

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.
- (3) A person who is guilty of a third category offence referred to in section 25 may be sentenced on a first conviction for that offence to a fine or community service for a period of up to six months, or to both a fine and such service.
- (4) A person who is guilty of a second or third category offence may be sentenced on a second conviction for that offence as if he or she has committed a first or second category offence, respectively.
- (5) A court which sentences any person to community service for an offence in terms of this Act must impose a form of community service which benefits the environment if it is possible for the offender to serve such a sentence in the circumstances.

Offences

25. (1) Any person who lights, uses or maintains a fire in the open air in contravention of [section 10\(2\)](#) is guilty of a first category offence.
- (2) Any person who, in the open air—
- (a) leaves unattended a fire which he or she lit, used or maintained before that fire is extinguished;
 - (b) lights, uses or maintains a fire, whether with or without permission of the owner, which spreads and causes injury or damage;
 - (c) throws, puts down or drops a burning match or other burning material or any material capable of spontaneous combustion or self-ignition and, by doing so, makes a fire which spreads and causes injury or damage;
 - (d) lights, uses or maintains a fire in a road reserve—
 - (i) other than in a fireplace which has been designated by a competent authority; or
 - (ii) for a purpose other than the burning of a firebreak in terms of sections [12](#) to [16](#); or
 - (e) smokes where smoking is by notice prohibited, is guilty of a second category offence.
- (3) Any person who—
- (a) fails to prepare a firebreak when obliged to do so in terms of section [12\(1\)](#) or [14](#);
 - (b) fails to give notice of intention to burn a firebreak in terms of section [12\(2\)\(b\)](#);
 - (c) burns a firebreak when a fire protection association has objected in terms of section [12\(4\)\(a\)](#); or
 - (d) fails to inform adjoining owners of the matters referred to in [section 12\(5\)](#), is guilty of a second category offence.
- (4) Any person who—
- (a) fails to meet the standards of readiness for fire fighting referred to in [section 17\(1\)](#);
 - (b) fails to notify the persons referred to in [section 18\(1\)\(a\)](#);
 - (c) refuses to assist a fire protection officer or a forest officer in terms of section [18\(3\)\(b\)](#) or [18\(4\)\(b\)](#); or
 - (d) hinders or obstructs any person referred to in [section 18\(2\)](#) or any fire protection officer referred to in [section 18\(3\)](#) or any forest officer referred to in [section 18\(4\)](#), is guilty of a second category offence.
- (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.
- (6) Any person who—
- (a) prevents a fire protection officer, forest officer, a police officer or an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), from acting in terms of [section 27, 28 or 29](#); or
 - (b) in any way interferes with him or her in the performance of his or her duties in terms of [section 27, 28 or 29](#), is guilty of a third category offence.
- (7) Negligence amounts to fault for the purposes of an offence in terms of this section.