

DETERMINATION OF ADMISSION OF GUILT FINES

NATIONAL VELD AND FOREST FIRE ACT 101 OF 1998

ARTICLE	DESCRIPTION	FINE OR PENALTY
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	No admission of guilt
25(2)(a)	Any person who, in the open air leaves unattended a fire which he or she lit, used or maintained before that fire is extinguished, is guilty of a second category offence	R10 000-00
25(2)(b)	Any person who, in the open air lights, uses or maintains a fire, whether with or without permission of the owner, which spreads and cause injury or damage, is guilty of a second category offence	R10 000-00
25(2)(c)	Any person who 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, is guilty of a second category offence	R10 000-00
25(2)(d)(i)	Any person who, in the open air lights, uses or maintains a fire in a road reserve other than in a fireplace which has been designated by a competent authority, is guilty of a second category offence	R10 000-00
25(2)(d)(ii)	Any person who, in the open air lights, uses or maintain a fire in a road reserved for a purposes of other than the burning of a firebreaks in terms of Section 12 to 16, is guilty of a second category offence	R10 000-00
25(2)(e)	Any person who in the open air smokes where smoking is by notice prohibited is guilty of a second category offence	R10 000-00
25(3)(a)	Any person who fails to prepare a firebreak when obliged to do so in terms of Section 12(1) or 14 is guilty of a second category offence	R10 000-00
25(3)(b)	Any person who fails to give notice of intention to burn a firebreak in terms of Section 12(2)(b), is guilty of a second category offence	R10 000-00

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ARTICLE	DESCRIPTION	FINE OR PENALTY
25(3)(c)	Any person who burns firebreak when a fire protection association has objected in terms of Section 12(4)(a), is guilty of a second category offence	R10 000-00
25(3)(d)	Any person who fails to inform adjoining owners of the matters referred to in Section 12(5), is guilty of a second category offence	R10 000-00
25(4)(a)	Any person who fails to meet the standards of readiness for the fire fighting referred to in Section 17(1), is guilty of a second category offence	R10 000-00
25(4)(b)	Any person who fails to notify to the persons referred to in Section 18(1)(a), is guilty of a second category offence	R10 000-00
25(4)(c)	Any person who refuses to assist a fire protection officer or a forest officer in terms of Section 18(3)(b) or 18(4)(b), is guilty of a second category offence	R10 000-00
25(4)(d)	Any person who 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	R10 000-00
25(5)	Any owner, occupiers or person in control of land on which fire occurs who fails to take reasonable steps to extinguish the fire or to confine it to that and or to prevent it from causing damage to property on adjoining land, is guilty of a second category offence	No admission of guilt
25(6)(a)	Any person who prevents a fire protection officer, forest officer, police officer, traffic officer or an officer appointed in terms of Section 5 or 6 of Fire Brigade Services Act, 1987 (Act no 99 of 1987), from acting in terms of Section 27, 28 or 29 is guilty of a third category offence	R10 000-00
25(6)(b)	Any person who in a 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	R10 000-00

This determination is applicable to the Limpopo Region 11, substitutes all previous, if any, and is effective from the date hereof.

C.D. Ringane

MS CHEROL RINGANE

CHIEF MAGISTRATE LIMPOPO REGION

30/7/2025

DATE

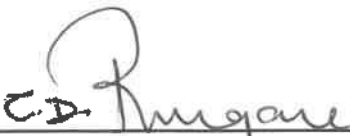
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Chief Magistrate
Limpopo Region 11

**DETERMINATION OF ADMISSION OF GUILT FINES IN TERMS
OF SECTION 57(5) OF THE CRIMINAL PROCEDURE ACT, 1977
(ACT 51 OF 1977)**

NATIONAL VELD AND FOREST FIRE ACT 101 OF 1998

In terms of Section 57(5) of the Criminal Prosecution Act, 1977 (Act 51 of 1977), the admission of guilt fines in respect of offences in terms of contraventions of the National Veld and Forest Fire, Act 101 of 1998, as amended are hereby determined by me for the Limpopo Region 11 as per attached annexure, with effect from **30th July 2025**.

SIGNED AT POLOKWANE, THIS 17th DAY OF JULY 2025.


MS C.D. RINGANE
CHIEF MAGISTRATE LIMPOPO



ANNEXURE A: SECTIONS OF THE ACT REFERRED TO IN THE OFFENCE DESCRIPTION

NATIONAL VELD AND FOREST FIRE ACT, 1998 (ACT 101 OF 1998)

SECTION 10 (2)

When the Minister has published a warning in terms of subsection (1)(b), no person may light, use or maintain a fire in the open air in the region where the fire danger is high.

SECTIONS 12 to 16

Duty to prepare and maintain firebreaks.

12. (1) Every owner on whose land a veldfire 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.

(2) (a) If an owner referred to in subsection (1) intends to prepare and maintain a firebreak by burning, he or she must determine a mutually agreeable date or dates with the owners of adjoining land for doing so, and inform the fire protection association for the area, if any.

(b) If agreement cannot be reached, such owner must give to the owners of adjoining land and the fire protection association for the area, if any, at least 14 days written notice of the day or days during which he or she intends burning firebreaks, fire danger permitting.

(3) An owner of adjoining land who has agreed on a day in terms of subsection (2)(a) or who receives a notice in terms of subsection (2)(b) must:-

(a) burn his or her firebreak on the boundary concerned on the same day or days; or

(b) be present at such burning or have his or agent attend; and

(c) 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.

(4) An owner may not burn a firebreak, despite having complied with subsection (2), if:-

(a) the fire protection association objects to the proposed burning; or

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(b) a warning has been published in terms of subsection 10(1)(b) because the fire danger is high in the region; or

(c) the conditions are not conducive to the burning of firebreaks.

(5) The owner must inform the owners of the adjoining land and the fire protection association, if any:-

(a) if burning cannot be done on the agreed day or days referred to in subsection (2)(a) or any of the days referred to in subsection (2)(b); and

(b) of the additional days on which he or she intends to burn because of the failure to do so on the day or days set in terms of subsection (2)(a) or (b).

(6) It is not necessary for the owner to give 14 days notice of the additional days.

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

(8) Should an owner intend to be absent for a period longer than 14 days during the period or part of any period in which burning normally takes place, he or she must give all owners of adjoining land and address and telephone numbers, if any, at which he or she may be contacted.

(9) If an owner of adjoining land:-

(a) is not present on the agreed or notified day or days; or

(b) has not given an address and telephone numbers, if any, as required in subsection (8), the owner may proceed with the burning in his or her absence.

(10) A fire protection association may make rules different from subsections (2) to (6) if the new rules are approved by the Minister, in which event members are bound by the new rules and exempt from subsections (2) to (6).

Requirements for firebreaks

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13. An owner who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain and vegetation of the area:-

- (a) it is wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from neighbouring land;
 - (b) it does not cause soil erosion; and
 - (c) it is reasonably free of inflammable material capable of carrying a veldfire across it.
- Firebreaks on borders of Republic.

14. An owner:-

- (a) whose land is subject to a risk of veldfire; and
- (b) 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

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

(2) The exemption may be subject to conditions.

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

Exemption from prohibitions on damaging plants

16. The right or duty to prepare and maintain a firebreak in terms of this Chapter prevails over any prohibition in any other law on the cutting, disturbance, damage, destruction or removal of any plant or tree, except that the owner must:-

- (a) where possible, transplant any plant which is protected in terms of any law; or
- (b) where it is safe and feasible, position the firebreak so as to avoid such plant or tree.

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SECTION 18(1)(a)

Actions to fight fires

18. Any owner 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:-

(a) take all reasonable steps to notify:-

- (i) the fire protection office or, failing him or her, any member of the executive committee of the fire protection association, if one exists for the area; and*
- (ii) the owners of adjoining land*

SECTION 18(2)

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

SECTION 18(3)(b)

(3) In taking control over the fighting of a fire in terms of Section 6(1)(c), any fire protection officer may:-

- (a) order any person who is apparently not younger than 16 years and not older than 60 years to assist him or her.*

SECTION 18(4)

In the absence of fire protection officer, a forest officer may:-

- (a) take over control of the fighting of a fire in or within ten kilometres of any State forest to the exclusion of any other person; and*
- (b) order any person who is apparently not younger than 16 years and not older than 60 years to assist him or her.*

SECTION 27

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Power to enter and search

27. (1) A fire protection officer may enter and search any land or premises without a warrant if he or she has reason to believe that an offence has been or is being committed there and:-

- (a) the person in control of the land or premises consents; or*
- (b) the fire protection officer has reason to believe that a warrant would be issued if he or she were to apply for such warrant, but the delay caused by applying would defeat the object of the entry or search.*

(2) A fire protection officer may, without a warrant, stop, enter and search any vehicle, or stop and search any beast of burden which he or she reasonably suspects is being or has been used in the commission of an offence.

SECTION 28

Power to seize

28. (1) A fire protection officer may seize without a warrant:-

- (a) any vehicle, tool, weapon, animal or other thing which he or she has reason to believe has been or is being used in the commission of an offence;*
- (b) anything which he or she has reason to believe might be used as evidence in the prosecution of any person for an offence.*

(2) Where any vehicle or animal is seized in terms of subsection (1)(a), the person in control of the vehicle or animal must take it to the place pointed out by the fire protection officer.

(3) The place pointed out must be that which in the opinion of the fire protection officer is the nearest or most convenient for keeping the vehicle or animal.

(4) The vehicle or animal may be kept there pending the outcome of any proceedings in terms of this Act.

(5) If the person in control of the vehicle or animal refuses to take it to the place, a fire protection officer may do so.

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(6) In order to safeguard a vehicle which has been seized, a fire protection officer may immobilise it by removing a part.

(7) The part must be kept safely and returned to the vehicle in good order when it is released.

(8) An item seized under this section must be kept securely and in good order.

SECTION 29

Power to arrest

29. (1) A fire protection officer may arrest any person whom he or she reasonably suspects to have committed:-

- (a) a first or second category offence; or*
- (b) a third category offence and who is in his or her opinion will fail to appear in answer to a summons.*

(2) In making an arrest, a fire protection officer must:-

- (a) not use more force than is reasonably necessary if the arrest is resisted;*
- (b) respect the constitutional rights of the person arrested.*

FIRE BRIGADE SERVICES ACT, 1987 (ACT 99 OF 1987)

SECTION 5

5. Chief fire officer:-

- (1) A controlling authority shall appoint a person who possesses the prescribed qualifications and experience, as chief fire officer to be in charge of its service.*
- (2) A person who immediately prior to the commencement of this Act was in the service of a local authority as a chief fire officer in terms of law which is repealed by this Act shall be deemed to have been appointed in terms of subsection (1).*
- (3) Whenever a chief fire officer is for any reason unable to perform his duties of office, the controlling authority shall appoint a member of the service as acting chief fire officer to perform the duties and functions of the chief fire officer. [Sub-s. (3) added by s. 5 of Act No 83 of 1990].*

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SECTION 6

6. Members of service:-

- (1) *A controlling authority may appoint any person who possesses the prescribed qualifications and experience, as a member of it's service to perform such functions as may be assigned to him by the chief fire officer: provided that the controlling authority may, after due consideration of the peculiar circumstances of a specific case, appoint any person who does not possess the prescribed qualifications and experience as a member of it's service subject to the general conditions determined by the Board.*
- (2) *A person who immediately prior to the commencement of this Act was employed as a member of a service of a local authority in terms of a law which is repealed by this Act, shall be deemed to have been appointed in terms of subsection (1).*



OFFENCES AND PENALTIES IN TERMS OF NATIONAL VELD AND FOREST FIRE ACT, 1998 (ACT 101, 1998)

Offences

- When a person is found guilty by a court of not obeying a provision of the Act, s/he has committed an offence.
- An offence means a wrong has been committed against the people of South Africa as a whole, and it is prosecuted under the criminal law.
- The Act sets out what offences there are in Section 25.
- The regulations may also set out more offences and penalties.

Penalties

- A penalty is the punishment a person gets for committing an offence.
- The Act sets out the maximum penalties for each offence in Section 24.
- But the court can use its discretion about what an appropriate penalty is.
- There are three categories of offence:
 - ✓ Category 1 – eg. lighting a fire in the open air when the fire danger rating is high.
 - ✓ Category 2 – eg. failing to prepare a firebreak when one is required.
 - ✓ Category 3 – eg. interfering with an FPO in the performance of his/her duties,
- Each category has a different penalty, which may increase with the second conviction.
- First conviction:
 - ✓ Category 1: Fine, prison up to 2 years or both.
 - ✓ Category 2: Fine, prison up to 1 year or both.
 - ✓ Category 3: Fine, community service, both (community service should benefit the environment if possible).
- Second conviction:
 - ✓ Category 1: No charge.
 - ✓ Category 2: Fine, prison up to 2 years or both.
 - ✓ Category 3: Fine, prison up to 1 year or both.
- The maximum amount of the fine may be put into the Government Gazette and changed from time to time to take account of inflation.
- When a court orders an offender to pay a fine, a part of the fine (no more than ¼) may go to any person who helped to bring the offender to justice.
- But anyone who is in the service of the State cannot get this reward.

Category 1 offences

- Carry on first conviction, imprisonment up to 2 years, a fine or both.

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- **Offences**

- ✓ Failure to take reasonable steps to stop a fire from occurring or spreading, which fire causes damage or injury.
- ✓ Making a fire in the open air when the danger rating is high ie. in contravention of Section 10(2).

Category 2 offences

- Carry on first conviction, imprisonment up to 1 year, a fine or both.

- **Offences**

- ✓ Lights, uses, or maintains a fire with or without permission of the owner, which fire spreads and causes damage or injury.
- ✓ Any person who, in the open air, leaves fire unattended a fire which s/he lit, used or maintained before that fire is extinguished.
- ✓ Throws, puts down or drops a match or other material capable of causing ignition and as a result fire starts, spreads, and causes damage or injury.
- ✓ Make a fire in a road reserve that is not in a designated fireplace.
- ✓ Smokes where smoking is prohibited.
- ✓ Fails to prepare a firebreak when obliged to do so.
- ✓ Fails to notify a neighbour of intention to burn a firebreak.
- ✓ Burns a firebreak in contravention of FPA rules.
- ✓ Fails to meet readiness standards.
- ✓ Fails to inform FPO and owners of adjoining land that a fire has broken out.
- ✓ Refuses to assist and FPO or Forest Officer who is in charge of fire fighting.
- ✓ Hinders or obstructs any person, FPO or Forest Officer who is fighting a fire.

Category 3 offences

- Carry on first conviction, a fine, community service or both,
- Community service to benefit the environment as far as possible.
- **Offences**
 - ✓ Prevents and FPO, Forest Officer, Police Officer or an officer appointed in terms of Fire Brigade Services Act from exercising his or her duties.

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