

CHAPTER 245.**PLANT PROTECTION.****ARRANGEMENT OF SECTIONS.**

SECTION.

1. Short title.
2. Interpretation.
3. Appointment of officers.
4. Powers to make orders.
5. Occupier to give notice of notifiable disease or pest.
6. Power of entry.
7. Procedure for eradication of diseases and pests.
8. Non-compliance with notice.
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. Certificate of Chief Plant Protection Officer sufficient evidence in certain cases.
16. Power of Governor in Council to make regulations.
17. Revocation of orders.
18. Publication of orders.
19. Protection of persons acting under Ordinance, regulations and orders.
20. Repeal.

SCHEDULE.**CHAPTER 245.****PLANT PROTECTION.**

An Ordinance to provide for the prevention, eradication and control of diseases and pests affecting plants. 3 of 1942
11 of 1943.

[31ST JANUARY, 1942.]

1. This Ordinance may be cited as the Plant Protection Ordinance. Short title.

2. In this Ordinance—

“ 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

Interpreta-
tion.

affected plants, which the Governor may, by order, from time to time declare to be a disease within the meaning of this Ordinance;

“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 the Colony by any means whatsoever;

“land” includes plantation and nursery;

“notifiable disease” means any disease which the Governor may, by order, from time to time, declare to be a notifiable disease within the meaning of this Ordinance;

“notifiable pest” means any pest which the Governor may, by order, from time to time, declare to be a notifiable pest within the meaning of this Ordinance;

“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 may, by order, from time to time, declare to be a pest within the meaning of this Ordinance;

“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 Ordinance;

“ Plant Quarantine Committee ” means the Committee established under the provisions of the Plant Protection Ordinance of the Colony of Trinidad and Tobago, for the management of the Plant Quarantine Station, Trinidad;

Laws of
Trinidad and
Tobago,
1940, Cap. 23,
No. 16.

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

3. The Governor may appoint some qualified person as Chief Plant Protection Officer under this Ordinance, and such other persons as may be necessary as Plant Protection Officers to act under him.

Appointment
of officers.

4. The Governor 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 the Colony, or in any specified area thereof, of any plant when, in the opinion of the Governor, 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 such notice shall be liable on summary conviction to a penalty not exceeding two hundred and forty 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 Ordinance 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 and examining any animal or vegetable organism or any disease-infected or pest-infected plant, soil, manure, straw, 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. Schedule.

7. A Plant Protection Officer may by notice in writing in the form in the schedule to this Ordinance 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 including in such measures the total destruction if necessary of any plant whether infected by any disease or infested with any pest or not.

Non-compliance with notice.

8. (1) If an occupier fails to take any measures which by a notice under section 7 of this Ordinance 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 it shall be lawful for the Governor 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 Governor thinks fit so to do.

(3) The Chief Plant Protection Officer shall in respect of the expenses so incurred have a lien upon the land affected by the notice which shall be preferent over all claims except those due to the Crown or the Colony, and may recover such expenses as a debt in a court of competent jurisdiction or enforce the payment thereof by parate execution.

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 cause to be removed any plant or any soil, manure, package, 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 Ordinance may be made by affixing the same in some conspicuous place on the land. Service of
notice in
absence of
occupier.

11. It shall be lawful for the Governor, out of moneys voted for that purpose by the Legislative Council, 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. Compensa-
tion.

Informality
not to in-
validate pro-
ceedings.

12. Proceedings taken under this Ordinance 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 Ordinance or by regulations or orders 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 Ordinance or any regulations or orders made thereunder or any order given in pursuance thereof, when no other penalty is provided in this Ordinance;

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

Legal pro-
ceedings.

14. (1) All proceedings for offences and penalties under this Ordinance may be instituted under the Summary Jurisdiction Ordinances.

(2) All proceedings under this Ordinance shall 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.

Certificate of
Chief Plant
Protection
Officer
sufficient
evidence in
certain cases.

15. (1) In any trial for an offence under this Ordinance the certificate of the Chief Plant Protection Officer, purporting to be signed by him as such, shall be sufficient evidence as to the identification of any notifiable disease or pest under this Ordinance.

(2) In any case where a person is charged under subsection (2) of section 5 of this Ordinance for failing to give any notice which he is required to give under this Ordinance the certificate of the Chief Plant Protection Officer, purporting to be signed by him as such, that no notice has been served shall be sufficient evidence for the purpose of any proceedings under this Ordinance for failure to give such notice to a Plant Protection Officer.

16. The Governor in Council may make regulations for all or any of the following purposes—

Power of
Governor in
Council
to make
regulations.
11 of 1943,
s. 2.

(a) for prohibiting, restricting or regulating the importation into the Colony 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 the Colony 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 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 authorising the disinfection, treatment and fumigation of buildings, vehicles, vessels or aircraft suspected of harbouring any pest or article likely to infect any plant with disease or used or suspected of having been used for the storage or conveyance of anything likely to infect a plant with any pest or disease;

(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 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 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 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 the Colony 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 Ordinance;

(l) for defining the duties of Plant Protection Officers under this Ordinance;

(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 Ordinance.

Revocation
of orders.

17. The Governor may, at such time as he may think fit, by order vary or revoke any order made under this Ordinance.

Publication
of orders.

18. Orders under this Ordinance shall be published in the Gazette and a daily newspaper.

Protection
of persons
acting under
Ordinance,
regulations
and orders.
Cap. 18.

19. Every person acting under the provisions of this Ordinance, the regulations and orders shall be entitled to the protection afforded by the Justices Protection Ordinance.

Repeal.
No. 37 of
1935.

20. The Plant Diseases and Pests (Prevention) Ordinance, 1935, is hereby repealed:

Provided that this repeal shall not affect the validity of any orders or regulations made under the Ordinance hereby repealed and such orders or regulations shall continue to have effect until revoked by orders or regulations made under this Ordinance.

SCHEDULE.

THE PLANT PROTECTION ORDINANCE.

s. 7.

To.....

Nursery }
Land }
Plantation }

Situate at.....

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

Nursery }
Land }
Plantation }

Viz :

(Date).....

(Signed).....

Plant Protection Officer.