



ANNEXURE B

**OFFENCES AND PENALTIES IN TERMS OF NATIONAL VELD AND FOREST
FIRE ACT, 1998 (ACT NUMBER 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 – e.g. lighting a fire in the open air when the fire danger rating is high.
 - Category 2 – e.g. failing to prepare a firebreak when one is required.
 - Category 3 – e.g. 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: Court
 - Category 2: Fine, prison up to 1 year or both.



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- Category 3: Fine, community service, both (community service should benefit the environment if possible).
- **Second conviction:**
 - Category 1: No change.
 - 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 1/4) 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.

**DETERMINATION OF ADMISSION OF GUILT FINES BY THE MAGISTRATE OF THE DISTRICT IN
TERMS OF SECTION 57 (5) (a) OF THE CRIMINAL PROCEDURE ACT, 1977**

(ACT NO 51 OF 1977)

I, **Mr. IP du Preez**, in my capacity as the **Acting Cluster Head** and **Acting Chief Magistrate** of the **Administrative Region 5** (Tshwane Central, Tshwane North and Tshwane East) herewith determined admission of guilt fines in terms of section 57 (5) of the Criminal Procedure Act 1977 (Act 51 of 1977) in respect of the following offences **with effect from 15 March 2021**:

ATTACHMENT	LEGISLATION
ANNEXTURE A	LIST OF GUILTY FINES IN TERMS OF NATIONAL VELD AND FOREST FIRE ACT, 1998 (ACT NUMBER 101, 1998)

Signed and dated 10 March 2021 at Pretoria.


MR IP DU PREEZ
ACTING CLUSTER HEAD: PRETORIA



ADMINISTRATIVE REGION 5



MAGISTERIAL DISTRICT OF TSHWANE

HELD AT

PRETORIA

Republic of South Africa

**Magistrates' Court – Cnr Francis Baard and Sophie de Bruyn Streets
Private Bag X61, PRETORIA, 0001 – Tel: 012 319 4332 – Fax: 086 617 5780**

**DETERMINATION OF ADMISSION OF GUILT FINES BY THE MAGISTRATE OF
THE DISTRICT IN TERMS OF SECTION 57 (5) (a) OF THE CRIMINAL
PROCEDURE ACT, 1977
(ACT NO 51 OF 1977)**

ANNEXTURE A

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.	Issue a J534 - Court
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 extinguish, is guilty of a second category offence	R 10 000.00
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 causes injury or damages, is guilty of a second category offence	R 10 000.00
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	R 10 000.00
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 fire place which has been designated by a competent authority, is guilty of a second category offence	R 10 000.00
25 (2) (d) (ii)	Any person who in the open air lights, uses or maintains a fire in a road reserved for a	R 10 000.00

2.

	purpose of other than the burning of fire break in terms of section 12 to 16, is guilty of a second category offence	
25 (2) (e)	Any person who in the open air smokes where smoking is by notice prohibited is guilty of a second category offence	R 10 000.00
25 (3) (a)	Any person who fails to prepare fire break when obliged to do so in terms of section 12 (1) or 14, is guilty of a second category offence	R 10 000.00
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	R 10 000.00
25 (3) (c)	Any person who burns a firebreak when a fire protection association has objected in terms of section 12 (14) (a), is guilty of a second category offence	R 10 000.00
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	R 10 000.00
25 (4) (a)	Any person who fails to meet the standards of readiness for the fire fighting referred to in section 12 (5), is guilty of a second category offence	R 10 000.00
25 (4) (b)	Any person who fails to notify the persons referred to in section 18 (1) (a), is guilty of a second category offence	R 10 000.00
25 (4) (c)	Any person who refuses to assist a fire protection officer or a forester in terms of section 18(3) (b) or 18(4) (b), is guilty of a second category offence	R 10 000.00
25 (4) (d)	Any person who hinders or obstructs any person referred to in section 18 (2) or any forest officer referred to in section 18(4), is guilty of a second category offence	R 10 000.00
25 (5)	Any owner, occupier 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 land or to prevent it from causing damage to property on adjoining land, is guilty of a first category offence	Issue a J534 - Court
25 (6) (a)	Any person who prevents a fire protection officer, forest officer, police officer, traffic officer or an officer appointed in terms of	R 5 000.00

3.

	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, is guilty of a third category offence	
25 (6) (b)	Any person who 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	R 5 000.00


MR IP DU PREEZ
ACTING CHIEF MAGISTRATE

