

CHAPTER 266

PLANT PEST AND DISEASE (IMPORT CONTROL)

ARRANGEMENT OF SECTIONS

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CHAPTER 266

PLANT PEST AND DISEASE (IMPORT CONTROL)

An Act to regulate the importation of planting material and plant products into Barbados in order to control the spread of diseases and pests that are injurious to plants. 1995-18.

[13th November, 1995] Commence-
ment.

1. This Act may be cited as the *Plant Pest and Disease (Import Control) Act*. Short title.

2. In this Act

Interpreta-
tion.

"carrier" means any vessel, aircraft or vehicle or any other means of transport;

"importer" includes any person who as owner, consignor, consignee, agent, broker or otherwise, is in possession of or who is in any way entitled to the custody or control of any restricted article;

"inspector" means a Plant Quarantine Inspector designated as such under section 4;

"planting material" includes plants, tissue cultures, fruits, vegetables, seeds and any part of a plant capable of propagation;

"Plant Protection Convention" means the International Convention for the Protection of Plants and Plant Products Concluded at Rome 6th December, 1951;

"plant pest" means any living organism, invertebrate animal or any pathogenic agent in any stage of existence capable of causing injury to plants or plant products;

"plant product" means any material of plant origin, whether processed or not, capable of harbouring plant pests;

"premises" includes any land, whether or not covered by a building or a carrier;

"restricted article" means planting materials, plant products, plant pests or soil and includes any machinery or equipment containing a restricted article;

"soil" means the loose primary or secondary minerals of the earth's surface in which plants grow and which consists mainly of disintegrated rock-forming minerals with an admixture of organic material and soluble salts and includes sand and any other growing medium.

Import permits.

3. (1) No person shall import into Barbados any restricted article unless he first applies for and obtains a permit in accordance with the provisions of this Act or the regulations.

(2) An application for a permit under subsection (1) shall be made to the Chief Agricultural Officer in the manner prescribed.

Inspectors.

4. (1) The Minister may, on the advice of the Chief Agricultural Officer, by instrument in writing designate certain officers on the staff of the Ministry of Agriculture for such periods as he thinks fit, to be Plant Quarantine Inspectors for the purposes of this Act.

(2) Inspectors appointed under subsection (1) shall act on the directions of the Chief Agricultural Officer in the discharge of their functions under this Act.

Removal of restricted articles prohibited.

5. No person shall remove any restricted article from the port of entry of the article unless that article is first inspected by an inspector.

Inspection of restricted articles and the issue of a certificate to that effect.

6. (1) The Chief Agricultural Officer shall have every restricted article inspected

(a) at the port of entry;

(b) at the premises of the importer by arrangement of the parties;
or

(c) at any other place approved by him,

and if satisfied that it contains no plant pest, he shall issue the importer with the prescribed certificate of inspection.

(2) An inspector may, for the purpose of carrying out his duties under this Act, enter any premises and remain there as long as is necessary.

(3) Where an inspector enters premises pursuant to subsection (2) for the purposes of carrying out his duties under this Act, he shall if requested to do so, produce evidence of his identity as an inspector.

(4) Where after inspection of any restricted article under subsection (1), an inspector considers that the entry of a restricted article is likely to introduce a plant pest, he may direct or cause the article to be

(a) destroyed;

(b) removed from Barbados;

(c) treated;

(d) grown in detention; or

(e) grown under the supervision of the Ministry of Agriculture.

(5) Where any planting material grown under the conditions specified in paragraph (d) or (e) of subsection (4) is found to be infected with a plant pest, an inspector may direct the importer to take any necessary remedial measures.

(6) Any expenses incurred by an inspector for the purposes of this section

(a) shall be paid by the importer; and

(b) may be recovered as a debt due to the Crown in civil proceedings before a Magistrate for District "A" notwithstanding that the amount may exceed the normal monetary limit of the jurisdiction of the magistrate.

Proof of inspection.

7. (1) Where an inspector has reasonable cause to believe that a restricted article has not been inspected in accordance with section 6, he may direct the importer to produce the certificate of inspection.

(2) Where an importer fails to comply with a direction given under subsection (1), the inspector may direct the importer to submit the restricted article for inspection.

Orders to prohibit or regulate the importation of restricted articles.

8. (1) Where it appears to the Chief Agricultural Officer that the importation of a restricted article into Barbados is likely to result in the entry of a plant pest, he shall so advise the Minister.

(2) Where the Chief Agricultural Officer advises the Minister in accordance with subsection (1), the Minister may by order prohibit or regulate the importation of the restricted article.

Export permits.

9. The Chief Agricultural Officer shall

(a) inspect or cause to be inspected, any restricted article that is for export or re-export; and

(b) grant a permit to the exporter in the form adopted by the International Plant Protection Convention.

Importation by post.

10. This Act applies with such modifications and adaptations as may be necessary, to the importation of restricted articles by post.

Offences.

11. Any person who

(a) makes or furnishes any statement required to be made or furnished by this Act, that he knows or has reasonable cause to believe to be false in any material particular;

(b) wilfully obstructs or impedes any person in the exercise of any of the powers, or in the performance of any of the duties conferred or imposed upon him by this Act;

(c) fails to comply with directions given by an inspector under the provisions of this Act; or

(d) fails to comply with section 3 or 5 of this Act,

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months.

12. The Minister may make regulations

Regulations
and fees.

- (a) prescribing fees and other charges for the purposes of this Act;
- (b) prescribing procedures to be followed in respect of a restricted article or carrier in transit through Barbados; and
- (c) generally giving effect to the provisions of this Act.

13. No proceedings may be brought against any person performing any of the functions conferred upon him by this Act unless the proceedings are commenced within 12 months of the date when the act complained of was committed.

Limitation.

14. Subject to section 6 (6), all expenses incurred in the administration of this Act are to be defrayed out of monies voted by Parliament for the purpose.

Expenses.

15. This Act binds the Crown.

Crown.