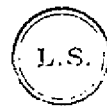




GRENADA
ACT NO. 19 OF 1986

I assent.



PAUL SCOON
Governor-General.

8th April, 1986

An Act to provide for the control of diseases and pests injurious to plants and to prevent the introduction of exotic species of the same.

[*11th April, 1986*].

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada and by the authority of the same as follows:

1. This Act may be cited as the

PLANT PROTECTION ACT, 1986

Short title
and
commence-
ment.

and shall come into force on such a day as the Minister may appoint by notice in the *Gazette*.

2. In this Act—

“carrier” refers to aircraft, vessels, vehicles or any other means of transport;

Interpreta-
tion.

“designated officer” means an officer of the Ministry designated under section 16;

“fruits and vegetables” includes trees, shrubs, vines, cuttings, grafts, scions, buds, bulbs, roots, seeds, and any other plant part capable of propagation;

“Minister” means the Minister charged with responsibility for Agriculture and Ministry shall be construed accordingly;

“notifiable plant pest” means any plant pests of substantial economic importance for which measures must be taken for its eradication, control or to prevent its further spread;

“occupier” in relation to any land or building means the person in actual occupation or, where there is no such person, the owner of the land or building;

“owner” refers to the person who is for the time being entitled to receive the rent of any land or who, where the land let to a tenant, would be entitled to receive the rent;

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

“plant pest” means any living stage of any insect, mite, nematode, slug, snail, protozoa or other invertebrate or vertebrate animal, bacterium, fungus, parasitic plant or reproductive part thereof, viruses, mycoplasmas, or any organism similar or allied with any of the foregoing capable of causing damage to any plant or plant product

“plant product” means any substance, material or article of vegetable origin, including pollen, either processed or unprocessed, which is capable of transporting plant pests;

“Plant Quarantine Services” means the Plant Quarantine Services established under section 16;

“receptacle” includes any package, box, container, covering, wrapper or any article in which plants are, or have been imported, kept or conveyed, or which can serve to transport plant pests;

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

3. Whenever the Minister shall determine that the unrestricted importation into or movement within Grenada of any planting material, fruits, vegetables, plant products, plant pests, soil, or any other non-plant article may result in the entry or movement of plant pests, he is authorised to prohibit or otherwise restrict the importation or movement of such planting material, fruits and vegetables, plant products, plant pests, soil or non-plant products to protect the agricultural resources of Grenada. Limiting power.

4. The Minister may, by order published in the *Gazette*, make rules and regulations as may be necessary for carrying out the provisions of this Act. Promulgation of Regulations.

5. Products and articles named in section 3 moving in the mail shall be subject to regulations administered jointly by the Postal Service and the Plant Quarantine Service. Mail.

Official importations.

6. Planting material, plant pests or live beneficial organisms may be imported by the Ministry for experimental purposes only under such conditions and regulations specified by the Minister.

Permit requirements.

7. No person may import or offer for entry into the State any planting material, fruits, vegetables, plant products, plant pests, predators or parasites of plant pests, or soil except under a permit issued by the Minister. The Minister may issue such a permit subject to the conditions prescribed by this Act and the Regulations made thereunder.

Emergency permits.

8. The Minister may issue an emergency permit for the entry of certain pre-determined planting material, fruits, vegetables and plant products offered for entry and for which no permit was previously granted provided the articles are found to be free of plant pests and its introduction is justifiable.

Certification requirements.

9. All planting material, fruits, vegetables, plant products, plants pests, live beneficial organisms, or soil imported into Grenada must be accompanied by a phytosanitary certificate issued by the appropriate governmental agency of the exporting country that conforms to the model adopted by the International Plant Protection Convention of 1951 of which Grenada is signatory and to any amendments thereto or to any Convention in substitution thereof accepted by Grenada.

Post-entry quarantine.

10. The Minister may by order—

- (a) limit the importation of planting material, fruits, vegetables, plant products, plant pests, and soil or any of them as he may deem necessary;

(b) require that imported planting material be grown in detention by or under the supervision of the Ministry and if found infested or infested with plant pests, to prescribe remedial measures as may be necessary to prevent their establishment and spread.

11. When a permit has been granted in the importation of planting material, fruits, vegetables, plant products, plant pests, live beneficial organisms or soil, but an order affecting this permit is subsequently made under section 4 the permit may be revoked or modified as may be required so as to have the entry requirements of the material or articles under consideration conform to the order under consideration.

Order modifying permit.

12. It shall be the duty of the Comptroller of Customs and Excise through an authorized officer to promptly notify the Plant Quarantine Service of the arrival of any planting material, fruits, vegetables, plant products, plant pests, soil, or other articles regulated by this Act at the port of arrival and, further not to release or dispose of the material or article unless so authorized by the Plant Quarantine Service.

Arrival notification.

13. Articles or products which are prohibited or subjected to restricted entry for importation under the provisions of this Act or orders thereunder if temporarily in the State or territorial waters are subject to such orders as may be deemed necessary by the Minister to carry out the purposes of this Act. This also applies to carriers, their stores and furnishings.

Safeguards.

14. The Minister may make regulations or orders as he deems necessary to provide for the inspection of domestic plants and plant products offered for export and to certify to shippers and interested

Export certification.

parties as to the freedom of such products from injurious plant pests according to the phytosanitary requirements indicated on the model certificate adopted by the International Plant Protection Convention of 1951, or as amended or replaced by a new Convention and accepted by Grenada.

Exclusion of liability.

15. No liability may be attached to the Government of Grenada for the destruction of material brought into the State in violation of this Act or the Orders issued pursuant thereto. Likewise, the Government is under no liability for any damage done, or delays incurred by treatments or other quarantine action deemed necessary and performed under existing laws. All such treatments are performed at the sole risk of the importer.

Establishment of services.

16. The Minister may establish Plant Protection and Plant Quarantine Services as may be required to protect the agricultural resources of Grenada and, in writing, designate officers of his Ministry to administer and enforce the provisions of this Act.

17. Any designated officer shall be furnished with suitable identification and may—

Enforcement authority.

(a) if he has cause to believe that any person, receptacle or carrier coming into or moving within Grenada possesses, contains or carries any planting material, fruits, vegetables, plant products, plant pests, soil or non-plant articles that constitutes a risk to the agriculture of Grenada, the entry of which is prohibited or restricted by the provision of this Act or orders issued pursuant thereto, may stop, and without warrant, search and examine such person, receptacles or carriers and seize, detain, treat, destroy or otherwise dispose of such planting material, fruits, vegetables, plant

products, plant pests, soil or other articles brought into or moving within the State in violation of this Act; and

- (b) if he has cause to believe that a notifiable plant pest may be present on any land, enter on such land and without warrant carry out survey and detection programmes as well as treat, destroy or remove planting materials, fruits, vegetables, plant products, plant pests and soil, but he shall inform the occupier, if present at the time, of his intention to enter, search, examine and if necessary to treat, confiscate or destroy.

18. The Minister may make orders necessary to prevent the spread of plant pests in Grenada and therein may:

Prevention
Order.

- (a) identify the notifiable pest under consideration;
- (b) determine the land or nursery to be placed under quarantine and advise the occupier or owner in writing accordingly;
- (c) set forth the action to be taken by Government and the occupier or owner in order to control the plant pest as well as dispose of the planting material, fruits, vegetables and plant products on the land or nursery under quarantine; and
- (d) restrict, prohibit or control the cultivation and harvesting of any plant on land or nursery under quarantine.

Occupier **19.** The occupier or owner of any land or nursery on which a suspected or identified identifiable pest is found shall, as soon as possible, advise the Ministry accordingly.

Pest control notice. **20.** Any designated officer may, by notice in writing served upon the occupier or owner of any land or nursery and which describes the measures to be taken to prevent further spread and to control or eradicate the notifiable pest mentioned therein, require the occupier or owner to:

(a) at his own expense and within the time as specified in the notice take such measures as may be recommended or required to prevent the spread, control or eradicate the notifiable pest;

(b) be responsible for the implementation of control or eradication measures even if they are not stipulated in the written notice.

Failure to comply with notice **21.** Where an occupier or owner fails to take any measures which he is required to take by notice given under section 20, upon expiration of the time specified therein, a designated officer may enter the land or nursery and implement or cause to be implemented the measures to be taken.

Reimbursement of costs. **22.** Any expenses incurred by a designated officer in connection with those measures shall be reimbursed by the occupier or owner, and may be recovered by the Chief Plant Protection Officer as a civil debt.

Waiving of expenses. **23.** The Minister may waive repayment of expenses incurred under section 22 for any justifiable reason as may be determined by him and based upon substantiated facts submitted in writing.

24. The notice served to the occupier or owner of land or a nursery under section 20(b) shall remain in force until the Ministry gives the occupier or owner a certificate in writing declaring that the land or nursery no longer is under quarantine.

Duration of quarantine.

25. While the notice served under section 20(b) is in force, it shall be unlawful to remove or have removed any planting material, fruits, vegetables, plant products or soil from the land or nursery under quarantine unless so authorized in writing by the Ministry.

Removal of plants under quarantine

26. It shall be the responsibility of the Ministry to determine if any notifiable pest has been eradicated and any inspections of land or nurseries to determine this shall be carried out by an authorised officer or officers at no cost to the occupier or owner.

Determination of eradication.

27. Where no person is in actual occupation of any land or where the occupier or owner cannot be located, service of any notice under this Act may be made by affixing the notice to a conspicuous place on the land and such affixing shall be considered as an authorised service of notice.

Inability to locate occupier or owner.

28. The Minister is authorised to compensate, out of moneys voted for that purpose by Parliament, occupiers and owners of lands and nurseries whose healthy plants, planting material, fruits, vegetables and food products have been destroyed in order to achieve eradication or prevent the further spread of an identifiable pest.

Compensation.

29. The Minister shall appoint a Plant Protection Board (hereinafter referred to as "The Board") which shall consist of the following members:

Plant Protection Board.

- (a) the Chief Plant Protection Officer who also shall serve as Chairman of the Board;

- (b) an entomologist and a plant pathologist attached to the Pest Management Unit of the Ministry;
- (c) the officer in charge of the Plant Quarantine Service who also shall serve as Secretary to the Board;
- (d) a senior Extension Officer of the Ministry of Agriculture;
- (e) a Government legal officer nominated by the Attorney General.

Appointment of alternates. 30. Where a member of the Board is unable to serve, the Minister may appoint an alternate to the Board who shall serve in his stead, except that in the case of (e) of section 29 the alternate shall be nominated by the Attorney General.

Board duties. 31. The duties of the Board are to advise the Minister on all matters covered under this Act and in particular to advise on :

- (a) making or amending orders or regulations authorized under this Act;
- (b) the declaration of any plant pest as a notifiable plant pest;
- (c) the status of planting material, fruits, vegetables, plant products, plant pests and soil that are being offered or may be offered for importation; and
- (d) the management, operation and physical requirements of the Plant Quarantine Service.

32. As concerns meetings of the Board :

Board
meetings.

- (a) they must be convened at such times as may be necessary or expedient for the efficient performance of its functions and as the Chairman may direct;
- (b) four members shall constitute a quorum;
- (c) when the Chairman or his alternate is unable to preside, the members forming a quorum may elect a Chairman from among their number to preside over that meeting; and
- (d) the decisions of the Board are by a majority of votes of the members present and in case of a tie, the person presiding shall, in addition to his original vote, cast the tie-breaking vote.

33. The Board may co-opt any one or more persons to attend Board meetings for the purpose of assisting or advising the Board, but who shall have no right to vote.

Advisers to
Board.

34. A member of the Board appointed under section 29 and 30 may :

Duration of
appointment
to Board.

- (a) hold office for the period specified in his instrument of appointment;
- (b) be eligible for re-appointment; and
- (c) at any time resign his office by submitting an instrument in writing to the Secretary of the Board.

35. Any person who—

Penalties.

- (a) violates any provision of this Act;

(b) alters, forges, counterfeits, defaces or destroys any document or certificate provided for in this Act;

(c) obstructs, impedes, assaults or causes bodily harm to any employee of the Ministry in the execution of his powers under this Act,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both.

Repeal
Cap. 220.

36. The Plant Protection Ordinance, Cap. 220 is repealed.

Passed by the House of Representatives this 28th day of February, 1986.

CURTIS V. STRACHAN
Clerk to the House of Representatives.

Passed by the Senate this 27th day of March, 1986.

CURTIS V. STRACHAN
Clerk to the Senate.