpose of extinguishing it.

(2) Every person who without reasonable cause refuses or fails to perform the duty imposed upon him by this section shall be guilty of an offence and shall be liable to a fine not exceeding \$20 and in default of payment to imprisonment for a term not exceeding one month.

(Substituted by Ordinance 12 of 1929, s. 2; amended by 2 of 1945, s. 11.)

Fires on plantations

11. In the case of a fire on a plantation or in the vicinity thereof the owner, manager, overseer or other person in actual charge of such plantation may call out the whole of his labourers or other servants in his house or on his plantation or land and may enter with them upon any land where the fire may be or to which there is reasonable apprehension that it may spread and may do all things reasonably necessary for the purpose of preventing or extinguishing the fire, and any labourer or servant so called out who refuses or neglects to assist in extinguishing the fire shall be liable to a fine not exceeding \$20 or to imprisonment for a term not exceeding 2 months.

(Ordinance 3 of 1886, s. 1; amended by 2 of 1945, s. 11; 26 of 1961, s. 4.)

Exemption

12. Nothing in this Act contained shall apply to lands situated within the limits of any town constituted under the provisions of the Local Government Act.

(Cap. 125.)

Appointment of fire-rangers

13.—(1) A Commissioner may appoint fire-rangers for the purposes of preventing and combatting fires and enforcing the provisions of this Act within his Division.

(2) All police officers shall *ex officio* be fire-rangers.

(Inserted by Ordinance 31 of 1958, s. 2.)

Powers of fire-rangers

14.—(1) For the purpose of carrying out his duties a fire-ranger shall have power—

- (a) to enter any private land or place or building thereon;
- (b) to require any person to extinguish any fire which in his opinion is or is likely to be dangerous;
- (c) to require any person whom he finds committing an offence under this Act or whom he reasonably suspects of having committed such an offence to give his name and address, and if such person refuses or neglects to do so or gives a name or address which the fire-ranger suspects to be false, to arrest such person and hand him over without unnecessary delay to the nearest police officer.

(2) Any person who refuses to permit a fire-ranger to enter any land, place or building, or obstructs or hinders his entry, or obstructs or hinders a fire-ranger in the execution of his duty, or refuses to extinguish or fails to use his best endeavours to extinguish a fire when so required by a fire-ranger, or refuses or neglects to give his name and address when so required by a fire-ranger, or gives a false name or address, shall be guilty of an offence and shall be liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding 6 months.

(Inserted by Ordinance 31 of 1958, s. 2.)

Controlled by Ministry of Forests