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CHAPTER 11.02

FUMIGATION OF PLANTS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

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CHAPTER 11.02
FUMIGATION OF PLANTS ACT

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CHAPTER 11.02
FUMIGATION OF PLANTS ACT

AN ACT TO PROVIDE FOR THE FUMIGATION OF PLANTS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Fumigation of Plants Act.

Interpretation.

2. In this Act—

“agricultural authority” means the Chief Agricultural Officer or any person authorised by him or her;

(Substituted by Act 7 of 1976)

“importer” includes the owner and his or her agents and servants;

“Minister” means the Minister responsible for Agriculture;

(Inserted by Act 7 of 1976)

“packages” include boxes, coverings, wrappers or anything whatever in which plants are imported;

“plants” includes growing plants, cuttings, buds, and grafts, bulbs, roots and seeds, and also fruit and vegetables intended for propagation and not for consumption as food.

(“port of entry” deleted by Act 7 of 1976)

(“imported” deleted by Act 7 of 1976)

All imported plants to be fumigated by agricultural authority.

3. (1) All plants imported into the State, together with the packages in which they are contained shall, subject to the direction of the agricultural authority, be fumigated.

(2) All plants so imported shall be delivered up by the importer to the Comptroller of Customs who shall cause them to be conveyed to the place of fumigation there to be dealt with by the agricultural authority.

(Original section 3 deleted by Act 7 of 1976)

Place of landing.

4. No imported plants shall be landed elsewhere than at a port of entry.

Fumigating apparatus.

5. Suitable apparatus for the fumigation of plants shall be provided by the Government at such place or places as may from time to time be appointed by the Minister and such apparatus shall be under the care, control and management of the agricultural authority.

(Amended by Act 7 of 1976)

Process of fumigation.

6. The process of fumigation shall be carried out in such manner and under such conditions as the agricultural authority may consider adequate for the destruction of

any vegetable or insect pests which may possibly be on such plants, subject to any regulations made by the Minister in that behalf.

(Amended by Acts 6 of 1976 and 7 of 1976)

Removal of plants after fumigation.

7. All plants shall be removed by the owner from the fumigation place after disinfection immediately upon his or her being required to do so by the agricultural authority.

Disposal of plants after fumigation.

8. The agricultural authority may require the importer to keep him or her informed as to the disposal of any plants after fumigation, and may visit and examine them at any time, if necessary.

Expenses of removal.

9. The expenses of removal to the place of fumigation (except it be in large quantities) and of the fumigation of plants shall be at the expense of the Government, but the Government shall incur no liability in respect of any risk attending fumigation.

Forfeitures.

10. Any plants imported contrary to the provisions of this Act shall be forfeited.

Regulations.

11. The Minister may make regulations for more effectually carrying out the provisions and intentions of this Act.

(Amended by Act 6 of 1976)

Procedure.

12. Nothing contained in this Act shall prejudice or in any way affect any civil or criminal proceedings which but for the passing of this Act might be taken or instituted against any person:

Provided always that no person shall be liable to be punished twice for the same offence.

Penalty.

13. Any person found guilty of an offence against any of the provisions of this Act shall be liable, on summary conviction, to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

SCHEDULE

(Section 11)

FUMIGATION OF PLANTS REGULATIONS

Short title.

1. These Regulations may be cited as the Fumigation of Plants Regulations.

Interpretation.

2. In these Regulations—

“the Act” means the Fumigation of Plants Act;

“plants”, “packages”, “agricultural authority”, and “importer”, have the meanings respectively assigned to them in section 2 of the Act.

(Amended by implication by Act 7 of 1976)

Packages of Plants Received at Warehouse. Duty of Officers of Customs.

3. When goods which have been imported are being received into the Government Warehouse, the Customs Officer in charge of the warehouse shall carefully watch for any package containing plants or seeds, and if any such package shall be received, it shall be the duty of the Customs Officer to cause the same to be placed in the warehouse apart from other cargo, and the officer shall as soon as possible, but in any case on the same day, cause written or printed notice to be sent to the importer, informing him or her of the receipt of the package, and calling upon him or her to pass the necessary import warrants in respect of the package and to deliver the same over to the Comptroller of Customs as required by section 3 of the Act.

Duty of the Officer Examining a Ship’s Manifest.

4. It shall be the duty of the Customs Officer who examines any ship’s manifest at once to inform the Comptroller of Customs if he or she shall find included therein any package of plants, or seeds and the Comptroller of Customs shall thereupon ascertain whether the officer in charge of the warehouse has given notice to the importer as required by regulation 3, and if the Comptroller of Customs shall find that notice has not yet been given, he or she shall forthwith give such notice.

Plants Received by Parcel Post. How to be Dealt With.

5. When a package of plants or seeds has been received by parcels post, it shall be the duty of the Officer who receives such package to cause the importer to be informed of the receipt of the package and call upon him or her to pay the import duty thereon, if any, and to deliver over the said package to the Comptroller of Customs as required by section 3 of the Act.

Procedure when Plants Received by Post.

6. When a package containing plants or seeds shall be received at the Post Office by any mail from overseas the Postmaster shall hand it over to the Comptroller of Customs who shall thereupon deal with it in the manner prescribed in regulation 5 for packages received by the parcels post.

Comptroller of Customs to Avoid Delay.

7. The Comptroller of Customs shall be careful to ensure that there is no delay in sending to the Agricultural Authority for fumigation any package or packages which may have been delivered to him or her under the provisions of section 3 of the Act, or under the procedure laid down in these regulations, and the Comptroller of Customs shall inform the Chief Agricultural Officer or cause him or her to be informed of the number of packages sent to him or her at any one time for fumigation.

(Amended by Act 7 of 1976)

Duty of Agricultural Authority.

8. The Chief Agricultural Officer shall fumigate the package or packages sent to him or her as soon as possible after he or she shall have received the same, and shall give notice to the importer as soon as he or she has completed the fumigation in order that the importer may comply with section 8 of the Act.

(Amended by Act 7 of 1976)
