

THE PLANTS (QUARANTINE) ACT

ARRANGEMENT OF SECTIONS

PART I. *Preliminary*

1. Short title.
2. Interpretation.
3. Orders and notices.

PART II. *Control of Plant Pests*

4. Prohibited goods and places.
5. Chief Plant Quarantine Officer.
6. Chief Plant Quarantine Officer to certify notifiable plant pest.
7. Owner or occupier of land to give notice of notifiable plant pest.
8. Owner, etc. of land liable for expenses incurred.

PART III. *Quarantine*

9. When carrier subject to quarantine.
10. Articles subject to quarantine.
11. Order of carrier of goods into quarantine.
12. When carrier deemed to be in quarantine.
13. Cleansing and disinfecting of carrier.
14. Goods not to be removed.
15. Release from quarantine.
16. Performance of quarantine re articles.
17. Articles in quarantine to be treated and disinfected.
18. Plants to be landed at declared ports.
19. Examination of imported plants.
20. Quarantine control of imported plants.
21. Penalty for unauthorized landing of plants, etc.
22. Power to order articles into quarantine.
23. Performance of quarantine.

PLANTS (QUARANTINE)

24. Power to destroy diseased plants.
25. Plant quarantine expenses.
26. Penalty for importing, etc.
27. Seizure of plants, etc., unlawfully imported, etc.
28. Seizure of plants, articles, etc.
29. Powers of inspection.
30. Power to affix notices.
31. Trespassing on quarantine stations.
32. Offences as to documents.
33. Bribing, assaulting, or intimidating officers.
34. Offence by Quarantine Officer.
35. Offences of impersonating Quarantine Officers.
36. Master of ship misleading Quarantine Officer.
37. Penalty in cases not specially provided for.
38. Regulations.
39. Offences.
40. Sufficiency of certificate of Chief Plant Quarantine Officer at trial.
41. Informality in any order, etc.
42. Ministerial directions for measures to eliminate and control plant pests.
43. Land entered may be fenced and expenses paid out of the Consolidated Fund.

SCHEDULE

THE PLANTS (QUARANTINE) ACT

Act
25 of 1993.

[14th September, 1994.]

PART I. *Preliminary*

1. This Act may be cited as the Plants (Quarantine) Act. Short title.

2. In this Act—

Interpre-
tation.

“authorized person” means any person who has been given authority by the Chief Plant Quarantine Officer to perform the duties of inspection;

“carrier” includes any vehicle, ship or aircraft or any other means of transport by which plants, pests, articles or soil are moved from one place to another;

“inspection” means examination by an authorized person of plants, articles or soil for the purpose of detecting pests; and includes the removal of such plants, articles or soil or a sample thereof to a quarantine station or laboratory where facilities for such examination exist;

“in transit” means taken or sent into Jamaica from outside, and consigned to a destination outside, involving a transfer from one carrier to another;

“notifiable plant pest” means any plant pest declared by the Minister under section 3 by notice published in the *Gazette* to be a notifiable plant pest;

“organization” means any institution, association, company or any other such body, dealing in or concerned with the importation, exportation or transportation of plants, plant pests, articles or soil;

[The inclusion of this page is authorized by L.N. 79/1996]

PLANTS (QUARANTINE)

“owner” means the person or organization or the agent of such person or organization to whom plants, plant pests, goods or soil are consigned or by whom they are being exported; and includes the person or organization in charge of the carrier in which plants, plant pests, articles or soil are or have been carried;

“package” includes the means by which plants, plant pests, articles or soil are encased, covered, enclosed, contained or otherwise packed for carriage from one point to another;

“phytosanitary certificate” means a certificate in the form of the model certificates of the International Plant Protection Convention (I.P.P.C.), as amended in 1979, and set out in the Schedule;

Schedule.

“plants” means all species and types of plants, either living or dead; and includes stems, branches, tubers, bulbs, corms, stocks, budwood, cuttings, slips, layers, suckers, roots, leaves, flowers, seeds and seedlings;

“plant pest” means any form of plant or animal life or any pathogenic agent injurious or potentially injurious to plants or plant products;

“plant product” means any—

- (a) natural material of plant origin; and
- (b) manufactured products which, by their nature or that of their processing, may create a risk for the spread of plant pests;

“port of entry” or “prescribed port of entry” means any area prescribed as such by the Minister;

“post-entry quarantine station” means a place prescribed for the holding of plants for further inspection or growth after they have been imported into the Island;

“prohibited material” means any plants, plant pests, articles or soil notified as such by the Minister in the *Gazette*;

“Quarantine Officer” means an officer duly appointed as such under this Act;

“soil” means any medium in which plants can grow or be propagated or which is likely to harbour any plant pests;

“temporary quarantine premises” means a place approved by the Minister for the interception, inspection, detention, treatment, reconsignment or destruction of plants, plant pests or articles being imported, exported or in transit;

“treatment” means any process, including disinfection and disinfestation, to ensure removal, sterilization or destruction of any plant pest by such means as are deemed by the Chief Plant Quarantine Officer to be most appropriate.

3. For the purposes of this Act, the Minister may, from time to time by order— Orders and notices.

- (a) declare any district, area or parcel of land described therein to be infected with plant pests or suspected of being so infected;
- (b) prohibit absolutely the importation into the Island, from such country or countries as may be specified in the order, of such plant, article or thing as may be so specified, which the Minister is satisfied are likely to be a means by which plant pests may be introduced into the Island;

PLANTS (QUARANTINE)

- (c) prohibit the movement or despatch of persons and animals and the removal of earth, soil, manure, plant or plant products or other things, into or out of any district, area or parcel of land declared pursuant to paragraph (a) to be infected;
- (d) declare any plant pest to be a notifiable plant pest and prescribe the measures which must be taken for its eradication or control;
- (e) declare any port in the Island to be an authorized port of entry for carriers coming from overseas;
- (f) prescribe certification measures for the import and export of plants and plant products.

PART II. Control of Plant Pests

Prohibited
goods and
places.

4.—(1) Any plant, article or thing imported from any country the importation from which is—

- (a) absolutely prohibited by order made under section 3; or
- (b) subject to such conditions as may be prescribed, shall be deemed to be restricted goods within the meaning of the Customs Act.

(2) During the continuance in force of an order under section 3, any plant, article or thing imported into the Island may be treated as having been imported from a country specified in that order unless the importer satisfies the Commissioner of Customs to the contrary.

Chief Plant
Quarantine
Officer.

5.—(1) For the due administration of this Act, the Governor-General may appoint—

- (a) a Chief Plant Quarantine Officer;
- (b) Quarantine Officers; and

- (c) such number of other officers as may be necessary for the proper carrying out of the provisions of this Act.

(2) Any person appointed under the provisions of subsection (1) may, with such assistance as may be necessary, enter upon any land and may—

- (a) search any articles for plant pests;
- (b) dig up the ground and fell, lop, dig up and take away any suspected or infected plant, article or thing;
- (c) do all such other acts and things as may be necessary or expedient in order to ascertain whether the said land or plant thereon is infected with plant pest;
- (d) destroy any plant, article or thing which is found to be the cause of any plant pest; and
- (e) do such other act or thing as may be necessary to give effect to any order or regulation made under the provisions of this Act.

6.—(1) Where the Chief Plant Quarantine Officer is satisfied as to the presence of any notifiable plant pest he shall issue a certificate to that effect, containing a description of such pest and, where appropriate, the areas in which it may be found.

Chief
Plant
Quarantine
Officer to
certify
notifiable
plant pest.

(2) Every certificate issued pursuant to subsection (1) shall be published in the *Gazette* and in a daily newspaper printed and circulated in the Island.

7.—(1) Every owner or occupier and every person having charge or management of land who knows of or suspects the existence of any notifiable plant pest on such land shall forthwith give notice, in writing, to the Chief Plant Quarantine

Owner or
occupier of
land to
give notice
of notifiable
plant pest.

tine Officer of that fact and of all such information as may be available to that owner, occupier or person as to the extent and nature of the pest.

(2) The notice referred to in subsection (1) shall be served personally on the person to whom it is addressed or shall be sent to him by registered post.

(3) A person who fails to comply with subsection (1) is guilty of an offence under this Act.

Owner, etc.
of land
liable for
expenses
incurred.

8.—(1) If the owner, occupier or person having the charge or management of any land fails to carry out any measures required to be carried out by him under any order issued or regulations made under this Act, the Chief Plant Quarantine Officer, or any person authorized by him in writing, may enter on such land and may carry out any such measures.

(2) The cost of carrying out any such measures shall be recoverable from the owner, occupier or person, as the case may be, at the suit of the Chief Plant Quarantine Officer, or any person authorized by him in writing, as a civil debt in a Resident Magistrate's Court.

PART III. *Quarantine*

When
carrier
subject to
quarantine.

9. The following carriers shall be subject to quarantine—

- (a) every foreign carrier until pratique has been granted;
- (b) every carrier which the Chief Plant Quarantine Officer reasonably suspects to be carrying a notifiable plant pest or on which such pest has been discovered; and
- (c) every carrier which is ordered into quarantine by a Quarantine Inspector.

10. The following articles shall be subject to quarantine— Articles sub-
ject to
quarantine.
- (a) all articles which are or have been on board a carrier which is subject to quarantine;
 - (b) all articles infected with a plant pest;
 - (c) all articles which have been in contact with or exposed to infection from a plant pest or from any other articles subject to quarantine.

11.—(1) A Quarantine Officer may examine and, by instrument in writing (hereinafter referred to as a “quarantine order”), order into quarantine any carrier, plant, soil or article which, in his opinion, is or is likely to be, infected with a plant pest or the conditions of which involve an immediate or potential risk of such infection. Order of
carrier of
goods into
quarantine.

(2) When a carrier is ordered into quarantine pursuant to subsection (1) the master thereof shall forthwith cause the carrier and all plants, plant products and goods on board the carrier to be conveyed into such quarantine station as the Quarantine Officer may direct.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding three years.

12.—(1) A carrier ordered into quarantine pursuant to section 11 (1) shall, as from the date of the quarantine order, be deemed to be in quarantine. When
carrier
deemed to
be in quar-
antine.

(2) The master of a carrier which is in quarantine shall not move that ship or suffer it to be moved except in accordance with this Act and regulations made thereunder.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding three years.

Cleansing
and disin-
fecting of
carrier.

13.—(1) A Quarantine Officer may order a carrier which is in quarantine to be cleansed and disinfected or otherwise treated in such manner as he may direct, and for that purpose, and subject to the prior approval of the Harbour Master, may direct that such ship be taken to a place specified by him.

(2) A person who fails to comply with a direction under subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years.

Goods not
to be
removed.

14.—(1) Where a carrier is in quarantine, no unauthorized person shall unload or move with intent to unload any goods from that ship.

(2) Any person who—

(a) contravenes subsection (1); or

(b) knowingly receives or has in his possession any goods unloaded in contravention of that subsection, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding two years.

Release
from
quarantine.

15. When quarantine has been performed on any ship in accordance with this Act and regulations made thereunder, such ship shall forthwith be released from quarantine.

16.—(1) Where articles have been ordered into quarantine—

Per-
formance
of quaran-
tine re
articles.

- (a) such articles may be detained on board ship for that purpose; or
- (b) a Quarantine Officer may, in writing, approve a place other than a quarantine station as a place where the quarantine may be performed.

(2) Where, in relation to any articles, a place has been approved under subsection (1), any reference in section 28, 30 or 35 to a quarantine station shall, in relation to those articles, include a reference to that place.

17.—(1) All articles ordered into quarantine shall be treated and disinfected in such manner as may be prescribed, and when so treated and disinfected shall, subject to subsection (2), be released from quarantine.

Articles in
quarantine
to be
treated
and disin-
fected.

(2) Where the Quarantine Officer in charge of any articles ordered into quarantine is of opinion that such articles cannot effectively be disinfected and ought not to be released from quarantine owing to the danger of infection, he shall cause the articles to be destroyed :

Provided that where the value of the articles exceeds twenty thousand dollars the power conferred by subsection (2) shall not be exercised without the written approval of the Minister.

18.—(1) No person shall bring any imported plants into any port or place in the Island other than into a prescribed port of entry.

Plants to
be landed
at declared
ports.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding

fifty thousand dollars or to imprisonment for a term not exceeding one year.

Examina-
tion of
imported
plants.

19.—(1) A Quarantine Officer shall make careful inspection of all imported plants before they are delivered to the importer.

(2) If the imported plants are found to be free from plant pests, and the Quarantine Officer is satisfied that they can be delivered to the importer without danger of introducing any disease or plant pest, the Quarantine Officer shall, subject to regulations under this Act, authorize their delivery to the importer.

(3) Where the imported plants are found not to be free from plant pests, and the Quarantine Officer is not satisfied that they can be delivered to the importer without danger of introducing plant pests, the Quarantine Officer shall order the plants into quarantine.

Quaran-
tine
control of
imported
plants.

20.—(1) Where imported plants, hay, straw, fodder, litter, fittings, clothing, utensils, appliances, packages or other articles used on any carrier in connection with imported plants are ordered into quarantine they shall not, until released from quarantine, be moved, dealt with, or otherwise interfered with except in accordance with this Act and regulations made hereunder.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding one year.

Penalty for
unautho-
rized
landing of
plants, etc.

21.—(1) No imported plant, and no hay, straw, fodder, litter, fittings, clothing, utensils, appliances, packages or other articles used on any ship in connection with such

plants shall be unloaded from any ship until a permit for such unloading has been granted by a Quarantine Officer.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding one year.

22.—(1) A Quarantine Officer may examine and order into quarantine any articles to which this section applies, which are or are likely to be, in his opinion, infected with a disease or plant pest, or which contain or appear to contain any insect or pest or disease agent.

Power to order articles into quarantine.

(2) This section applies to—

- (a) imported articles, whether imported into the Island legally or not;
- (b) any other articles that have been, or that an officer has reasonable cause to believe have been, on board—
 - (i) a carrier; or
 - (ii) a ship subject to quarantine.

23. All plants and articles ordered into quarantine shall forthwith be conveyed to a quarantine station, and may be detained there for such period as is prescribed, and, while so detained, shall be dealt with and treated as prescribed by the Minister.

Performance of quarantine.

24.—(1) The Minister may order the seizure and destruction of any plants or articles ordered into quarantine which—

Power to destroy diseased plants.

- (a) are affected with any plant pest, or have been exposed to infection from any plant affected by or

article contaminated with, any disease or noxious insect or plant pest; and

- (b) in the opinion of the Quarantine Officer, are a source of danger to other plants and ought to be destroyed.

(2) Before any action is taken pursuant to subsection (1), notice thereof shall be given to the owner or agent (if known) of the plants or goods to be destroyed.

Plant
quaran-
tine ex-
penses.

25. Any expenses incurred in connection with—

- (a) the examination of plants or goods, their conveyance to a quarantine station, their detention, maintenance and treatment in quarantine or under quarantine surveillance; and
- (b) the removal, disposal and destruction of any such plants or articles,

shall be paid by the importer or owner of the plants or goods, or where the plants or goods are being conveyed by ship, by the shipping company, and may be recovered summarily in a Resident Magistrate's Court, without limit of amount, as a civil debt.

Penalty for
importing,
etc.

26.—(1) Any person who knowingly imports or brings into any port or place in Jamaica any plant pest, or plant disease germ or microbe, or any plant disease agent, or any culture virus or substance containing any plant, or any part of any plant in contravention of this Act or any regulations made thereunder, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding two years.

(2) Any person who knowingly removes any plant or part thereof, or any other goods from one part of Jamaica to another in contravention of any order made under this

Act shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding one year.

27. All plants or plant products imported into Jamaica or brought into any port or place in Jamaica, or removed from one part of Jamaica to another part, in contravention of this Act or any order under this Act, and all straw, fodder, litter, fittings, clothing, utensils, appliances, packages or other articles, moved or dealt with in contravention of this Act or any order or regulations under this Act shall be seized and the Quarantine Officer shall take such action as he considers appropriate in relation thereto.

Seizure of plants, etc., unlawfully imported, etc.

28. Any Quarantine Officer or authorized officer may seize any plants or articles which are subject to quarantine and which are found outside a quarantine station, and may convey them to a quarantine station.

Seizure of plants, articles, etc.

29. A Quarantine Officer or any other person authorized in writing by the Minister, may, in relation to any carrier that is in a port or other place in Jamaica—

Powers of inspection.

- (a) enter and inspect any part of the carrier;
- (b) inspect any animals or articles on board the carrier; and
- (c) inspect the passenger list, log, manifest, journal and any other papers relating to the carrier or to any persons, animals or articles on board the carrier.

30.—(1) A Quarantine Officer may affix a prescribed notice in relation to quarantine—

Power to affix notices.

- (a) on any part of a carrier that is subject to quarantine;
- (b) on or near any quarantine station;

PLANTS (QUARANTINE)

- (c) in any quarantine area;
- (d) on any articles subject to quarantine.

(2) No unauthorized person shall remove, deface, or interfere with any notice affixed in pursuance of this section; and any person who contravenes this subsection shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year.

Trespassing
on quaran-
tine
stations.

31.—(1) No unauthorized person shall—

- (a) enter or trespass on any quarantine station or quarantine area; or
- (b) interfere with any goods or plants subject to quarantine.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding one year.

Offences
as to docu-
ments.

32. Any person who—

- (a) with intent to defraud or deceive, forges any document issued under this Act, or any official copy thereof, or the signature of any officer performing any duty under this Act;
- (b) utters or passes off, knowing it to be forged, any forged document purporting to be a document issued under this Act; or
- (c) with intent to defraud or deceive, lends any phytosanitary certificate or document issued under this Act to any other person or allows it to be used by any other person,

shall be guilty of an offence under this Act and shall be liable on conviction in a Circuit Court to imprisonment for a period not exceeding seven years.

33.—(1) Any person who—

- (a) gives or offers, or promises to give or procure any bribe, recompense or reward to any Quarantine Officer, to induce him in any way to neglect or not to perform his duty;
 - (b) makes any agreement with a Quarantine Officer to neglect or not to perform his duty;
 - (c) by threats, demands or promises, attempts to improperly influence a Quarantine Officer in the performance of his duty; or
 - (d) assaults, molests, obstructs or intimidates a Quarantine Officer in the performance of his duty,
- shall be guilty of an offence.

Bribing,
assaulting,
or intimi-
dating
officers.

(2) Any person guilty of an offence under subsection (1) is liable upon summary conviction before a Resident Magistrate—

- (a) in relation to an offence mentioned in paragraph (a), (b) or (c), to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding five years; or
- (b) in relation to an offence mentioned in paragraph (d), to a fine not exceeding twenty thousand dollars or to imprisonment for a period not exceeding one year.

34. Any Quarantine Officer who—

- (a) accepts any bribe, recompense or reward, for or on account of any non-performance of his duty; or

Offence by
Quarantine
Officer.

PLANTS (QUARANTINE)

- (b) makes any agreement with any person to neglect or not perform his duty,

shall be guilty of an offence under this Act and shall be liable upon summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment for a period not exceeding five years.

Offences
of impersonating
Quarantine
Officers.

35. Any person who, not being a Quarantine Officer, takes or assumes the name, designation or appearance of a Quarantine Officer for the purpose of thereby obtaining admission into an aircraft, ship, port of entry, quarantine station, temporary quarantine premises or other place, or for any other unlawful purpose, shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars and to imprisonment for a term not exceeding one year.

Master
of ship
misleading
Quarantine
Officer.

36. Any master of a ship who—

- (a) wilfully makes any false statement in answer to questions asked him by a Quarantine Officer in the course of his duty under this Act; or
- (b) wilfully misleads a Quarantine Officer in the performance of his duty,

shall be guilty of an offence under this Act and shall be liable upon summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment for a period not exceeding one year.

Penalty in
cases not
specially
provided
for.

37. Any person who commits an offence against this Act for which no penalty is provided shall be liable upon conviction to a penalty not exceeding twenty thousand dollars.

Regulations.

38.—(1) The Minister may make regulations generally for the better carrying out of the provisions and objects of

this Act and without prejudice to the generality of the foregoing, may make regulations to—

- (a) provide for measures to be taken to prevent the introduction or the spread of plant pests, and such regulations may apply to the whole Island or to any parish or part thereof;
- (b) provide for the isolation by means of fences of any description (ditches or otherwise) of any district, area or parcel of land or of any portion of such district, area or parcel of land declared by order to be infected or suspected of being infected with plant disease;
- (c) provide for the destruction, removal, uprooting, disposal or treatment of plants and plant products within such district, area or parcel of land;
- (d) provide for the cleansing and disinfecting of any district, area or parcel of land and any plants thereon;
- (e) prescribe the period within which it shall not be lawful to plant or replant in any such district, area or parcel of land, any plant whatsoever or any particular plant named;
- (f) prescribe the duties of persons appointed to carry out the provisions of any orders issued under this Act;
- (g) prescribe the measures to be taken, for the treatment of any notifiable plant disease, by the owner, occupier or person having the charge or management of any land whether or not such land has been declared to be infected or suspected of being infected with plant disease;

PLANTS (QUARANTINE)

- (h) provide for the establishment of temporary quarantine premises, post entry quarantine stations and their necessary facilities and services;
- (i) prescribe fees for inspection services and treatment;
- (j) prescribe the conditions under which the importation of any plant, article or thing shall be permitted;
- (k) provide for the delegation of authority under this Act;
- (l) prescribe forms and documents appropriate for the effective administration of the Act;
- (m) prescribe treatments for the elimination of plant pests from imported plants, plant products or any other goods which may be affected;
- (n) prescribe the measures to be taken, for the treatment of any notifiable plant pest or any infectious plant pest, by the owner, occupier or person having charge or management of any land;
- (o) prescribe measures to be taken for the diagnosis and prevention of plant pests, for purposes of or incidental to quarantine;
- (p) prescribe measures to be taken by the captain of an aircraft for the spraying or fumigation thereof before and after landing in Jamaica;
- (q) provide for the examination by Quarantine Officers of plants for export.

(2) Without prejudice to the provisions of section 29 of the Interpretation Act, regulations made under this Act may provide in respect of a breach of any of the provisions thereof that the offender shall be liable to such fine not exceeding twenty thousand dollars or to such terms of

imprisonment not exceeding twelve months or to both such fine and imprisonment as may be prescribed therein.

39.—(1) If any person without lawful authority or excuse (proof whereof shall lie on him) does any of the following things—

Offences.

- (a) fails to carry out any measures required to be carried out by him under any order or regulations made under this Act;
- (b) fails to give any notice which by section 7 he is required to give;
- (c) refuses admission to any person acting in execution of duties under this Act or under any order made thereunder, to any land or place which the said person is entitled to enter or examine, or obstructs or impedes such person in so entering or examining premises or, otherwise in any respect, impedes any person in the execution of his duty under this Act or assists in any such obstructing or impeding, he shall be guilty of an offence.

(2) Any person who is guilty of an offence under subsection (1) shall, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding fifty thousand dollars and in default of payment, to imprisonment with hard labour for a period not exceeding one year and on a further conviction within a period of twelve months for a second or subsequent offence against this Act, he shall be liable at the discretion of the court to be imprisoned for a further term not exceeding six months with hard labour in lieu of the fine to which he is liable.

(3) Where any person commits an offence under this Act and that offence is continued by him after conviction, such person shall be liable, in addition to any fine or impi-

sonment imposed by the court on conviction, to a further fine not exceeding two thousand dollars in respect of each day during which the offence continues.

(4) The Chief Plant Quarantine Officer shall issue a certificate, when necessary, to the effect that no notice under paragraph (b) of subsection (1) has been received.

Sufficiency
of certifi-
cate
of Chief
Plant
Quarantine
Officer at
trial.

40.—(1) In any trial for an offence under this Act the certificate of the Chief Plant Quarantine Officer, purporting to be signed by him as such, shall be *prima facie* evidence as to the identification of any notifiable plant disease under this Act, provided that such certificate shall contain—

- (a) a statement that the package containing the specimen submitted for examination was sealed and intact on delivery to the Chief Plant Quarantine Officer; and
- (b) a copy of the description attached to the specimen by the person submitting it for identification by the Chief Plant Quarantine Officer.

(2) In any case where a person is charged under paragraph (c) of section 39 (1) for failing to give any notice which he is required to give under this Act, the certificate of the Chief Plant Quarantine Officer purporting to be signed by him or his representative as such, that no notice has been received shall be sufficient evidence for the purpose of any proceedings under this Act in relation to such charge as aforesaid.

Informality
in any
order, etc.

41. Proceedings taken under this Act shall not be rendered void by reason of any informality in any order or notice issued or given.

Ministe-
rial direc-
tions for
measures
to eliminate
and control
plant pests.

42.—(1) Where by virtue of an order issued under this Act, any land is declared by the Minister to be infected with plant pests, the Minister may also issue directions for

measures to be implemented within a specified time for the elimination or control of such plant pests and to be undertaken by the owner or occupier of the land or by both.

(2) Where the owner or occupier of land does not comply with directions issued under subsection (1) within the specified time period, the Minister may cause the land in question to be entered and the measures set out in the directions to be effected.

(3) Where any owner or occupier of land incurs unavoidable expense, suffers pecuniary loss or damage as a direct consequence of the carrying out of directions issued by the Minister under this section, such owner or occupier may, without limit of amount, recover his expenses as a civil debt by referring the matter for decision in a Resident Magistrate's Court.

43. The Minister may, if he thinks fit, cause any land entered under section 42 to be fenced, and may direct payment out of public funds for the cost of such fencing; and no occupier of adjoining land shall be liable under the Dividing Fences Act to bear any part of the expenses of erecting such fence.

Land entered may be fenced and expenses paid out of the Consolidated Fund.

PLANTS (QUARANTINE)

SCHEDULE

(Section 2)

CERTIFICATE NO.....

THE PLANTS (QUARANTINE) ACT

Phytosanitary Certificate

PLANT PROTECTION SERVICE

This is to certify that the plants, parts of plants, or plant products described below, or representative samples of them, were thoroughly

examined on.....19..... by..... an authorized officer of the Plant Protection Service and were found to the best of his knowledge to be substantially free from injurious diseases and pests, and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if any):—

Date..... Treatment.....

Duration of exposure..... Chemical and..... Concentration.....

Additional Declaration.....

Signed.....

(Stamp of Service) Official Status.....

Date..... 19.....

DESCRIPTION OF CONSIGNMENT

Name and address of exporter.....

Name and address of consignee.....

No. and description of packages, weight.....
Distinguishing marks.....
Origin (Grown at*).....
Means of conveyance.....
Point of entry in Importing Country.....
Quantity and name of produce.....
.....
.....
Botanical name.....
.....
.....

* State precise location

NOTE: This certificate is issued from information found or believed to be correct and no liability attaches to the Ministry or any of its officers in respect of this certificate.