



BASIC GUIDELINE FOR **ALL LANDOWNERS**: FIRE BREAKS, READINESS TO FIGHT FIRES, OFFENCES, PENALTIES & NEGLIGENCE

Duty to prepare and maintain firebreaks

12. (1) Every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land.

25. (3) Any person who—

(a) fails to prepare a firebreak when obliged to do so in terms of section 12(1)
is guilty of a **second category offence**.

Readiness for fire fighting

17. (1) Every owner on whose land a veldfire may start or burn or from whose land it may spread must—

(a) have such equipment, protective clothing and trained personnel for extinguishing fires as are—

(i) prescribed; or

(ii) in the absence of prescribed requirements, reasonably required in the circumstances;

(b) ensure that in his or her absence responsible persons are present on or near his or her land who, in the event of

fire, will—

(i) extinguish the fire or assist in doing so; and

(ii) take all reasonable steps to alert the owners of adjoining land and the relevant fire protection association, if any.

25. (4) Any person who—

(a) fails to meet the standards of readiness for fire fighting referred to in section 17(1);
is guilty of a **second category offence**.

25. (5) Any owner, occupier or person in control of land on which a fire occurs who **fails to take reasonable steps to extinguish the fire or to confine it to that land or to prevent it from causing damage to property on adjoining land**, is guilty of a **first category offence**.

Penalties

24. (1) A person who is guilty of a **first category offence** referred to in section 25 may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment.

(2) A person who is guilty of a **second category offence** referred to in section 25 may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to one year, or to both a fine and such imprisonment.

25. (7) **Negligence** amounts to fault for the purposes of an offence in terms of this section.

Presumption of negligence

34. (1) If a person who brings civil proceedings proves that he or she suffered loss from a veldfire which—

(a) the defendant caused; or

(b) started on or spread from land owned by the defendant,

the defendant is presumed to have been negligent in relation to the veldfire until the contrary is proved, unless the defendant is a member of a fire protection association in the area where the fire occurred.

(2) The presumption in subsection (1) does not exempt the plaintiff from the onus of proving that any act or omission by the defendant was wrongful.