

CHAPTER 23

BUSH BURNING (PROHIBITION) LAW.

Arrangement of Sections

Section:

Commencement.

1. Citation.
2. Interpretation.
3. Prohibition of fire.
4. Bush burning for hunting.
5. Exception.
6. Penalty.
7. Power of arrest.
8. Prosecution not to operate as bar to civil action.

CHAPTER 23

BUSH BURNING (PROHIBITION) LAW

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A Law to Provide for Prohibition of Bush Burning in Ebonyi State.

Commencement

(23rd August, 1985)

Citation.

1. This Law may be cited as the Bush Burning (Prohibition.) Law

Interpretation.

2. In this Law:
 "Bush" means any forest, trees, grassland, plantation, vegetation or other plant growth, whether dry or fresh;
 "Fire" includes other inflammable or combustible matter;
 "Forest officer" means any officer of the Forestry Division of the Ministry of Agriculture and Food not below the rank of Assistant Conservator of Forests, or any staff of the Forestry Division so delegated by the Chief Conservator of Forests;
 "Open place" includes farmland, whether cultivated or not, or any cultivated, forest, grassland, thicket, meadow, park, field, village square and other public places.

Prohibition of fire.

3. Notwithstanding anything contained in the Forest Law or any other law, no person shall:
 - (a) set fire on any forest, trees, grassland, grasses or any other vegetation in any place;
 - (b) by the use or application of fire in an open place, destroy, damage or in any manner affect any land, trees, woods, woodland, thicket, logs or other wooden matter or forest resources;
 - (c) except as permitted by or excused under any enactment in force in the State, set fire on anything in an open place; or
 - (d) set fire on anything in such a manner as to endanger the life, health or property of any other person.

Bush burning for hunting prohibited.

4. Burning of bush for hunting of animals is specifically prohibited.

13

5. Section 3 of this Law shall not apply to any farmer who burns his farmland for planting or cultivation of crops provided that such a farmer creates fire-breaks from the surrounding inflammable materials of the farm, so however that the surrounding bush or farmland is not affected by the fire.
6. (1) Any person who:
- (a) contravenes;
 - (b) attempts to contravene;
 - (c) aids or abets any other person in contravening;
 - (d) counsels or procures any other person to contravene; or
 - (e) is accessory before or after the fact of the contravention of any provision of section 3 or 4 of this Law, is guilty of an offence and liable, on conviction, to a fine of Five Thousand Naira or, in default, to imprisonment for one year.
- (2) It is no defence to a prosecution for an offence under subsection (1) of this section that the accused person has a right or interest in anything or place on which it is alleged that fire was set.
7. (1) A local government secretary, police officer, forest officer or other person authorized by any of them in writing, may arrest without warrant any person who commits or is reasonably suspected to have committed an offence under this Law.
- (2) Any person arrested pursuant to subsection (1) of this section shall, as soon as may be practicable, be arraigned before the Magistrate's Court having jurisdiction in the place where the offence was committed to be dealt with according to law.
8. A prosecution for an offence under this Law shall not operate as a bar to any civil proceedings that may be instituted for damages or injury by fire set, applied or used by any person in contravention of any provision of sections 3 and 4 of this Law.

Exception.

Penalty.

Power of arrest.

Prosecution not to operate as bar to civil action.

12