

THE PLANTS (QUARANTINE) ACT

REGULATIONS
(under section 38)

THE PLANTS (IMPORTATION) CONTROL REGULATIONS, 1997

*(Made by the Minister on the 22nd day of April, 1997)*L.N. 43/97
130/2005.

1. These Regulations may be cited as the Plants (Importation) Control Regulations, 1997.

2. For the purposes of these Regulations—

“importer” means a person who is importing or has imported a plant into the Island;

“inspector” means a person who has been given authority by the Chief Plant Quarantine Officer to perform specific duties of inspection;

“inspection” means an official visual examination of plants, plant products or other regulated articles to determine if pests are present and determine compliance with phytosanitary regulations;

“Quarantine Officer” has the same meaning as in the Plants (Quarantine) Act

“regulated articles” means any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures particularly where international transportation is involved;

PART I

Plants, Plants for Planting, etc.

3. In this Part—

“pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of the phytosanitary measures to be taken against it carried out in accordance with the International Plant Protection Convention, 1951 (IPPC) as amended from time to time and in force in Jamaica;

“plants for planting” means plants intended to remain planted, to be planted or replanted;

“plants products” means unmanufactured material of plant origin and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests.

4.—(1) No plant, plant products or plants for planting shall be imported into the Island except in accordance with the provisions of these Regulations.

(2) The importation of plants, plant products or plants for planting or soil specified in Part III of the First Schedule is hereby prohibited.

First
Schedule.
Part III.

5.—(1) Subject to regulation (2), no plant, plant products or plants for planting (other than those specified in Part II of the First Schedule) shall be imported into the Island except in accordance with the terms of an import permit granted by the Chief Plant Quarantine Officer.

(2) The import permit for the importation of items listed in Part I of the First Schedule shall be either a single use permit or a multiple use permit.

6.—(1) Every plant, plant product or plant for planting entering the Island shall be subject to inspection by a Plant Quarantine Inspector who may—

(a) refuse entry of any such plant, plant product, or plant for planting if—

- (i) it contains pests;
- (ii) any condition of the import permit has not been complied with; or

(b) allow entry for any such plant, plant products or plants for planting unconditionally or subject to such conditions as may be deemed necessary.

(2) Every plant, plant product or plants for planting imported into the Island shall be accompanied by a valid phytosanitary certificate issued by the competent authority of the exporting country which, together with the import permit, shall be presented to the Plant Quarantine Inspector at the time of inspection.

7.—(1) Subject to the provisions of regulation 5, if so required by the Chief Plant Quarantine Officer, every plant, plant products or plants for planting, upon entry into the Island, shall be—

(a) removed by such means, in such manner and subject to such conditions as the Chief Plant Quarantine Officer may direct to a post-entry quarantine facility approved by the Chief Plant Quarantine Officer for the purpose of quarantine; and

(b) kept in quarantine for such period as the Chief Plant Quarantine Officer may direct.

(2) The release from quarantine of any plant, plant product or plant for planting shall be subject to and dependent upon the result of reinspection and of diagnostic examination and any tests which the Chief Plant Quarantine Officer may deem necessary to carry out for the detection and identification of pests.

(3) Notwithstanding the expiry of the period of quarantine directed by the chief Plant Quarantine Officer under paragraph (1), no plant, plant product or plant for planting shall be removed from any quarantine depot without the prior written permission of the Chief Plant Quarantine Officer and such permission may be either unconditional or subject to such conditions as may be specified.

8.—(1) The expenses incidental to the keeping in quarantine of a plant, plant product or plant for planting shall be borne by the importer.

(2) Every plant, plant product or plant for planting shall be kept in quarantine at the risk of the importer.

(3) Any plant, plant product or plant for planting, which, while in quarantine, develops or, in the opinion of the Chief Plant Quarantine Officer, shows symptoms of any pest, may be destroyed without payment of compensation.

9.—(1) Every person who desires to import plants, plant products or plants for planting shall apply in writing to the Chief Plant Quarantine Officer for an import permit.

(2) An application under paragraph (1) shall specify—

- (a) the name, address and telephone number of the importer;
- (b) the name (scientific and common) and quantity of each item to be imported;
- (c) the country from which the item is to be imported;
- (d) the type of permit required; and
- (e) the port of entry of the items to be imported.

(3) Each application for an import permit shall be accompanied by the appropriate fee specified in the Second Schedule.

Second
Schedule.

(4) The Chief Plant Quarantine Officer shall, in determining whether to grant an import permit, conduct a pest risk analysis to determine the specific conditions under which the item may be imported and shall not grant a permit for items that are deemed high risk based on the outcome of the pest risk analysis.

(5) An import permit issued under these Regulations shall be in the form prescribed in the Third Schedule and shall, subject to paragraph (6), be valid for a period of four months from the date of issue thereof.

Third
Schedule.

(6) The Chief Plant Quarantine Officer may revoke any permit at any time if there is a change in the pest status in the exporting country.

(7) No person shall be issued an import permit if the plants, plant products or plants for planting to be imported originate in a country where there are pests which, if introduced into the Island, could adversely affect agriculture.

PART II

Genetically Modified Plants

10. In this Part—

“genetically modified plant” means a plant that has been genetically modified and imported into Jamaica for the purpose of experimentation under controlled conditions.

11. No plant, seed, cutting or slip shall be imported into the Island except in accordance with the provisions of these Regulations.

12. No plant, seed, cutting or slip shall be imported into the Island except in accordance with the terms of a permit granted by the Chief Plant Quarantine Officer.

13.—(1) No plant, seed, cutting or slip shall be landed without the prior written permission of the Chief Plant Quarantine Officer.

(2) Every plant, seed, cutting or slip being landed shall be subject to inspection by the Chief Plant Quarantine Officer who may—

(a) refuse permission for any such plant, seed, cutting or slip to be landed if satisfied—

(i) that any such plant, seed, cutting or slip is plagued with any disease; or

(ii) that any condition of a permit allowing the importation of any such plant, seed, cutting or slip has not been complied with; or

(b) grant permission for any such plant, seed, cutting or slip to be landed either unconditionally or subject to such conditions as he may impose and forward the plant to the importer.

14.—(1) Subject to the provisions of regulation 13 if so required by the Chief Plant Quarantine Officer every plant, seed, cutting or slip upon being landed in the Island shall be removed by such means, in such manner and subject to such conditions as the Chief Plant Quarantine Officer may direct to a quarantine depot approved by the Chief Plant Quarantine Officer for the purpose of quarantine and shall be kept in quarantine there for such period as the Chief Plant Quarantine Officer may direct.

(2) The release from quarantine of any plant, seed, cutting or slip shall be subject to and dependent upon the result of re-inspection and of any

diagnostic examination and any tests which the inspector may deem necessary to carry out for the detection of disease.

(3) Notwithstanding the expiry of the period of quarantine directed by the inspector under paragraph (1) no plant, seed, cutting or slip shall be removed from any quarantine depot without the prior written permission of the inspector and such permission may be either unconditional or subject to such conditions as may be specified.

15.—(1) The expenses of and incidental to the keeping in quarantine of a plant, seed, cutting or slip shall be borne by the consignee of such plant, seed, cutting or slip.

(2) Every plant, seed, cutting or slip shall be kept in quarantine at the risk of the consignee.

(3) When any plant, seed, cutting or slip, while in quarantine in accordance with the provisions of these Regulations, develops or, in the opinion of the Quarantine Officer, shows symptoms of, any disease, the spread of which would endanger the health of any person, animal or other living organism, such plant, seed, cutting or slip may, with the approval of the Minister, be destroyed without payment of compensation.

Seeds

16. No seeds shall be landed in the Island unless there is produced to the Quarantine Officer in respect thereof a statement by the importer that—

- (a) any such seeds have been packaged in—
 - (i) a sealed plastic bag; or
 - (ii) a plastic or paper envelope,of at least 5 millimetres in thickness;
- (b) after having been packaged in accordance with paragraph (a) the seeds have been placed in a metal container which is placed in another metal container that is capable of preventing spillage of the seeds and which is conspicuously labeled with the number of seeds and name of seeds printed thereon;
- (c) the inner and outer containers in which the seeds are packed are separated by shock-absorbing material;
- (d) where there is more than one container being transported, the containers are placed in a sturdy container made of corrugated fibreboard, cardboard, wood or other material of equivalent strength;

- (e) each outer container is labelled indicating the contents, place of origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the propagative material contained therein is derived from genetic engineering procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

Plants

17.—(1) No plant shall be imported if—

- (a) it is in flower, seed or fruit;
- (b) it is more than 15 centimetres (6 inches) tall.

(2) No plant shall be landed in the Island unless there is produced to the Quarantine Officer in respect thereof a statement by the importer stating that—

- (a) such plants have been packaged in a sealed plastic bag of at least 5 millimetres in thickness;
- (b) after having been packaged in accordance with paragraph (a) the plants have been placed in a sturdy, sealed, shatterproof, leak-proof metal container;
- (c) any plant transported in a pot is set in a soil free mix and covered before being boxed;
- (d) each container is labelled indicating the contents and number of specimens, place of origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the propagative material contained therein is derived from genetic engineering procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

Slips and Cuttings

18. No slips or cuttings shall be landed in the Island unless there is produced to the Quarantine Officer in respect thereof a certificate stating that—

- (a) such slips or cuttings have been packaged in a sealed plastic bag of at least 5 millimetres in thickness;
- (b) after having been packaged in accordance with paragraph (a) the slips or cuttings have been placed in a sturdy, sealed, shatterproof, leak-proof metal container;
- (c) any slips or cuttings transported in a pot are set in a soil free mix and covered before being boxed;

- (d) each outer container is labelled indicating the contents and number of specimens, place of origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the propagative material contained therein is derived from genetic engineering procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

Application for Permit to Import

19.—(1) A person who wishes to import a plant, seed, cutting or slip into the Island shall apply to the National Biosafety Committee for permission to do so and thereafter upon its approval such application shall be submitted by the Committee to the Plant Quarantine Division of the Ministry responsible for agriculture for the grant of a permit.

(2) The National Biosafety Committee shall, in determining whether to grant approval of the application, consider the applicants ability to enforce adequate procedures and safeguards to ensure that no contamination by or release of the plant, seed, cutting or slip which is detrimental to the health or safety of any human, animal or other living organism will occur at the port of entry or otherwise in the Island.

(3) Each application for a permit to import a plant shall include information on the schedule of arrival of the items to be imported.

Transportation

20. Where permission has been granted for the entry of a plant, seed, cutting or slip pursuant to regulation 13, the importer shall transport the plant, seed, cutting or slip to its final destination.

21. Every importer shall keep such records, make such returns and furnish such information as the Plant Quarantine Division may at any time require in relation to the following matters—

- (a) the number or quantity of plants, seeds, slips or cuttings imported;
- (b) the number or quantity of plants, seeds, slips or cuttings received;
- (c) the name of the property or properties on which the plants, seeds, slips or cutting originated;
- (d) the date of receipt;
- (e) the condition in which the plants, seeds, slips or cuttings were received;
- (f) any other particulars required by the Division.

22.—(1) A person who imports any plant, plant product or plant for planting into the Island without a valid phytosanitary certificate shall be guilty of an offence and shall on conviction be liable before a Resident Magistrate to a fine of ten thousand dollars.

(2) A person who imports any item prohibited under regulation 4 (2) commits an offence and shall be liable on conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars.

(3) A person who imports items without an import permit required under regulation 5 commits an offence and shall be liable on conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars.

FIRST SCHEDULE

(Regulation 5)

PART I

Items that require Import Permit

1. A. Fresh fruits and vegetables, citrus fruits, plants and budwood.
B. Banana—fruits, suckers, plants or plant parts.
C. Coconut/palm family—seeds.
D. Coffee—berries and plants.
E. Anthurium plants—tissue cultured.
2. Other plants and plants for planting and plant parts.

All plants and plants for planting must be bare-rooted, in-rooted cuttings, tissue cultured or seedlings in liners or small trays (maximum two inches wide and two inches deep).

Bare-rooted plants and plants budded as grafted must be no more than twenty inches in height from root up to top of plant.

Plants and plants budded or grafted must not be more than twenty-four inches in height.

Flowers, foliage, ornamental branches and bulbs.

PART II

Items that do not require import permit

Frozen fruits and vegetables.

Shredded vegetables.

Canned fruits and vegetables.

Dried fruits and vegetables.

Processed or otherwise manufactured plant products that by their nature or that of their processing do not create a risk for the introduction and spread of pests.

PART III

Items whose importation is prohibited

- A.—Soil.
- B.—Plants in growing medium (soil or non-soil).
- C.—Plants and plant products or plants for planting from countries or areas within countries where the following pests (or any other pests that may be deemed to be of high risk based on a pest risk analysis) are known to exist.

FIRST SCHEDULE, *contd.***Insects**

Mediterranean Fruit Fly	— <i>Ceratitis capitata</i>
Guava Fruit Fly	— <i>Anastrepha striata</i>
Sapodilla Fruit Fly	— <i>Anastrepha serpentina</i>
Mexican Fruit Fly	— <i>Anastrepha ludens</i>
South American Fruit Fly	— <i>Anastrepha fraterculus</i>
Oriental Fruit Fly	— <i>Bactrocera dorsalis</i>
Carambola Fruit Fly	— <i>Bactrocera carambolae</i>
Mango Fruit Fly	— <i>Ceratitis cosyra</i>
Papaya Fruit Fly	— <i>Toxotrypana curvicauda</i>
Pink Hibiscus Mealybug	— <i>Maconelllicoccus hirsutus</i>
Papaya Mealybug	— <i>Paracoccus marginatus</i>
Mango Seed Weevil	— <i>Sternochetus mangiferae</i>
Avocado Seed Weevil	— <i>Heilipus laurir</i>
Avocado Seed Moth	— <i>Stenoma catenifer</i>
Codling Moth	— <i>Cydia pomonella</i>
Thrips Palmii	— <i>Thrips palmii</i>
Asian Long Horn Beetle	— <i>Anoplophora glabripennis</i>
Pickle Worm	— <i>Diaphania nitidalis</i>
Pineapple Mealybug	— <i>Dysmicoccus brevipes</i>
Leaf Cutting Ant	— <i>Atta cephalotes</i>
Stem Borer (hot pepper)	— <i>Fautinus cubae</i>
Sweet Potato Moth Borer	— <i>Megastus grandalis</i>
Banana Fruit Scarring Beetle	— <i>Colaspsis hypochlora</i>
Banana Scab Moth	— <i>Nacoleia octasema</i>
Banana Silvering Thrips	— <i>Hercinothrips bicinctus</i>
Banana Stalk Borer	— <i>Castiomeria humboldti</i>
Banana Flower Thrips	— <i>Thrips florum</i>
Asian Citrus Psyllid	— <i>Diaphorina citri</i>
South African Citrus Psyllid	— <i>Trioza erytrae</i>
Palm Weevil	— <i>Rhynchophorus palmarum</i> (Linnaeus)
Black Palm Weevil	— <i>Rhynchophorus bilineatus</i> (Montrouzier)

Bacterial Diseases

Citrus Canker	— <i>Xanthomonas axonopodis</i> pv. <i>citri</i>
Bacterial Blight	— <i>Xanthomonas campestris</i> pv. <i>manihotis</i>

FIRST SCHEDULE, *contd.*

Citrus Greening (huanglongbing)	— <i>Liberobacter asiaticum</i> (Asian strain)
	— <i>Liberobacter africanum</i> (African strain)
Citrus Variegated Chlorosis	— <i>Xylella fastidiosa</i>
Moko or Bacterial Wilt, Blood Disease	— <i>Ralstonia solanacearum</i>
Bugtok Disease	— <i>Ralstonia solanacearum</i>
Bacterial Head Rot	— <i>Erwinia chrysanthemi</i>
Pseudostem Wet Rot	— <i>Pectobacterium Chrysanthemi</i>

Fungal Diseases

Citrus Black Spot	— <i>Guignardia citricarpa</i>
Banana Freckle Disease	— <i>Guignardia musae</i>
Panama Disease or Fusarium Wilt	— <i>Fusarium oxysporum</i> f. sp. cubense (E. F.) (Smith)
Black Sigatoka or Black Leaf Streak	— <i>Mycosphaerella fijiensis morlet</i>
Septoria Leaf Spot	— <i>Mycosphaerella</i> sp.
Lixa Grande	— <i>Sphaerodothis acrocomiola</i>
Lixa Pequena	— <i>Phyllachora torrendiella</i>
Ganoderma Butt Rot	— <i>Ganoderma</i> sp.
American Leaf Spot	— <i>Mycena citricolor/Omphalia falvida</i>
Thread Blight	— <i>Corticium koleroga</i> (Cooke)
Witches Broom	— <i>Crinipellis perniciosus</i>

Virus and Viroid Diseases

Citrus Tristeza virus (CTV, stem pitting strains)
Exocortis Viroid
Cachexia (citrus viroid)
Ringspot—Psorosis complex
Banana Bunchy Top Virus
Banana Bract Mosaic Virus
Banana Mosaic Virus
Banana Steak Virus
Banana Die-back Virus
Abaca Mosaic Virus
Enset Streak Virus
Cassava African Mosaic Virus

FIRST SCHEDULE, *contd.*

Cassava Brown Streak Virus

Coconut Cadang-Cadang (viroid)

Coconut Foliar Decay

Coconut Tinangaja (viroid)

Coconut Natuna Wilt

NematodesGolden Nematode — *Heterodera rostochiensis*Red Ring Nematode — *Bursaphelenchus cocophilus***Phytomonal Diseases**Coconut Palm Heart Rot — *Phytophthora stahellii*Cedros Wilt — *Phytophthora stahellii***Weeds**Witchweed — *Striga spp.*Orobanché — *Orobanché sp.*Benghal Dayflower — *Commelina Benghalensis*Tropical Soda Apple — *Solanum viarum***Mollusca**Giant African Snail — *Achatina fulica*

SECOND SCHEDULE

(Regulation 9)

Fees for import permits and inspection
of imported items

<u>Types of Permit</u>	<u>Fees</u>
1. Single use permit	\$750.00 where the weight of the import does not exceed 22,270 kilogrammes and \$1,000.00 where the weight of the import exceeds 22,270 kilogrammes
2. Multiple use import permit	\$1,000.00 where the weight of each import does not exceed 22,270 kilogrammes \$1,500.00 where the weight of each import exceeds 22,270 kilogrammes
3. Inspection of commercial imports	\$1,000 for each shipment

THIRD SCHEDULE
JAMAICA
MINISTRY OF AGRICULTURE

PERMIT No.

(Granted by the Ministry of Agriculture under the Customs (Importation) (Prohibition) (Fruit, Plant and Vegetable) Proclamation, 1949)

THIRD SCHEDULE, *contd.*

ON _____ 20 _____
TO _____
OF _____
TO IMPORT

FROM _____

SUBJECT TO THE CONDITIONS SPECIFIED ON THE REVERSE OF THIS LABEL

N.B.—No liability shall attach to the Ministry of Agriculture or to any officer or representative of the Ministry with respect to this permit.

Packages of plant material arriving without a permit label attached will be considered dangerous and will be liable to destruction.

CONDITION OF PERMIT

1. Package to arrive in Jamaica with this label attached to relevant papers.
2. Entry to be in the Port _____
3. Package and contents to be inspected on arrival in Jamaica, and treated if necessary.
4. All plant material to be accompanied by a certificate of inspection and of freedom from injurious insects and diseases, such certificate to be given by an authorized official of the ministry or department of agriculture of the country of origin. The certificate should also state that the plants were grown in an area free from the Golden Nematode.
5. Package and contents to be free from soil, and packaging material to consist of _____

ADDITIONAL DECLARATION

PERMIT NOT VALID AFTER _____