

CONTROL AND PREVENTION OF BUSHFIRES LAW, 1990

IN pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981 this Law is hereby made:

1. Except as otherwise provided under this Law it is unlawful for any person to start a bushfire for any purpose whatsoever. Prohibition of bushfires.

2. For the purposes of this Law, a person starts a bushfire if any action of his results in the uncontrolled burning of any farm, forest or grassland. Meaning of starting a bushfire.

3. The Chief Conservator of Forests or the Chief Game and Wildlife Officer may authorise his staff to set fire within an established forest or wildlife conservation area for the purpose of— Burning within conservation areas.

- (a) the management of such area; or
- (b) the protection of such area against accidental fire.

4. (1) Any person authorised by the Director of Agricultural Extension Services or the Director of Animal Health and Production Department may set fire to a specified area other than a conservation area for the purpose of range management or other agricultural purpose. Burning outside conservation area for agricultural purposes.

(2) Any fire set by virtue of subsection (1) of this section shall be controlled and confined to the specified area and shall not exceed the purpose for which the fire is permitted.

5. (1) There shall be established in each District Assembly within three months of the coming into force of this Law, a Bushfire Control Sub-Committee of the Executive Committee of the Assembly (hereafter referred to as the "Sub-Committee"). Establishment of Bushfire Control Sub-Committees.

(2) The Sub-Committee shall consist of such members of the District Assembly as shall be determined by the Assembly.

(3) The Sub-Committee may co-opt any person and in particular—

- (a) the District Fire Officer;
- (b) the District Forestry Officer (or the Officer in charge of the Forest District within the area of authority of the District Assembly);
- (c) the officer in charge of any wildlife office or conservation area in the District;
- (d) a Senior Officer of the Agricultural Extension Service in the district; or
- (e) a Senior Officer of the Department of Animal Health and Production in the District,

to advise it on the performance of its functions under this Law.

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(4) The Sub-Committee shall regulate its own procedure.

Functions of
the Sub-
Committee.

6. (1) The Sub-Committee shall—

- (a) draw up for the consideration of the District Assembly such Bye-laws as may be appropriate to ensure adequate prevention, control and monitoring of bushfires;
- (b) specify the period or periods in the year, and thereafter yearly, within which the burning of farm slash, grass, herbage and dead wood shall be prohibited;
- (c) draw up, where appropriate, a District early burning programme and ensure that it is implemented under proper control and supervision;
- (d) set up town, area and unit Bushfire Control Committees which shall direct the activities of the town, area or Unit Fire Volunteer Squads;
- (e) educate residents of the District on the hazards of uncontrolled fires;
- (f) compile data on all bushfire outbreaks and offences within the District and submit these with quarterly reports to the following:
 - (i) the District Assembly;
 - (ii) the Chief Fire Officer;
 - (iii) the Chief Conservator of Forests;
 - (iv) the Chief Game and Wildlife Officer; and
 - (v) the Environmental Protection Council.

(2) The Sub-Committee shall, in proposing any bye-laws under this section take into consideration the ecological characteristics of the District.

Establishment of town, area or unit Fire Volunteer Squad.

7. There shall be established in every town, area or unit a Fire Volunteer Squad.

Control of fire.

8. Any person who starts a fire permitted by this Law shall control the spread of the fire.

Prevention of fire originating from roadsides.

9. (1) Any organization responsible for the clearing and weeding of any roadside shall ensure that the roadside is kept free of all bushfire hazards.

(2) Where any damage is caused by a fire set by an employee of the organization such organization shall be held responsible for the damage.

Training of Fire Volunteer Squads.

10. The National Fire Service shall on the coming into force of this Law be responsible for the training of Town, Area and Unit Fire Volunteer Squads.

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11. (1) Any person who contravenes or fails to comply with any provision of this Law commits an offence and is liable on conviction before a Public Tribunal or Court to a fine of not less than ₦20,000.00 or more than ₦100,000.00 or to imprisonment or community labour not exceeding twelve months or to both such fine or imprisonment or community labour and for a subsequent offence to imprisonment or community labour not exceeding two years. Offences.

(2) Where a person is convicted of an offence under subsection (1) of this section, the Public Tribunal or Court may in addition to any penalty that it may impose, order the offender to make good the value of any property including any crops or trees damaged or destroyed by the fire caused by him.

12. (1) Any person who—

(a) fails to report a person known to him to have started or caused a bushfire, to a person or body specified in sub-paragraphs (i) to (v) of paragraph (b) of this subsection; or

Duty to
report
bushfire.

(b) being aware of the occurrence of a bush fire, without good cause, fails to report the occurrence to—

(i) a member of the town, area or unit Fire Volunteer Squad;

(ii) a member of the bush fire control Sub-Committee;

(iii) a police officer;

(iv) the traditional authority;

(v) the Committee for the Defence of the Revolution

in the area of the bush fire commits an offence.

(2) Any person found guilty under subsection (1) of this section is liable on conviction to a fine not exceeding ₦10,000.00 or to imprisonment or community labour for a term not exceeding one month or to both.

13. The Secretary may by legislative instrument make such regulations as may be necessary to give full effect to the provisions of this Law. Regulations.

14. In this Law unless the context otherwise requires—

“Conservation area” means any area protected by law and administered to conserve natural resources, by the Forestry Department, Department of Game and Wildlife or by a District Assembly with the technical assistance of these Departments;

Interpreta-
tion.

“District Assembly” includes a Metropolitan Assembly;

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“range management” means control and manipulation of vegetation for optimum usage by human beings, livestock or wild animals;

“Secretary” means the Provisional National Defence Council Secretary responsible for Local Government;

“specified area” means an area specified in a permit issued by the Forestry Department, Department of Game and Wildlife, Agricultural Extension Service or Department of Animal Health and Production in which burning is necessary for range management of fire protection”.

Repeal. 15. The Control of Bush Fires Law, 1983 (P.N.D.C.L. 46) is hereby repealed.

Made this 1st day of March, 1990.

FLT.-LT. JERRY JOHN RAWLINGS
Chairman of the Provisional National Defence Council

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