

PLANT PROTECTION ACT

CHAPTER 63:56

Act
13 of 1975
Amended by
2 of 2001
*10 of 2020

(*See Note on page 2)

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Note on Act No. 10 of 2020

The amendments made to this Act by Act No. 10 of 2020 took effect on 11th May 2020 by LN 92/2020.

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PLANT PROTECTION ACT

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SCHEDULE.

CHAPTER 63:56

PLANT PROTECTION ACT

13 of 1975. **An Act to make better provision for the control of diseases and pests injurious to plants.**

Commencement. [189/1997]. [10TH SEPTEMBER 1997]

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

Interpretation. [2 of 2001]. **2.** In this Act—

“carrier” means vehicles, ships or aircraft or any other means of international transport;

“fruit” means any edible part or product derived from a flower but does not include nuts, cereals or pulses;

“land” includes plantation and nursery;

“Minister” means the member of the Cabinet to whom responsibility for Agriculture is assigned;

“notifiable disease” or “notifiable pest” means any disease or pest which the Minister may, by Order, from time to time, declare to be a notifiable disease or notifiable pest within the meaning of this Act;

“nursery” means any land or place where plants are grown or kept for sale, distribution or replanting;

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

“owner” means the person who is for the time being entitled to receive the rent of any land or building; or the person who is in possession of or who is for the time being in possession of any land or building;

“person” includes a body corporate, an unincorporated association or a partnership;

“pest” means any parasitical, epiphytal or other animal or plant 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 the Act;

“plant pest” means any organism or stage of an organism or of a biotechnically produced variant of any such organism capable of having a deleterious effect on a plant or plant product;

“plant product” means any substance, material or article of vegetable origin (including pollen whether processed or not) capable of harbouring plant pests;

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

“restricted articles” includes, in addition to the articles referred to in section 3, notifiable pest or notifiable disease;

“soil” means the loose surface material of the earth in which plants grow and which consists mainly of disintegrated rock with an admixture of organic material and soluble salts; and

“vegetable” includes all edible portions of food plants in their raw or unprocessed state.

3. (1) Subject to this Act, no person shall import into Trinidad and Tobago any fruits, planting material, plant pest, pathogens, plant products, soil, vegetables or any other prescribed articles (hereinafter referred to as “restricted articles”) unless he first obtains a permit in accordance with the provisions of this Act or the Regulations.

Permit required for importation of a restricted article. [2 of 2001].

(2) A person who contravenes subsection (1) is guilty of an offence and is liable—

Penalty for importing without a permit.

(a) on a first conviction to a fine of five thousand dollars or to imprisonment for two years or to both; and

(b) on a second or subsequent conviction to a fine of ten thousand dollars or to imprisonment for two years or to both.

Applications for
and restrictions
on grant of
permits.
[2 of 2001].

4. (1) Applications for permits shall be made to the Chief Technical Officer through the Plant Quarantine Service in the manner prescribed.

(2) Where a permit is granted, it shall be done in accordance with the provisions of this Act and the Regulations and on such terms and conditions as are considered appropriate and such permit may be revoked or any conditions varied.

(3) Without prejudice to any other terms and conditions subject to which a permit may be granted, it shall be a condition of each permit that—

- (a) each importation of a restricted article is accompanied by a phytosanitary certificate issued by the appropriate government department or agency in the country of export;
- (b) the certificate referred to in paragraph (a) shall be similar to that adopted from time to time by the International Plant Protection Convention 1951; and
- (c) where it is necessary, planting material shall be grown locally by or under the supervision of the Ministry with responsibility for Agriculture and if found harbouring or likely to harbour a plant pest, it shall be the responsibility of the importer or his agent to comply with the action prescribed within the specified time.

Power to make
Order.
[2 of 2001
10 of 2020].

4A. The Minister may by Order as he thinks necessary or expedient for the purposes of this Act, including preventing the spread of any plant pest or disease in Trinidad and Tobago—

- (a) declare a disease to be a notifiable disease or a pest to be a notifiable pest;
- (b) prohibit, control or restrict the transportation of any plant, or of any plant appearing to be infested with any pest or disease, or of any thing whatever, whether of a nature similar to any plant or not, likely to infect any plant with any pest or any disease;

- (c) prohibit, control or restrict the cultivation and harvesting either throughout the country, or any specified area, of any plant when, in the opinion of the Minister, such measures are necessary for the control or eradication of any pest or disease;
- (d) direct, authorise or control the quarantine of infected areas;
- (e) direct and specify the precautions to be taken to prevent the spread of plant disease or pest;
- (f) 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 such inspection;
- (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 health certificate issued by a competent authority;
- (j) exempt any article from the application of section 3 where the Minister has determined that the article does not pose a phytosanitary risk; and
- (k) prohibit the importation of a particular species of organism or of a biotechnically developed variant of such organism capable of having a deleterious effect on a plant or plant product.

4B. (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 Quarantine Officer or an officer authorised by the Chief Technical Officer.

Occupier to give notice of notifiable disease or pest. [2 of 2001].

(2) Any occupier who fails to give such notice commits an offence and shall be liable on summary conviction to a fine of five 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.

Minister may prohibit or regulate importation of restricted article. [2 of 2001].

5. (1) Notwithstanding the provisions of section 3, the Minister, if it appears to him that the importation of a restricted article into Trinidad and Tobago is likely to result in the entry of a plant pest, may by Order published in the *Gazette* and in a local daily newspaper prohibit or regulate the importation of such article into the country.

(2) An Order made under subsection (1), may—

- (a) where it regulates the importation of a restricted article, specify conditions subject to which such article may be imported;
- (b) direct or authorise the seizure or disposal of the restricted article, the importation of which is prohibited or does not satisfy the conditions specified in the Order.

(3) The seizure and disposal of a restricted article under subsection (2)(b) shall be carried out at the expense of the importer or his agent.

Minister may by Order take steps to prevent the spread of plant disease or plant pests. [2 of 2001].

6. (1) The Minister may make such Orders as he thinks necessary or expedient for preventing the spread of plant disease or plant pests in Trinidad and Tobago.

(2) Without prejudice to the generality of subsection (1), the Minister may by such Order—

- (a) direct or authorise the destruction, removal or treatment of a restricted article;
- (b) prohibit the selling, exposing or offering for sale or the distribution of a restricted article; or
- (c) direct or authorise the entering on any land for the purpose of destroying, removing or treating a restricted article in respect of which an Order is made under subsection (1).

7. The Minister on the recommendation of the Chief Technical Officer may in writing designate suitable employees of the Ministry of Agriculture or any other competent individuals for the purpose of enforcing the provisions of this Act.

Minister may designate employees. [2 of 2001].

8. A Plant Quarantine Officer who has reasonable cause to believe that any person, receptacle or carrier has, possesses, contains or carries a restricted article, the importation of which into Trinidad and Tobago is prohibited or does not satisfy the conditions subject to which it was imported may—

Power of Plant Quarantine Officer. [2 of 2001].

- (a) board any ship or aircraft or enter on any land;
- (b) without warrant, search, inspect or examine any such person, carrier or receptacle for the purpose of seizing, destroying or otherwise disposing of a restricted article.

8A. A Plant Quarantine Officer or an officer authorised by the Chief Technical Officer may, by notice in writing in the form set out in the Schedule to this Act, served upon the occupier of any land, require him to take within a time specified in the notice, all such measures as may be necessary for the eradication or the prevention of the spread of any diseases or pests.

Procedure for eradication of diseases and pests. [2 of 2001]. Schedule.

8B. (1) Where a Plant Quarantine Officer or an officer authorised by the Chief Technical Officer finds any land or any part thereof to be affected by any disease or pest he may, by notice in writing served upon the occupier, declare such land or part thereof to be under quarantine.

Quarantine of land. [2 of 2001].

(2) The notice shall remain in force until a Plant Quarantine Officer or an officer authorised by the Chief Technical Officer gives the owner or occupier of the land affected a certificate in writing that the land is free from diseases or pests.

(3) The occupier of land or any part thereof thus placed under quarantine may, upon application to a Plant Quarantine Officer or an officer authorised by the Chief Technical Officer, have his land examined free of charge to determine whether or not the disease or pest has been eradicated.

Service of notice in the absence of occupier. [2 of 2001].

8C. Where there is no person in actual occupation of any land, or where the occupier cannot be found, service of any notice under this Act may be made by affixing the same in a conspicuous place on the land and such affixing shall be deemed to be sufficient and valid service.

Comptroller of Customs to notify an officer of the Plant Quarantine Service of entry of restricted article. [2 of 2001].

9. The Comptroller of Customs and Excise or an officer authorised by him for the purpose in writing shall, where a restricted article enters Trinidad and Tobago on a carrier, forthwith notify an officer of the Plant Quarantine Service of such entry and shall not release or dispose of the article unless authorised so to do by an officer of the Plant Quarantine Service.

In transit restricted article or carrier to be subject to Regulations.

10. A restricted article or a carrier (including the furnishings and stores of an aircraft or a ship) in transit in Trinidad and Tobago shall be subject to such Regulations as the Minister may prescribe.

Establishment of Plant Quarantine Service. [2 of 2001].

11. There is hereby established for the purposes of this Act a Plant Quarantine Service which shall comprise Plant Quarantine Officers. The purpose of the Plant Quarantine Service is to prevent the entry into Trinidad and Tobago of plant pests which are likely to affect adversely any sector of the agricultural industry of the country.

Power of Plant Quarantine Service.

12. The Plant Quarantine Service shall have power to do all that is necessary or incidental to the effective carrying out of the provisions of this Act and any Regulations made thereunder.

Establishment, composition, powers and duties of Board. [2 of 2001].

13. (1) A Board of Management (hereinafter referred to as “the Board”) is hereby established for the purposes of this Act.

(2) The Board shall manage the affairs of the Plant Quarantine Service, and do such other things as may be designated by the Minister or necessary or expedient in order to enable the Plant Quarantine Service to achieve its purpose. The Board shall consist of the following members:

- (a) the Director in charge of Plant Quarantine Service;
- (b) a Senior Entomologist and a Senior Pathologist attached to the Research Division of the Ministry of Agriculture;

- (c) the officer in charge of the Plant Quarantine Service;
- (d) a plant protection specialist nominated by the Principal of the University of the West Indies, St. Augustine Campus;
- (e) a legal representative of the Ministry responsible for Agriculture or a representative of the Ministry of the Attorney General and Legal Affairs; and
- (f) a representative of private enterprise engaged in agriculture appointed by the Agricultural Society of Trinidad and Tobago.

(3) In respect of each member of the Board, the Minister shall appoint an alternate member who may act in the stead of the respective member at any meeting of the Board.

(4) A member of the Board appointed under paragraph (d) or (f) or under subsection (3)— Tenure of office.

- (a) shall hold office for the period specified in his instrument of appointment but is eligible for reappointment; or
- (b) may at any time resign his office by instrument in writing addressed to the Secretary; resignation takes effect on the date of receipt of the instrument.

(5) The Director in charge of Plant Quarantine Service or his alternate shall be the Chairman of the Board; the officer in charge of the Plant Quarantine Service or his alternate shall be the Secretary.

14. (1) The Board shall meet at such times as may be necessary or expedient for the efficient performance of its functions and at such places and times and on such days as the Board may decide. Meetings and procedure.

(2) The Chairman or in his absence his alternate shall preside over the meetings of the Board but where both the Chairman and his alternate are unable to preside, the members present and forming a quorum may appoint a member to preside over that meeting.

(3) The Chairman or, in his absence, his alternate, or where both the Chairman and his alternate are absent, the member

appointed pursuant to subsection (2) to preside over the meeting, and three other members shall constitute a quorum.

(4) The decisions of the Board shall be by a majority of votes of the members present, and in the event that there is an equality of votes, the Chairman, his alternate or the member appointed to preside over the meeting, as the case may require, shall in addition to an original vote, exercise a casting vote.

(5) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board; no person who has been so co-opted shall have the right to vote.

Government not liable for seizure, loss or damage of restricted article. [2 of 2001].

15. The Government of Trinidad and Tobago or its authorised agents shall not be liable to pay compensation in respect of—

- (a) the seizure, destruction or other means of disposal of a restricted article imported into the country contrary to the provisions of this Act or the Regulations;
- (b) any damage or loss incurred as a result of any treatment or quarantine action which was deemed necessary in the opinion of the officers of the Plant Quarantine Service; or
- (c) the detention of any carrier.

Defect not to invalidate proceedings. [2 of 2001].

15A. Proceedings commenced under this Act shall not be rendered invalid by reason of any defect of any order or notice made or given except as against any person prejudiced by such defect of any order made or notice given.

Offences and penalties. [2 of 2001].

16. Every person who—

- (a) in any manner obstructs or impedes any person in the execution of any of the duties or powers conferred by this Act or by Regulations made thereunder;
- (b) violates any of the provisions of this Act or the Regulations or any Order made thereunder;

- (c) alters, forges, defaces or destroys any certificate or other document required by this Act; or
- (d) knowingly introduces any disease or pest onto any cultivated land or to any plant whether cultivated or not,

commits an offence and on summary conviction shall be liable to a fine of five thousand dollars and imprisonment for two years.

17. The Minister may make such Regulations as he considers necessary or expedient for carrying out the provisions of this Act and in particular may make Regulations—

Regulations.
[2 of 2001].

- (a) prescribing anything which is required by this Act to be prescribed;
- (b) governing the procedure relating to the issue of permits;
- (c) authorising the keeping of a restricted article in a specified place;
- (d) prescribing the measures to be taken where a restricted article is kept in a specified place;
- (e) providing for the revocation of permits;
- (f) providing for the inspection and treatment of plants grown or offered for sale;
- (g) providing for the treatment of buildings, vehicles, ships or aircraft in which a restricted article is or was conveyed or stored;
- (h) regulating the importation, sale, distribution, movement and cultivation of restricted articles;
- (i) providing for the inspection and certification of restricted articles for exportation;
- (j) prescribing what fees are to be paid where treatment or quarantine action was given or taken.

Section 8A.
[2 of 2001].

SCHEDULE

Plant Protection Act, Ch. 63:56

To:

Name

Land

Situated at

In pursuance of the powers vested in me by section 8A of the Plant Protection Act, Ch. 63:56, I hereby direct you within days of the service upon you of this notice to do the following work on the land:

Viz—

.....
(Plant Quarantine Officer)
