# <chapter>

# <title> CHAPTER B6 - BUSH BURNING (CONTROL) LAW </title>

<cover>

ARRANGEMENT OF SECTIONS

SECTION

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4. Application for permit.

5. Application to state reasons.

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SCHEDULE

Application for Permit to Burn Bush

</cover>

**BUSH BURNING (CONTROL) LAW**

**<lawdescription> A Law to control the burning of bush in the State. </lawdescription>**

<lawnumber> [KWS 23 of 1984, No. 4 of 2006.] </lawnumber>

<lawdate> [Date of commencement: 28th December, 1984] </lawdate>

**<sections>**

**<section>**

**<heading> 1. Short title </heading>**

<body> This Law may be cited as the Bush Burning (Control) Law. </body>

</section>

<section>

**<heading> 2. Interpretation </heading>**

<body> In this Law, unless the context otherwise requires—

**"authorised officer"** means a forest officer of the Ministry of Environment and Tourism, the Secretary to a local government or an Agricultural Officer of the State Ministry of Agriculture and Natural Resources located in a local government area;

[No. 4 of 2006.]

**"bush"** means grass and other vegetation growing on all land except such that are growing on land in which a person intends to farm;

**"Governor"** means the Governor of the State; and

**"State"** means the Kwara State of Nigeria. </body>

</section>

<section>

**<heading> 3. Prohibition of bush burning without permit </heading>**

<body> (1) No person shall set fire to any bush except if he has obtained the written permission of the forest officer or the authorised officer of the local government area in which the bush is located.

[No. 4 of 2006.]

(2) Any person who allows fire to spread outside the area covered by the permit granted him shall be guilty of an offence under this Law.

(3) Any person who wishes to burn any bush shall upon receiving approval to his application notify the village head and the farmers within the vicinity of the area to be burnt three days prior to the bush burning.

[No. 4 of 2006.]

(4) Notwithstanding the provision of subsections (1) and (2) of this section the setting of fire to any Forest Reserve is hereby prohibited and no permit shall be issued for that purpose.

[No. 4 of 2006.]

(5) Any person who contravenes the provisions of subsection (4) of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand naira or imprisonment for a term not exceeding one year. </body>

</section>

<section>

[No. 4 of 2006.]

**<heading> 4. Application for permit </heading>**

<body> (1) Any person who wishes to burn any bush other than bush in a Forest Reserve shall submit an application as in the Schedule hereto to the authorised officer in his local government area for a permit.

[Schedule.]

[No. 4 of 2006.]

(2) An application for a permit to burn bush shall be accompanied with a fee of five thousand naira. </body>

</section>

[No. 4 of 2006.]

<section>

**<heading> 5. Application to state reasons </heading>**

<body> An application under this Law shall—

(a) state the reasons why the applicant intends to burn the bush; and

(b) specify clearly the area or areas which the applicant intends to burn. </body>

</section>

<section>

**<heading> 6. Refusal to grant permit </heading>**

<body>The authorised officer may, if in his opinion the burning of the bush will not be in the public interest, refuse to issue permit to the applicant. </body>

</section>

<section>

**<heading> 7. Persons found within precinct of burning bush </heading>**

<body>Any person found within the precinct of a burning bush shall, except in the case of a Fire Officer or the like, be deemed to have burnt the bush and the onus shall be on him to prove otherwise. </body>

</sections>

<section>

**<heading> 8. Governor may ban bush burning in specified areas </heading>**

<body> The Governor may by Order published in the State Gazette—

(a) ban the burning of a bush in a specified area and for a specified period; and

(b) set out reasons for which an application for bush burning may not be entertained under this Law. </body>

</section>

**<section>**

**<heading> 9. Penalties </heading>**

<body> Any person who contravenes any of the provisions of this Law shall be guilty of an offence and shall be liable on conviction—

(a) for the first offence, to a fine of twenty thousand naira or to imprisonment for a period not exceeding one year;

(b) for each subsequent offence, to an imprisonment for a period of one year without the option of fine. </body>

</section>

[No. 4 of 2006.]

**<section>**

**<heading> 10. </heading>**

<body>Notwithstanding the provisions of sections 1 and 9 of this Law, any person who causes any loss while burning any bush shall be responsible for such losses and shall replace same or pay its monetary worth. </body> </section>

[No. 4 of 2006.]

<section>

**<heading> 11. Power of arrest </heading>**

<body> Any person found committing any offence under the provisions of this Law may be arrested without warrant by a police officer, forest officer, an agricultural officer or such other person authorised by law to arrest. </body>

</section>

[No. 4 of 2006.]

<section>

**<heading> 12. Jurisdiction </heading>**

<body> Any person arrested under this Law may be tried in a magistrate's court or an area court. </body>

</section>

[No. 4 of 2006.]

</sections>

<schedule>

<header> SCHEDULE </header>

<lawnumber>[Section 4.] </lawnumber>

[No. 4 of 2006.]

<form> BURNING OF BUSH (CONTROL) LAW

<formtitle> Application for Permit to Burn Bush </formtitle>

<body>

To ………………………………………………………………………………………………

Name of Applicant ………………………………………………………………………………

Address of Applicant ……………………………………………………………………………

……………………………………………………………………………………………………

Location of bush to be burnt ……………………………………………………………………

(state clearly the exact location/area of the bush)

……………………………………………………………………………………………………

Reasons for intending to burn the bush …………………………………………………………

……………………………………………………………………………………………………

……………………………………………………………………………………………………

Fee Paid: Five thousand naira.

……………………………………………

Signature or mark of Applicant

</body> </form>

</schedule>

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