



2010 CHAPTER 10

PART 2

PROTECTION OF FOREST TREES FROM DAMAGE

Burning of vegetation

13.—(1) A person shall not burn any vegetation growing within one and a half kilometres of a forest which that person does not own unless that person has, within the period mentioned in subsection (2), served on the owner of the forest notice of that person's intention to burn that vegetation.

(2) That notice must be served not more than one month and not less than 14 days before the date on which it is intended to burn the vegetation.

(3) A person who burns any vegetation in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(4) Where a notice has been served under subsection (1) on the owner of a forest, that owner may, within 10 days after receiving the notice, serve on the person serving the notice a counter-notice objecting to the proposed burning on the ground that it is liable to cause damage to the forest.

(5) Subsection (6) applies to a person who burns any vegetation—

(a) in contravention of subsection (1); or

(b) after receiving a counter-notice served under subsection (4).

(6) That person is liable for all damage caused by the burning to any forest in respect of which a notice was, or ought to have been, given under subsection (1); and accordingly damages are recoverable by the owner of that forest from the person burning the vegetation.

(7) Subsection (6) does not prejudice any other remedy or the rights of any other person.