

# National Veld and Forest Fire Act 101 of 1998 (NVFFA)

Topic: Environmental, Health and Safety

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## IN A CALABASH

### Introduction

**Fires, especially uncontrolled bush fires, are a risk to life, property, the environment, one's business or livelihood and to tourism, generally, in the long run.**

**Without preventative measures, bush and veld fires will continue to burn for as long as the weather is favourable and there is vegetation to burn.**

**In order to control the outbreak of veld and bush fires, any person occupying and/or owning land has a legal duty and responsibility to ensure that veld fires don't break out on that land.**

**Furthermore, these people have a legal obligation to ensure that any potential risk of a veld fire is managed and that fire prevention controls are in place at all times.**

**The National Veld and Forest Fire act 101 of 1998 (NVFFA) seeks to regulate and control the management of veld fires in South Africa.**

### Objectives of the Act

The purpose of the NVFFA is to encourage the development of fire management practices, which are aimed at preventing, combating and minimising veld, forest and mountain fires throughout South Africa.

In order to encourage a communal and uniform approach to the management of potential fire outbreaks, the Act regulates the establishment and registration of Fire Protection Associations (FPA) in areas where the risk of fires is high or greater than in other areas due to inclement weather or adverse environmental conditions.

The Act sets out the duties and functions of these important fire protection associations and their duly appointed representatives and officers.

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### Application of the Act and its implication to Tourism

The NVFFA applies to all persons in South Africa who own or occupy land where veld and bush fires can break out, such as game farms, reserves, bush camps, hotels, guest

houses and accommodation establishments, camping or resting camps and areas situated in rural or open space areas.

The Act applies to any fire protection associations established in any area and their members.

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## **Summary of the provisions of the Act**

### **Formation of fire protection associations**

Owners or users of land may form a fire protection association for the purpose of predicting, preventing, managing and extinguishing veld fires. Application for registration as a fire protection association must be made in terms of the Act.

The formation of a fire protection association is particularly important in areas where there is a high risk of regular veld fires, a relatively uniform risk of veld fires or weather or environmental conditions, such as high winds or dry areas where vegetation is combustible or overgrown, are such that they can increase the risk of a fire breaking out.

### **Fire danger rating**

A fire danger rating system has been established for the entire country in consultation with the South African Weather Bureau and the fire protection associations.

The country in this regard has been divided into separate regions. Each region has a fire danger sufficiently uniform to allow for a single rating for the entire region.

When the fire danger is rated as high or extreme in any region, the Minister must publish a warning on three television channels and three radio stations broadcasting to that region and in two newspapers circulating in that region in all the main languages used in that region. Recordings of the broadcasts and copies of the newspaper notices must be kept.

No person may light, use or maintain a fire in the open air in the region where the Minister has published a warning that the fire danger is high or extreme.

The warning must say that the fire danger is high or extreme, refer to the prohibition on lighting, using or maintaining fires in the open air and identify the region in which and the period for which the prohibition applies.

In addition, the Minister may publish the warning in such other media or employ any other means as he or she considers appropriate to ensure that it is effectively communicated.

### **Duty to prepare and maintain firebreaks**

Over and above the voluntary duty to form or join a fire protection association, every owner or occupier on whose land a veld fire 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.

If an owner intends to prepare and maintain a firebreak by burning, he or she must determine a mutually agreeable date or dates with the occupiers and owners of neighbouring or adjoining land, so that all parties in the areas are aware that burning will take place. The owner or occupier must also inform the fire protection association for the area of the planned burning activities.

If agreement cannot be reached with the neighbours, as is often is the case, the owner or occupiers must give 14 days' written notice of the day or days during which he or she intends burning firebreaks to the owners of adjoining land and the fire protection association for the area, if any, fire danger permitting.



An owner of adjoining land who has agreed on a day or who receives a notice must—

- burn his or her firebreak on the boundary concerned on the same day or days; or
- be present at such burning or have his or her agent attend; and
- ensure that a sufficient number of persons are present on his or her side of the boundary to prevent any spread of fire when the firebreak is burned.

An owner may not burn a firebreak if—

- the fire protection association objects to the proposed burning;
  - a warning has been published because the fire danger is high in the region; or
  - the conditions are not conducive to the burning of firebreaks.
- When the above conditions prevent the planned burning, the owner or occupier must inform the owners of adjoining land and the fire protection association that burning cannot be done on those agreed day or days and of the rescheduled additional days on which he or she intends to burn.



Note: It will not be necessary for the owner to give 14 days' notice of the rescheduled additional days.

Owners of adjoining land may agree to position a common firebreak away from the boundary.

Should an owner or occupier of land where the breaks are to be burnt intend to be absent from his or her land for a period longer than 14 days during the period or part of any period in which fire break burning normally takes place, he or she must give all owners of adjoining land an address and telephone number, if any, at which he or she may be contacted.

If an owner or occupier of adjoining land is not present on the agreed or notified day or days when fire break burning is to take place or has not given an address and telephone number where he or she may be contacted, the owner may proceed with the burning in his or her absence.

A fire protection association may make rules different from the above and, when the new rules are approved by the Minister, the new rules will take precedent.

## Requirements for firebreaks

An owner or occupier who prepares and maintains a firebreak must ensure that–

- the fire break is wide enough and long enough to have a reasonable chance of preventing a veld fire from spreading to or from neighbouring land;
- the fire break does not cause soil erosion; and
- it is reasonably free of inflammable material capable of carrying a veld fire across it,
- with due regard to the weather, climate, terrain and vegetation of the area.

## Firebreaks on borders of Republic

An owner or occupier of any land–

- whose land is subject to a risk of veld fire; and
- whose land or any part of it coincides with the border of the Republic,
- must prepare and maintain a firebreak on his or her land as close as possible to that border.

## Exemption from duty to prepare and maintain firebreaks

The Minister may exempt for good reason any owner or group of owners or occupiers from the duty to prepare and maintain a firebreak or firebreaks.

The exemption may be subject to conditions.

The Minister must consult the fire protection association for the area, if any, before granting any exemption.

## Exemption from prohibitions on damaging plants

The right or duty to prepare and maintain a firebreak will always prevail over any prohibition in any other law on the cutting, disturbance, damage, destruction or removal of any plant or tree.

That being said, an owner or occupier must, where possible, transplant any plant which is protected in terms of any law or, when safe and feasible, position the firebreak so as to avoid any damage to such plant or tree when preparing such fire break.

## Readiness for fire fighting



Every owner or occupier on whose land a veld fire may start or burn or from whose land it may spread must–

- have sufficient fire-fighting equipment, protective clothing and trained personnel for fighting or extinguishing fires;
- ensure that in his or her absence duly appointed and informed responsible persons are present on or near his or her land who, in the event of fire, will be able to extinguish the fire or assist in doing so; and
- take all reasonable steps to alert the owners of adjoining land and the relevant fire protection association, if any.

An owner may appoint an agent to do any of these duties which he or she cannot do him- or herself.

## **Actions to fight fires**

Any owner or occupier of land who has reason to believe that a fire on his or her land or the land of an adjoining owner may endanger life, property or the environment must immediately notify the fire protection officer or, failing him or her, any member of the executive committee of the fire protection association, if one exists for the area and the owners of adjoining land and do everything in his or her power to stop the spread of the fire.

Any person who has reason to believe that a fire on any land may endanger life, property or the environment, may enter that land or land to which the fire can spread together with any other person under his or her control in order to prevent that fire from spreading or to extinguish it.

Any fire protection officer may take control from any person who is in control the fighting of the fire. Such officer may order any person older than 16 years and younger than 60 years to assist him or her.

In the absence of a fire protection officer, a forest officer may take over control of the fighting of a fire in or within ten kilometres of any State forest. Such officer may order any person older than 16 years and younger than 60 years to assist him or her.

Any person acting in terms of the above requirements may–

- enter any land;
- destroy trees, grass, crops or other vegetation;
- enter or break and enter any premises;
- prevent any person from entering any premises;
- forcibly remove from the scene any person who is in danger or who obstructs him or her in the performance of his or her duties; and
- remove or order to be removed, any vehicle or other thing,

if he or she considers it necessary for the protection of life, property or the environment or for preventing a fire from spreading or for extinguishing it.



Whenever a fire spreads or may spread across a boundary of a fire protection association, the fire protection officer must–

- inform the fire protection officer of the area to which the fire spreads or may spread; and
- take all steps needed to co-ordinate the fire-fighting operation in accordance with any fire management strategy.



### **WHAT HAPPENS IF YOU DO NOT COMPLY?**

There are a number of criminal offences under the Act. These are categorised as first, second and third category offences.

Sentences and fines will be determined according to the category of offence committed.



### RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

- Risk assessment to establish potential areas where fires can easily break out;
- Management of these areas;
- Fire-fighting equipment is adequate, sufficient and in good order and condition;
- Burn firebreaks as required, ensuring required notification and agreements are in place;
- When burning firebreaks, prevent harm to protected species and, where possible, transplant protected species;
- Develop an emergency fire response procedure, carry out drills, ensure personnel are adequately trained and carry out the steps outlined above in the event of a fire;
- Appoint a competent and adequate fire-fighting team;
- Maintain close relationship with local fire brigade, fire associations and neighbours; and
- Be aware of fire danger warnings issued by weather bureau.

### FURTHER INFORMATION

**Regulator**

Department of Agriculture, Forestry and Fisheries

**Website**

[www.nda.agric.za](http://www.nda.agric.za)