



ST. CHRISTOPHER AND NEVIS

CHAPTER 14.09

PLANT PROTECTION 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.

This edition contains a consolidation of the following laws—

	Page
PLANT PROTECTION ACT	3
Act 2 of 1923 ... in force 11th May 1923	
Amended by: Act 7 of 1976	
MOSIAC DISEASES REGULATIONS – Section 21	9
S.R.O. /1923	
DECLARATION (GUMMING DISEASE OF SUGAR CANE)	
PROCLAMATION – Section 2	15
S.R.O. 20/1927	

CHAPTER 14.09
PLANT PROTECTION ACT

ARRANGEMENT OF SECTIONS

1. Short title
 2. Interpretation
 3. Inspection grounds
 4. Prohibition of importation of plants, etc.
 5. Seizure
 6. Registration of Nurseries
 7. Inspection of nurseries
 8. Quarantine nurseries
 9. Quarantine of nurseries – contravention of
 10. Examination of quarantined nurseries
 11. Power to enter Plantations
 12. Procedure for eradication of diseases and pests
 13. Procedure when occupier is absent
 14. Non-compliance with order
 15. Expenses
 16. Compensation
 17. Protection of persons acting under Act
 18. Informality not to invalidate proceedings
 19. Offences
 20. Penalties
 21. Regulations and saving
- FIRST SCHEDULE: Plant Protection Act
- SECOND SCHEDULE: Mosaic Disease Regulations
- THIRD SCHEDULE: Notice Prohibiting the Importation of Fruit from the United States of America
- FOURTH SCHEDULE: Notice of Prohibition of the Importation of Certain Articles
- FIFTH SCHEDULE: Notice Declaring Gumming Disease and Mosaic Disease of Sugar Cane to be “Diseases” Within the Meaning of the Plant Protection Act
- SIXTH SCHEDULE: Notice Declaring the Yellow Dodder (Love Vine) Parasite to be a Pest

CHAPTER 14.09 PLANT PROTECTION ACT

AN ACT TO MAKE PROVISION FOR THE PROTECTION OF PLANTS AGAINST CERTAIN DISEASES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Plant Protection Act.

*† Interpretation.

2. In this Act—

“animal organism” means any animal organism in whatever stage of existence such animal organism may be;

“Chief Agricultural Officer” means the Chief Agricultural Officer of the Ministry of Agriculture or any Agricultural Officer authorized by him or her to exercise the powers and discharge the duties of the Chief Agricultural Officer under this Act;

(Inserted by Act 7 of 1976)

“disease” means any disease affecting trees, shrubs or herbs caused by or consisting in the presence of any pathogenical animal or vegetable organism which the Minister may by proclamation declare to be a disease within the meaning of this Act;

“diseased” means affected with disease;

“inspection grounds” means such lots of land as may from time to time be set apart by the Minister for the purposes of this Act;

“Minister” means the Minister responsible for Agriculture;

(Inserted by Act 7 of 1976)

“nursery” means any land or premises whereon are grown or kept any trees, shrubs or herbs intended for sale or distribution;

“occupier” means the person in actual occupation of any land or building, or if there is no such person, then the expression means the person entitled to possession thereof;

“owner” means the person who is for the time being entitled to receive the rent of any land, or who if the same were let to a tenant at a rack rent would be entitled to receive such rent;

“pest” includes any parasitical, epiphytal or other animal or vegetable organism, and also any insect or other invertebrate animal (in whatever stage of existence such insect or animal may be) affecting or injurious to trees, shrubs or herbs, which the Minister may by proclamation declare to be a pest within the meaning of this Act;

“tree,” “shrub” and “herb” respectively include the fruit or any product of any tree, shrub or herb and the roots, trunks, stems, branches, fruits, leaves or other

* Definitions of “Agricultural Superintendent”, “chief Inspector” and “Inspector” deleted by Act 7 of 1976.

† Section 3 was deleted by Act 7 of 1976. The rest of sections have been renumbered accordingly.

parts thereof or any parts, severed from any tree, shrub or herb, including emptied pods or husks;

“vegetable organism” means any vegetable organism in whatever stage of existence such vegetable organism may be.

(Amended by Act 7 of 1976)

Inspection grounds.

3. The Minister may rent or lease land for the purposes of this Act, and may set apart such land and also any Government land for use as inspection grounds or for any other purpose which he or she may deem necessary to further the objects of this Act.

(Amended by Act 6 of 1976)

Prohibition of importation of plants, etc.

4. (1) The Minister may, by Notice, prohibit the importation into the State of any plants, parts of plants, seeds, fruits, soil, or any class of goods, packages, coverings, or other articles or things named and specified in such Notice.

(2) The Minister may, by Notice, order that the plants, parts of plants, seeds, fruits, soil, or any class of goods, packages, coverings, or other articles or things named or specified in such Notice shall not be imported into the State except upon such conditions as may be specified in such Notice.

(3) Every plant, article or thing named in any Notice in force under this Act imported into the State shall be deemed to have come from a place the introduction thereof from which is prohibited by this Act and may be treated accordingly, unless the importer satisfies the Comptroller of Customs or the principal Treasury or Revenue Officer at the place of arrival, to the contrary.

(Amended by Act 7 of 1976)

Seizure.

5. Every plant, article or thing imported into the State in contravention of any Notice under this Act, or of any of the conditions imposed thereby may be seized by any Treasury or Revenue Officer, by the Chief Agricultural Officer or by any member of the Police Force and shall thereupon become forfeited to the Crown and may be destroyed or otherwise dealt with as the Minister may direct.

(Amended by Act 7 of 1976)

Registration of Nurseries.

6. Every nursery shall be registered by the owner or occupier thereof at the office of the Chief Agricultural Officer on or before the 1st day of April in each year.

(Amended by Act 7 of 1976)

Inspection of nurseries.

7. Every nursery shall be inspected at least twice a year by the Chief Agricultural Officer or an Agricultural Officer appointed by him or her to fulfil that duty, and at such other times as the Chief Agricultural Officer shall deem necessary.

(Amended by Act 7 of 1976)

Quarantine nurseries.

8. The Chief Agricultural Officer may declare under quarantine any nursery or such part of any nursery as lies within twenty yards of any tree, shrub or herb which

he or she finds infected by disease, or infested with pests, or within thirty yards if such infected or infested tree, shrub or herb is over ten feet in height; and such area shall be held and deemed to be under quarantine accordingly.

(Amended by Act 7 of 1976)

Quarantine of nurseries – contravention of.

9. A quarantine declared under the last preceding section shall remain in force until the Chief Agricultural Officer shall have given to the owner or occupier of the nursery affected his or her written certificate to the effect that the trees, shrubs and herbs within such quarantined area are free from disease and pests, and during such period of quarantine it shall not be lawful for any person to remove or cause to be removed from such nursery any tree, shrub or herb or any parts thereof or any soil, manure, plant cases, wrappings or packing materials from the quarantined area.

(Amended by Act 7 of 1976)

Examination of quarantined nurseries.

10. Any owner or occupier of a nursery having his or her nursery or any part thereof thus placed under quarantine may, upon application to the Chief Agricultural Officer, have his or her nursery examined free of charge to determine whether or not he has been successful in eradicating the disease or pests.

(Amended by Act 7 of 1976)

Power to enter Plantations.

11. The Chief Agricultural Officer may, at all reasonable times, enter without notice (with or without assistants as may to the person making entry seem fit) upon any nurseries, land or plantations or into any building or part of any building not being a dwelling-house for the purpose of searching for and examining any animal or vegetable organism or any diseased or pest-infested tree, shrub or herb or any soil, manure, plant cases, wrappings or packing materials, and may remain thereon or therein so long as may be reasonably necessary for any such purpose.

(Amended by Act 7 of 1976)

Procedure for eradication of diseases and pests.

12. The Chief Agricultural Officer may issue an order in writing in the form set out in the Schedule to this Act to the occupier, or if there be no occupier, to the owner of any nursery, land or plantation, directing him or her to take within a definite time from the service upon him or her of such order to be specified therein all such measures as may be necessary for the eradication of or for the prevention of the spread of any disease or pest, including in such measures the total destruction if necessary of any trees, shrubs or herbs whether infected by any disease or infested with any pests or not.

(Amended by Act 7 of 1976)

Procedure when occupier is absent.

13. If there is no occupier on any land, service of any order under this Act may be made by affixing the same in some conspicuous part of the land.

Non-compliance with order.

14. If any owner or occupier fails to comply with the directions contained in any order, the Chief Agricultural Officer may, with or without assistants, enter upon such

land and take such steps as may be necessary for properly and effectively carrying such order into execution.

Expenses.

15. The expenses incurred by the Chief Agricultural Officer in carrying into effect any order made under this Act shall be paid by the party in default, and such expenses shall be recoverable summarily as a civil debt in the manner provided by the Magistrate's Code of Procedure Act, Cap. 3.17:

Provided that the Minister may dispense with the payment of such expenses in cases where, owing to the party in default being in needy circumstances, or for any other reason, the Minister thinks fit so to do.

(Amended by Act 7 of 1976)

Compensation.

16. The Minister may, out of moneys voted for that purpose by the National Assembly, make grants by way of compensation or partial compensation to occupiers and to owners (according to their respective interest) in respect of healthy trees, shrubs or herbs, destroyed in order to prevent the increase of any disease or pest into adjoining lands.

(Amended by Act 6 of 1976)

Protection of persons acting under Act.

17. The Chief Agricultural Officer or other person authorized under the provisions of this Act shall not be deemed a trespasser by reason of any entry or destruction or action taken or thing done under this Act, or be liable for any damages occasioned by carrying out any of the provisions of this Act, unless the same were occasioned maliciously and without reasonable and probable cause.

(Amended by Act 7 of 1976)

Informality not to invalidate proceedings.

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

Offences.

19. A person commits an offence against this Act who—

- (a) in any manner obstructs or impedes any person in the execution of any of the powers conferred by this Act;
- (b) refuses or neglects to comply with or acts in contravention of any of the provisions of this Act or the terms of any proclamation issued thereunder or any regulations made or any order given in pursuance thereof respectively; or
- (c) introduces any disease or pest into any cultivation, unless he or she proves to the satisfaction of the Magistrate that such introduction was accidental and not due to neglect or malice.

Penalties.

20. (1) If any person is found guilty of an offence against this Act he or she shall for every such offence be liable, on summary conviction, to a penalty not exceeding five hundred dollars.

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

(2) The liability shall be in addition to the liability for civil claims which may be made against such person.

Regulations and saving.

21. (1) The Minister may make Regulations for all or any of the following purposes, namely—

- (a) for regulating or prohibiting the removal from any nursery, inspection ground, plantation or place or the transference or conveyance from any part of the State to any other part thereof of any trees, shrubs or herbs, soil, manure, straw or packing materials;
- (b) for securing the detention and examination of any tree, shrub or herb and of any soil, manure, straw or packing material, which is suspected to be diseased or pest-infested and of boxes, baskets, pots, packages and cases which are suspected to contain or to have contained diseased or pest-infested trees, shrubs or herbs or to harbour or to be infected by disease or infested with pests;
- (c) for securing the effectual treatment of diseased trees, shrubs and herbs and the effectual eradication of diseases and pests, and for the supply of chemicals, appliances and other means whereby such treatment or eradication may be facilitated;
- (d) for defining the duties of the Chief Agricultural Officer under this Act;
(Amended by Act 7 of 1976)
- (e) for regulating the work to be done in inspection grounds;
- (f) for regulating the manner in which requests are to be made by occupiers to the Chief Agricultural Officer and the nature of such requests; and
- (g) generally for carrying into effect the provisions of this Act.

(2) Until and except in so far as they are cancelled by any proclamations to be made under the authority of this Act the regulations, orders and proclamations with reference to the matters aforesaid in force at the time of the commencement of this Act shall continue to be in force after the passing of this Act.

FIRST SCHEDULE*(Section 12)***PLANT PROTECTION ACT**

To

the occupier, or owner, of

situate at

in the island of

TAKE NOTICE that you are hereby required with regard to the disease or pest known as

to take the following measures in connection with your lands

Chief Agricultural Officer

SECOND SCHEDULE*(Section 21)***MOSAIC DISEASE REGULATIONS****Short title.**

1. These Regulations may be cited as the Mosaic Disease Regulations.

Suspected Existence of Disease to be Reported.

2. The owner or occupier of any land, plantation or estate who shall suspect the existence of the Mosaic Disease upon the land, plantation or estate which is owned or occupied by him or her shall at once inform the Chief Agricultural Officer thereof.

Chief Agricultural Officer to Visit Suspected Place.

3. Whenever the Mosaic Disease exists or is suspected to exist upon any land, plantation or estate the Chief Agricultural Officer shall at once visit the locality where the disease exists or is suspected to exist, and shall inform the owner or occupier of his intention so to do:

Provided that this regulation shall in no way limit the authority of the Chief Agricultural Officer under sections 7 and 11 of the Plant Protection Act.

Duty of Owner of Suspected Estate.

4. The owner or occupier of any land, plantation or estate who is informed of an intention to visit the land, plantation or estate which he or she owns or occupies shall arrange to meet the Chief Agricultural Officer upon the spot to be inspected, either by himself or herself or by some responsible person (competent to receive and carry out instructions for eradicating and preventing the spread of the disease.).

THIRD SCHEDULE

(Section 4)

**NOTICE PROHIBITING THE IMPORTATION OF FRUIT FROM
THE UNITED STATES OF AMERICA.**

WHEREAS by subsection (1) of section 4 of the Plant Protection Act, provision is made whereby the Minister may from time to time by Notice prohibit the importation into the State of any plants, parts of plants, seeds, fruits, soil or any class of goods, packages, coverings, or other articles or things named and specified in such proclamation:

AND WHEREAS by subsection (2) of section 4 of the above mentioned Act provision is made whereby the Minister may, from time to time, by Notice order that the plants, parts of plants, seeds, fruits, soil, or any class of goods, packages, coverings, or other articles or things named or specified in such proclamation shall not be imported into the State except upon such conditions as may be specified in such proclamation.

AND WHEREAS following a report of an occurrence of Mediterranean Fruit Fly in the State of Florida in the United States of America it has been decided to adopt measures as hereinafter provided affecting the importation of fruit into the State from the United States of America:

NOW, THEREFORE, it is hereby ordered and notified as follows—

Absolute Prohibition.

1. Notwithstanding any of the provisions of a Proclamation dated the 10th day of November, 1938, the importation into the State of any fruit from the State of Florida in the United States of America is absolutely prohibited.

Conditional Prohibition.

2. Notwithstanding any of the provisions of the Proclamation dated the 10th day of November, 1938, the importation into the State of any fruit imported from any part of the United States of America other than the State of Florida is prohibited except upon the authority of a phyto sanitary certificate from a responsible authority in such part of the United States of America.

Definition.

3. For the purposes of this Notice—

“fruit” means any edible part or product derived from a flower but does not include nuts, cereals and pulses.

FOURTH SCHEDULE*(Section 4)***NOTICE OF PROHIBITION OF THE IMPORTATION
OF CERTAIN ARTICLES.****Citation.**

1. This Notice may be cited as the Prohibition of the Importation of Certain Articles Notice.

Absolute Prohibition of importation of certain article.

2. The importation into the State of the articles specified in the first column of Schedule 1 to this Notice from the countries and places specified in the second column of the Schedule is absolutely prohibited.

Conditional Prohibition of importation of certain articles.

3. The importation into the State of the articles specified in the first column of Schedule 2 to this Notice from the countries and places specified in the second column of the Schedule is prohibited except upon the conditions specified in the third column of the said Schedule.

SCHEDULE 1 TO THE NOTICE
ARTICLES PROHIBITED ABSOLUTELY

COLUMN 1. ARTICLES.	COLUMN 2. COUNTRIES AND PLACES.
(a) Fruit of the Banana.	All countries and places except the United States of America and the other islands of the Leeward Islands.
(b) Fruit and plants of the Citrus Family and any part of such fruit or plant.	Venezuela, Bermuda, Cuba, Haiti, Santo Domingo, Jamaica, Puerto Rico, the United States of America, and Tasmania.
(c) Other fruit except (1) Plantains, (2) Nuts, (3) Dried, canned, candied or other preserved fruit.	Bahamas, Bermuda, British Guiana, Venezuela and all other countries and places except the British Isles, Canada, the British West Indies and the United States of America.
(d) Vegetables except (1) Onions, (2) Irish Potatoes, (3) Canned or preserved vegetables, (4) Yams.	Bahamas, Bermuda, British Guiana and all other countries and places except the British Isles, Canada, the British West Indies and the United States of America.
(e) Agricultural produce in bags.	Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.
(f) Used or second-hand bags, sacks, and baling material, which have previously contained cotton or cotton products and any articles of any description packed or contained in such bags, sacks and baling material.	The United States of America, Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.
(g) Pillows and bedding material containing seed cotton, cotton lint or any part of the cotton plant.	Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.

COLUMN 1. ARTICLES.	COLUMN 2. COUNTRIES AND PLACES.
(h) Cotton seed, cotton seed hulls, cake and meal, seed cotton, cotton lint and linters and any part of the cotton plant and any other malvaceous plant or any part thereof, except prepared cotton wool, manufactured cotton goods and cotton lint contained in factory made mattresses.	Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.
(i) Packages or containers and coverings, personal baggage and effects of any description which contain or are reasonably suspected to have contained any of the articles specified in item (h).	Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.
(j) All cargo, personal baggage and effects of any description which by contact or proximity to other baggage, cargo, produce or articles of any description are infested or are reasonably suspected to be infested with cotton boll weevil.	Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.
(k) Soil.	Bahamas, Bermuda, British Guiana, Trinidad and all other countries and places except the British Isles, Canada, the United States of America and other islands of the British West Indies not specified in this item.
(l) Sunflower seed.	South America.

SCHEDULE 2 TO THE NOTICE
ARTICLES PROHIBITED CONDITIONALLY

Column 1. ARTICLES.	Column 2. COUNTRIES AND PLACES.	Column 3. CONDITIONS OF IMPORTATION.
(a) Cotton seed, cotton seed hulls, cake and meal, seed cotton, cotton lint, and linters and any part of the cotton plant and any other malvaceous plant or any part thereof, except prepared cotton wool, manufactured cotton goods and cotton lint contained in factory made mattresses.	All countries and places except Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.	Under licence granted by the Minister or the Chief Agricultural Officer.
(b) Packages or containers and coverings, personal baggage and effects of any description which contain or are reasonably suspected to have contained any of the articles specified in item (a).	All countries and places except Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.	Under licence granted by the Minister or the Chief Agricultural Officer.
(c) All cargo, personal baggage and effects of any description which by contact or proximity to other baggage, cargo, produce or articles of any description are infested or are reasonably suspected to be infested with cotton boll weevil.	All countries and places except Cuba, the Island of Haiti and Santo Domingo, Mexico and the Central American States of Honduras, British Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Venezuela.	Under licence granted by the Minister or the Chief Agricultural Officer.

Column 1. ARTICLES.	Column 2. COUNTRIES AND PLACES.	Column 3. CONDITIONS OF IMPORTATION.
(d) Sugar Cane, sugar cane seedlings and plants and all parts of the sugar cane, grasses including grass seeds, cuttings and roots.	All countries and places.	Under licence granted by the Minister.
(e) Banana plants and parts of banana plants.	All countries and places.	Under licence granted by the Minister.
(f) Sprouted coconuts.	Trinidad, Grenada, St. Vincent, St. Lucia, Cuba, Jamaica, and all parts of Central and South America.	Under licence granted by the Minister.
(g) Soil and plants growing in soil.	All countries and places	Under licence granted by the Minister and subject to fumigation on landing
(h) (1) Plantains, (2) Nuts, (3) Dried, canned, candied or other preserved fruits.		
(i) Vegetables except (1) Onions, (2) Irish potatoes, (3) Frozen, canned or preserved vegetables.	Holland, the British Isles, Canada, the British West Indies and the United States of America.	To be accompanied by a certificate from a responsible authority in the country of export that the vegetables do not originate in a prohibited country.

FIFTH SCHEDULE

(Section 2)

NOTICE DECLARING GUMMING DISEASE AND MOSAIC DISEASE OF SUGAR CANE TO BE “DISEASES” WITHIN THE MEANING OF THE PLANT PROTECTION ACT.

WHEREAS by virtue of section 2 of the Plant Protection Act it is provided that the expression “disease” means any disease affecting trees, shrubs or herbs caused by or consisting in the presence of any pathogenical animal or vegetable organism which the Minister may by Notice from time to time declare to be a disease:

AND WHEREAS it is expedient in the interest of the sugar industry in the State to declare that the diseases affecting sugar cane and known as Gummy disease or Gummosis and Mosaic disease shall be declared to be a disease within the meaning of the said Act:

NOW THEREFORE by virtue of the authority in me vested in that behalf I do hereby declare that the diseases affecting sugar canes and called or known by the name of Gummy Disease or Gummosis and Mosaic disease shall be diseases within the meaning of the Act and I declare the same to be diseases accordingly.

SIXTH SCHEDULE

(Section 2)

NOTICE DECLARING THE YELLOW DODDER (LOVE VINE) PARASITE TO BE A PEST.

WHEREAS by virtue of section 2 of the Plant Protection Act it is ordained that the expression “pest” includes any parasitical epiphytal or other animal or vegetable organism, and also any insect or other invertebrate animal (in whatever stage of existence such insect or animal may be) affecting or injurious to trees, shrubs or herbs, which the Minister may by proclamation from time to time declare to be a pest;

AND WHEREAS it is expedient to declare that the pest known as Yellow Dodder or Love Vine shall be declared to be a pest within the meaning of the said Act;

NOW THEREFORE by virtue of the authority in me vested in that behalf I do hereby declare that the pest called or known by the name of Yellow Dodder or Love Vine shall be a pest within the meaning of the said Act and I declare the same to be a pest accordingly.
