

C.S.O.

AGR/GRA/2#9

1674

1674

(Formerly)

SUBJECT :

SETTING FIRE TO GRASS.

5/11/54 -  
2/4/58

---

CONNECTED FILES.

NUMBER AND YEAR.

Ord. 2 of 1909

Port San Carlos,  
Falkland Islands, S.A.

TELEGRAPHIC ADDRESS:  
"CARLOS, PORTSTANLEY"

November 5th

1954

The Hon. The Colonial Secretary,

STANLEY.

Sir,

SETTING FIRE TO GRASS.

In the 1915 Revised edition of the Ordinances on page 291 Section 60 of Ordinance No. 5 of 1902 as amended by No. 2 of 1909 is laid down a penalty of a sum not exceeding £20 for wilfully or negligently burning grass without authority. This Ordinance was subsequently repealed and the new edition of the Ordinances makes no reference to this particular offence. May I be advised if in fact it still carries a penalty?

Hon. Col. Sec.

The penalty for this offence was not re-enacted with the Revised Edition of the Laws but a malicious act is punishable under section 16 of the Malicious Damage Act, 1861. The punishment under this Act is penal servitude for not more than 14 or less than 3 years, or imprisonment with or without hard labour for not more than 2 years.

I am,

Sir,

Your obedient servant,

*A. K. Pitt*

*see p. 2 advise.*

*13/11*

2. If the grass is negligently set on fire, the owner may sue for compensation for the loss or damage.

J.P.B.  
Registrar  
20. xi. 54.

*Reply at 2.*



22nd November, 5h.

Sir,

I am directed to refer to your letter of the 5th of November, 1954, and to state that section 60 of Ordinance 5/1902 as amended by Ordinance 2/1909 was repealed and has not been re-enacted.

If gross <sup>ACC</sup> was maliciously set on fire it would be possible for the offender to be punished under the Malicious Damage Act 1861 and he would have the option of being tried by 2 justices summarily or by the Supreme Court on indictment.

If however grass was negligently set on fire, the only remedy available to the owner is to sue for compensation.

2. I am to enquire whether in your opinion the crime of malicious or negligent grass firing is sufficiently prevalent to warrant the revival of the old law which would enable either two or a single justice to deal with the matter summarily. If one justice dealt with the case he would be limited with regard to penalty to £5.

I am,  
Sir,  
Your obedient servant,

(Sgd) C. Campbell  
COLONIAL SECRETARY.

Reply at 3

The Honourable  
Mr. H.K. Cameron, O.B.E., J.P.,  
PORT SAN CARLOS.

~~Reply~~

CU 12/12

3

Port San Carlos,  
Falkland Islands, S.A.

TELEGRAPHIC ADDRESS:  
"CARLOS, PORTSTANLEY"



December 3 1954

The Hon. The Colonial Secretary,  
STANLEY.

Sir,

CAMP FIRES.

2

This acknowledges your letter of November 22nd.

It's rather fun to light fires and in consequence very great damage has been caused on probably every farm in the islands through the irresponsible burning of dry vegetation, tussock, diddle-dee or grass as the case may be, set on fire without permission or regard to the time of the year, the direction of the wind or the state of the ground. In my view the law should provide for such offences to be dealt with summarily.

I am,  
Sir,

Your obedient servant,

*J. K. Dittie* Governor  
but.

See p 20 note for  
additional items for  
Exls. *D*  
*Greer*

See 4

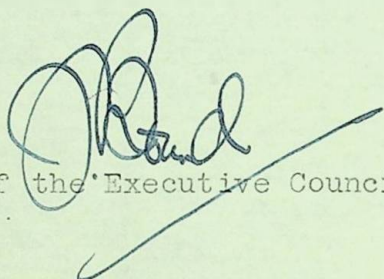


Extract from the Minutes of a Meeting of Executive Council  
held 15th December, 1954.

1674.

16. Grass - Burning of.

Council agreed that the old law penalizing the malicious or negligent firing of grass should be reintroduced.



Clerk of the Executive Council.

R.S.E.

Wishes for kindly draftsmen.



Hon. Col. Sec.,

Before proceeding I would point out that we have no appropriate local enactment into which we can insert this provision, therefore it would be necessary to enact a separate Ordinance in order to reintroduce this very small section.

2. At present if the offence is contrary to section 16 of the Malicious Damage Act, 1861, it is an indictable offence which may be dealt with summarily, and if it is a negligent act and the damage thereby caused is valued at less than £100 the offender should be <sup>guilt</sup> dealt with summarily (Sections 4 and 5, Administration of Justice Ord. (Cap 3)).

3. There is a possibility that in very exceptional cases/

cases the damage could be so extensive as to  
virtually ruin a farmer and in such circumstances  
the penalty laid down by the repealed section 60  
of the dummy jurisdiction Ord. 1902 would be  
inadequate

B. B.  
Registrar  
31. XII. 54.



No. 1674

Colonial Secretary's Office,  
Stanley, Falkland Islands.

6

By AIR MAIL.

7th January, 1955.

Sir,

Setting fire to Grass.

As wilful or negligent firing of grass in a sheep ranching country can have serious consequences it is desired to revive section 60 of Ordinance No. 5 of 1902 as amended by No. 2 of 1909.

2. It would appear that the wilful firing of grass is covered by Section 16 of the Malicious Damage Act, 1861, (giving the option of a summary trial) but negligent firing is only subject to a civil claim for damages.

3. I am to seek your advice on the best and simplest method of reviving this old law since there does not appear to be any suitable existing ordinance or regulation within which it could be included.

4. It has been suggested that the fine of £20 under the old law might be insufficient in a serious case of wilful firing but presumably it would be within the discretion of the prosecution to decide whether or not to proceed under the Malicious Damage Act.

I am,

Sir,

Your obedient servant,

(Sgd) C. Campbell

COLONIAL SECRETARY.

Sir Henry Webb, Kt.,  
c/o The Crown Agents for Oversea Governments & Administrations,  
4, Millbank,  
LONDON, S.W. 1.

CC/VP

*BU 28/2  
14/3 mail  
No mail  
14/3/55*

*BU 30/4 H.*

*Reply at 7.*

Buf  
8/4

7

BYWAYS.

GRAVEL PATH.

BERKHAMSTED.

4 APR 1955

Law No. 1674 of 7. 1. 1955.

6

18. 2. 1955.

Gross Fires.

Sir,

8-10. I send herewith draft Gross Fires Ordinance. As the Malicious Damage to Property Act, 1961, adequately provides for wilful acts the Ordinance is concerned only to punish negligent acts. But as, in England, such acts seem not to be punishable it would, I think, be advisable, in order to disarm any criticism that may be made here, to see that, when the matter is debated in Legislative Council, some prominence is given to the frequency of such fires and the amount of damage caused thereby.

2. Possibly section 4, which is taken from the Kenya Gross Fires (Control) Ordinance, may not be necessary. It is applicable in a country in which burning down the old grass on land is a regular practice.

I am, Sir,

Your obedient servant,

Henry M. 1955

Secy. Hon. Colonial Secretary

Falkland Islands.



8

GRASS FIRES ORDINANCE.

An Ordinance to impose penalties upon persons causing  
grass fires by negligence.

- Short title.           1. This Ordinance may be cited as the Grass Fires Ordinance, 1955.
- Interpretation.       2. In this Ordinance, unless the context otherwise requires - "Owner" or "Occupier" in relation to any land includes any person who is for the time being managing a farm on such land ;  
"Vegetation" means growing or standing vegetation and includes brushwood, bushes, crops, grass, stubble, trees and undergrowth.
- Negligent burning of vegetation :  
offences.  
(Ord. 5/1902, s. 60)  
  
(Kenya, Cap. 185, S. 3 (1).)  
  
(Indian Penal Code, S. 285 adapted.)
3. (1) If any person, without lawful authority, shall negligently set on fire any vegetation on land <sup>of which he is not the owner or occupier</sup> ~~not in his own possession~~ he shall be guilty of an offence.
- (2) If any person shall wilfully or negligently kindle any fire which by spreading damages or destroys the property or the vegetation upon the land of any other person he shall be guilty of an offence.
- (3) If any person neglects to take reasonable and proper precautions with regard to any fire or burning anything in his possession or under his control and by reason thereof the property or the

vegetation upon the land of any other person is damaged or destroyed he shall be guilty of an offence.

Notice to be given before burning grass.

(Kenya, Cap. 185, S. 4.)

4. (1) Every person before proceeding to burn vegetation on his own land or upon land on which he is authorized or permitted to burn vegetation shall give at least two days notice in writing of his intention to do so to all owners or occupiers of adjoining land which is within half a mile of the land on which the burning is to take place.

(2) If a fire lawfully kindled after notice given according to the preceding sub-section spreads to adjoining land, the fact that such notice was given shall be a sufficient defence to any charge under the provisions of section 3 of this Ordinance brought against the person who kindled or was responsible for kindling such fire, unless it is proved that by the negligence of himself, his servants or agents he permitted such fire to spread to such adjoining land, but shall not affect the right of any person aggrieved to obtain damages for any loss sustained by him as the result of such fire.



(3) Such notice shall be delivered by hand and shall be deemed to commence from the time when it is received by the person to whom it is addressed or any servant or agent of his, and shall state as nearly as possible the time and place at which the burning will take place.

Penalties.

5. Every person who commits an offence against this Ordinance shall be liable, on summary conviction, to a fine not exceeding £            or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

11

R.S.

In your comments, p.

Q  
22/4.

Hon. Col. Sec.

I have no comments other than that Section 4, although being essential will cause great inconvenience to most farmers, due to distances between settlements.

H.B.  
Registrar  
22. iv. 55.

M.S.

You may wish to have this matter placed on Agenda for next Ex. Co.

Q  
23/4.

A.C.S.

I have dabbled in this as I am afraid. Please b.c. again on my return from the west.

A.H.P.  
19/5.

Bu 29/5  
Q. 18/5.

M.S.

File Bell. accs.

Q  
30/5.



C.S.

Subject to any comments you may have - we should take this Bill as drafted to the next meeting of Council for authority to introduce at the next meeting of Legislative Council. A short covering memo will be required.

You might perhaps give consideration to the amount of the fine. I provisionally inserted £20. - which strikes me as sufficient. £50 would be the maximum in my opinion.

R.G.T.  
15/6.

C.S.

I have had second thoughts about this Ordinance. There appears to be a doubt in Sir Henry Webb's mind as to the propriety of introducing a law that provides punishment for a negligent act, which is apparently not punishable under United Kingdom law.

Rather than face the implications of disallowance of a substantial amendment at a later stage (which appears a possibility) I think it advisable that the draft should be taken to Ex.CO. on the understanding that if approved by Ex.Co. it will be submitted to the Colonial Office for consideration before it is presented to the Legislature.

*Q.9.7.1*  
—

20.6.55



It is requested that, in any reference to this memorandum the above number and date should be quoted.

CONFIDENTIAL

23rd June, 19 55.

To: Members of Executive Council,

From: The Colonial Secretary,

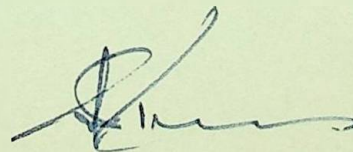
Stanley, Falkland Islands.

SUBJECT :- Setting Fire to Grass.

At a meeting of Executive Council held on the 13th of December, 1954, Honourable Members agreed that the old law dealing with the wilful or negligent burning of grass should be revived.

8-10  
The matter was referred to the Legal Adviser and he has prepared and submitted the attached draft Grass Fires Ordinance which, on account of the fact that the Malicious Damage to Property Act, 1861, adequately provides for wilful acts, is concerned only with the punishment of negligent acts. At the same time, however, Sir Henry Webb has pointed out that negligent acts of this nature do not appear to be punishable in England and he has suggested that when the matter is debated in Legislative Council some prominence should be given to the frequency of such fires and the amount of damage caused thereby in order to disarm possible criticism in the United Kingdom.

It appears that there is an element of doubt in the Legal Adviser's mind and that there is some possibility that the proposed legislation, as drafted, might not receive the Secretary of State's unqualified approval. In the circumstances it is thought desirable that before the Bill is published and presented to the Legislature, the advice and views of the Colonial Office should be obtained. Before this step is taken, however, Honourable Members are asked to advise whether the draft Ordinance, in its present form, is acceptable.



ACTING COLONIAL SECRETARY.

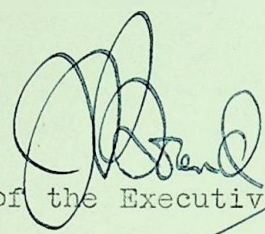
Extract from the Minutes of a Meeting of Executive Council  
held 12th July, 1955.

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1674.

8. GRASS FIRES ORDINANCE.

Council agreed that the proposed Ordinance would meet local requirements but that the penalty clause should have provision for a fine not exceeding £50. The Ordinance as drafted by Sir Henry Webb should now go to the Secretary of State for comments before submission to the Legislature.



Clerk of the Executive Council.



F. I. ref: 1674

C. O. ref:

16

SAVING TELEGRAM.

*From:* The Officer Administering the Government of the Falkland Islands.

*To:* The Secretary of State for the Colonies.

*Date:* 9th August, 1955.

No. 125. SAVING. COLONY.

Draft Grass Fires Ordinance.

I have had under consideration the enactment of an Ordinance to punish persons convicted of the negligent burning of grass which is a frequent occurrence in this Colony and can have serious consequences. Wilful burning of grass is covered already by Section 16 of the Malicious Damage Act, 1861, which provides the option of a summary trial, but negligent burning of grass is subject at present only to a civil claim for damages.

18  
2. The matter was referred to the Legal Adviser who has prepared the accompanying draft Ordinance. There appears to be some element of doubt in his mind, however, as to the propriety of introducing an Ordinance that provides punishment for a negligent act which is apparently not punishable under United Kingdom law.

3. Before presenting the Bill to the Legislature I should

Reply at 19

be/

17

be grateful for your views on the point raised by the  
Legal Adviser.

OFFICER ADMINISTERING THE GOVERNMENT.



18

GRASS FIRES ORDINANCE.

An Ordinance to impose penalties upon persons causing grass fires by negligence.

Short title.

1. This Ordinance may be cited as the Grass Fires Ordinance, 1955.

Interpretation

2. In this Ordinance, unless the context otherwise requires - "Owner" or "Occupier" in relation to any land includes any person who is for the time being managing a farm on such land; "Vegetation" means growing or standing vegetation and includes brushwood, bushes, crops, grass, stubble, trees and undergrowth.

Negligent burning of vegetation offences.

3. (1) If any person, without lawful authority, shall negligently set on fire any vegetation on land of which he is not the owner or occupier he shall be guilty of an offence.

(Ord. 5/1902 s.60)

(Kenya, Cap. 185, s.3 (1) )

See - 19

(2) If any person shall wilfully or negligently kindle any fire which by spreading damages or destroys the property or the vegetation upon the land of any other person he shall be guilty of an offence.

(Indian Penal Code, s.285 adapted)

(3) If any person neglects to take reasonable and proper precautions with regard to any fire or burning anything in his possession or under his control and by reason thereof the property or the vegetation upon the land of any other person is damaged or destroyed he shall be guilty of an offence.

Notice to be given before burning grass Kenya, Cap. 185, s.4.

4. (1) Every person before proceeding to burn vegetation on his own land or upon land on which he is authorised or permitted to burn vegetation shall give at least two days notice of his intention to do so to all owners or occupiers of adjoining land which is within half a mile of the land on which the burning is to take place.

(2) If a fire lawfully kindled after notice given according to the preceding sub-section spreads to adjoining land, the fact that such notice was given shall be a sufficient defence to any charge under the provisions of section 3 of this Ordinance brought against the person who kindled or was responsible for kindling such fire, unless it is proved that by the negligence of himself, his servants or agents he permitted such fire to spread to such adjoining land, but shall not affect the right of any person aggrieved to obtain damages for any loss sustained by him as the result of such fire.

(3) Such notice shall be delivered by hand and shall be deemed to commence from the time when it is received by the person to whom it is addressed or any servant or agent of his, and shall state as nearly as possible the time and place at which the burning will take place.

Penalties

5. Every person who commits an offence against this Ordinance shall be liable, on summary conviction, to a fine not exceeding £50. 0. 0. or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.







WAF 670/599/01



SAVING

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLANDS ISLANDS

Date 13.9.55

No. 99. Saving

16

Your Savingram Colony No.125 of 9th August, 1955.

Draft Grass Fires Ordinance

With regard to the doubt expressed in paragraph 2 of your savingram under reference my legal adviser is aware of no principle where by a colony may not create new offences of criminal negligence merely because the same acts would not be an offence in the United Kingdom. The United Kingdom position is of course a useful yardstick but in the last resort it is the situation in the colony itself which must guide the form of its legislation.

Insofar as the details of the draft enclosed are concerned my legal adviser comments as follows:-

S3(I) Since the words "without lawful authority" do not apply in relation to a negligent act, it is suggested either that they be deleted or that section be amended to read "...If any person wilfully and without lawful authority or negligently shall set on fire..."

yes | S3(3) It is difficult to see how this adds to S3(2) unless it be in the case of property on adjoining land being destroyed or damaged without the fire having actually spread to that land, which would appear to be unlikely except in an urban area. It is suggested that this subsection could be omitted as superfluous and confusing.

SECRET

6-9-55  
24/4

13. 8. 12

pp

The first part of the document is...

The second part of the document is...

The third part of the document is...

The fourth part of the document is...

The fifth part of the document is...

The sixth part of the document is...

The seventh part of the document is...

The eighth part of the document is...



2nd November, 1955.

Memorandum No. 5 for Executive Council.

Grass Fires Ordinance.

At a meeting of <sup>Executive</sup> Legislative Council held on 12th July, 1955, the provisions of a draft Grass Fires Ordinance were approved. It was, however, also agreed that the Secretary of State should be consulted before the Bill was presented to the Legislature on the grounds that there appeared to be some doubt in Sir Henry Webb's mind as to the desirability of introducing legislation that would in this context make negligence an offence when acts of such nature do not appear to be punishable under United Kingdom law.

2. The Secretary of State has now replied that there are no objections in principle to the proposed legislation but his Legal Advisers have suggested two minor amendments which have been incorporated in the revised draft attached to this Memorandum for consideration of Members.

3. It is now proposed that the Bill should be introduced at the next meeting of the Legislature.

*A. G. T. Thompson*  
COLONIAL SECRETARY.

GRASS FIRES ORDINANCE.

An Ordinance to impose penalties upon persons causing grass fires by negligence.

Short title

1. This Ordinance may be cited as the Grass Fires Ordinance, 1955.

Interpre-  
tation

2. In this Ordinance, unless the context otherwise requires -

"Owner" or "Occupier" in relation to any land includes any person who is for the time being managing a farm on such land;

"Vegetation" means growing or standing vegetation and includes brushwood, bushes, crops, grass, stubble, trees and undergrowth.

Negligent  
burning of  
vegetation  
offences.

3. (1) If any person wilfully and without lawful authority or negligently shall set on fire any vegetation on land of which he is not the owner or occupier he shall be guilty of an offence.

(2) If any person shall wilfully or negligently kindle any fire which by spreading damages or destroys the property or the vegetation upon the land of any other person he shall be guilty of an offence.

Notice to be  
given before  
burning  
grass.

4. (1) Every person before proceeding to burn vegetation on his own land or upon land on which he is authorised or permitted to burn vegetation shall give at least two days' notice of his intention to do so to all owners or occupiers of adjoining land which is within half a mile of the land on which the burning is to take place.

(2) If a fire lawfully kindled after notice given according to the preceding sub-section spreads to adjoining land, the fact that such notice was given shall be a sufficient defence to any charge under the provisions of section 3 of this Ordinance brought against the person who kindled or was responsible for kindling such fire, unless it is proved that by the negligence of himself, his servants or agents he permitted such fire to spread to such adjoining land, but shall not affect the right of any person aggrieved to obtain damages for any loss sustained by him as the result of such fire.

(3) Such notice shall be delivered by hand and shall be deemed to commence from the time when it is received by the person to whom it is addressed or any servant or agent of his, and shall state as nearly as possible the time and place at which the burning will take place.

Penalties.

5. Every person who commits an offence against this Ordinance shall be liable, on summary conviction, to a fine not exceeding £50. 0. 0. or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Ref: 1674



Extract from the Minutes of a Meeting of Executive Council  
held 15th November, 1955.

1674.

7. Grass Fires Ordinance, 1955.

23

The Bill was discussed at length and Council advised that it should now be submitted to the Legislative Council without amendment.

Clerk of the Executive Council.

DM

Bill (page 21) passed to printer

24/XI

BU 3/XII

24/XI

Returned to file

1/XII

Bill  
21/2/55  
SM

BU 28/12/55  
SM

BU 3/1/56  
SM

(1)  
A Bill for  
An Ordinance

To impose penalties upon persons causing grass fires by negligence. Title.

[ , 1955 ] Date of commencement.

BE IT ENACTED by the Legislature of the Colony of the Falkland Islands, as follows:— Enacting clause.

1. This Ordinance shall be cited as the Grass Fires Ordinance, 1955. Short title.

2. In this Ordinance, unless the context otherwise requires — Interpretation.  
“Owner” or “Occupier” in relation to any land includes any person who is for the time being managing a farm on such land;

“Vegetation” means growing or standing vegetation and includes brushwood, bushes, crops, grass, stubble, trees and undergrowth.

3. (1) If any person wilfully and without lawful authority or negligently shall set on fire any vegetation on land of which he is not the owner or occupier he shall be guilty of an offence. Negligent burning of vegetation offences.

See 19

(2) If any person shall wilfully or negligently kindle any fire which by spreading damages or destroys the property or the vegetation upon the land of any other person he shall be guilty of an offence.

4. (1) Every person before proceeding to burn vegetation on his own land or upon land on which he is authorised or permitted to burn vegetation shall give at least two days' notice of his intention to do so to all owners or occupiers of adjoining land which is within half a mile of the land on which the burning is to take place. Notice to be given before burning grass.

(2) If a fire lawfully kindled after notice given according to the preceding sub-section spreads to adjoining land, the fact that such notice was given shall be a sufficient defence to any charge under the provisions of section 3 of this Ordinance brought against the person who kindled or was responsible for kindling such fire, unless it is proved that by the negligence of himself, his servants or agents he permitted such fire to spread to such adjoining land, but shall not affect the right of any person aggrieved to obtain damages for any loss sustained by him as the result of such fire.

(3) Such notice shall be delivered by hand and shall be deemed to commence from the time when it is received by the person to whom it is addressed or any servant or agent of his, and shall state as nearly as possible the time and place at which the burning will take place.

5. Every person who commits an offence against this Ordinance shall be liable, on summary conviction, to a fine not exceeding £50 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment. Penalties.

OBJECTS AND REASONS.

The object of this Bill is to make it an offence to cause grass fires by negligence.



GOVERNMENT HOUSE,  
STANLEY, FALKLAND ISLANDS.

6th January, 1956.

FALKLAND ISLANDS.

No. 12. COLONY.

Sir,

I have the honour, in the absence of the Governor on tour, to forward for the signification of Her Majesty's pleasure, two authenticated and ten printed copies of Ordinance No. 5 of 1955, entitled "An Ordinance to impose penalties upon persons causing grass fires by negligence".

2. A statement of objects and reasons is also enclosed.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Sgd) R. Stewart Slessor  
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE  
ALAN LENNOX-BOYD, F.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES.



Assented to in Her Majesty's name this 22nd day of December, 1955.

*[Signature]*  
Governor.



No. 5



1955.

Colony of the Falkland Islands.

IN THE FOURTH YEAR OF THE REIGN OF  
HER MAJESTY QUEEN ELIZABETH II.  
OSWALD RAYNOR ARTHUR, C.M.G., C.V.O.,  
*Governor.*

An Ordinance

To impose penalties upon persons causing grass fires by negligence. Title.

[22nd December, 1955] Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland Islands as follows :— Enacting clause.

1. This Ordinance shall be cited as the Grass Fires Ordinance, 1955. Short title.

2. In this Ordinance, unless the context otherwise requires – Interpretation.

“Owner” or “Occupier” in relation to any land includes any person who is for the time being managing a farm on such land;

“Vegetation” means growing or standing vegetation and includes brushwood, bushes, crops, grass, stubble, trees and undergrowth.

3. (1) If any person wilfully and without lawful authority or negligently shall set on fire any vegetation on land of which he is not the owner or occupier he shall be guilty of an offence. Negligent burning of vegetation offences.

See 19

(2) If any person shall wilfully or negligently kindle any fire which by spreading damages or destroys the property or the vegetation upon the land of any other person he shall be guilty of an offence.



Notice to be given before  
burning grass.

4. (1) Every person before proceeding to burn vegetation on his own land or upon land on which he is authorised or permitted to burn vegetation shall give at least two days' notice of his intention to do so to all owners or occupiers of adjoining land which is within half a mile of the land on which the burning is to take place.

(2) If a fire lawfully kindled after notice given according to the preceding sub-section spreads to adjoining land, the fact that such notice was given shall be a sufficient defence to any charge under the provisions of section 3 of this Ordinance brought against the person who kindled or was responsible for kindling such fire, unless it is proved that by the negligence of himself, his servants or agents he permitted such fire to spread to such adjoining land, but shall not affect the right of any person aggrieved to obtain damages for any loss sustained by him as the result of such fire.

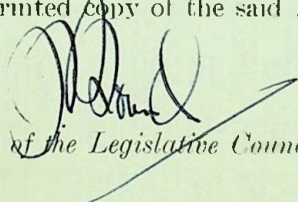
(3) Such notice shall be delivered by hand and shall be deemed to commence from the time when it is received by the person to whom it is addressed or any servant or agent of his, and shall state as nearly as possible the time and place at which the burning will take place.

Penalties.

5. Every person who commits an offence against this Ordinance shall be liable, on summary conviction, to a fine not exceeding £50 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

  
Clerk of the Legislative Council.

Ref. 1674.

GRASS FIRES ORDINANCE , 1955.

Objects and Reasons.

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The object of this Bill is to make it an offence to cause grass fires by negligence.

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Ac 1/2  
14 ✓  
D. K. S.  
Pass.



G3

F. I. Ref. 1674  
C.O. Ref. WAF 670/559/01

27.

Falkland Islands

No. 9



22<sup>ND</sup>.

~~21st~~ February 1956.

Sir,

I have the honour to acknowledge the receipt of your despatch  
No. 12 of the 6th January 1956 and to  
inform you that the power of disallowance will not be exercised in respect of the  
undermentioned Ordinance.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Alan Lennox Boyd*

The Officer Administering  
the Government.

Falkland Islands

No.	Year	Short Title
5 <i>WAF</i> <i>830</i>	1955	Grass Fires Ordinance.

GAZETTE NOTICE

Colonial Secretary's Office,  
Stanley, Falkland Islands.

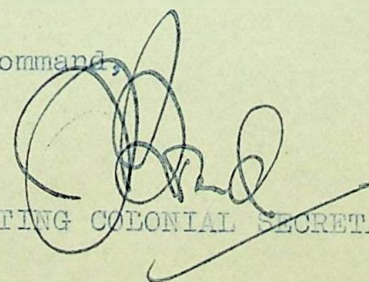
9th April, 1956.

Intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that Her Majesty the Queen will not be advised to exercise her powers of disallowance in respect of the following Ordinances of the Legislature of the Falkland Islands:-

See 24.

<u>No.</u>	<u>Title</u>	<u>Ref.</u>
5	The Grass Fires Ordinance, 1955.	1674
6	The Savings Bank (Amendment) Ordinance, 1955.	241/35

By Command,



ACTING COLONIAL SECRETARY.

P.P. 4/13/56