

ACT of September 8, 1963 for the prevention and control of diseases and plagues in cultivated crops (“Plant Protection Act 1963”) (G.B. 1965 no 102), as it reads in the amendments brought about for that purpose by G.B. 1972 no 163, S.B. 1980 no 116.

CHAPTER I
DEFINITIONS OF CONCEPTS AND GENERAL PROVISION

Article 1¹

1. For the application of what has been stipulated or by virtue of this Act is understood by:

Import: bringing into Surinamese territory, including the territorial waters, goods intended both for use or selling in Suriname itself as well as for transit to other countries with the exception of direct transit by ship of aircraft with the goods not being taken out of the means of transport referred to do not stay within Surinamese territory longer than twelve hours;

Goods: the goods referred to in the articles 3 and 4;

Importer: the natural or legal person in whose name importation takes place or who is responsible for the same;

Protected area: a district or part of it, which by virtue of article 9 has been declared as such;

Cultivated crops selected: a cultivated crop that has been selected in a protected area by virtue of article 9;

Cultivated measure: a measure referred to in article 13;

Transit: bringing into, transporting, unloading, transfer or storing in a protected area of goods originating from elsewhere;

Transport: any transportation of goods in a protected area by land, by sea and by air;

Minister: the Minister of Agriculture, Animal Husbandry and Fisheries;

Director: the Director of Agriculture, Animal Husbandry and Fisheries;

2. For the application of the provision by or by virtue of this act is also understood by:

¹ Amended by G.B. 1972 no 169

Parts of plants: agricultural products and forestry products that have not been cooked, steamed or in some way or other have been treated or processed in such a manner that they are free from living vegetable or animal organisms;

Plagues: invertebrates that foster the occurrence of plant diseases as well as harmful kinds of weed.

Article 2

Ministerial orders by virtue of this Act, in so far as they are not related to a certain case, are published in the Government Advertiser.

CHAPTER II IMPORT PROVISIONS

Article 3

1. In so far as it has not been stipulated differently in this Act all import is forbidden for:
 - a. plants;
 - b. parts of plants;
 - c. cultivation soil and other untreated soil;
 - d. material used for the packing of plants and parts of plants;
 - e. empty bags already used for bale transport.
2. The Minister can either in general or in special cases forbid the importation of other goods, including body goods, in case these goods are contaminated or if they can be regarded contaminated with diseases and plagues harmful for agriculture. A prohibition applicable to a special area is given through a notification or an order by or on behalf of the Minister.

Article 4

1. In so far the Minister does not otherwise determine, the prohibition for the importation of plants, plant parts and packing material of the same is not applicable to:
 - a. commercial shipments of frozen fruit and vegetables;
 - b. shipments accompanied by a health certificate (phytosanitary certificate) issued by the competent authorities in the country of origin and in accordance with the provisions of the International Plant Protection Convention of 1951.

2. In so far as the Minister does not otherwise stipulate, the prohibition with regard to the import of empty bags already used is not applicable to shipments accompanied by a certificate issued by an authority competent for that purpose in the country of origin that the material was sufficiently disinfected and fumigated before shipping.
3. The Minister can under conditions to be fixed by him, by way of a general license allow the importation of certain seeds, fruits or other parts of plants and packing material of the same.

Article 5

By or on behalf of the Director an exemption can be granted each time for a single shipment with regard to what has been stipulated in Article 3 subsection 1, either on certain conditions or not.

Article 6²

1. The import of the articles referred to in the Articles 4 and 5 is permitted exclusively at the supplying places indicated by the Minister with due observance of the legal prescriptions applicable for these places.
2. All shipments are inspected by or on behalf of the Director after having been imported. The consequences of the inspection are for the risk and liability of the importer. A certificate of the inspection is issued according to a model to be fixed by the Minister.
3. A compensation for inspections shall be claimed from the importer for the benefit of the Public Treasury in accordance with a tariff to be fixed by the Government Resolution. With the inspection, designation and opening of the packed goods shall take place by the importer or a representative designated by him. No compensation shall be paid for samples taken along for examination.
4. By or on behalf of the Director it can be determined when and in what manner goods not yet declared fit for consumption will be stored.
5. Only goods of shipments declared fit for human consumption, for which the compensation for the inspection has been paid, can be brought into the free traffic or taken away.
6. Shipments already declared fit and brought into the free traffic can be subjected to re-inspection if the Director has grounded reason to surmise that these shipments can cause danger for agriculture. No compensation shall be claimed for re-inspection.

² Amended by G.B. 1972 no 163

Article 7³

1. On the ground of the result of an inspection it can be determined by or on behalf of the Director that the shipment or certain goods from the shipment have to undergo a disinfection or renewed disinfection or another scientifically tested act or treatment or in a manner to be indicated by him and within a period of time stipulated.
2. The disinfected or treated goods shall be submitted to a re-inspection before they can be brought into free traffic or can be taken away accordance with article 6. In the event that the disinfection, renewed disinfection or another scientifically tested treatment or act takes place by or on behalf of the state, the costs of the same shall be paid before.
4. The consequences of each disinfection, renewed disinfection, or another scientifically tested treatment or act are for the risk of the importer.

Article 8⁴

1. Goods referred to in Article 3 can, regardless of the prosecution to be undertaken, be destroyed by the Government without any right of compensation being derived if these goods have been imported contrary to what has been stipulated by or by virtue of this act.
2. What has been stipulated in the previous subsection is also applicable to goods which on the ground of what has been stipulated in article 4 or 5 have been imported but:
 - a. whereby the conditions set have not been met;
 - b. which have been stored contrary to the provision in article 6 subsection 4;
 - c. which have not been disinfected in accordance with the provision in article 7 subsection 1;
 - d. which without having been declared fit for consumption are brought into the free traffic or are taken away.
3. Goods which on the ground of what has been stipulated in Article 4 or 5 have been imported, not falling under the 2nd subsection of this article can be destroyed by the state if this is deemed necessary by or on behalf of the Minister on the ground of the situation of the goods or of other circumstances which can cause a danger for the health of cultivated crops. In such a case the state can pay damages to be fixed equitably.

³ Amended by G.B. 1972 no 163

⁴ Amended by G.B. 1972 no 163

CHAPTER III
TRANSPORT AND TRANSIT IN A PROTECTED AREA

Article 9⁵

In order to prevent and control plant diseases and plagues a district or part of the same can by Government resolution be declared protected area for a period of time, each time to be fixed for cultivated crops to be designated by that resolution.

Article 10

All transport and transit in a protected area of plants and parts of plants of a designated cultivated crop as well as material used for packing such plants and part of plants, is forbidden.

Article 11

1. An exemption can be granted by or on behalf of the Director each time for one single shipment from what has been stipulated in article 10 either under certain conditions or not.
2. A certificate shall be granted for the exemption granted for each shipment in accordance with a model to be fixed by the Minister.
3. No exemption shall be deemed having been granted for shipments not accompanied by the certificate issued to that end during transport or transit.

Article 12

Goods referred to in Article 10 can, regardless of the prosecution to be set, be destroyed on behalf of the State without any right of damages being derived from the same if during transport or transit these goods are accompanied by a certificate of exemption in accordance with what has been stipulated in Article 11 or if the conditions thereby set are not being met.

⁵ Amended by G.B. no 1972 no 163.

CHAPTER IV
CULTIVATION MEASURES

Article 13

1. By Government Resolution can be fixed which scientifically tested and economically justified measures can be considered for application in a protected area with the control of diseases and plagues in a cultivated crop or with the curbing of danger of spreading of or contamination with such diseases and plagues as well as the manner in which these measures must be carried out.
2. By the measures referred to in the previous subsection the following can also be understood, cleaning up, removing or destroying sick or affected plants, spraying with certain control agents against plant diseases, temporal flooding and/or flooding land and for that matter all measures which are necessary for the obtainment of a sound planting of the designated cultivated crop.

Article 14

In a protected area the designated crops can be grown exclusively with due observance of the cultivation measures certified applicable by the Minister.

Article 15

Anyone who by virtue of any propriety right or personal right enjoys land in a protected area in which a designated cultivated crop is grown, or his representative is obliged to submit a statement on the nature and size of the planting concerned in accordance with rules to be announced by the District Commissioner.

Article 16⁶

1. The persons referred to in article 15 are bound to carry out the cultivation measures certified applicable by Article 14 upon the first writing of the District Commissioner within a period of time to be thereby fixed bearing in mind the circumstances.
2. In the event that the cultivation measures cannot be postponed, the District Commissioner or on his behalf someone else can give a summons with regard to the execution, which summons shall be confirmed by notice as referred to in the previous subsection within six days.

⁶ Amended by G.B. 1972 no 163

3. In special cases, a compensation for the costs of the measures to be carried out can be granted by the State at the discretion of the Minister or assistance can be granted in some other manner.

Article 17

1. In case of negligence to comply with the notice or summons referred to in Article 16, the District Commissioner can have the measures prescribed executed, regardless of the criminal prosecution to be started.
2. The recovery of the costs takes place in the manner fixed for the collection of taxes.

Article 18

1. In urgent cases, the District Commissioner can have the cultivation measures certified applicable by virtue of article 14 on grounds referred to in Article 15 carried out directly by order of the State.
2. A reasonable contribution to the costs of the execution to be fixed by the District Commissioner can be claimed from the one with personal or propriety right in the manner stipulated in Article 17, subsection 2. The contribution can amount to half of the costs actually incurred by the State at the most.

CHAPTER V PENAL PROVISION

Article 19⁷

1. He that imports plants, parts of plants or other goods of which he knows or reasonably can surmise that animal or vegetable organisms can occur in or on them, which can cause diseases or plagues harmful to agriculture or who imports such organisms separately or after importation receives, transports keeps under his care or brings into free traffic, is punished by an imprisonment of four years at the most.
2. He that acts by virtue of permission granted by or on behalf of the Minister of the interest of scientific or other special purposes and in accordance with the conditions set with that permission is not punishable.

⁷ Amended by G.B. 1972 no 163, S.B. 1980 no 116

Article 20

1. He that contrary to what has been stipulated by or by virtue of this act imports or after importation receives, transports, keeps in his care or releases goods referred to in article 3 is punished by a detention of six months at the most or a money fine of two thousand guilders at the most.
2. The following persons shall be punished by detention of three months at the most or a money fine of one thousand guilders at the most:
 - a. he, that obstructs or hinders the observance of what has been stipulated by or by virtue of this Act;
 - b. he, that imports the goods that are outside of the supply places referred to in Article 6, subsection 1;
 - c. he, that contrary to what has been stipulated in article 6 subsection 4 stores the goods referred to;
 - d. he, that does not disinfect the goods referred to in accordance with what has been stipulated in Article 7 subsection 1;
 - e. he, that releases or takes away goods referred to in Article 6 without approval received;
 - f. he, that contrary to what has been stipulated in Article 10 transports or forwards goods in transit without the shipment being accompanied by a certificate of exemption as referred to in Article 11 or without the conditions set with that exemption being complied with;
 - g. he, that does not comply with the obligation referred to in Article 15 or the one referred to in Article 16 subsection 1.

Article 21

In the event that an offence made punishable by this Act is committed by a legal person, the criminal prosecution shall be set and the penalty pronounce against the one who has ordered the offence to be committed or who was in charge of the actual lead when that forbidden act was committed.

Article 22⁸

1. The offences made punishable in Article 19 are considered crimes, those referred to in Article 20, offences.
2. Besides the civil servants and officials referred to in Article 134 in the Code of Criminal Proceedings, the civil servant of Import Duty and Excise and the persons Designated for that purpose by the Minister shall be charged with the tracing of these crimes and offences.

⁸ Amended by G.B. 1972 no 163, S.B. 1980 no 116

Article 23⁹

1. The criminal investigators always have access to all means of transport, buildings and spaces either closed or not where it can be reasonably suspected that the law has been violated. However, a dwelling shall not be entered without a written authorization from the Attorney General in Paramaribo and in the district from the District Commissioner concerned.
2. In case access is refused then they shall gain access if necessary by enlisting the assistance of the strong arm of the law.
3. An official report shall be drawn up of the entering of a dwelling, a copy of which shall be communicated to the person whose dwelling has been entered within two times 24 hours.

Article 24¹⁰

The criminal investigators are at all times authorized to confiscate objects liable to that end. To that end, they can claim extraditions.

CHAPTER VI FINAL PROVISIONS

Article 25

1. This Act can be referred to as “Plant protection Act 1963”.
2. It shall take effect on the thirtieth day following the on of its announcement.
3. The Acts of August 30, 1916 (G.B. 1918 no 51) and of September 28, 1928 (G.B. 1929 no 31) shall cease to be effective.

⁹ Amended by G.B. 1972 no 163, S.B. 1980 no 116

¹⁰ Amended by G.B. 1972 no 163, S.B. 1980 no 116