

BOTSWANA

Chapter 35:02 - Plant Protection: Subsidiary Legislation, S.I. 58, 2009

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M1 Plant Protection (Amendment) Regulations, 2016, S. I. No. 144/2016

CHAPTER 35:02 - PLANT PROTECTION: SUBSIDIARY LEGISLATION INDEX TO SUBSIDIARY LEGISLATION PLANT PROTECTION REGULATIONS

(section 29)

(17th July, 2009)

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S.I. 58, 2009.

1. Citation

These Regulations may be cited as the Plant Protection Regulations.

2. Duty to declare plants

(1) A person entering Botswana with a plant or plant product shall declare any such plant or plant product to a plant inspector.

(2) A person who fails to declare a plant or plant product in terms of subregulation (1) commits an offence and is liable on conviction to a fine of P2 000.

3. Importation of certain plants prohibited

Importation of plants listed in the First Schedule to these Regulations is prohibited.

4. Application for an import permit or certificate

(1) A person shall not import any plant or plant product unless under an import permit issued under section 11 of the Act.

(2) An application for an import permit shall be made two weeks in advance on the form

prescribed in the Fifth Schedule to these Regulations.

5. Power to attach conditions to a permit

(1) The Chief Plant Protection Officer shall have the powers to attach conditions to importation of plants or plants product listed in the Second and Third Schedule to these Regulations.

(2) Conditions referred to in subregulation (1) shall be incorporated on the import permit issued under section 11 of the Act and shall form the basis for approval of the import permit.

6. Exemption

Plant and plant products listed in the Fourth Schedule to these Regulations are exempt from the requirement of an import permit or certificate and shall only be subject to inspection on arrival into Botswana.

7. Issue of Phytosanitary Certificate

(1) A person who intends to export a plant or plant product shall apply for a Phytosanitary Certificate to the Chief Plant Protection Officer.

(2) Before issuance of the Phytosanitary Certificate to an applicant, the Chief Plant Protection Officer shall inspect the plant or plant product to be exported to ensure that the plant or plant product meet the phytosanitary regulations of the importing country.

(3) A Phytosanitary Certificate issued under these Regulations shall be proof that the plants or plant products covered by the certificate have been inspected according to appropriate procedures and are considered to be free from quarantine pests and practically free from other injurious pests.

(4) The National Plant Protection Organisation shall charge a fee to be determined by the Chief Plant Protection Officer for performing its inspection services, payment shall be made before issuance of the certificate.

(5) A Phytosanitary Certificate shall be issued only for plants or plant products grown or produced in Botswana.

8. Issue of a Phytosanitary Certificate of Re-export

A Phytosanitary Certificate of Re-export may be issued for goods not originating from Botswana where such goods were originally accompanied by a Phytosanitary Certificate from the country of origin.

9. Obligations of an import permit holder

(1) A person issued an import permit in terms of these Regulations shall-

- (a) notifying the National Plant Protection Organisation about the change in advance;
- (b) not transfer the permit to another person or entity unless with written approval of the National Plant Protection Organisation; and
- (c) comply with the terms and conditions of the permit.

(2) A person who fails to observe his or her obligations in terms of subregulation (1) commits an offence and is liable to a fine of P2 000.

(3) The Chief Plant Protection Officer shall have the power to revoke the permit or certificate in the event a permit holder fails to observe his or her obligations in terms of the permit.

FIRST SCHEDULE
PLANTS THE IMPORTATION OF WHICH IS PROHIBITED
(reg 3)

1. *Acacia caltra* (Common hookthorn)
2. *Acacia karroo* (Sweet thorn)
3. *Acacia mearnsii* (Black wattle)
4. *Araujia sericifera* (Moth catcher)
5. *Azolla*
6. *Bauhinia* (Yellow bell bauhinia)
7. *Buddleja saligna* (False olive)
8. *Campuloclinium macrocephalum* (Pom pom weed)
- ▶ **M1** *Capsicum* (Peppers) ◀
- ▶ **M1** *Capsicum annuum* (Bell Pepper) ◀
9. *Cereus jamacaru* (Queen of the night)
10. *Cortaderia jubata* (Pampas grass)
11. *Eichhornia crassipes* (water hyacinth)
12. *Hypericum perforatum* (St Johns wort)
13. *Lantana camara* (Spanish Flag)
14. *Macfadyena unguis-cati* (Cats Claw creeper)
15. *Melia azedarach* (Syringa)
16. *Miscanthus sinensis* (Zebra grass)
17. *Opuntia stricta* (Sour prickly pear)
18. *Parthenium hysterophorus* (Parthenium weed)
19. *Prosopis* spp. (Mesquite)
20. *Ricinus communis* (Castor oil plant)
21. *Sesbania punicea* (Red Sesbania)
- ▶ **M1** *Solanum lycopersicum* (Tomato) ◀
22. *Solanum mauritanum* (Bugweed)
- ▶ **M1** *Solanum melongena* (Eggplant/aubergine) ◀
- ▶ **M1** *Solanum muricatum* (Melon pear) ◀
- ▶ **M1** *Solanum tuberosum* (Potato) ◀
23. *Streptosolen jamesonii* (Marmalade bush)
24. *Tecoma stans* (Yellow bells)
25. *Tecomaria capensis* (Cape honeysuckle)
26. *Thevetia peruviana* (Yellow oleander)

SECOND SCHEDULE
PLANTS THE IMPORTATION OF WHICH IS SUBJECT TO SPECIAL CONDITIONS
(reg 5 (1))

Plants, seeds, fruits or any flowering heads of-

1. *Acacia*
2. *Allium* (Onion, leek, chives, garlic etc)
3. *Arachis* (Groundnuts or peanuts)
4. *Arctium* (Burdock, burweed)
5. *Beta*
6. *Brassica*
7. *Capsicum*
8. *Citrullus*
9. *Citrus*
10. *Cucumis*
11. *Cucurbitae*
12. *Cydonia*
13. *Dioscorea* (Yams)
14. *Eucalyptus*
15. *Forest Trees*
16. *Fragaria* sp. (Strawberry)
17. *Gossypium* (Cotton)
18. *Helianthus*
19. *Hibiscus*
20. *Ipomoea*
21. *Lactuca sativa* (Lettuce)
22. *Lycopersicon*
23. *Mangifera*
24. *Manihot* (Cassava)
25. *Medicago*
26. *Musa*
27. *Nicotiana*
28. *Olea* spp. (Olives)
29. *Opuntia*
30. *Ornamentals*- various species
31. *Passiflora*
32. *Pennisetum*
33. *Phaseolus*
34. *Piper nigrum*
35. *Pisum*
36. *Prunus* spp.
37. *Psidium guajava* (Guava)
38. *Rosa*

39. *Solanum* spp.
40. *Sorghum*
41. *Glycine max* (Soyabean)
42. *Thurberia* or any other plant of Malvaceae family
43. *Vigna*
44. *Vitis*
45. *Zea mays*

THIRD SCHEDULE
PLANT PRODUCTS FOR THE IMPORTATION OF WHICH A PERMIT IS REQUIRED
(reg 5 (1))

1. Lucerne hay
2. Cereal stover
3. Cereal (Sorghum, maize, wheat, rice) Bran
4. Firewood
5. Unprocessed coniferous wood

FOURTH SCHEDULE
PLANTS AND PLANT PRODUCTS THE IMPORTATION OF WHICH DOES NOT REQUIRE A
PERMIT
(reg 6)

(1) Agricultural products for immediate consumption as set out below:

<i>Products</i>	<i>Quantity/person</i>
Bananas	20 kg
Beetroot	10 kg
Butternuts	10 kg
Carrots	10 kg
Green pepper	10 kg
Maize	25 kg
Maize products	25 kg
Mangoes	10 kg
Pulses	25 kg
Pumpkin	10 kg
Sorghum	25 kg
Sorghum products	25 kg
Sweet potatoes	10 kg
Water melon	10 kg
Wheat	25 kg
Cabbage	30 kg
Onions	15 kg
Oranges	15 kg
Potatoes	20 kg
Tomatoes	10 kg

(2) hermetically sealed seeds from accredited seed companies.

(3) processed foods

(4) wood packaging material treated in accordance to International Standard for Phytosanitary Measures (ISPM) No. 15.

(5) Furniture

(6) Baskets

(7) Kiln dried timber

(8) Treated timber in accordance ISO standards.

FIFTH SCHEDULE
APPLICATION FOR IMPORTATION OF PLANT, PLANT PRODUCTS OR REGULATED
ARTICLE
(reg 4(2))

Form 1

(TO BE COMPLETED IN BLOCK LETTERS)

I,

(name of importing person/ company)

of

(address of importer in importing country)

hereby apply for a permit in terms Section 11 of the Plant Protection Act to import in

_____ consignment(s), within one year of the date of this permit, from

(name of exporting person/company)

of

(address of exporter in exporting country)

through

(entry point border/ railway station/ airport/ seaport)

to

(final destination of the consignment)

the following

(scientific name and quantity of plant, plant product or regulated article to be imported)

for

(purpose for which plants are imported)

Signature of Applicant: _____ E-mail address: _____

Telephone Number: _____ Fax: _____

Date: _____

