

## CHAPTER 329

### THE PLANT PROTECTION ACT

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## PLANT PROTECTION

(11th August, 1941.)

1411941.  
1811989.  
S.I. 3911989.

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 Minister may by order from time to time declare to be a disease within the meaning of this Act;
  - "diseased" means affected with disease;
  - "disinfection" means the utilization 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;
  - "import" with its grammatical variations and cognate expressions means to bring or cause to be brought within Antigua and Barbuda or the waters thereof;
  - "land" includes plantation and nursery;
  - "notifiable disease" means any disease which the Minister may by order, from time to time, declare to be a notifiable disease within the meaning of this Act;
  - "notifiable pest" means any pest which the Minister may, by order, from time to time, 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 owner of 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 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 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;

“Plant Quarantine Committee” means the Committee of Management of the Plant Quarantine Station, Trinidad, established under Section 16 of the Plant Protection Ordinance of Trinidad and Tobago, No. 8 of 1940;

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

**3.** The Public Service Commissioner 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 to act under him.

**Appointment of Officers.**

**4.** The Minister may by order—

**Power to make 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 Antigua and Barbuda, or in any specified area thereof, of any plant when, in the opinion of the Minister, such measures are necessary for the control or eradication of any pest or disease;

(c) direct, authorize 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) authorize 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 authorize the disinfection or treatment of any plant and of any article likely to infect any plant with a pest or disease;

(g) authorize 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 authorize 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 such notice shall be liable on summary conviction to a fine not exceeding three thousand 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-infested plant, or any soil, manure, straw or package, 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 so to do.

**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.

**8.** (1) If an occupier fails to take any measure which by a notice under the preceding section 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. **Non-compliance with order.**

(2) Any expenses incurred by the Plant Protection Officer in connection with such measures shall be paid by the person in default:

Provided that it shall be lawful for the Minister to 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 Minister thinks fit so to do.

(3) The expenses so incurred shall be recoverable as a civil debt by the Plant Protection Officers.

**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 diseases and pests.

(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 **service of notice in absence of occupier.**

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conspicuous place on the land and such affixing shall be deemed to be good and sufficient service.

**Compensation.**

**11.** It shall be lawful for the Minister, out of moneys voted for that purpose by Parliament, to 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.

**Informality not to invalidate proceedings.**

**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.

**Offences.**

**13.** Every person who—

(a) in any manner obstructs or impedes any person in the execution of any of the powers conferred by this Act or by regulations made thereunder, or

(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 made thereunder or any order given in pursuance thereof, when no other penalty is provided in this Act,

shall be guilty of an offence and shall, for every such offence, be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months.

**Legal proceedings.**

**14.** All proceedings under this Act shall be taken in the name of the Chief Plant Protection Officer and shall not be deemed to affect any civil liability which may exist independently thereof.

**Regulations.**

**15.** The Minister may make regulations for all or any of the following purposes—

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(a) for prohibiting, restricting or regulating the importation into Antigua and Barbuda 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) of this section shall only be imported into Antigua and Barbuda 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 authorizing 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 authorizing or requiring the disinfection, treatment, destruction and disposal without compensation 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 authorizing 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 Antigua and Barbuda;



(f) for prohibiting the importation of any plant or plants except at specified ports or places of entry;

(g) for directing or authorizing the detention of any imported plant or plants in any specified place and prescribing 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 authorized person or persons;

(i) for authorizing or requiring the issue and revocation of licences for and the inspection of nurseries in which plants are reared for the purposes 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 Antigua and Barbuda 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.

Document to be  
evidence.

**16.** Every document purporting to be an instrument issued by the Plant Quarantine Committee and signed by the Chairman of the Committee shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

17. The Plant Protection Ordinance 1923, is hereby repealed:

Saving of Proclamations made under Ordinance 16/1923.

Provided that until and except in so far as they are cancelled by any regulations to be made under the authority of this Act the proclamations with reference to the matters aforesaid in force at the time of the commencement of this Act shall continue to be in force after the passing of this Act.

SCHEDULE

S. 7

PLANT PROTECTION ACT

To .....

Nursery }
Plantation }
Land }

Situate at .....

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

Nursery |
Plantation |
Land |

viz:—

Plant Protection Officer.

(Date)