

ZIMBABWE

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Chapter 19:08

PLANT PESTS AND DISEASES ACT

Acts 11/1958 (Federal), 33/1970, 55/1973, 41/1978 (s. 11), 39/1979, 16/1989; RG.N.s 653/1963, 217/1970.

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AN ACT to provide for the eradication and prevention of the spread of plant pests and diseases in Zimbabwe for the prevention of the introduction into Zimbabwe of plant pests and diseases, and for matters incidental thereto.

[Date of commencement: 1st January, 1959.]

PART I PRELIMINARY

1 Short title

This Act may be cited as the Plant Pests and Diseases Act [Chapter 19:08].

2 Interpretation

(1) In this Act—

“alternate host” means a plant which is declared to be an alternate host of a pest in terms of paragraph (b) of subsection (2);

“container” means a case, package, pot, sack or other article containing a growing medium, injurious organism, invertebrate or plant and includes a covering, wrapping or packing material used in the packing of a growing medium, injurious organism, invertebrate or plant;

“cured tobacco” means tobacco which is not—

(a) cigars, cigarettes, pipe tobacco, plug or rolled tobacco, snuff or any like product; or

(b) tobacco leaves, flowers or stalks in a green state; or

(c) living tobacco plants;

“disease” means a pathological condition of plants communicable or believed to be communicable by the transfer of a causative agent or by the propagation of an infected plant;

“grower”, in relation to tobacco, means a person who by himself or his agents grows tobacco in Zimbabwe;

“growing medium” means a medium, including soil, capable of being used for the propagation or culture of plants;

“host plant” means a plant which is capable of being the host of a pest;

“infested area” means an area declared in terms of this Act to be an infested area;

“injurious organism” means any organism or like agent whatsoever, including a virus, which is—

(a) inimical to the growth or existence of living plants; or

(b) injurious to plant products; or

(c) capable of producing a disease of plants;

in whatever stage of development it may be;

“inspector” means an inspector appointed in terms of subsection (1) of section twenty-two and includes a person exercising or performing functions conferred or imposed upon him in terms of subsection (2) of that section;

“invertebrate” means a living invertebrate animal organism in whatever stage of development it may be;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“nursery” means land or premises in Zimbabwe where nursery stock is grown or cultivated for trade and includes other land or premises adjacent thereto, held by the same owner, where plants are grown;

“nurseryman” means the owner or other person responsible for the management of a nursery;

“nursery stock” means plants in their growing state which are—

(a) grown or cultivated for trade; or

(b) though not grown or cultivated for trade, sold or offered or exposed for sale;

for the purpose of their being grown elsewhere than on the land or premises on which they stand, but does not include vegetables, annuals, herbaceous plants or ferns;

“owner”, in relation to land or premises, includes a joint owner, part owner, lessee or occupier or the agent of an owner, joint owner, part owner, lessee or occupier;

“pest” means an injurious organism which is declared to be a pest in terms of paragraph (a) of subsection (2);

“plant” means a member of the vegetable kingdom whether living or dead and includes—

- (a) tubers, bulbs, corms, roots, cuttings, grafts, seeds and fruits; and
- (b) any part of a plant whether severed therefrom or not; and
- (c) an unmanufactured plant product;

“premises”, in relation to cured tobacco, means a warehouse, building or structure in which such tobacco is handled or stored and includes the land held by the owner of the warehouse, building or structure—

- (a) on which the warehouse, building or structure is situate; or
- (b) which may be adjacent to land referred to in paragraph (a);

but does not, unless the Minister by order otherwise provides, include a warehouse, building, structure or land referred to in this definition which is used solely for the purpose of storing and manufacturing cured tobacco and from which no cured tobacco is removed;

“quarantine area” means an area declared in terms of this Act to be a quarantine area;

“vehicle” includes an aircraft, railway train and ship.

(2) For the purposes of this Act, the Minister may, by regulation, order or notice—

(a) declare an injurious organism to be a pest either generally or in respect of a particular type of plant and either with a view to its complete eradication or its control or the prevention of its spread or for some other purpose; and

(b) declare a plant to be an alternate host of a pest.

3 This Act binds the State

This Act shall bind the State.

PART II

ERADICATION AND PREVENTION OF SPREAD OF PESTS

4 Regulatory powers to eradicate pests, etc.

(1) The Minister may, by regulation, order or notice, provide for the eradication of pests or the prevention or control of attacks by or the spread of pests.

(2) The Minister may, in regulations, orders or notices made in terms of subsection (1), provide for—

(a) the disinfection, treatment, destruction or disposal of—

(i) pests; or

(ii) plants infested or appearing to be infested with a pest; or

(iii) anything whatever whether similar in nature to a plant or not which, in the opinion of the Minister, is liable to infest a plant with a pest;

(b) the prohibition, restriction and regulation of the removal or transport of pests, plants or things referred to in paragraph (a);

(c) the control and destruction of host plants not under cultivation for the current season’s crop and of alternate hosts;

(d) the prohibition, restriction and regulation of the cultivation and harvesting of plants if, in the opinion of the Minister, a pest cannot otherwise be readily or adequately controlled or eradicated;

(e) the reporting of the occurrence of a pest and the collection and transmission of specimens of a pest;

(f) the methods of planting, cleaning, cultivating and harvesting to be adopted and the precautions and measures, including the destruction of plants, to be taken by an owner of land for the purpose of preventing or controlling attacks by or the spread of a pest;

(g) the destruction after harvest of a particular kind of plant by a specified date;

(h) the registration and inspection of nurseries and the imposition of registration fees, the regulation of the sale or removal of plants from nurseries and the prohibition of the sale or exposure for sale of nursery stock not grown in registered nurseries;

(i) the disinfection, fumigation and treatment of land, warehouses, buildings and structures suspected of being or having been used for the storage of anything likely to infest a plant with a pest;

(j) the declaration of areas infested with a pest as infested areas and of areas around infested areas as quarantine areas and the prohibition, restriction and regulation of the removal of compost, growing media, manure, plants and other things whatsoever to or from infested or quarantine areas;

(k) the payment and recovery of fees for a disinfection, fumigation or treatment carried out by an inspector, or for services rendered by an inspector in connection with a disinfection, fumigation or treatment, or for an inspection carried out by an inspector at the request of an owner of land, warehouses, buildings, structures, plants or other things;

(l) the power of an inspector, if he reasonably suspects the presence of a pest on land or in premises, to declare the area in which the land or premises is situated an infested area and, by order, to prohibit, for a period not exceeding fourteen days, the removal from the land or premises of compost, growing media, manure, plants and other things whatsoever capable of spreading a pest.

5 Regulatory powers to inspect, disinfect and fumigate vehicles

The Minister may, by regulation, provide for—

(a) the inspection, disinfection or fumigation of vehicles which are suspected of harbouring an injurious organism;

(b) the payment and recovery of fees for the inspection, disinfection or fumigation of vehicles referred to in paragraph (a) or for services rendered by an inspector in connection therewith.

6 Duty of owner to eradicate pests

(1) An owner of land or premises shall take all measures prescribed and such additional or such alternative measures as eradicate pests are reasonably necessary for the eradication, reduction or prevention of the spread of a pest which an inspector may, subject to subsection (2), by notice in writing order him to take.

(2) An inspector shall not order the destruction of a living plant in terms of subsection (1) unless authorized to do so by regulation, order or notice made in terms of section four.

(3) If an owner of land or premises fails to take all or any of the measures which he is required to take in terms of subsection (1), an inspector may—

(a) on giving the owner not less than seven days' notice in writing of his intention so to do, cause the measures to be taken; or

(b) if he is satisfied that the measures must be taken without delay, cause the measures to be taken immediately without giving the notice referred to in paragraph (a).

(4) An owner of land or premises shall, without prejudice to any penalty incurred by reason of his failure to take the measures which he is required to take in terms of subsection (1), be liable to pay the costs of the measures which an inspector causes to be taken in terms of subsection (3).

(5) The Minister may, by civil proceedings in a competent court, recover from an owner of land or premises the costs of measures which an inspector causes to be taken in terms of subsection (3).

PART III

CONTROL OF IMPORTATION OF GROWING MEDIA, INJURIOUS ORGANISMS, INVERTEBRATES AND PLANTS

7 Interpretation in Part III

In this Part—

“importation”, in relation to growing media, injurious organisms, invertebrates or plants, means the importation into or the transit through Zimbabwe of growing media, injurious organisms, invertebrates or plants.

8 Regulatory powers to control import of growing media, etc.

(1) The Minister may, by regulation, order or notice, provide for the prohibition, restriction and regulation of the importation of any—

(a) growing media; and

(b) injurious organisms and invertebrates; and

(c) plants and the growing media in which plants are growing or to which plants are attached or which may be adhering to plants;

together with their containers.

(2) The Minister may, in regulations, orders or notices made in terms of subsection (1)—

(a) authorize or require the detention and inspection on importation of growing media and plants and their containers;

(b) direct or authorize the disinfection, fumigation or treatment of imported growing media and plants and their containers;

(c) authorize the immediate destruction, without compensation, of imported growing media and plants which on inspection appear to be infested with an injurious organism and of any plants included in the same container, if the injurious organism is of a specially dangerous character or in the opinion of the inspector—

(i) disinfection is impracticable or will not be a complete safeguard; or

(ii) the delay caused by disinfection would give rise to the risk of the introduction or spread of the injurious organism;

(d) authorize the immediate destruction, without compensation, of an imported invertebrate if, in the opinion of an inspector, the invertebrate might be a potential danger to agriculture:

(e) prohibit the importation of growing media, invertebrates and plants except by specified ports or places of entry and routes and by specified methods of transport;

(f) direct or authorize the detention of imported growing media, invertebrates and plants for observation and prescribe the precautions to be taken during detention;

(g) provide for the imposition and recovery of fees for sorting, disinfecting, fumigating or treating growing media and plants on importation;

(h) provide for the disposal of imported growing media and plants in respect of which prescribed fees are not paid and of the proceeds, if any, resulting from their disposal;

(i) provide for the issue of permits as a prerequisite to the importation of growing media, injurious organisms, invertebrates and plants;

(j) provide for the production of certificates signed by responsible persons or authorities in the country or territory of origin relating generally or specifically to—

(i) the freedom of imported growing media, invertebrates and plants or the area in which they were produced or grown from injurious organisms; and

(ii) the fumigation or other processes of disinfection or treatment of imported growing media and plants before dispatch;

(k) provide for the production of certificates of origin of imported growing media, injurious organisms, invertebrates and plants and for the furnishing by the importer of particulars relating to imported growing media, injurious organisms, invertebrates and plants.

9 Powers of inspection in relation to imported growing media, etc.

(1) An inspector may—

(a) at all reasonable times enter upon and inspect land, growing media, etc. buildings, structures or vehicles on or in which growing media, injurious organisms, invertebrates and plants and their containers are kept or conveyed on importation; and

(b) inspect growing media, injurious organisms, invertebrates and plants referred to in paragraph (a) and, for the purpose of detecting injurious organisms, expose the roots of plants, remove bark or cut any plant or the fruit or flowers or other part of a plant, or open any container or package or wrapping reasonably suspected to contain growing media, invertebrates or plants liable to harbour an injurious organism.

(2) An importer of growing media, injurious organisms, invertebrates or plants and his employees and agents shall afford an inspector access thereto and shall give such information and provide such labour and facilities as the inspector may require for the purposes of carrying out any inspection, sorting, disinfection, fumigation or treatment of the growing media, injurious organisms, invertebrates or plants.

10 Seizure, detention and destruction of growing media, etc., unlawfully imported

(1) Subject to subsection (2), an inspection may order the seizure, detention and destruction without compensation of—

(a) a growing medium; or

(b) an injurious organism or invertebrate; or

(c) a plant and the growing medium in which a plant is growing or to which a plant is attached or which is adhering to a plant;

together with its container, which—

(i) is not accompanied at the time of importation by such a certificate of origin or other document as may be prescribed or is accompanied by a certificate of origin or other document which is incorrect in a material particular; or

(ii) is imported otherwise than in accordance with the conditions of a permit issued in terms of this Act; or

(iii) is imported in contravention of this Act.

(2) If an importer or owner of a growing medium or plant referred to in subsection (1), which has not been declared by an inspector to be infested with an injurious organism, gives notice of his intention to appeal to a board in terms of subsection (1) of section twenty-five against the order of destruction, the order shall not have effect unless and until the period specified for lodging notice of appeal has elapsed and no notice of appeal has been lodged or the appeal is dismissed, withdrawn or abandoned.

PART IV SPECIAL PROVISIONS RELATING TO CURED TOBACCO

11 Exemptions

(1) Subject to subsection (2), the provisions of paragraph (a) of section twelve and of section thirteen shall not apply in relation to premises in respect of which the Minister has, by notice in the Gazette or by notice in writing to the owner of the premises, granted an exemption from those provisions.

(2) An exemption referred to in subsection (1) shall have effect—

(a) only in respect of such type or class of cured tobacco; and

(b) subject to such conditions;

as may be specified by the Minister in the notice granting the exemption.

(3) The Minister may at any time by like notice withdraw an exemption referred to in subsection (1).

12 Handling, storing and removal of cured tobacco

Save as is provided in this Act, no person shall—

(a) handle or store cured tobacco in or remove cured tobacco to or from or take delivery of cured tobacco removed from premises which are not licensed in terms of subsection (1) of section thirteen; or

(b) handle or store cured tobacco in or remove cured tobacco to or from or take delivery of cured tobacco removed from premises in respect of which an order made in terms of subsection (1) of section fifteen has effect.

13 Licensing of premises

(1) Subject to subsection (2), the Minister shall, on the application in the manner prescribed by an owner of premises, issue to the owner a licence authorizing the handling or storing in and the removal to or from his premises of cured tobacco.

(2) The Minister shall not issue a licence in respect of premises referred to in subsection (1) unless he is satisfied on the report of an inspector that the premises are suitable for the handling and storing of cured tobacco and are free from pests.

14 Sections 12 (a) and 13 to apply to premises of certain growers only

Paragraph (a) of section twelve and section thirteen shall not apply in relation to premises owned by a grower unless the premises are used not only for handling or storing cured tobacco grown by the grower or his agents but also for handling or storing cured tobacco grown by other persons.

15 Orders prohibiting handling and storing in and removal to or from premises of cured tobacco

(1) If, in the opinion of the Minister, premises are or have become unsuitable for the handling or storing of cured tobacco, the Minister may, by order in writing, prohibit the handling and storing of cured tobacco in and the removal of cured tobacco to or from the premises.

(2) The Minister shall notify the owner of premises in respect of which he has made an order in terms of subsection (1) of the repairs and alterations to the premises which the owner shall make in order to render the premises suitable for the handling and storing of cured tobacco.

(3) An inspector may order—

(a) the removal of cured tobacco from premises in respect of which an order made in terms of subsection (1) has effect to a place specified in the order; or

(b) if circumstances so require, the removal of cured tobacco from premises referred to in paragraph (a) and its delivery to a person specified in the order;

to facilitate the making of the repairs and alterations to the premises which are referred to in subsection (2).

(4) The Minister shall, subject to section nineteen, cancel an order made in terms of subsection (1) when he is satisfied that the reason for making the order no longer exists.

16 Discovery of pests on premises

(1) If an inspector discovers premises or cured tobacco stored in premises to be infested with a pest or confirms the existence of an infestation reported by an owner of premises in terms of subsection (2), the owner of the premises shall, within fourteen days of the date he is ordered to do so by the inspector, disinfect, fumigate or treat the premises and their contents in the manner ordered by the inspector.

(2) An owner of premises who knows or has reason to believe that his premises or the cured tobacco stored therein are infested with a pest shall, within seven days, report the infestation in writing to the Secretary of the Ministry for which the Minister is responsible.

17 Removal of cured tobacco from pest-infested premises, etc., prohibited

(1) No person shall, unless he is authorized to do so by order made in terms of subsection (2) or a permit issued in terms of section eighteen—

(a) remove cured tobacco or take delivery of cured tobacco removed from premises which are infested with a pest; or

(b) remove from premises cured tobacco which is infested with a pest or take delivery of any such cured tobacco.

(2) An inspector may order—

(a) the removal of cured tobacco from premises which are infested with a pest or the removal from premises of cured tobacco which is infested with a pest to a place specified in the order; or

(b) if circumstances so require, the removal of cured tobacco referred to in paragraph (a) and its delivery to a person specified in the order;

to facilitate the disinfection, fumigation or treatment of the cured tobacco or the premises.

18 Permits for removal of cured tobacco from pest-infested premises, etc.

(1) The Minister may issue a permit authorizing, subject to such conditions as the Minister may specify in the permit—

(a) the removal of cured tobacco from premises which are infested with a pest; or

(b) the removal from premises of cured tobacco which is infested with a pest;

and, if circumstances so require, the delivery of such cured tobacco to a person named in the permit, for such purposes as the Minister may approve.

(2) The Minister may at any time cancel a permit issued in terms of subsection (1).

19 Costs of inspection

An owner of premises shall be liable to pay the costs of an inspection of his premises made by an inspector in connection with—

(a) the cancellation of an order made in terms of subsection (1) of section fifteen; or

(b) an application for a permit referred to in subsection (1) of section eighteen;

and the Minister may refuse to cancel an order made in terms of subsection (1) of section fifteen or to issue a permit referred to in subsection (1) of section eighteen until the costs of the inspection have been paid.

20 Destruction of cured tobacco handled or stored or removed in contravention of Part IV

An inspector may seize and detain and the Minister may order the destruction without compensation of cured tobacco which is handled or stored in or removed to or from premises otherwise than in accordance with the provisions of this Part or an order made thereunder or the conditions of a permit referred to in subsection (1) of section eighteen.

21 Regulatory powers in connection with pests

The Minister may by regulation—

(a) provide for the compulsory disinfection, fumigation or treatment by such methods as he may specify of premises and of cured tobacco handled or stored therein;

(b) prohibit the keeping in or authorize the removal from premises of—

(i) products other than cured tobacco which are liable to be infested with a pest; or

(ii) anything, including products referred to in subparagraph (i), which renders the proper inspection of the premises impracticable;

(c) prescribe measures to be taken for the purpose of protecting or facilitating the protection of cured tobacco from infestation with a pest.

PART V GENERAL

22 Appointment of inspectors

(1) Subject to the law relating to the Public Service, the Minister may appoint persons as inspectors for the purposes of this Act.

(2) The Minister may confer all or any of the powers and impose all or any of the duties of an inspector under this Act upon any person or classes of persons in the Public Service or in the Police Force.

23 Powers of inspectors

(1) An inspector may—

(a) at all reasonable times enter upon and inspect lands, buildings or structures on or in which growing media or plants may be found; and

(b) inspect growing media and plants and, for the purpose of detecting pests, expose the roots of plants, remove bark or cut any plant or the fruit or flowers or other part of a plant, or open any container or package or wrapping reasonably suspected to contain growing media or plants liable to harbour a pest; and

(c) order the application of measures which are reasonably necessary or prescribed for the eradication or prevention of the spread of a pest; and

(d) order the destruction at any time of alternate hosts and any plant which is growing on land contrary to this Act; and

(e) give instructions for the adoption of measures prescribed for the purpose of protecting cured tobacco from infestation with a pest of tobacco or of facilitating such protection; and

(f) declare a nursery infested with a pest or such portion thereof as he considers sufficient to be an infested area until such time as the nursery or portion thereof is free from the pest.

(2) An owner of any land, building or structure or of a growing medium or plant and his employees and agents shall afford an inspector access thereto and shall give such information and provide such labour and facilities as the inspector may require for the purposes of carrying out an inspection.

24 Sale of pest-infested plants by nurserymen

If, within three days of the delivery to him of plants sold by a nurseryman, the purchaser of the plants finds the plants to be infested with a pest, he may return the plants to and at the expense of the nurseryman and shall thereupon be freed from liability to pay for the plants or, if he has paid for the plants, he may recover the purchase price.

25 Appeals against orders of destruction

(1) Subject to subsection (2), the importer or owner of a growing medium or plant the destruction of which has been ordered in terms of this Act may, within seven days of the date of the order, lodge with the Minister a notice of his intention to appeal against the order.

(2) There shall be no right of appeal against—

(a) an order for the destruction of a growing medium or plant declared by an inspector to be infested with an injurious organism or pest; or

(b) an order of destruction made in terms of paragraph (d) of subsection (1) of section twenty-three.

(3) A notice of intention to appeal lodged in terms of subsection (1) shall be in writing and shall specify in detail the grounds upon which it is given.

(4) The Minister shall transmit to the Administrative Court a notice lodged with him in terms of subsection (1).

26 Compensation

(1) Subject to this Act, the Minister may, out of moneys appropriated for the purpose by Act of Parliament, pay compensation to the owner of a growing medium or plant destroyed under the powers conferred by this Act.

(2) Compensation payable in terms of subsection (1) shall, if the owner of the growing medium or plant so requires, be assessed by two persons of whom one shall be appointed by the Minister and the other by the owner.

(3) If the persons appointed as assessors in terms of subsection (2) fail to agree as to the amount of compensation to be paid to the owner of a growing medium or plant referred to in subsection (1), they shall choose an umpire whose decision shall be final.

27 Limitations of actions against State

No claim shall lie against the State or the Minister or an inspector, servant or agent of the State for anything done in good faith and without negligence under the powers conferred by this Act.

28 Offences

(1) A person who—

(a) wilfully obstructs, impedes or hinders an inspector in the carrying out of his duties under this Act; or

(b) contravenes or fails to comply with a provision of this Act or of regulations, orders or notices made or issued in terms of this Act or an order or direction made or given under this Act or regulations, orders or notices made in terms of this Act with which it is his duty to comply; or

(c) without reasonable cause, contravenes or fails to comply with the conditions of a permit or a licence issued in terms of this Act or of regulations, orders or notices made in terms of this Act; or

(d) maliciously introduces a pest on to land in Zimbabwe; or

(e) on being required to do so, fails or refuses to produce to an inspector, police officer or other authorized person a permit, certificate or licence; or

(f) fails or refuses without reasonable cause to give information to an inspector or a police officer when required to do so in terms of this Act or gives false or incomplete information; or

(g) for the purpose of obtaining, whether for himself or any other person, the issue of a permit, certificate or licence, makes a declaration or statement which he knows to be false in any particular or does not know or believe to be true or knowingly makes use of a declaration, statement or document containing the same;

shall be guilty of an offence and liable—

(i) for a contravention of paragraph (d), to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding four years or to both such fine and such imprisonment;

(ii) for a contravention of regulations requiring the destruction of cotton or tobacco plants by a specified date or prohibiting the planting of cotton or tobacco plants between specified dates—

A. for a first offence, to a fine not exceeding one hundred dollars for each hectare or part thereof in respect of which the offence is committed or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment:

Provided that the fine for any one such offence shall not exceed ten thousand dollars;

B. for a second or subsequent conviction, to a fine not exceeding two hundred dollars for each hectare or part thereof in respect of which the offence is committed or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment:

Provided that the fine for any one such offence shall not exceed fifteen thousand dollars;

(iii) for any other offence, to a fine not exceeding four hundred dollars or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) An inspector may seize and detain and the Minister may order the destruction without compensation of a growing medium, plant or other thing whatsoever which is removed from an infested or quarantine area in contravention of this Act or an order made in terms of this Act.

(3) The confiscation or destruction of a growing medium, plant or other thing in terms of subsection (2) shall not free the person responsible for its illegal removal from liability to prosecution.

(4) For the purpose of subsection (1)—

“cotton” means the linted species of the genus *Gossypium*.

29 General regulatory powers

(1) The Minister may, by regulation, order or notice, prescribe all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The Minister may, in regulations, orders or notices made or issued in terms of subsection (1), provide for—

(a) the form and manner in which applications for registration, permits, certificates and licences are to be made and the information to be supplied in connection therewith;

(b) the form of permits, certificates and licences, the conditions to be contained in permits, certificates and licences and the periods for which permits and licences shall remain in force;

(c) the persons by whom, the circumstances in which and the conditions subject to which permits, certificates and licences shall be issued;

(d) the circumstances in which and the conditions, including the payment of a fee, subject to which copies of permits, certificates and licences may be obtained;

(e) the cancellation, suspension and amendment of permits, certificates and licences and the surrender or delivery of permits, certificates and licences for those purposes.

30 Conditions contained in permits

In issuing a permit in terms of this Act an issuer of permits may impose conditions which are not prescribed and in so doing may exclude or vary, as circumstances require, any prescribed condition.