CHAPTER 143

PLANTS IMPORTATION AND REGULATION ACT

SUBSIDIARY LEGISLATION

Importation of Plants Regulations

made under Section 4

Regulations 11 of 1936, L.N. 83 of 1963.

1.AThese regulations may be cited as the Importation of Plants Regulations. Citation.A

2. In these regulations— Definitions.

" Plant Interchange Schedule " means a Schedule of West African countries in respect of which agreements have been made with the Government of The Gambia concerning the making and enforcement in such countries and The Gambia of regulations

governing the interchange of plants and seeds of plants. A country shall be deemed to be included in the schedule upon publication of a notification by the Minister to that effect in the Gazette and until like publication of a similar notification to the contrary;

"inspector" means the Director of Agriculture or any persone appointed by the Director of Agriculture to be an inspector for the purpose of these regulations.

Importation of plants.

3.eNo person shall import or cause to be imported into Thee Gambia any plant or seed except by post or through the Port of Bathurst.

Prohibition of importation of certain plants, etc.

4.eThe following plants, produce and seeds shall not be importede into The Gambia—

(*a*) all plants in soil other than special rooting compost;e

(*b*)e all plants of cocoa from Central America, South America ande the West Indies;e

(*c*) all plants other than cocoa from Central America, Southe America and the West Indies and other countries, which aree specified by the Minister by a notification in the Gazette, toe be countries in which witch-broom disease of cocoa is knowne to occur, except plants required and imported by the Agricultural Department for scientific purposes;e

(*d*)e all coconuts in husk from Central and South America,e Trinidad and Tobago, Grenada, and St. Vincent (Weste Indies);e

(*e*) all coffee cherry unless accompanied by a certificate of freedom from mealy pod disease issued by the Government agricultural authority of the country of export;

(*f*)e all cotton seed except seed free from lint.e

Examination of plants by Customs Officer.

5.e(1) (*a*) Any plant or seed, except seeds, bulbs, tubers or cormse of vegetables or ornamental plants from temperate countries or dry hulled rice, coffee or pulses for consumption, and any accompanying container brought to The Gambia by steamer, post or other channel may, before being delivered to the consignee or addressee, be

examined by a Customs officer for the purpose of determining whether the plant or seed appears to be one whose importation is forbidden or whose importation is subject to precautions being taken in accordance with these regulations; and if the Customs officer considers that any plant, seed or container appears to be such, then he shall detain the parcel or consignment while he consults an inspector, or until an inspector has examined it, or he may send the plant, seed or container to the Agricultural Department at Cape St. Mary for inspection or treatment. The consignee or addressee shall be liable, at the discretion of the Comptroller of Customs and Excise to pay any expenses incurred by the Customs officer or the Agricultural Department, notwithstanding that the plant, seed or container has to be destroyed. If the consignee or addressee is not prepared to incur such expense, then the plant or seed shall be immediately destroyed by the Customs officer.

(*b*) It shall be the duty of the consignee or his agent to open thee container and to afford any facility to the Customs officer or to the inspector of the plant or seed, as may be required of him.

(2)e Any such plant or seed together with all other articles in thee esame container and packing material may, where deemed necessarye by an inspector as a precautionary measure against the introductione of any pest or plant disease, be disinfected or fumigated by and to thee satisfaction of the inspector at the expense of the consignee ore addressee, in default of which the consignment or package may bee refused entry into The Gambia or may be destroyed by the inspector.e

(3)e If any plant or seed be found actually infected in whole or ine part by any pest or plant disease, it shall together with all other articles in the same receptacle and all packing material be destroyed by the inspector without delay:

Provided that if the inspector considers that such plant, seed, other articles and packing material can by any treatment available be cleaned, disinfected or fumigated so as to entirely eradicate the pest or plant disease, and the consignee pays the expense of such treatment, the inspector may cause the same to be treated accordingly.

6.e Subject to the provisions of these regulations, the importatione of plants and seeds of plants shall be governed by the following provisions— Permits required to import certain plants, etc.

Schedule I.

(*a*) Importations of plants and seeds of plants set out in Group An in schedule I shall be permitted from countries included inn the Plant Interchange Schedule only under permit signed byn the Director of Agriculture first obtained, and in accordancen with any special conditions which may be stated in suchn permit;n

(*b*) importations of plants and seeds set out in either Group A orn Group B in schedule I from countries other than thosen included in the Plant Interchange Schedule shall be permittedn only under permit signed by the Director of Agriculture firstn obtained and in accordance with any special conditionsn stated in that permit. Such a permit will only be granted fornn plants included in Group A when they are needed for specialn scientific purposes, and the Director of Agriculture is satisfiedn that the plants will be grown under the observation of an person with special knowledge of the pests and diseases ofn plants and under such conditions as should preclude anyn possibility of the introduction of any dangerous pest or plantn disease;n

(*c*) no permit shall be required for the importation of plants andn seeds of plants set out in Group B in schedule I from countriesn included in the Plant Interchange Schedule.n

Applications for permits.

7. (1) Applications for permits shall be made in writing to then Director of Agriculture, and shall state—

(*a*) the full name, residence and postal address of the applicant;

(*b*) the name and address of the person from whom it is proposedn to obtain the plants;n

(*c*) the botanical name or the generally accepted popular namen and varietal names of the plants and the number of eachn variety it is desired to import;n

(*d*) the locality in which it is proposed to grow the plants.n

(2)nThe applicant shall supply the Director of Agriculture withn any other particulars which he may require.

Form of permit. Schedule II.

8.nPermits to import granted by the Director of Agriculture shalln be in the form set out in schedule II hereto as far as circumstances permit.

9.nHealth certificates, which are required from Government agricultural authorities to accompany imports by any permit issued under these regulations, shall so far as practicable be in the form set out in schedule III hereto, or in a form substantially to the like effect. Health certificates. Schedule III.

10.nAny person who contravenes any of the provisions of regulations 3, 4, 5 (1) (*b*) and 6 shall be liable on conviction to a fine of fifty pounds. Penalty.

11.nIn order to facilitate compliance with these regulations, officers of the Agricultural Department will on application advise intending importers of plants or seeds. Advice by Agricultural Department.

SCHEDULE I

Regulation 6.

Group A

Plants and seeds of cocoa, cotton, cassava and all species of musa; plants (but not seed) of oil palms and of all species of citrus.

Group B

Plants (but not seed) of coconuts and kola, plants and seed of coffee (except hulled and dried berries for consumption), groundnuts, yams, rice (except hulled rice for consumption), pulses (except dry shelled seeds for consumption), guinea corn, millets, maize and rubber.

SCHEDULE II

Regulation 8.

The Importation of Plants Regulations

Permit to Import

Permission is hereby given to.....of.....
to import into..... from.....the following
.....

(*Signed*).....
Director of Agriculture

This permit is granted subject to the following conditions—

(*a*)o The articles imported shall be accompanied by a certificate in the form required by the Importation of Plants Regulations from the Government agricultural authority of the country of export.o

(*b*)o It shall be inspected by an inspector before importation, and ifo deemed necessary, disinfected or fumigated.o

(*c*)o *It shall be planted out in a quarantine area and be subject to* inspection and, if necessary, treatment or destruction by the Agricultural Department for a period of.....months fromo the date of introduction.

(*d*)o (Any other conditions.)

Any or all of the foregoing conditions (*a*), (*b*) and (*c*) may be omittedo or altered as the Director of Agriculture shall decide.

Regulation 9.

SCHEDULE III

CERTIFICATE

This is to certify that { the living plants or plant products, or / a representative sample of the living plants, or plant products / (strike out the words not applicable) }

included in the consignment, of which particulars are given below were/was thoroughly examined on the (date).....by (name)..... .....a duly authorised official of the .....and found to be healthy, no evidence of the presence of any injurious insect, pest, or

disease { (destructive to vegetation) / (destructive to agricultural or horticultural crops)o }

(insert words in ( ) if required by existing legislation)

having been found in/on them and that the consignment (including the packing) covered by this certificate has/has not been treated in the following manner (e.g. fumigated with.....or disinfected

with.....) { prior / immediately subsequent to inspectiono }

on the.....day of.....19....

Inspected / Not inspected } in the field by a duly authorised inspector.o

(*Signature*).....

(*Official Status*).....

Dated this.....day of.....19....

Number and description of packages.....

Distinguishing marks .....

Description of living plants or plant products or parts thereof.....

.....

Stated to be grown at .....

Exported by .....

Name and address of consignee .....

Name of vessel or particulars of route .....

.....

Date of shipment .....

Port or place of entry.....

Additional certificate(s) attached.....

(Give here details of any special certificate or certificates issued in respect of imports specially scheduled by the importing country.)