

## Act No. 25, 1901.

CARELESS USE OF  
FIRE.An Act to consolidate the enactments relating  
to the prevention of the careless use of Fire.  
[30th October, 1901.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title and  
repeal.

1. (1) This Act may be cited as the "Careless Use of Fire Act, 1901."

(2) The Act twenty-ninth Victoria, number twenty-one, is hereby repealed.

Penalties for setting  
fire to growing crops,  
&c.

29 Vic. No. 21, s. 1.

2. Whosoever ignites, or uses, or carries when ignited, any inflammable material within twenty yards of any growing crops, or stacks of corn, pulse, or hay, or within three yards of any stubble field, or grass land, whereby the property of any other person is injured or destroyed shall, for every such offence, be liable to a penalty not exceeding fifty pounds or to be imprisoned with or without hard labour for any period not exceeding three months.

Penalty for not  
extinguishing fire.  
*Ibid.*

3. Whosoever leaves any fire which he has lighted or used in the open air before the same is thoroughly extinguished shall, for every such offence, be liable to a penalty not exceeding ten pounds or to be imprisoned for any period not exceeding one month.

Persons exempted  
from the provisions  
of the next two  
preceding sections.  
*Ibid.*

4. Notwithstanding anything in the next two preceding sections—

(a) the occupier of any land may burn any straw, stubble, grass, or herbage, or ignite any wood or other inflammable material on such land after he has cleared of inflammable substance a space of land around the straw, stubble, grass, or herbage intended to be burnt, or wood or other inflammable material intended to be ignited, of not less than fifteen feet in breadth, and after he has given to the occupiers of all land contiguous to the land from or on which the straw, stubble, grass, or herbage is intended to be burnt, or wood or other inflammable material to be ignited, notice in writing at least twenty-four hours before burning or igniting as aforesaid of the time at which it is his intention so to burn or ignite ;

(b) the occupier of any grass lands may, between seven o'clock in the forenoon and nine o'clock in the afternoon, burn off any grass or herbage from any such land in his occupation  
after

*Birds Protection.*

after giving the like notice in writing as hereinbefore directed of his intention so to do to the occupiers of all land contiguous to the land from which the grass or herbage is intended to be burned.

5. (1) If the occupier of any land clears the same of inflammable materials for the space of fifteen feet from any fence dividing such land from the land of any other owner or occupier, and such other owner or occupier neglects or omits so to clear his land, and any damage from fire happens to such dividing fence through such neglect or omission, the owner or occupier so neglecting or omitting to clear shall at his own costs and charges cause such fence to be repaired and re-erected within one month after the same has been so damaged.

Damage by fire to dividing fence caused by negligence of owner or occupier of land to be made good by him.

29 Vic. No. 21, s. 2.

(2) If the owner or occupier so neglecting or omitting to clear refuses or omits to repair or re-erect such fence within such month the owner or occupier of the land contiguous to the said fence who has cleared the same of inflammable material as aforesaid may repair or re-erect such dividing fence.

(3) All sums of money which are so expended or laid out under the provisions of this Act shall be deemed to be money paid to the use of the owner or occupier in default.

6. Whosoever, being liable to be apprehended for any offence against the provisions of this Act, opposes, resists, or assaults any person apprehending or attempting to apprehend him shall be guilty of a misdemeanour, and shall be liable to be fined or to be imprisoned with or without hard labour for any term not exceeding six months.

Penalty on person resisting apprehension.

*Ibid.* s. 5.

7. Nothing in this Act contained shall take away or interfere with the right of any person to sue for and recover, at common law or otherwise, compensation for or in respect of any damage or injury occasioned by the reckless or negligent use of fire.

Proceedings under this Act not to interfere with right to sue for compensation for damage by fire.

*Ibid.* s. 6.