

CHAPTER 43

PLANT PROTECTION ACT

Arrangement of sections

1. Short title.
2. Interpretation.
3. Appointment of officers.
4. Orders.
5. Occupier to give notice of notifiable disease or pest.
6. Power of entry.
7. Procedure for eradication of diseases and pests.
8. Payment for cost of eradication.
9. Quarantine of nurseries.
10. Service of notice in absence of occupier
11. Compensation.
12. Informality not to invalidate proceedings.
13. Offences.
14. Legal proceedings.
15. Regulations.
16. Saving.
Schedule.

AN ACT to provide for the prevention, eradication and control of diseases and pests affecting plants.

Commencement: 22nd April 1941

1. This Act may be cited as the Plant Protection Act. Short title.
2. In this Act— Interpretation
 - "animal organism" means any animal organism in whatever stage of existence such animal organism may be;
 - "disease" means any abnormal conditions of plants, communicable or believed to be communicable by the transfer of a causative agent or by the propagation of the affected plants, which the Governor-General may, by proclamation, declare to be a disease within the meaning of this Act;

"diseased" means affected with disease;

"disinfection" means the utilisation of any substance or process designed to prevent, eliminate or reduce any disease or pest with which plants or parts of plants may be affected;

"imported" means brought into Saint Vincent and the Grenadines by any means whatsoever;

"land" includes plantation and nursery;

"notifiable disease" means any disease which the Governor-General may, by proclamation, declare to be a notifiable disease within the meaning of this Act;

"notifiable pest" means any pest which the Governor-General; may, by proclamation, declare to be a notifiable pest within the meaning of this Act;

"nursery" means any land or place whereon is grown or kept any plant intended for sale or distribution;

"occupier", in relation to any land or building, means the person in actual occupation thereof or, if there is no such person, the person entitled to occupy such land or building;

"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;

"package" includes any container, box, covering, wrapper, or anything whatsoever in which plants are, or have been, imported, kept or conveyed;

"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 other agent capable of producing a communicable disease of plants, which the Governor-General may, by proclamation, declare to be a pest within the meaning of this Act;

"plant" includes any tree, shrub, herb or vegetable; any cutting, bulb, seed, bud or graft; and the fruit or any other part of any plant; and the whole or any part of any growing, dying or dead plant, including any pod, husk or skin;

"plant protection officer" * * means the - Chief Plant Protection Officer and any person or persons appointed as a plant protection officer under this Act;

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

3. The Governor-General may appoint some qualified person as Chief Plant Protection Officer under this Act and such other persons as may be necessary as plant protection officers. Appointment of officers.

4. The Governor-General may, by order in the Gazette, Orders.

- (a) prohibit, control or restrict the transport of any diseased plant, or of any plant appearing to be affected with any pest or disease, or of anything whatever, whether of a nature similar to a plant or not, likely to infect any plant with any pest or disease;
- (b) prohibit, control or restrict the cultivation and harvesting either throughout Saint Vincent and the Grenadines, or in any specified area thereof, of any plant when, in the opinion of the Governor-General, such measures are necessary for the control or eradication of any pest or disease;
- (c) direct, authorise or control the quarantine of infected areas;
- (d) direct and specify the precautions to be taken to prevent the spread of plant diseases or pests;
- (e) authorise or require the inspection before import or export of any plant or article likely to infect any plant with any pest or disease, and provide for the grant of a certificate as to the results of any such inspection;
- (f) direct or authorise the disinfection or treatment of any plant and of any article likely to infect any plant with a pest or disease;
- (g) authorise the immediate destruction without compensation of any plant or article which, on inspection, appears to be infested or infected with any pest or disease;
- (h) direct or authorise the detention of classes of imported plants in any specified place and specify the precautions to be observed during such detention;
- (i) require plants, or any class or classes of plants, to be accompanied on importation by a plant certificate issued by a competent person or persons.

Occupier to give notice of notifiable disease or pest.

5. (1) The occupier of any land, on which any notifiable disease or notifiable pest occurs, shall as soon as practicable give notice thereof to a plant protection officer.

(2) Any occupier who fails to give notice in accordance with subsection (1) is guilty of an offence and liable to a fine of fifteen hundred dollars.

(3) In any proceedings under this section it shall be no defence that the occupier was not aware of the occurrence of such disease or pest unless it shall be shown to the satisfaction of the court that he, and the persons employed by him on the land, took all reasonable steps to discover such occurrence.

Power of entry.

6. (1) Subject to any regulations made under this Act, a plant protection officer may at all reasonable times enter without notice (with or without assistance as may to him seem fit) upon any land, 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 disease-infected or pest-infected plant, or any soil, manure, package or packing material and may remain thereon or therein so long as may be reasonably necessary for any such purpose.

(2) Before entering on any such land or building under the provisions of this section the plant protection officer shall inform the occupier, if present at the time, of his intention to do so.

Procedure for eradication of diseases and pests.

7. A plant protection officer may, by notice in writing in the form in the Schedule served upon the occupier of any land, require him to take at his own expense and within a time specified in the notice, running from the date of service, all such measures as may be necessary for the eradication or the prevention of the spread of any disease or pest. Such measures may include the total destruction, if necessary, of any plant whether infected by any disease or infested with any pest or not.

Payment of cost of eradication.

8. (1) If an occupier fails to take any measures which by a notice under section 7 he is required to take, a plant protection officer may, on the expiration of the time specified in such notice, enter upon the land and cause such measures to be taken.

(2) Any expenses incurred by the plant protection officer in connection with such measures shall be paid by the person in default:

Provided that the Governor-General may dispense with the payment of such expenses in cases where, owing to the person

in default being in needy circumstances, or for any other reason, the Governor-General thinks fit so to do.

(3) The expenses so incurred shall be recoverable as an ordinary civil debt.

9. (1) Where any plant protection officer finds any nursery, or any part of any nursery, to be affected by any disease or pest he may, by notice in writing served upon the occupier, declare such nursery or part thereof to be under quarantine. Quarantine of nurseries.

(2) The notice shall remain in force until a plant protection officer shall have given the owner or occupier of the nursery affected a certificate in writing that the nursery is free from disease and pest.

(3) While the notice is in force no person shall remove, or allow or cause to be removed, any plant or any soil, manure, packages or any vegetable or animal organism from the area under quarantine.

(4) The occupier of a nursery having his nursery, or any part thereof, thus placed under quarantine may, upon application to a plant protection officer, have his nursery examined free of charge to determine whether or not the disease or pest has been eradicated.

10. If there is no person in actual occupation of any land, or if the occupier cannot be found, service of any notice under this Act may be made by affixing the same in some conspicuous place on the land and such affixing shall be deemed to be good and sufficient service. Service of notice in absence of occupier.

11. The Governor-General may, out of moneys voted for that purpose by Parliament, make grants by way of compensation to occupiers and to owners (according to their respective interests) in respect of healthy plants destroyed in order to prevent the increase of any disease or pest or the spread of any disease or pest into adjoining lands. Compensation.

12. Proceedings taken under this Act shall not be rendered invalid by reason of the informality of any order or notice made or given except as against any person prejudiced by such informality. Informality not to invalidate proceedings.

13. (1) Any person who—

- (a) in any manner obstructs or impedes any person in the execution of any of the powers conferred by this or by regulations or orders made hereunder;

Offences.

- (b) knowingly introduces any disease or pest into any cultivated or uncultivated land or to any plant whether cultivated or not cultivated; or
- (c) fails to comply with, or acts in contravention of, any of the provisions of this Act or any regulations or orders made hereunder or any order given in pursuance thereof, when no other penalty is provided in this Act,

is guilty of an offence and liable to a fine of one thousand dollars and to imprisonment for six months.

(2) The master of any ship or the pilot of any aircraft, as the case may be, who commits an offence against any regulation made under section 15 (e) prohibiting vessels or aircraft from approaching or remaining within a distance of two miles from any point in Saint Vincent and the Grenadines is liable to a fine of ten thousand dollars and to imprisonment for one year.

Legal
proceedings.

14. All proceedings under this Act may be taken in the name of a plant protection officer and shall not be deemed to affect any civil liability which may exist independently thereof.

Regulations.

15. The Governor-General may make regulations for all or any of the following purposes—

- (a) for prohibiting, restricting or regulating the importation into Saint Vincent and the Grenadines of—
 - (i) any plant, vegetable organism or package;
 - (ii) any article or class of articles, whether of a nature similar to plants or not;
 - (iii) any animal or animal organism;
likely to cause infection by any animal or vegetable organism or other agent which is, or is believed to be, inimical to the growth of plants;
- (b) for requiring that any plant, or any other thing mentioned in paragraph (a), shall only be imported into Saint Vincent and the Grenadines on the advice of and with the concurrence of the Plant Quarantine Committee previously obtained and subject to such conditions as the committee may impose;
- (c) for authorising or requiring the inspection before import of any plant or article likely to infect any plant with any animal organism or vegetable organism or other agent, which is, or is believed to be, inimical to the growth of plants;
- (d) for authorising or requiring the disinfection, treatment, destruction and disposal without com-

penetration of any diseased plant or of any plant appearing to be infected with any animal or vegetable organism or other agent which is, or is believed to be, inimical to the growth of plants, or of anything whatever, whether of a nature similar to a plant or not, 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;

- (e) for directing or authorising the disinfection, treatment and fumigation of buildings, vehicles, vessels or aircraft used, or suspected of having been used, for the storage or conveyance of anything likely to infect a plant with any pest or disease, and for prohibiting any such vessels or aircraft from approaching or remaining within a distance of two miles from any point in Saint Vincent and the Grenadines;
- (f) for prohibiting the importation of any plant or plants except at specified ports or places of entry;
- (g) for directing or authorising the detention of any imported plant or plants in any specified place and specifying the precautions to be observed during such detention;
- (h) for requiring the importation of any plant or plants to be accompanied by a plant certificate issued by an authorised person or persons;
- (i) for authorising or requiring the issue and revocation of licences for, and the inspection of, nurseries in which plants are reared for the purpose of sale, and the imposition of fees for such licences, and the regulation of the sale or removal of plants, whether reared in nurseries or not;
- (j) for regulating or prohibiting the removal from any land or building, or the transference or conveyance from any part of Saint Vincent and the Grenadines to any other part thereof, of any plant, soil, manure, straw, package, vegetable organism or animal organism;
- (k) for fixing the payment of fees for disinfection or treatment, or any other services rendered by officers under this Act;
- (l) for defining the duties of plant protection officers under this Act;
- (m) for regulating the manner in which applications are

- to be made to a plant protection officer; and
 (n) generally for carrying into effect the provisions of this Act.

Saving.
 Act 10 of
 1935.

16. Notwithstanding the repeal of the Plant Protection Act, 1935, any orders, Orders in Council or proclamations made under that Act shall continue to have effect until revoked or rescinded under this Act but may be amended by order, regulations or proclamation made under this Act.

SCHEDULE

Section 7

To

Nursery

Land

Plantation

Situate at

In pursuance of the powers vested in me by section 7 of the Plant Protection Act (Cap. 43), I hereby direct you within days of the service upon you of this order, to do the following work on your

Nursery

Land

Plantation

viz.:

(Date)

.....
 Plant Protection Officer
