

**Final Draft**

**April 7, 2004**

## **THE PLANTS PROTECTION ACT**

### **The Plants Control Regulations, 20**

In exercise of the powers conferred upon the Minister by section of the Plant Protection Act and of every other power hereunto enabling, the following Regulations are hereby made:-

1. These Regulations may be cited as the Plants Control Regulations, 2004
  2. In these Regulations –  
  
“importer” means a person who is importing or has imported a plant into the Island;  
  
“plant” has the same meaning as assigned under the Plant Protection Act;
  3. No plant, seed, cutting or slip shall be imported into the island except in accordance with the provisions of these Regulations.
  4. No plant, seed, cutting or slip shall be imported into the island except in accordance with the terms of a permit granted by the Chief Plant Quarantine Officer.
  5. (1) No plant, seed, cutting or slip shall be landed without the prior written permission of the Chief Plant Quarantine Officer.  
  
(2) Every plant, seed, cutting or slip being landed shall be subject to inspection by a Plant Quarantine Officer who may-
    - a. refuse permission for any such plant, seed, cutting or slip to be landed if satisfied-
  - i. that any such plant, seed, cutting or slip is plagued with any disease; or
    - (ii) that any condition of a permit allowing the importation of any such plant, seed, cutting or slip has not been complied with; or
  - b. Grant permission for any such plant, seed, cutting or slip to be landed either unconditionally or subject to such conditions as he may impose and forward the plant to the importer.
6. (1) Subject to the provisions of regulation 5 if so required by the Chief Plant Protection Officer every plant, seed, cutting or slip upon being landed in the Island shall be removed by such means, in such manner and subject to such conditions as the Plant Protection Officer may direct to a quarantine depot approved by

the Chief Plant Protection Officer for the purpose of quarantine and shall be kept in quarantine there for such period as the Chief Plant Protection Officer may direct.

(2) The release from quarantine of any plant, seed, cutting or slip shall be subject to and dependent upon the result of reinspection and of any diagnostic examination and any tests which the inspector may deem necessary to carry out for the detection of disease.

(3) Notwithstanding the expiry of the period of quarantine directed by the inspector under paragraph (1) no plant, seed, cutting or slip shall be removed from any quarantine depot without the prior written permission of the inspector and such permission may be either unconditional or subject to such conditions as may be specified.

7. (1) The expenses of and incidental to the keeping in quarantine of a plant, seed, cutting or slip shall be borne by the consignee of such plant, seed, cutting or slip.

(2) Every plant, seed, cutting or slip shall be kept in quarantine at the risk of the consignee.

(3) When any plant, seed, cutting or slip, while in quarantine in accordance with the provisions of these Regulations, develops or, in the opinion of the Chief Plant Protection Officer or a Plant Protection Officer, shows symptoms of, any disease, the spread of which would endanger the health of any person, animal or other living organism, such plant, seed, cutting or slip may, with the approval of the Minister, be destroyed without payment of compensation.

### Seeds

8. (1) No seeds shall be landed in the island unless there is produced to the Chief Plant Protection Officer or to a person designated by the Chief Plant Protection Officer in respect thereof a statement by the importer that-

- a. any such seeds have been packaged in –
    - i. a sealed plastic bag, or
      - (ii) a plastic or paper envelope,
- and in a manner satisfactory to the Chief Plant Protection Officer.
- b. after having been packaged in accordance with paragraph (a) the seeds have been placed in a metal container which is placed in another metal container that is capable of preventing spillage of the seeds and which is conspicuously labeled with the number of seeds and name of seeds printed thereon;
  - c. the inner and outer containers in which the seeds are packed are separated by shock-absorbing material;
  - d. where there is more than one container being transported, the containers are placed in a sturdy container made of corrugated fiberboard, cardboard, wood or other material of equivalent strength;
  - e. each outer container is labeled indicating the contents, place of origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the

propagative material contained therein is derived from genetic engineering procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

### **Plants**

9. (1) No plant shall be imported if-
- a. it is in flower, seed or fruit;
  - b. it is above the height designated by the Chief Plant Protection Officer.

(2) No plants shall be landed in the Island unless there is produced to the Chief Plant Protection Officer a person designated by the Chief Plant Protection Officer in respect thereof of a statement by the importer stating that-

- a. such plants have been packaged in a sealed plastic bag of at least 5 millimeters in thickness; satisfy such other requirements that may be prescribed.
- b. after having been packaged in accordance with paragraph (a) the plants have been placed in a sturdy, sealed, shatterproof, leak-proof metal container;
- c. any plant transported in a pot is set in a soil free mix and covered before being boxed;
- d. each container is labeled indicating the contents and number of specimens, place of origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the propagative material contained therein is derived from genetic engineering procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

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### **Slips and Cuttings**

10. (1) No slips or cuttings shall be landed in the island unless there is produced to the Chief Plant Protection Officer or a person designated by the Chief Plant Protection Officer in respect thereof a certificate stating that-
- a. such slips or cuttings have been packaged in a sealed plastic bag or at least 5 millimeters in thickness;
  - b. after having been packaged in accordance with paragraph (a) the slips or cuttings have been placed in a sturdy, sealed, shatterproof, leak-proof metal container;
  - c. any slips or cuttings transported in a pot are set in a soil free mix and covered before being boxed;
  - d. each container is labeled indicating the contents and number of specimens, place or origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the propagative material contained therein is derived from genetic engineering

procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

### **Application for Permit to Import**

11. (1) A person who wishes to import a plant, seed, cutting or slip into Dominica shall apply for a permit from the Chief Plant Protection Officer.

(2) The Chief Plant Protection Officer shall, in determining whether to grant approval of the application, consider the applicant's ability to enforce adequate procedures and safeguards to ensure that no contamination by or release of the plant, seed, cutting or -slip which is detrimental to the health or safety of any human, animal, plant, plant parts or other living organism will occur at the port of entry or otherwise Dominica.

(3) Each application for a permit to import a plant shall include information on the schedule of arrival of the items to be imported.

### **Transportation**

12. Where permission has been granted for the entry of a plant, seed, cutting or slip pursuant to regulation 6, the importer shall transport the plant, seed, cutting or slip to its final destination.

13. Every importer shall keep such records, make such returns and furnish such information as the Chief Plant Protection Officer may at any time require in relation to the following matters-

- a. the number of quantity of plants, seeds, slips or cuttings imported;
- b. the name and address of the exporter from whom the plants, seeds, slips or cuttings were received;
- c. the name of the property or properties on which the plants, seeds, slips or cuttings originated;
- d. the date of receipt
- e. the condition in which the plants, seeds, slips or cuttings were received;
- f. any other particulars required by the Chief Plant Protection Officer.

14. No animal or vegetable organism or other agent, not known to be generally distributed in the State, which is or is believed to be inimical to the growth of plants shall be imported into the State, and no plant or other article or thing which is or is likely to be infected or infested with any organism or other agent shall, when imported, be delivered to or taken possession of by the consignee or owner thereof until it has been declared free from such infection or infestation by a Plant Protection Officer.

15. No soil dung, living insect, non-marine invertebrate animal or any accompanying container or wrapping material shall be imported into Dominica.

16. It shall be the duty of all officers of the Customs Department to require a Plant Protection Officer to examine any package entering the State which contains or is suspected to contain any of the articles or things specified in regulation 4.

17. (1) If, after examination of any plant or other thing to which regulation 4 applies, a plant protection officer considers that any such plant or thing is likely to infect any plant with any animal or vegetable organism or other agent which is or is believed to be inimical to the growth of plants, he may subject any such plant or thing to treatment as a precautionary measure against the introduction of any animal or vegetable organism or other agent as aforesaid and may cause such plant or thing to be fumigated or otherwise disinfected or to be destroyed completely or to the extent considered necessary and in his presence. All cases and packages in which such plant or thing has been contained shall likewise be disinfected or destroyed.

(2) No compensation shall be payable in respect of the destruction of, or damage to, any plant or thing (including packages) as a result of the exercise of the powers conferred by this regulation.

18. A Plant Protection Officer may order any plant or thing, to which regulation 4 applies, to be held, until an examination can be made or to be forwarded to the Plant Quarantine Station for examination, treatment or detention.

19. The under-mentioned articles shall be exempted from the provisions of regulation 15:

a) seeds of vegetables or ornamental plants from certified seed sources;

b) dry, hulled rice;

c) nuts;

d) dried, canned, candied, or other processed fruits and vegetables;

e) roasted coffee;

f) commercial yeast;

g) plant products which, having been cooked, parboiled or otherwise processed, are free from any animal or vegetable organism.

20. The importation, detention and treatment of any of the articles or things specified in regulation 15 shall be entirely at the risk of the importer and all charges for storage, cartage and labour incidental to the inspection and the cost of treatment, other than the services of a plant protection officer, shall be borne by the importer.

21. No plant material or related articles which are likely to be injurious to agriculture, horticulture or silviculture shall be imported into Dominica.

22. Any articles imported in contravention of these Regulations shall be forfeit to Government shall be disposed of as the chief plant protection officer may direct.

23. No planting material shall be imported into the state except under a permit issued by the Chief Plant Protection Officer.

24. No plant material shall be imported which are likely to contain insect pests or diseases that are likely to be injurious to plants.

25. (1) Fruits and vegetables shall not be imported into the State except under a permit issued by the Chief Plant Protection Officer.

26. Citrus fruits may only be imported only under a permit issued by the Chief Plant Protection Officer and approved by the Minister.

27. Used or second-hand bags, sacks or baling material which have contained or are reasonably suspected to have been used to contain any plant shall not be imported into the State unless under a permit granted by the Chief Plant Protection Officer.

28. Pillows and bedding material, unless factory-made, which contain or have contained any part a plant shall not be imported into the State.

29. (1) On arrival in the State the master of any vessel which has, at any time during the preceding three calendar months, been in area where there has been a plant infection or outbreak of plant disease shall declare to the Collector of Customs and Excise in the form set out in Form 1 whether the vessel's cargo and other articles carried on board the vessel include any of the articles or things specified in regulations 18 and 24; and no article whatsoever shall be landed in the State from any such vessel unless the Collector of Customs and Excise has granted permission for the landing as hereinafter provided in this regulation.

(2) In the event of the master of a vessel declaring that this vessel has called at a port of a country named in and within the time specified in sub-regulation, the Collector of Customs and Excise shall inform a plant protection officer accordingly in writing in the form set out as Form 2, and it shall be the duty of the plant protection officer to board the vessel forthwith and to examine the vessel and any cargo or other articles on board and to determine to his satisfaction whether or not any cargo, baggage or other articles intended to be landed in the State are infested or are likely to be infested with the cotton-boll weevil (*Anthonomus grandis* Boheman).

(3) If, after examination as aforesaid, the Plant Protection Officer is satisfied that the cargo, baggage or other articles intended to be landed in the State are not infested with any plant disease, he shall notify the Collector of Taxes and Excise accordingly in writing on the form set out as Form 3 whereupon the Collector of Taxes and Excise shall deliver to the master of the vessel a permit in the form set out as Form 4 and it shall thereupon be lawful, in so far as these Regulations are concerned, for such articles to be landed in the State.

(4) If, after examination as aforesaid, the plant protection officer has reason to suspect that the articles or things intended to be landed in the State are infested with any plant disease, he shall at his discretion -

(a) cause the articles to be fumigated in the vessel until he is satisfied that the infestation has been destroyed; he shall then notify the Collector of Taxes and Excise or the Port Authority accordingly in writing on the form set out as Form 3, whereupon the Collector of Taxes, shall deliver to the master of the vessel a permit in the form set out as Form 4, and it shall thereupon be lawful, in so far as these Regulations are concerned, for the articles named in the permit to be landed in the State; or

(b) cause the articles to be enclosed and sealed in his presence in insect-proof containers and to be brought ashore to a place specified by him where he shall cause the article to be fumigated to his satisfaction. On removing the articles as aforesaid in the manner prescribed the Plant Protection Officer shall notify the Collector of Customs & Excise accordingly in writing on the form set out as Form 3, whereupon the Collector of Taxes & Excise shall deliver to the master of the vessel a notice in the form set out as Form 5 informing him that no other articles or things of any description may be landed from the vessel; or

(c) deliver a notice to the Collector of Customs & Excise and Port Authority, in the form set out as Form 3, forbidding the landing in the State from the vessel of any cargo, any baggage or any other articles of any description except mails which shall be landed in insect-proof containers when in his opinion the infestation cannot be completely destroyed, and the Collector of Taxes & Excise

shall without delay deliver a notice, in the form set out as Form 6, to the master of the vessel ordering him to remove the vessel forthwith to a distance not less than two miles from any point in the State.

30. (1) It shall be the duty of the postmaster to place all designated mail bags on arrival unopened in a separate room or enclosed part of a room, specially adapted to the purpose, at the post office and immediately to issue a notice to a plant protection officer in the form set out as Form 7 (Part 1) notifying him of the arrival and isolation of the mail bags.

(2) It shall be the duty of the plant protection officer on receipt of the notice to proceed to the post office at the earliest possible opportunity, and there, in the presence of the postmaster or his representative, to examine the mail bags and the contents thereof and to determine to his satisfaction whether or not the mail bags and their contents are infested with any plant disease.

(3) If, after examination of the mail bags and the contents thereof, the plant protection officer is satisfied that there is no infestation of plant disease, he shall give notice accordingly to the postmaster or his representative in the form set out as Form 7 (Part 2) and shall hand over the mail bags and their contents to the postmaster or his representative for delivery in the usual manner.

(4) If, after examination of the mail bags and their contents, the plant protection officer has reason to suspect that the mail bags and their contents are infested with any plant disease he shall at his discretion subject any or all of the mail bags or their contents to fumigation until he is satisfied that the infestation has been destroyed; he shall then give notice accordingly to the postmaster or his representative in the Form set out as Form 7 (Part 2) and shall hand over the mail bags and their contents to the postmaster or his representative for delivery in the usual manner .

31. Soil, dung shall not be imported into the State except through the Plant Quarantine Station under permit of the Minister.

32. For the purposes of this Part, "soil" means any earthy matter containing plant debris. In the event of any dispute as to whether any material or thing is soil or not the decision of the Plant Protection Officer shall be final.

33. Fruits and all parts of allspice (*Pimenta officinalis* Lindl.) the bay tree (*pimento acris kostel*) and of all other plants of the genus *Pimenta* shall not be imported into the State except under a permit.

34. The importation into the State of all parts of the coconut palm is prohibited unless under a permit issued by the Minister.

35. The importation into the State of-

- a. the banana fruit;
- b. banana trash and pseudostems;
- c. all parts of cacao;
- d. raw coffee;
- e. all parts of sugar-cane;
- f. all parts of all other members of the family Graminae, ( no rice, wheat etc)
- g. all parts to the sweet potato
- h. all parts of citrus

is prohibited except when imported as planting material under the provisions of these Regulations.

**FORM 1**

**DOMINICA**

**PLANT PROTECTION (IMPORTATIONS) REGULATIONS**

**(PART IV)**

To the Chief Plant Protection Officer.

(a) Insert name of vessel.	I HEREBY notify you that the vessel .....(a) which Arrived at the port of ..... (b) at ..... (c) on ..... (d), has according to the Declaration
(b) Insert name of port.	of he master, within the last three calendar months called at port of a country listed, as infested with cotton boll-weevil, in regulation 24 (1) of Part IV of the Plant Protection (Plant Protection (Control) Regulation.
(c) Insert hour of arrival.	In accordance with regulation 24 (2) of Part IV of the Plant Protection (Control) regulations, I therefore hereby call upon you to board the vessel without delay and to examine the vessel and any
(d) Insert date.	cargo or other articles on board and to take such action as is provided in regulation 24 (2), (3) and (4).

..... Date ..... Collector of Custom & Excise

**FORM 2**

**DOMINICA**

**PLANT PROTECTION (CONTROL) REGULATIONS**

To the Collector of Customs & Excise

I HEREBY notify you that, in accordance with your notice contained in Form 2 as set out in the Schedule of the Plant Protection (Control) Regulations dated 20 , I have examined the vessel, S.S. and the cargo, baggage and other articles contained therein and-

†(a) I am satisfied that these is no infestation of cotton boll- weevil in the said vessel, cargo, baggage or other articles. I therefore grant permission, in accordance with the provisions of the Plant Protection (Control) Regulations, for landing all\*/ any part\* of the cargo, baggage or other articles on the said vessel.

†(b) I have found the whole\*/apart\* of the cargo, all\*/a portion\* of the baggage or other articles infested with cotton boll- weevil and have fumigated the said articles and am satisfied that the infestation has been destroyed.

I therefore grant permission, in accordance with the provisions of the Plant Protection (Control) Regulations, for landing all\*/ any part\* of the cargo, baggage or other articles on the said vessel.

†(c) I have found the whole\*/apart\* of cargo, all\*/a portion\* of the baggage or other .articles infested with cotton boll- weevil and have removed such infested articles from the ship.

In accordance with the provisions of the Plant Protection (Control) Regulations no other articles or things of any description may be landed from the said vessel.

†(d) I have found the infestation to be such that, in my opinion, it cannot be completed destroyed.

In accordance with the provisions of the Plant Protection (Control) Regulations the master of the vessel must be ordered to remove the said vessel forthwith to a distance not less than two mile from the nearest point in the State.

.....

Plant Protection Officer

Date.....

\_\_\_\_\_

†Delete paragraphs not required.

\*Delete words not required.

**FORM 3**

**DOMINICA**

**PLANT PROTECTION (CONTROL) REGULATIONS**

**(PART IV)**

(a) Insert name of vessel	To the Master of .....(a) I HEREBY permit the landing in the state of any of the following articles carried on board your vessel, namely-
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Collector of Customs & Excise

Date.....

**FORM 4**

**DOMINICA**

**PLANT PROTECTION (CONTROL) REGULATIONS**

**(PART IV)**

(a) Insert name of vessel	To the master of .....(a) I HEREBY notify you that a Plant Protection Officer has declared that he has found certain articles on your vessel infested with the cotton boll-weevil ( <i>Anthonomus grandis</i> Boheman) and that he has removed the infested articles in insect-proof containers to the shore for the purpose of destroying the infestation.  In accordance with the provisions of the Plant Protection (Control) Regulations, I hereby notify you that no other articles of any description may be landed from your vessel.
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Collector of Customs & Excise

Date.....

**FORM 5**  
**DOMINICA**  
**PLANT PROTECTION (CONTROL) REGULATIONS**  
**(PART IV)**

(a) Insert name of vessel	To the Master of .....(a)
(b) Insert name and description of articles.	<p>I HEREBY notify you that a Plant Protection Officer has declared that .....(b)</p> <p>on your vessel are infested with the cotton boll-weevil (<i>Anthonomus grandis</i> Boheman) in such a manner that the infestation cannot be completed destroyed to his satisfaction..</p> <p>By authority of the Minister under the Plant Protection (Control) Regulations of this State I hereby call upon you to remove your vessel forthwith to a distance not less than two miles from any point of this State.</p>

Dated this .....Day of .....at .....am/pm

.....

Collector of Customs & Excise

**FORM 6**

**DOMINICA**

**PLANT PROTECTION (CONTROL) REGULATIONS**

**PART (IV)**

**(PART I)**

	<p>To the Chief Plant Protection Officer.</p> <p>I HEREBY give you notice that .....(a) bags of mails were received at .....(b) from ..... (c) and are being retained unopened in isolation at the post office pending examination by you in accordance with regulation 25 (1) or Part IV of the Plant Protection (Control) Regulations.</p>
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Postmaster

Date.....

Time.....