

CHAPTER 242
PLANT PROTECTION ACT

• Subsidiary Legislation •

Plant Protection Regulations

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PLANT PROTECTION REGULATIONS

[Section 18.]

[4th January, 1947.]

PART I

Preliminary and General

1. Citation

These Regulations may be cited as the Plant Protection Regulations.

2. Definitions

In these Regulations—

“British West Indies” means the Commonwealth Caribbean Territories in the Greater and Lesser Antilles, but does not include the Bahamas, Bermuda, Guyana or Belize;

“Chief Technical Officer (Extension)” includes any officer of the Ministry of Agriculture acting under the directions of the Chief Technical Officer (Extension);

“fruit and vegetables” means any unprocessed plant or part thereof which is used for human food, but does not include cereals and pulses;

“Permanent Secretary (Finance)” includes any Treasury or Customs Officer;

“plant material” means any tree, shrub, herb, vegetable, fern or moss or any part thereof and includes planting material.

“planting material” means plants and all parts thereof which are capable of propagation, but does not include cereals and pulses;

3. Prohibited imports

No animal or vegetable organism or other agent, not known to be generally distributed in the State, which is or is believed to be inimical to the growth of plants shall be imported into the State, and no plant or other article or thing which is or is likely to be infected or infested with any organism or other agent as aforesaid shall, when imported, be delivered to or taken possession of by the consignee or owner thereof until it has been declared free from such infection or infestation by a Plant Protection Officer.

4. Port of entry

(1) In order to ensure compliance with regulation 3 of these Regulations, it is hereby provided that any plant, soil, dung, living insect, non-marine invertebrate animal or any accompanying packages brought to the State (except the articles or things specified in regulation 8 of these Regulations) and their containers or wrapping materials shall only enter the State through the Port of St. George’s, the Point Saline International Airport and the Pearls Airport which shall be the only ports authorised for the entry of such material:

Provided that the Chief Technical Officer (Extension) may grant a permit authorising the entry of any consignment of any plant or other thing aforesaid through any other Customs port of entry if, in his or her opinion, entry through such other port is desirable or necessary.

(2) Any such plant or thing aforesaid shall be declared to the Permanent Secretary (Finance) at the port of entry (or at the Post Office in the case of packages arriving by mail) and shall be examined by a Plant Protection Officer before delivery to the owner or consignee, unless otherwise provided in these Regulations.

5. Examination of packages

It shall be the duty of all officers of the Customs Department to require a Plant Protection Officer to examine any package which contains or is suspected to contain any plant or other thing mentioned in regulation 4 of these Regulations.

6. Treatment of plants, packages, etc.

(1) If, after examination of any plant or other thing to which regulation 4 of these Regulations applies, the Plant Protection Officer considers that any such plant or thing is 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, he or she may subject any such plant or thing to treatment as a precautionary measure against the introduction of any animal or vegetable organism or other agent as aforesaid and may cause such plant or thing to be fumigated or otherwise disinfected or to be destroyed completely or to the extent deemed necessary and in his or her presence. All cases and packages in which such plant or thing has been contained shall likewise be disinfected or destroyed.

(2) No compensation shall be payable in respect of the destruction of, or damage to, any plant or thing (including packages) as a result of the exercise of the powers conferred by this Regulation.

7. Detention of plants, packages, etc.

A Plant Protection Officer may order any plant or thing, to which regulation 4 of these Regulations applies, to be held until an examination can be made.

8. Exemptions

The under-mentioned articles shall be exempted from the provisions of regulation 4 of these Regulations, namely—

- (a) seeds of vegetables or ornamental plants from commercial seedsmen in the United Kingdom, Ireland, Canada and the United States of America;
- (b) dry hulled rice;
- (c) grain or pulses;
- (d) fruit and vegetables, except citrus fruit, from the United Kingdom, Ireland, Canada and the United States of America;
- (e) nuts;
- (f) dried, canned or candied or other processed fruits and vegetables;
- (g) commercial yeast;
- (h) roasted coffee;
- (i) plant products which, having been cooked, parboiled or otherwise processed, are free from any animal or vegetable organism.

9. Detention and treatment of articles to be at risk of importer

The importation, detention and treatment of any plant or thing, to which regulation 4 of these Regulations applies, shall be entirely at the risk of the importer and all charges for storage, cartage and labour, incidental to inspection and treatment, other than the services of the Plant Protection Officer, shall be borne by the importer.

10. Forfeiture

Any articles imported in contravention of these Regulations shall be forfeit to the Government and shall be disposed of as the Plant Protection Officer may direct.

11. Saving

The provisions contained in the other Parts of these Regulations shall be in addition to and not in derogation of the provisions contained in this Part.

PART II

Importation of Planting Materials, Fruits and Vegetables

12. Prohibition of importation of certain planting material

(1) Planting material of the kinds or classes specified in the subjoined list to this Regulation shall not be imported into the State except under permit issued by the Minister with the concurrence of and in accordance with conditions prescribed by the Plant Quarantine Committee—

Citrus or any other member of the family Rutaceae;

Coconut;

Cotton;

Seeds of plants of the family Gramineae excepting sugar cane fuzz.

(2) Planting material of the kinds or classes specified in the subjoined list to this Regulation shall not be imported into the State except through the Plant Quarantine Station under permit of the Minister issued with the concurrence of the Plant Quarantine Committee—

Planting material growing in or accompanied by soil;

Banana, plantain and any other member of genus *Musa* Linn;

Cacao;

Coffee;

All parts of all members of the family Gramineae (excluding sugar cane) excepting the seeds thereof;

All parts of the sweet potato from Trinidad and Tobago and South America.

(3) (a) Planting material, or any other part of the sugar cane, shall not be imported into the State from any country or place, other than the Island of Barbados, except through the Plant Quarantine Station under permit of the Minister issued with the concurrence of the Plant Quarantine Committee.

(b) Sugar cane planting material or any other part of the sugar cane shall not be imported into the State from the Island of Barbados except it has been prepared for dispatch and dispatched directly to the Chief Technical Officer (Extension) by the West Indies Central Sugar Cane Breeding Station in Barbados at the request of the Chief Technical Officer (Extension).

(4) No planting material of any kind shall be imported into the State from Guyana.

13. Prohibition of importation of certain fruit and vegetables

(1) Fruit and vegetables (except onions and potatoes (*Solanum Tuberosum*) which, notwithstanding anything to the contrary in this Part of these Regulations, may be imported from any source) shall not be imported into the State except from the United

Kingdom, Ireland, Canada, United States of America, New Zealand, British West Indies, Guyana and Bermuda.

(2) The importation of fruit of the genus *Musa* is prohibited from all countries.

(3) Citrus fruit shall be imported only from the British West Indies except Trinidad and Tobago, the British Virgin Islands and Jamaica.

(4) The importation of sweet potato from Trinidad and Tobago and South America is prohibited except in accordance with the provisions of Part II of these Regulations.

(5) Fruit and vegetables which may be imported from Bermuda shall be restricted to—

Beet-root;

Carrots;

Turnips.

14. Fruit and vegetables to be accompanied by certificate

Consignments of fruit and vegetables from Bermuda and the British West Indies shall only be imported into the State if they are accompanied by a certificate delivered by an official of the inspection service of the country of origin stating that they have been examined at the port of shipment and that they are considered free from pests and diseases and that they and their containers are free from trash and soil.

PART III

Importation of Cotton

15. Restriction on importation of cotton, etc.

(1) Cotton seed, seed cotton, cotton lint, cotton linters and any accompanying containers and packing material shall not be imported into the State except from Trinidad and Tobago, Barbados and the present and former British colonies in the Windward and Leeward Islands:

Provided that nothing in this Regulation shall prevent the importation into the State from any source of manufactured cotton goods, prepared cotton wool and other factory-processed cotton or of cotton lint and linters contained in factory-made mattresses or other manufactured articles.

(2) Cotton seed meal and cake and any accompanying containers and wrapping materials shall not be imported into the State except from the British Isles, Canada, Trinidad and Tobago, Barbados and the present and former British colonies in the Windward and Leeward Islands.

(3) Any part of the cotton plant not specified in subregulations (1) and (2) of this Regulation and any accompanying containers and wrapping materials shall not be imported into the State.

16. Permit

Cotton seed, seed cotton, cotton lint, cotton linters, cotton seed meal and cotton seed cake shall not be imported into the State from Trinidad and Tobago, Barbados or the present and former British colonies in the Windward and Leeward Islands unless the Minister, with the advice and concurrence of the Plant Quarantine Committee, has previously granted a permit authorising the importation of such materials or things and such importation shall be subject to the conditions prescribed in the permit.

17. Prohibition of importation of bags, etc.

(1) Used or second-hand bags, sacks or baling material which have contained or are reasonably suspected to have been used to contain any part of the cotton plant shall not be imported into the State from the Republics of Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador and Costa Rica, Belize, and the United States of America.

(2) The following articles or things shall not be imported into the State from the Republics of Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador and Costa Rica and Belize—

- (a) any agricultural produce in bags or sacks;
- (b) pillows and bedding material, unless factory-made, which contain or have contained any part of the cotton-plant.

(3) Pillows and bedding material, unless factory-made, which contain or have contained any part of the cotton plant shall not be imported into the State from the United States of America.

18. Declaration by masters of ships

(1) On arrival in the State the master of any vessel which has, at any time during the preceding three calendar months, called at any port in the Republics of Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador and Costa Rica and Belize or in any of the States of Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia and Maryland of the United States of America, shall declare to the Permanent Secretary (Finance) in the Form (Form 1) provided in the Schedule to these Regulations whether the vessel's cargo and other articles carried on board the vessel include any of the articles or things specified in regulations 15, 16 and 17 of these Regulations; and no article whatsoever shall be landed in the State from any such vessel unless the Permanent Secretary (Finance) has granted permission for such landing as hereinafter provided in this Regulation.

(2) In the event of the master of a vessel declaring that his or her vessel has called at a port of a country named in and within the time specified in the preceding paragraph and/or in the event of any of the articles or things specified in regulations 15, 16 and 17 of these Regulations being carried on board such vessel, the Permanent Secretary (Finance) shall inform the Plant Protection Officer accordingly in writing in the Form (Form 2) provided in the Schedule to these Regulations and it shall be the duty of the Plant Protection Officer to board the vessel forthwith and to examine the vessel and any cargo or other articles on board and to determine to his or her satisfaction whether or not any cargo, baggage or other articles intended to be landed in the State are infested or are likely to be infested with the cotton boll weevil (*Anthonomus grandis Boheman*).

(3) If, after examination as aforesaid, the Plant Protection Officer is satisfied that the cargo, baggage or other articles intended to be landed in the State are not infested with the cotton boll weevil, he or she shall notify the Permanent Secretary (Finance) accordingly in writing in the Form (Form 3) provided in the Schedule to these Regulations, whereupon the Permanent Secretary (Finance) shall deliver to the master of the vessel a permit in the Form (Form 4) provided in the Schedule to these Regulations and it shall thereupon be lawful, in so far as these Regulations are concerned, for such articles to be landed in the State.

(4) If, after examination as aforesaid, the Plant Protection Officer has reason to suspect that the articles or things intended to be landed in the State are infested with cotton boll weevil, he or she shall at his or her discretion—

- (a) cause the said articles to be fumigated in the vessel until he or she is satisfied that such infestation has been destroyed; he or she shall then notify the Permanent Secretary (Finance) accordingly in writing in the Form (Form 3)

provided in the Schedule to these Regulations, whereupon the Permanent Secretary (Finance) shall deliver to the master of the vessel a permit in the Form (Form 4) provided in the Schedule to these Regulations, and it shall thereupon be lawful, in so far as these Regulations are concerned, for the articles named in the permit to be landed in the State;

- (b) cause the said articles to be enclosed and sealed in his or her presence in insect-proof containers and to be brought ashore to a place specified by him or her where he or she shall cause the said articles to be fumigated to his or her satisfaction. On removing the articles as aforesaid in the manner prescribed the Plant Protection Officer shall notify the Permanent Secretary (Finance) accordingly in writing in the Form (Form 3) provided in the Schedule to these Regulations whereupon the Permanent Secretary (Finance) shall deliver to the master of the vessel a notice in the Form (Form 5) provided in the Schedule to these Regulations informing him or her that no other articles or things of any description may be landed from the said vessel; or
- (c) deliver a notice to the Permanent Secretary (Finance) in the Form (Form 3) provided in the Schedule to these Regulations forbidding the landing in the State from the vessel of any cargo, any baggage or any other article of any description except mails which shall be landed in insect-proof containers when in his or her opinion the infestation cannot be completely destroyed, and the Permanent Secretary (Finance) shall without delay deliver a notice, in the Form (Form 6) provided in the Schedule to these Regulations, to the master of the vessel ordering him or her to remove the vessel forthwith to a distance not less than two miles from any point in the State.

19. Isolation of mail bags

(1) It shall be the duty of the Postmaster-General to place all mail bags on arrival from the Republics of Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador and Costa Rica and Belize unopened in a separate room or enclosed part of a room, specially adapted to the purpose, at the Post Office and immediately to issue a notice to the Plant Protection Officer in the Form (Form 7) provided in the Schedule to these Regulations notifying him or her of the arrival and isolation of such mail bags.

(2) It shall be the duty of the Plant Protection Officer on receipt of the aforesaid notice to proceed to the Post Office at the earliest possible opportunity, and there, in the presence of the Postmaster-General or his or her representative, to examine such mail bags and the contents thereof and to determine to his or her satisfaction whether or not the said mail bags and their contents are infested with cotton boll weevil.

(3) If, after examination of the mail bags and the contents thereof, the Plant Protection Officer is satisfied that there is no infestation of cotton boll weevil, he or she shall give notice accordingly to the Postmaster-General or his or her representative in the Form (Form 7) provided in the Schedule to these Regulations and shall hand over the said mail bags and the contents to the Postmaster-General or his or her representative for delivery in the usual manner.

(4) If after examination of the mail bags and their contents the Plant Protection Officer has reason to suspect that the said mail bags and their contents are infested with cotton boll weevil he or she shall at his or her discretion subject any or all of the mail bags or their contents to fumigation until he or she is satisfied that the infestation has been destroyed; he or she shall then give notice accordingly to the Postmaster-General or his or her representative in the Form (Form 7) provided in the Schedule to these Regulations and shall hand over the said mail bags and their contents to the Postmaster-General or his or her representative for delivery in the usual manner.

PART IV

Prohibition of Soil, Dung and other Plants

20. Prohibition of importation of soil and dung

Soil and dung shall not be imported into the State except through the Plant Quarantine Station under permit of the Minister issued with the concurrence of the Plant Quarantine Committee.

21. Prohibition of importation of allspice, bay and related plants

Fruit and all parts of allspice (*Pimenta officinalis Lindl*), the bay tree (*Pimenta acris Kostel*) and of all other plants of the genus *Pimenta* shall not be imported into the State from any island of the Greater Antilles.

22. Prohibition of importation of coconut palm

The importation into the State of all parts of the coconut palm, (*Cocos Nucifera Linn*) is prohibited unless the Minister with the concurrence of and in accordance with conditions prescribed by the Plant Quarantine Committee has previously granted a permit for such importation: Provided that husked coconuts, copra and processed coconut fibre may be imported into the State from the British West Indies and Guyana.

23. Prohibition of importation of certain plants

The importation into the State of—

All parts of all members of the genus *Musa*;

All parts of cacao;

Raw coffee, except coffee beans which have been hulled in Trinidad;

All parts of sugar cane, excepting megasse;

All parts of all other members of the family Gramineae, except straw used as a packing material;

All parts of the sweet potato from Trinidad and Tobago and South America,

is prohibited except when imported as planting material under the provisions of Part II of these Regulations.

Schedule

Forms

FORM 1

PLANT PROTECTION ACT

PLANT PROTECTION REGULATIONS

[Regulation 18(1).]

GRENADA

PART 1

To the Master of the

Under the provisions of the Plant Protection Regulations you are required to declare whether your vessel has, at any time in the last three calendar months, called at any port or ports in the countries specified in Appendix I to this Form and, if so, to state whether or not any of the articles or things specified in Appendix II to this Form are carried on board your vessel.

I therefore call upon you to complete and to sign Part II of this Form and I hereby forbid the landing in the State of any cargo, baggage or other articles whatsoever from your vessel without my written authority given in Form 4 as provided in the Schedule to the Plant Protection Regulations.

.....
Permanent Secretary (Finance)

Date

PART 2

I, the undersigned Master of the hereby declare that the said has, (has not), within the last three calendar months, called at a port in a country or state, specified in Appendix I to this Form.

I further declare that to the best of my knowledge and belief the vessel does not contain any of the articles specified in Appendix II hereof.

The vessel contains the following articles which are specified in Appendix II hereof, namely—

.....
.....

.....
Master of Vessel

Date

APPENDIX I

The Republics of Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador and Costa Rica and Belize; and

the following States of the United States of America—

Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland.

APPENDIX II

1. Any part of the cotton plant, including—

seed cotton, cotton seed, cotton lint, cotton linters, cotton seed meal, cotton seed cake or other parts of the cotton plant.

2. Used or second-hand bags, sacks or baling material.

3. Agricultural produce contained in bags or sacks.

4. Pillows or bedding material, not factory-made containing any part of the cotton plant.

FORM 2

PLANT PROTECTION ACT

PLANT PROTECTION REGULATIONS

[Regulation 18(2).]

GRENADA

To the Plant Protection Officer.

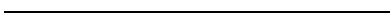
I hereby notify you that the vessel which arrived at the port of at on has according to the declaration of the master, within the last three calendar months called at a port of a country listed, as infested with cotton boll weevil, in regulation 15(1) of the Plant Protection Regulations.

In accordance with regulation 18(2) of the Plant Protection Regulations, I therefore hereby call upon you to board the vessel without delay and to examine the vessel and any cargo or other articles on board and to take such action as is provided in paragraphs (2), (3) and (4) of regulation 18.

.....

Permanent Secretary (Finance)

Date



FORM 3

PLANT PROTECTION ACT

PLANT PROTECTION REGULATIONS

[Regulation 18(4).]

GRENADA

To the Permanent Secretary (Finance).

I hereby notify you that in accordance with your notice contained in Form 2 (provided in the Schedule to the Plant Protection Regulations) dated, 20....., I have examined the vessel S.S. and the cargo, baggage and other articles contained therein, and—

*(a) I am satisfied that there is no infestation of cotton boll weevil in the said vessel, cargo, baggage or other articles. I therefore grant permission, in accordance with the provisions of the Plant Protection Regulations, for landing all /any part† of the cargo, baggage or other articles on the said vessel.

*(b) I have found that the whole /a part† of the cargo, all /a portion† of the baggage or other articles infested with cotton boll weevil and have fumigated the said articles and am satisfied that the infestation has been destroyed.

I therefore grant permission, in accordance with the provisions of the Plant Protection Regulations for landing all /any part† of the cargo baggage or other articles on the said vessel.

*(c) I have found the whole /a part† of the cargo, all /a portion† of the baggage or other articles infested with cotton boll weevil and have removed such infested articles from the ship.

In accordance with the provisions of the Plant Protection Regulations, no other articles or things of any description may be landed from the said vessel.

*(d) I have found the infestation to be such that, in my opinion, it cannot be completely destroyed.

In accordance with the provisions of the Plant Protection Regulations, the master of the

vessel must be ordered to remove the said vessel forthwith to a distance not less than two miles from the nearest point in the State.

.....

Plant Protection Officer

Date

* Delete paragraphs not required.

† Delete words not required.

FORM 4

PLANT PROTECTION ACT

PLANT PROTECTION REGULATIONS

[Regulation 18(4).]

GRENADA

To the Master of

I hereby permit the landing in the State of any of the following articles carried on board your vessel, namely—

.....
.....
.....

.....

Permanent Secretary (Finance)

Date

FORM 5

PLANT PROTECTION ACT

PLANT PROTECTION REGULATIONS

[Regulation 18(4).]

GRENADA

To the Master of

I hereby notify you that the Plant Protection Officer has declared that he or she has found certain articles on your vessel infested with the cotton boll weevil (*Anthonomus grandis Boheman*) in that he or she has removed the infested articles in insect-proof containers to the shore for the purpose of destroying the infestation.

In accordance with the provisions of the Plant Protection Regulations, I hereby notify you that no other articles of any description may be landed from your vessel.

.....

Permanent Secretary (Finance)

Date

FORM 6

PLANT PROTECTION ACT

PLANT PROTECTION REGULATIONS

[Regulation 18(4).]

GRENADA

To the Master of

I hereby notify you that the Plant Protection Officer has declared that on your vessel are infested with the cotton boll weevil (*Anthonomus grandis Boheman*) in such a manner that the infestation cannot be completely destroyed to his or her satisfaction.

By authority of the Minister under the Plant Protection Regulations of this State I hereby call upon you to remove your vessel forthwith to a distance not less than two miles from any point of this State.

Dated this day of, 20..... at a.m./p.m

.....
Permanent Secretary (Finance)

FORM 7

PLANT PROTECTION ACT

PLANT PROTECTION REGULATIONS

[Regulation 19(4).]

GRENADA

PART 1

To the Plant Protection Officer.

I hereby give you notice that bags of mails were received at from and are being retained unopened in isolation at the Post Office pending examination by you in accordance with the provisions of regulation 19 (1) of the Plant Protection Regulations.

.....
Postmaster-General

Date

Time

PART 2

Certificate of Examination

To the Postmaster-General

I hereby certify that the mail bags referred to in Part 1 of this Form were opened in my presence and that the bags and the contents have been examined by me.

* I am satisfied that the bags and their contents are free from infestation of the cotton boll weevil and I therefore grant permission for their delivery to the addressees in the usual manner.

* I am satisfied that the bags and their contents were infested with cotton boll weevil and that the

said infestation has been destroyed to my satisfaction.

.....

Plant Protection Officer

Date

Time

* Strike out paragraph not applicable.
