

## TABLE OF OFFENCES AND PENALTIES BY TYPE OF OFFENCE

### A person lights, uses or maintains a fire in the open air

Description of offence	Category of offence	Penalty on first conviction	Penalty on second conviction
When the fire danger rating is high	1	Fine Prison up to 2 years Both	Fine Prison up to 2 years Both
Leaves it unattended Before the fire is extinguished	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
With or without permission of owner Fire spreads and causes injury or damage	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both

### A person lights, uses or maintains a fire in a road reserve

Description of offence	Category of offence	Penalty on first conviction	Penalty on second conviction
Other than in a designated fireplace	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
For a purpose other than to burn a firebreak (for example, during a picnic)	2	Fine Prison up to 1 years Both	Fine Prison up to 2 years Both

### Smokers

Description of offence	Category of offence	Penalty on first conviction	Penalty on second conviction
A person throws, puts down or drops: <ul style="list-style-type: none"> <li>• a burning match or</li> <li>• other burning material or</li> <li>• material which is capable of spontaneous combustion or self-ignition</li> </ul> by doing so, makes a fire which spreads and causes injury or damage	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
A person smokes where by notice smoking is prohibited	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both

### Burning of firebreaks

Description of offence	Category of offence	Penalty on first conviction	Penalty on second conviction
An owner: <ul style="list-style-type: none"> <li>• on whose land a veldfire may start or burn or spread</li> <li>• fails to prepare and maintain a firebreak on his or her side of the boundary with adjoining land</li> </ul>	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
An owner: <ul style="list-style-type: none"> <li>• whose land coincides with the boundary of the Republic</li> <li>• whose land is subject to a risk of veldfire</li> <li>• fails to prepare and maintain a firebreak as close as possible to the border</li> </ul>	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
An owner who cannot reach agreement with his or her neighbour for a date on which both can burn their firebreaks fails to give <ul style="list-style-type: none"> <li>• the owner of adjoining land</li> <li>• the FPA if there is one</li> </ul> 14 days written notice of the day on which he or she intends to burn the firebreaks	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both

An owner burns a firebreak when the FPA has objected	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
An owner fails to inform <ul style="list-style-type: none"> <li>the owners of adjoining land</li> <li>the FPA if there is one <ul style="list-style-type: none"> <li>that burning of a firebreak cannot be done on the agreed days or if no agreement was reached, on the days he or she has given notice for; and</li> <li>of the additional days on which he or she now intends to burn</li> </ul> </li> </ul>	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both

#### A fire breaks out on your own land

Description of offence	Category of offence	Penalty on first conviction	Penalty on second conviction
An owner, occupier or person in control of land where a fire occurs fails to take reasonable steps to: <ul style="list-style-type: none"> <li>extinguish the fire</li> <li>confine it to that land</li> <li>prevent it from causing damage to property on adjoining land</li> </ul>	1	Fine Prison up to 2 years Both	Fine Prison up to 2 years Both
A person has reason to believe a fire on his or her land may endanger life, property or the environment but fails to notify: <ul style="list-style-type: none"> <li>the fire protection officer, or failing him or her, any member of the executive committee of the FPA if one exists for the area and</li> <li>the owners of adjoining land</li> </ul>	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
An owner on whose land a veldfire may start or burn or spread fails to meet the standards of readiness for fire fighting by not having <ul style="list-style-type: none"> <li>the equipment,</li> <li>protective clothing and</li> <li>trained personnel for extinguishing fires,</li> </ul> either that are prescribed, or reasonably required in the circumstances	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
An owner on whose land a veldfire may start or burn or spread fails to meet the standards of readiness for fire fighting by not ensuring that in their absence, a responsible person will be present on or near their land who if there is a fire will: <ul style="list-style-type: none"> <li>extinguish it or assist in doing so;</li> <li>alert the owners of adjoining land and the FPA if there is one</li> </ul>	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both

#### A fire breaks out on adjoining land

Description of offence	Category of offence	Penalty on first conviction	Penalty on second conviction
A person has reason to believe a fire on the land of an adjoining neighbour may endanger life, property or the environment but fails to notify: <ul style="list-style-type: none"> <li>the fire protection officer, or failing him or her, any member of the executive committee of the FPA if one exists for the area and</li> <li>the owners of adjoining land</li> </ul>	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both

#### A person does not co-operate

<b>Description of offence</b>	<b>Category of offence</b>	<b>Penalty on first conviction</b>	<b>Penalty on second conviction</b>
A person refuses to assist a fire protection officer who is taking over control of the fighting of a fire from any person who has been doing so up until his or her arrival	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
A person refuses to assist a fire protection officer when ordered to do so on the basis that he or she is apparently not younger than 16 years and not older than 60 years	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
A person hinders or obstructs any person fighting a fire that may endanger life, property or the environment on any land	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
A person hinders or obstructs a fire protection officer who takes over control of fighting a fire	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
A person hinders or obstructs a forest officer who has taken over the control of fighting a fire in the absence of a fire protection officer	2	Fine Prison up to 1 year Both	Fine Prison up to 2 years Both
A person interferes with <ul style="list-style-type: none"> <li>• a fire protection officer</li> <li>• a forest officer</li> <li>• a police officer</li> <li>• an officer appointed under the Fire Brigade Services Act from: <ul style="list-style-type: none"> <li>• entering and searching land or premises</li> <li>• seizing any vehicle, tool, weapon, animal or other thing</li> <li>• arresting any person</li> </ul> </li> </ul>	3	Fine Community service up to 6 months Both	Fine Prison up to 1 year Both
A person prevents <ul style="list-style-type: none"> <li>• a fire protection officer</li> <li>• a forest officer</li> <li>• a police officer</li> <li>• an officer appointed under the Fire Brigade Services Act from: <ul style="list-style-type: none"> <li>• entering and searching land or premises</li> <li>• seizing any vehicle, tool, weapon, animal or other thing</li> <li>• arresting any person</li> </ul> </li> </ul>	3	Fine Community service up to 6 months Both	Fine Prison up to 1 year Both