

LEGAL NOTICE NO. 194

REPUBLIC OF TRINIDAD AND TOBAGO

THE PLANT PROTECTION ACT, 1975

REGULATIONS

MADE BY THE MINISTER WITH RESPONSIBILITY FOR AGRICULTURE
UNDER SECTION 17 OF THE PLANT PROTECTION ACT, 1975

THE PLANT PROTECTION REGULATIONS, 1997

1. These Regulations may be cited as the Plant Protection Citation
Regulations, 1997.

2. In these Regulations—

Interpreta-
tion

“beneficial organism” means any stage of an insect, nematode, mite, protozoan or other invertebrate or vertebrate animal, bacterium, virus, fungus, or a reproductive part thereof, and includes any agent or genetically engineered variant of the foregoing, intended to be used for promoting agricultural, industrial or other useful activity;

“designated employee” means a person appointed under section 7 of the Act;

“fruit and vegetables” includes all edible portions of food plants in the raw or un-processed state;

“Ministry” means the agency of Government to which responsibility for the subject matter of agriculture is assigned;

“non-plant articles” means items that are not of plant origin but represent a plant quarantine risk;

“pest” means any parasitical, epiphytal or other animal or vegetable organism inimical to the growth or existence of living plants or injurious to plant products and any agent capable of producing a communicable disease of plants, which the Minister may, by Order, from time to time declare to be a pest within the meaning of the Act;

“plant pest” means any stage of an insect, nematode, mite, protozoan or other invertebrate or vertebrate animal, bacterium, fungus, parasitic plant or a reproductive part thereof, virus or any other agent or genetically—engineered variant of the foregoing, capable of having a deleterious effect on a plant or plant product;

“Plants Import Schedule” refers to a list of economic crops held by the Plant Quarantine Service indicating which crops might be imported and the conditions and restrictions applicable to the importations;

“planting material” include trees, shrubs, vines, cuttings, grafts, scions, buds, bulbs, roots, seeds and any other plant part capable of propagation;

“Plant Quarantine Officer” means any person or persons assigned to the Plant Quarantine Service;

“Plant Quarantine Service means the Service established by section 11 of the Act;

“restricted article” means—

- (a) any plant pest or other organism;
- (b) fruit and vegetables, planting materials, plant products or soil;
- (c) non-plant articles prescribed by the Minister in accordance with section 17(a);

“soil” means the loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

Examination
restricted
articles

3. (1) The entry in Trinidad and Tobago of all restricted articles, which may present a pest risk to the agriculture of Trinidad and Tobago, shall be subject to examination upon arrival by a Plant Quarantine Officer or a designated employee, and if necessary, to treatment, destruction or re-export, as the case may warrant.

(2) All treatment, destruction or re-export shall be the responsibility of a Plant Quarantine Officer or a designated employee and shall be performed at the sole risk and expense of the importer or his agent to the satisfaction of a Plant Quarantine Officer or designated employee.

(3) For the purpose of examination, a Plant Quarantine Officer or a designated employee may detain any consignment or part of a consignment of restricted articles being offered for entry or export, and take samples of such articles for such testing as may be considered necessary.

(4) A shipment of restricted articles arriving at the designated ports of entry without an import permit, shall not be off-loaded without the permission of a Plant Quarantine Officer or a designated employee.

Importation
by or for the
Ministry of
Agriculture

4. Notwithstanding anything in these Regulations, importation by or for the Ministry or of specific material for *bona fide* purposes may be allowed subject to such measures as are prescribed by the Plant Quarantine Service, to prevent pest entry and dissemination, including routine compliance with documentary requirements.

5. The following ports are designated ports of entry and export for ^{Ports of entry and export} plant quarantine purposes and plant inspection services shall be provided at these ports during normal working hours:

Port-of-Spain Wharves	The Port of Pt. Lisas
Piarco International Airport	Scarborough Wharves
Crown Point International Airport	

6. (1) Agricultural Assistants engaged in plant quarantine duties at ^{Overtime fees} ports of entry and Plant Quarantine Guards shall be paid overtime duty at the rates set out in the First Schedule.

(2) There shall be paid to the Comptroller of Customs and Excise for overtime duties performed at ports of entry by Agricultural Assistants engaged in plant quarantine duties and Plant Quarantine Guards, fees at the rates set out in the Second Schedule.

7. (1) All planting material is subject to such inspection and treatment ^{Planting materials} as may be necessary, as a condition of entry into Trinidad and Tobago.

(2) The entry of plants, cuttings, scions, stocks, tubers, roots, seeds etc. for planting purposes shall be limited to the smallest possible propagative unit consistent with good horticultural practices.

(3) The importation of planting material namely, plants, rooted-cuttings, or any other plant part shall be limited to soil-free plants and plant parts and an approved packaging material may be used around the roots of plants after the soil has been removed.

(4) Plants, rooted-cuttings, seedlings and any other propagative units or plant parts are not admissible if established in a growing medium other than agar-based media, without specific approval.

(5) In the case of forest trees, entry shall be restricted to seed or plantlets in agar.

8. (1) A permit to import fruit and vegetables may be issued by the ^{Fruit and vegetables} Plant Quarantine Service upon submission of a completed application for an import permit.

(2) The entry status of the fruit or vegetables shall be determined according to the pests present in the exporting country.

(3) The importation of soft, fleshy fruit and vegetables shall be prohibited from all countries where the Hawaiian, Mexican, Mediterranean and other dangerous fruit flies are known to occur, unless approved treatments can be effectively performed.

(4) Fruit and vegetables arriving in passenger baggage or personal effects without the necessary permit shall be confiscated and destroyed.

(5) Dried, frozen, preserved or candied fruit and vegetables that have been prepared in such a manner as to make them innocuous as pest carriers and are not otherwise prohibited in the Plant Import Schedule are enterable, subject to verification of their condition and freedom from pests.

Plant pests 9. (1) The entry of plant pests shall not be authorised unless a permit has been issued to a recognised scientific and research institution, where the plant pests are destined for use by that institution.

(2) The importations of plant pests shall be subject to safeguard measures as specified on the permit.

Beneficial organisms 10. The entry of beneficial organisms shall not be authorised unless a permit is issued to the person importing such organisms.

Soil 11. (1) A person shall not import soil into Trinidad and Tobago unless such importation is done by or on behalf of a recognised scientific and research laboratory to which a permit has been issued.

(2) The importation of soil shall be subject to specific safeguard measures as enumerated on the permit.

(3) In general, the following rules shall apply:

- (a) only small quantities may be imported at any one time;
- (b) the soil shall be shipped in sturdy tightly-sealed containers;
- (c) the soil may be used only in the laboratory of the permit holder; and
- (d) the soil shall be incinerated or otherwise sterilised in the manner approved by the Plant Quarantine Service at the conclusion of the test.

(4) The entry of any plant or plant products, machinery, equipment or conveyance of any kind carrying or contaminated with soil is prohibited and entry shall be permitted only where they are free from soil to the extent approved by the Plant Quarantine Service.

Importation by mail 12. Restricted articles imported by mail, shall be subject to the requirements of these regulations which shall be enforced through co-operative arrangements of the Postal and Plant Quarantine Services and the Customs and Excise Department.

Rules on packaging material 13. Packaging material shall be subject to the following Regulations—

- (a) any plant or plant part prohibited entry in accordance with the Plant Import Schedule shall not be entered as packing material;
- (b) the following shall also be specifically prohibited entry as packing material:
 - (i) banana plants and plants parts;
 - (ii) citrus plants and plant parts;
 - (iii) coconut or other palm material;
 - (iv) coffee plants and plant parts;
 - (v) cotton plants, plant parts and unprocessed cotton products;

- (vi) forest litter;
 - (vii) grass plants and plant parts;
 - (viii) leaves and stems of plants in general;
 - (ix) rice straw and hulls;
 - (x) sugarcane plants and plant parts; and
 - (xi) soil.
- (c) the following may be entered as packaging material:
- (i) sterilised peat or sphagnum moss;
 - (ii) excelsior or wood's wool;
 - (iii) vermiculite;
 - (iv) ground cork;
 - (v) shredded paper; and
 - (vi) perlite.

14. (1) Articles subject to permit requirements shall also be subject to ^{Safeguard} the safeguards directed by the Plant Quarantine Service and may also be ^{requirements} subject to safeguards in accordance with the following provisions—

- (a) the procedures employed shall be those that impose a minimum of inconvenience to the shipper or carrier but shall be consistent with proper precautions against pest entry or dissemination and articles which are not in compliance with the requirements may be seized, destroyed or otherwise disposed of;
- (b) inspections of articles subject to these Regulations shall be performed within twenty-four (24) hours or as soon after arrival as practical and the conditions necessary to prevent pest dissemination will be specified at that time if prior arrangements have not already been made and the Comptroller of Customs and Excise shall not release any article in custody until such requirements have been met and approved by a Plant Quarantine Officer or a designated employee;
- (c) any treatment, destruction or safeguard requirements deemed necessary under this regulation shall be made at the owner's or other responsible person's risk and expense;
- (d) plant material refused entry shall be subject to these safeguards until re-exported or destroyed;
- (e) restricted articles that are intransit shall not be opened, landed or repackaged without the permission of the Plant Quarantine Service and transshipment of restricted articles shall require prior written permission;

- (f) restricted articles referred to in paragraph (e), shall not be removed from a port without written permission from the Plant Quarantine Service;
- (g) where permission is given to remove a restricted article from the port to a specified place pending inspection, a plant quarantine seal may be placed on the article and any unauthorised person who breaks a seal referred to in subregulation (1)(g) commits an offence and any person found guilty of such an offence shall on summary conviction be liable to a fine of two thousand dollars; such articles shall not be opened unless a Plant Quarantine Officer or a designated employee is present;
- (h) garbage or refuse entering the territorial waters or temporarily in the ports of Trinidad and Tobago shall be subject to such safeguards as specified by the plant Quarantine Service, in co-operation with other governmental agencies including the departments responsible for public health and animal health;
- (i) the landing of garbage is prohibited except in unusual circumstances and in these instances, prior approval shall be obtained from the appropriate agency and the Plant Quarantine Service;
- (j) garbage retained onboard intransit vessels and aircraft shall be enclosed in tightly sealed, insect-proof containers to prevent insect escape and in the case of ships in port, shall be inside the ship's rail.

Export
regulations

15. (1) The Plant Quarantine Service shall issue phytosanitary certificates based on inspections performed at the request of exporters to aid them in meeting the entry requirements for Trinidad and Tobago.

(2) A certificate shall be issued only for products grown or produced in Trinidad and Tobago, otherwise, a re-export certificate may be issued.

(3) The issuance of a Phytosanitary Certificate shall not release the exporter from compliance with any export regulations of the Government of Trinidad and Tobago.

(4) In this regulation a Phytosanitary Certificate is the certificate that is based on the model of that adopted by the International Plant Protection Convention of 1951.

Applications
to import

16. The application for a permit to import any item authorised by these regulations, should be made in writing four weeks in advance on the

prescribed form, addressed to the Plant Quarantine Service and should include the following information:

- (a) full name, residence and postal address of the applicant;
- (b) name and address of the exporter or person from whom the material will be obtained;
- (c) the quantity and botanical names of all material it is proposed to import;
- (d) the country of origin (including specific locality within the country) of material to be imported;
- (e) the exact location in Trinidad and Tobago where material will be grown or utilised;
- (f) the port/point of entry and approximate date of arrival of the shipment;
- (g) any other relevant information.

17. An import permit shall be issued only to residents of Trinidad and Tobago. Issue of import permit

18. (1) No fruit, vegetable or plant material which is the subject of an Order made by the Minister, shall be carried to Tobago from Trinidad, or to Trinidad from Tobago, unless the fruit, vegetable or plant material is accompanied by a Phytosanitary Certificate. Control of movement of fruit, vegetables and plant material in Trinidad and Tobago

(2) A Plant Quarantine Officer or a designated employee may seize, treat and destroy or direct or authorise the treatment or destruction of any fruit, vegetable or plant material referred to in subregulation (1) which is found to be infested with any pest.

(3) For the purposes of this regulation, a Plant Quarantine Officer or designated employee may, with or without the assistance of a police officer, stop and search any vehicle on a public road which is being used to transport any plant material.

19. No compensation shall be payable in respect of the seizure, destruction of or damage to any fruit, vegetable or plant material or thing, including packaging as a result of the exercise of the powers conferred by these regulations. No compensation payable

20. The Plant Protections Regulations, 1953 and the Plant Protection (Amendment) Regulations, 1996 are hereby revoked. Revocation of regulations

FIRST SCHEDULE

[Regulation (6)(a)]

OVERTIME RATES PAYABLE

- (a) on ordinary week-days
 Plant Quarantine Guards \$14.74 for each hour or part thereof
 Agricultural Assistant engaged in Plant
 Quarantine duties at Ports of entry \$30.25 for each hour or part thereof
- (b) on Saturdays, Sundays and Public Holidays
 Plant Quarantine Guards \$19.66 for each hour or part thereof
 Agricultural Assistants engaged in Plant
 Quarantine duties at Ports of entry \$40.30 for each hour or part thereof

SECOND SCHEDULE

[Regulation (6)(b)]

OVERTIME FEES PAYABLE BY MEMBERS OF THE
PUBLIC FOR PLANT QUARANTINE SERVICES

- (a) on ordinary week-days
 Plant Quarantine Guards \$16.21 for each hour or part thereof
 Agricultural Assistants \$33.28 for each hour or part thereof
- (b) on Saturdays, Sundays and Public Holidays
 Plant Quarantine Guards \$21.63 for each hour or part thereof
 Agricultural Assistants \$44.37 for each hour or part thereof

Made by the Minister with responsibility for Plant Protection this
 2nd day of September, 1997.

R. MOHAMMED
*Minister of Agriculture, Land
 and Marine Resources*