

CHAPTER 250

PLANTS PROTECTION

BAHAMAS

ARRANGEMENT OF SECTIONS

SECTIONS

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PLANTS PROTECTION [CH.250-3]

An Act relating to the disease of plants

[Commencement 1st August, 1916]

9 of 1916
15 of 1951
G.N. 7(23)/1964
18 of 1965
E.L.A.O., 1974
5 of 1987

Short title. Interpretation	[Ch 231 (250)s1]1. This Act may be cited as the Plants Protection Act. [Ch231 (250)s2]2. In this Act, unless the context otherwise requires "Comptroller" includes every officer of the customs Department and for the purpose of dealing with the importation of plant and packages through the post office, includes the postmaster and any official of the post office acting on his behalf by his direction or that of the Minister.
E.L.A.O 1974.	"disinfection" includes fumigation; "imported; means brought into The Bahamas by any channel whatsoever; "importer" includes the owner and consignee and their agents and servants; "inspector" means an inspector appointed under this Act; "inspector certificate" means the certificate of an inspector prescribed by the rules; "minister" means the minister responsible for Plant Protection; "packages" includes boxes, covering, wrappers, earth, soil or anything whatsoever in which plant are imported;
E.L.A.O. 1974.	"plant" includes tree shrub, herb or vegetable and cuttings, bulbs, seeds, berries, bud and grafts, and the fruit or product of any plant, and the root, trunk, stem, branch or leaf of any plant, and the whole or part of any growing, dying or dead plant including emptied pods, husks or skins; "plant disease" means any deterioration or destruction of any plant or parts of any plant which is capable of being communicated to any other plant or parts of a plant, whether such deterioration or destruction is due to disease, insects, blight, fungus or any other cause. "plants affected with insect pest or disease" means any plant, or the packages or wrappings that contain or have contained the same, in or on which any insect pest or disease is or has been present in any form or stage of development, or with which any plant, package or wrapping has come in contact; "rules" means rules made under this Act.
15 of 1951	
Appointment of inspectors E.L.A.O 1974	[Ch 231 (250s3)3. It shall be lawful for the Governor-General, acting in accordance with the advice of the Public Service Commission, to appoint, for the purposes of this Act, one or more inspectors.
Importation of plants.	[Ch 231 (250s4)4. No plants whatsoever, nor the packages thereof, shall be imported into The Bahamas

except under and subject to the rules.

Powers of
minister.

[Ch 231 (250s5)5. (1) The Minister may by Order-

18 of 1965. Sch.

E.L.A.O 1974

- (a) absolutely or conditionally prohibit the importation directly or indirectly from any country or place named in the Order of any plants, or any article packed therewith, or any package which in the opinion of the Minister are or are likely to be a means of introducing any plant disease into The Bahamas;
 - (b) from time to time, when deemed necessary declare any district or area within The Bahamas or any place within any such area, to be a place infected or suspected of being infected with a plant disease;
 - (c) from time to time declare, subject to such conditions as he may think fit, any district, area or place within any area, as being no longer suspected of being infected with a plant disease.
 - (d) prohibit for such time as may be named in Order the importation of any plants or packages there of specified in the Order at ports of The Bahamas therein named.
- (2) Any such Order shall remain in force for such time as may be mentioned therein or in any subsequent Order made hereunder.

Rules.

[Ch 231 (250s6)6. The Minister may make rules in respect of all or any of the following matters:

- (a) the importation, detention, examination, removal and treatment, before, at or after importation or landing, of any plants or any articles packed therewith, or any packages to which this Act applies;
- (b) the cleansing, disinfection, purification and treatment of the same;
- (c) the destruction of the same before, at or after the landing of the same if such destruction be necessary in the opinion of the Minister;
- (d) the provision of suitable apparatus for the cleansing, disinfection, purification and treatment of the same, and also of growing or other trees or plants in The Bahamas, and regulating the user thereof;
- (e) for preventing the outbreak or dissemination of diseases of trees or plants within The Bahamas;
- (F) for prescribing and regulating the destruction, removal, uprooting, disposal or treatment of plants and products infected with a plant disease within any district, area or place in The Bahamas declared to be an infected district, area or place, under the provisions of this Act;
- (g) for prescribing and regulating the cleansing and disinfecting of infected districts, areas or places or parts thereof;
- (h) for prescribing the period within which it shall not be lawful to plant or replant with any plant whatsoever, or with any particular kind of plant, the whole or any portion of an infected district, area or place;
- (i) for prohibiting or regulating the movement of persons, animals, earth, soil, dung, vegetables, products or other things into or out of a district, area or place declared to be an infected district, area or place. or being suspected of being infected with a plant disease;

- (j) for the spraying or other treatment of growing or other trees or plants;
- (k) generally for carrying into effect the provisions of this Act.

Duty of importers

[Ch 231 (250s7)7]. It shall be the duty of every importer of plants or any earth or soil or any article packed therewith, or any package or other articles or things to which this Act applies to carry into effect at his own expense, obey and observe the rules of the Minister for the importation, detention, cleansing, disinfection, purification and treatment of the same, and to inform the Minister as to the disposal of the same, after the cleansing, disinfection, purification and treatment thereof in order that the Minister or any of his officers may visit and examine them at any time if the Minister deems it necessary to do so.

Seizure of plants.

[Ch 231 (250s8)8]. All plants or packages imported into The Bahamas in contravention of this Act may be seized and forfeited, and may be destroyed or otherwise dealt with as the Minister may direct.

Power to search for plants illegally imported.

[Ch 231 (250s9)9]. It shall be lawful for the Comptroller or for any person acting under his authority, if he shall suspect that any plants or packages have been imported in contravention of this Act, to enter any building, place or premises and to search for any such plants or packages and for the purposes of such search to break open, if necessary, any exterior or interior door, or any chest, box or other receptacle and to seize such plants or packages and to remove or secure the same in such way or place, and in such manner as he deems advisable.

Power to enter upon land and search for causes of disease.

[Ch 231 (250s10)10]. An inspector may, with or without any animals or beasts of burthen, carts, tools, implements or other things, enter upon any land and there examine any plants or products of a vegetable nature and dig up the ground and do all such other acts and things as may be expedient in order the more effectually to search for the existence of, and the causes of any plant disease, and to secure such treatment, removal or destruction under the rules as may be deemed necessary.

Owner to pay expenses except in cases of poverty.
E.L.A.O. 1974.

[Ch 231 (250s11)11. (1) The expenses incidental to the treatment, removal or destruction of plants affected with insect pest or disease, or products of a vegetable nature, to which this Act applies, shall be borne by the owner of such plants or products:

Provided that the Minister may, in any case where he is satisfied that an owner is unable, through poverty, to pay such expenses, cause the same, to be paid out of any funds granted to him under this Act or any other Act.

(2) If the owner of the land on which such plants or products are grown is absent from The Bahamas, or is not known or cannot be found, the Minister shall have power to do the following things to enable him to recover expenses incurred in carrying out the provisions of this section-

- (a) after the expiration of three months after the treatment, removal or destruction of such plants or products to cause the land to be sold at

auction after due advertisement of such intended sale in the *Gazette*, and a notice of the same posted on the premises;

- (b) to receive the proceeds of any such sale and after deducting the expenses incurred as authorised under this Act and of the deed conveying the same to pay the residue thereof (if any) into the Post Office Savings Bank at Nassau to the credit of the Minister there to remain without interest until paid out under the provision of paragraph (c) of this subsection;
- (c) to withdraw from the savings bank such residue and pay the same to any person whom the Attorney General shall certify to be entitled thereto. Any payment made by the Minister under such certificate shall absolve the Minister from any further liability for the sum so paid but shall not prejudice the right of any person who shall prove his right or title thereto in a court of competent jurisdiction to recover the same from the person to whom such payment was made or from his legal representative;
- (d) to execute a deed transferring the said land to the purchaser thereof, which deed shall be under the Seal of the Minister, and shall absolutely vest the said land in the purchaser.

Officers to assist in carrying out rules.

[Ch 231 (250s12)]12. It shall be the duty of the Comptroller and all revenue officers and peace officers to carry into effect, and as far as practicable, enforce the provision of this Act, and the rules, and to afford to the Minister and his officers or servants every reasonable facility for carrying the same into effect.

Notice to be given by owner or occupier.

[Ch 231 (250s13)]13. An owner or occupier of any land on which there may be any plant that may be reasonably suspected of being affected by plant disease, or any person having the charge or management of any such plants, shall, with all practicable speed, give notice of the fact of the plants being so affected, to the Minister, if the plants be in New Providence, or to the commissioner of the district wherein the plants so affected are situated, and it shall be the duty of the commissioner immediately to notify the Minister.

Offences and recovery of penalties 18 of 1965. Sch.

[Ch 231 (250s14)]14. (1) Any person who-

- (a) does or omits to do anything which is by this Act or by the rules, or by any Order made hereunder, forbidden or required to be done; or
- (b) assaults, resists, hinders, prevents or obstructs any person acting under or by authority of this Act or the rules, or of any Order made hereunder, shall be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty of eighty dollars.

- (2) All such penalties shall be sued for and recovered with costs of prosecution by the Minister or any person authorised by him to prosecute for the same in a summary manner before a magistrate having jurisdiction in the place where the offence is committed in the manner prescribed by law in this behalf, The onus of proving a lawful excuse for an omission to do anything required by the Act or the rules shall be on the defendant.

Expenses [Ch 231 (250s15)]15. All expenses other than such as are payable by importers, incurred in carrying out the provisions of this Act, shall be paid by the Minister out of any moneys appropriated to him by Parliament, and for this purpose there shall be paid to the Minister annually a sum not exceeding one thousand dollars.

5 of 1987. Sch

5 of 1987, s. 2. shall be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty of eighty dollars.

(2) All such penalties shall be sued for and recovered with costs of prosecution by the Minister or any person authorised by him to prosecute for the same in a summary manner before a magistrate having Jurisdiction in the place where the offence is committed in the manner prescribed by law in this behalf. The onus of proving a lawful excuse for an omission to do anything required by the Act or the rules shall be on the defendant. Expenses.

[Ch 231 (250)s15]15. All expenses other than such as are payable by importers, incurred in carrying out the provisions of this Act, shall be paid by the Minister out of any moneys appropriated to him by Parliament, and for this purpose 5 of 1987, Sch. there shall be paid to the Minister annually a sum not exceeding one thousand dollars.