*Unofficial English Translation*

# Plant Protection Act

*Law No. 12/2011*

Ministry of Fisheries, Agriculture and Ocean Resources



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# Table of Contents

**Chapter 1**

**Preamble**

1. Introduction ..... 3
2. Title ..... 3

**Chapter 2**

**Enforcement of the Act**

3. Mandate to administer ..... 3
4. Functions of the Minister ..... 3
5. Functions of the National Plant Protection Organization ..... 4
6. Head of NPPO ..... 6
7. Advisory Board on plant protection ..... 7

**Chapter 3**

**Phytosanitary Inspectors**

8. Designating Phytosanitary Inspectors ..... 7
9. Functions of Phytosanitary Inspectors ..... 7
10. Powers of Phytosanitary Inspectors ..... 9

**Chapter 4**

**Pest Control**

11. Determining Regulated Pests ..... 10
12. Emergency Measures for Pests ..... 11
13. Provisional Quarantine Declaration ..... 11
14. Designation of Quarantine Areas ..... 11
15. Termination of Quarantine ..... 12
16. Designation of Pest-Free Areas ..... 12
17. Designating areas with low pest prevalence ..... 12
18. Enforcement of Control Measures ..... 12

**Chapter 5**

**Imported Items**

19. Phytosanitary Certificate ..... 14
20. Phytosanitary Standards for imports ..... 14
21. Buildings and Plots at Designated Import Ports ..... 15
22. Phytosanitary Import Permits ..... 15
23. Inspection ..... 16
24. Post Inspection Standards ..... 17

25. Obligation to report entry ..... 18

**Chapter 6**

**Export, Re-Export And Transit**

26. Issuance of export phytosanitary Certificate ..... 18
27. Issuance of Re-export Phytosanitary Certificate ..... 19
28. Consignments in transit ..... 19

**Chapter 7**

**Enforcment**

29. Agencies requiring assistance and cooperation ..... 19
30. Obligation to notify the presence of a regulated pest ..... 19
31. Appeal ..... 20

**Chapter 8**

**Offences**

32. Offences ..... 20
33. Penalties ..... 21

**Chapter 9**

**General Provisions**

34. Powers vested in the Minister to make regulations and to set standards for the enforcement of the Act ..... 22
35. Commencement of the Act ..... 23
36. Definitions ..... 24
37. Repealed Regulations ..... 29

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# PLANT PROTECTION ACT

## CHAPTER ONE

## PREAMBLE

**Introduction**

**1.** This Act establishes rules in the Maldives for preventing the emergence and spread of plant pests, promoting appropriate phytosanitary standards, facilitating trade in plants and plant products, and related matters.

**Title**

**2.** This Act shall be cited as the "Plant Protection Act."

## CHAPTER TWO

## ENFORCEMENT OF THE ACT

**Mandate to administer**

**3.** The primary responsibility of enforcement of this Act lies with the Minister.

**Functions of the Minister**

**4.** (a) The Minister shall designate or establish a government authority as the National Plant Protection Organization (NPPO) and notify its name to the Secretariat of the International Plant Protection Convention (IPPC).

(b) The Minister's responsibilities are:

(1) Approving the NPPO's organizational and administrative structure;

(2) Designating authorized ports for import and export of plants, plant products, and regulated items from

among ports designated for imports by the Maldives Customs Service;

(3) Designating quarantine stations and ensuring adequate quarantine facilities are established at each designated port;

(4) Designating the head of the NPPO;

(5) Approving regulations and written procedures under this Act;

(6) Determining the amount of fees payable under this Act.

**Functions of the National Plant Protection Organization**

**5.** The NPPO shall carry out the following functions:

(a) Act as the liaison with IPPC;

(b) Approve and implement phytosanitary standards, including provisional standards, quarantine orders, inspection and testing when needed;

(c) Mandate compliance with phytosanitary standards as a condition for importing plants, plant products, and regulated items;

(d) Develop and update lists of quarantine pests, regulated items and nationally concerning pests, and their import requirements;

(e) Issue Phytosanitary Certificates for export and re-export consignments according to requirements established by importing countries';

(f) Issue import permits for consignments destined for Maldives;

(g) Inspect growing plants (including agricultural areas, nurseries, gardens, greenhouses, and laboratories), plants growing in the wild, and stored or transported plant products

for the main purpose of reporting the presence of pests and the spread of pests and its control;

(h) Conduct research needed for pest risk assessments and appropriate phytosanitary measures;

(i) Maintain phytosanitary measures to protect endangered areas and designate, maintain, and survey pest-free areas and areas of low pest prevalence;

(j) Inspect consignments of plants and plant products and issue inspection reports to minimize the occurrence and spread of regulated pests;

(k) Monitor the circulation, exit, or entry of biological control agents in the Maldives;

(l) Disinfect consignments of plants, plant products, regulated items, storage facilities, and other premises for the purpose of preventing pest occurrence and spread;

(m) Ensure that the phytosanitary security of consignments is maintained from certification until export through appropriate procedures regarding the composition of the consignment and changes and prevention of re-infestation of pests;

(n) Disseminate information about regulated pests and their control methods;

(o) Designate and revoke designation of quarantine areas, pest-free areas, areas of low pest prevalence, and endangered areas;

(p) Increase the capacity for pest analysis, investigation and research where deemed necessary, and establish laboratories and quarantine stations at different areas as needed;

(q) Notify other countries with reasoning that phytosanitary measures taken were based on applicable international standards or pest risk analysis;

(r) Notify trading partners of situations where phytosanitary import requirements shall not be non-complied with;

(s) Establish procedures for accrediting quarantine stations, official research entities, official laboratories or other government or private entities or institution involved in implementing phytosanitary actions;

(t) Establish and maintain a registry of phytosanitary certificates, import permits, inspections, surveillance and findings and other relevant phytosanitary information related to this Act;

(u) Develop and train phytosanitary inspectors and other NPPO staff;

(v) Liaise with and report to IPPC and other regional or national plant protection organizations, and represent Maldives in phytosanitary forums with other countries and in regional and international forums;

(w) Carry out other tasks assigned by the Minister deemed necessary for enforcement of this Act and achieving its objectives.

**Head of NPPO**

**6.** (a) In accordance with the Maldives Civil Service Act, the Minister shall appoint the head of NPPO.

(b) It is the responsibility of the head of NPPO to carry out the functions assigned to NPPO pursuant to this Act.

(c) The regulations shall detail the technical competencies, conflict of interest principles, and duties of the head of NPPO.

**Advisory Board on plant protection**

**7.** (a) A Plant Protection Advisory Board (the Board) is hereby established to advise the Minister and NPPO on plant protection and to propose measures to improve cooperation when working in collaboration.

(b) The Board comprises of representatives from ministries and government authority lawfully responsible for phytosanitary security related work.

(c) The agencies represented on the Board shall appoint technical officers who work with or have an interest in phytosanitary standards as Board members.

(d) In addition to the matters in this Act, the composition and operational procedures of the Board shall be approved under applicable regulation.

## CHAPTER THREE

## PHYTOSANITARY INSPECTORS

**Designating Phytosanitary Inspectors**

**8.** (a) The Minister shall designate Phytosanitary Officers and Phytosanitary Inspectors in accordance with the Maldives Civil Service Act to carry out the functions assigned under this Act.

(b) The Minister may delegate phytosanitary work to parties other than NPPO officers in cooperation with other authorities. Officers appointed in this manner shall perform duties within NPPO's powers except for issuing phytosanitary certificates. The duties, functions and obligations assigned to these officers shall be detailed in the applicable regulations.

**Functions of Phytosanitary Inspectors**

**9.** The functions of Phytosanitary Inspectors are:

(a) Inspect growing or stored plants, plant products, and regulated items for the purpose of reporting on the prevalence and spread of regulated pests;

(b) Inspect consignments of plants, plant products, and regulated items intended for import to the Maldives or export from the Maldives or in transit in Maldives, through sampling, or other methods to determine if regulated pests have infested and assess pest status when necessary;

(c) Ensure pest elimination from consignments of plants, plant products, and regulated items intended for import to the Maldives or export from the Maldives, or in transit in the Maldives, including packaging materials, storage facilities, and conveyances;

(d) Ensure maintenance of phytosanitary security of consignments after certification until export;

(e) Issue phytosanitary certificates;

(f) Maintain and conduct surveillance of current pest status information in the Maldives;

(g) Conduct inquiries and request information or documentation where suspected violations of this Act occur;

(h) Ensure proper disposal of waste that may pose biological hazard at the following locations in collaboration with solid waste management authorities to prevent risks to plant resources, plants, and to prevent risks from plants to the environment:

(1) Aircraft, ships, and pleasure craft arriving in the Maldives; and

(2) Buildings and premises where imported plants, plant products, and regulated items are produced, washed, and stored.

(i) Collect fees for issuing phytosanitary certificates, phytosanitary import permits, inspections, and other fees prescribed under this Act.

(j) Carry out other functions assigned by NPPO.

**Powers of Phytosanitary Inspectors**

**10.** (a) Phytosanitary Inspectors have the authority to inspect plants, plant products, and regulated items, collect samples, and send them for testing.

(b) If the Phytosanitary Inspector has reasonable grounds to believe that an offence under this Act has been, is being, or is about to be committed, or to ensure compliance with this Act, such Inspector may take the following actions:

(1) Subject to paragraph 4 of this Section, lawfully enter and inspect any part of an area or building, and require any party to produce phytosanitary import permits, phytosanitary certificates, or other documents required pursuant to this Act;

(2) Examine permits, certificates, invoices, and documents, make copies, take extracts from registers or records, and seize such items where there are reasonable grounds to believe an offence punishable under this Act has been committed;

(3) Inspect without a court order any person, package, plant, plant product, storage facility, packaging material, conveyance, container, soil, and other living organisms, objects, or materials entering or leaving the Maldives;

(4) Conduct necessary inspections and inquiries to determine compliance with this Act, including preventing the movement of such items from one place to another;

(5) Temporarily suspend and seize plants, plant products, and regulated items that are reasonably believed to be supplied, sold, or used in violation of this Act;

(6) Based on reasonable grounds, for the purpose of preventing the spread of an existing pest within plants imported to Maldives or in transit in Maldives, plant products, or regulated items, order the following actions at a pest quarantine station, at the conveyance owner's expense, regardless of whether

phytosanitary import permits or certificates is issued or not:

6.1 Treatment;

6.2 Destruction;

6.3 Re-export;

6.4 Detention

(c) After inspection, Phytosanitary Inspectors shall issue an inspection report detailing the grounds for detention, confiscation, sampling, or destruction of plants, plant products, and plant consignments, including matters specified in the applicable regulations.

(d) In carrying out the duties specified in this Section, Phytosanitary Inspectors may request assistance from the Maldives Police Service or other state institutions.

(e) Notwithstanding subsections (a) and (b) of this Section, a Phytosanitary Inspector shall not, while performing their duties, enter any residential premises without a court order unless permission is granted by the owner or occupants of that premises.

## CHAPTER FOUR

## PEST CONTROL

**Determining Regulated Pests**

**11.** (a) Based upon pest risk analysis, the NPPO may designate a pest as either a quarantine pest or a regulated non-quarantine pest. The NPPO shall establish a list of regulated pests, review such list periodically, and submit the list to the Secretariat of the IPPC.

(b) NPPO shall provide the regulated pest list upon request from international or regional authorities or other national plant protection authorities.

**Emergency Measures for Pests**

**12.** (a) Where a Phytosanitary Inspector suspects the presence of a quarantine pest in any area, building, or plot, such Inspector may:

(1) Enter and exercise powers granted under Section 10 of this Act; or

(2) Request NPPO to declare such area as a provisional quarantine area and take preventive measures as are necessary to prevent the spread of the pest.

(b) Preventive measures, including restrictions upon the movement and cultivation of plants, plant products, or regulated items, shall be approved by an order of the NPPO.

**Provisional Quarantine Declaration**

**13.** (a) Upon a request made to NPPO pursuant to Section 12(a)(2), on NPPO's own initiative where it suspects the presence of a quarantine pest in any area or part thereof, NPPO may declare such area as a provisional quarantine area and enforce emergency measures.

(b) Upon the declaration of a provisional quarantine area, the NPPO shall promptly either:

(1) Confirm the presence of the quarantine pest in that area, building, or plot and declare such area as a quarantine area pursuant to Section 14 of this Act; or

(2) Revoke the declaration of a provisional quarantine area.

(c) Emergency measures taken under subsection (a) of this Section shall be published by NPPO.

**Designation of Quarantine Areas**

**14.** (a) Where NPPO determines that an area is infested with a pest, or where it suspects that the area is infested with quarantine pest, NPPO may identify and designate that area as a quarantine area.

(b) NPPO shall publish, by an order issued pursuant to this Act, the quarantine areas and the duration of quarantine.

(c) NPPO shall approve phytosanitary measures and standards necessary to control pest infestation.

(d) The quarantine period shall be reviewed by NPPO in accordance with the procedures prescribed in Section 15 of this Act, and the period shall be extended as needed.

**Termination of Quarantine**

**15.** The status of the quarantine area shall be reviewed regularly, and upon the fulfillment of any of the following conditions, notice of the termination of quarantine shall be published as soon as practicable in a manner readily accessible to the owners or occupants of such area:

(a) The quarantine pest is no longer considered to be present; or

(b) NPPO determines that maintaining the quarantine on the entire infested area or part thereof is no longer appropriate.

**Designation of Pest-Free Areas**

**16.** The NPPO may designate an area as pest-free where, based upon appropriate surveillance, it determines that the regulated pest does not exist, establishes phytosanitary measures to maintain such status, and implements a monitoring system to verify the continued pest-free status.

**Designating areas with low pest prevalence**

**17.** The NPPO may designate an area as having low pest prevalence where, based on appropriate surveillance, it determines that the pest prevails at low levels, establishes phytosanitary measures to maintain such status, and implements a monitoring system to verify the continued low pest prevalence.

**Enforcement of Control Measures**

**18.** (a) The following phytosanitary measures may be maintained in provisional quarantine areas, quarantine areas, and areas of low pest prevalence established pursuant to Sections 13, 14, and 17 of this Act:

(1) Treatment or destruction of plants, plant products, and regulated items, including their conveyances, whether infested or not, for the purpose of reducing the spread of pest;

(2) Enforcement of obligatory pest control treatments;

(3) Prohibition or restriction of movement of plants, plant products, and regulated items within, into, or out of those areas;

(4) Prohibition of planting or replanting in designated locations;

(5) Observe of other phytosanitary standards determined by the NPPO, for the purpose of preventing, destroying or inspecting the spread of pest in an area.

(b) The NPPO may direct property owners to enforce official phytosanitary measures within a specified time period.

(c) Where an owner fails to comply with any requirements specified in the NPPO's directive, the NPPO may:

(1) In order to enforce the control measures as specified in the NPPO's directive, grant authorization for entry by NPPO Phytosanitary Inspectors; or

(2) Where necessary, in order to control a regulated pest, destruction of plants, plant products, and regulated items.

(d) Phytosanitary Inspectors referred to in subsection (c) of this Section may bring such tools, machinery, vehicles, and other equipment as necessary to carry out the measures prescribed in the numbers of this Section.

(e) The responsibility for implementing measures under subsection (c) and the associated costs shall be borne by the owner.

(f) Save where it is proven by a Court that the Government is responsible, neither the Government of the Republic of Maldives nor authorized Phytosanitary Inspectors shall be liable for entering premises or destruction of plants, plant products, and regulated items when implementing any phytosanitary measures pursuant to this Section or as a consequence thereof, provided that there are reasonable

grounds stated in the inspection report referred to in Section 10(c) of this Act.

## CHAPTER FIVE

## IMPORTED ITEMS

**Phytosanitary Certificate**

**19.** (a) No person shall import plants, plant products, or other regulated items into the Maldives without a phytosanitary certificate issued by the NPPO of the exporting country, or except as otherwise specified in this Act.

(b) The Phytosanitary Certificate for export and re-export shall conform to the specimen phytosanitary Certificate prescribed under the IPPC.

(c) Phytosanitary Certificate shall be issued in accordance with the procedures prescribed in the applicable regulations.

**Phytosanitary Standards for imports**

**20.** (a) For the purpose of preventing the introduction and spread of regulated pests, the NPPO may establish the following phytosanitary standards for the importation of plants, plant products, and regulated items:

(1) Establish phytosanitary requirements for plants, plant products, or regulated items based upon pest risk analysis;

(2) Prohibit, restrict, require treatment of, order the destruction, or removal from the territory of the Maldives plants, plant products, regulated items, or consignments thereof that contravene phytosanitary requirements established pursuant to subsection (a)(1) or are deemed to pose as a phytosanitary hazard;

(3) Designate specific locations as quarantine stations for the purposes of phytosanitary analysis, research, testing, treatment, containment, or destruction of plants, plant products, and regulated items;

(4) Maintain a system for issuance of phytosanitary import permits to importers of plants, plant products, or living organisms;

(5) Require the declaration of plants, plant products, and regulated items by persons arriving in the Maldives and in incoming conveyances; and

(6) Take such other measures as may be necessary to prevent the introduction and spread of regulated pests.

(b) The phytosanitary standards prescribed in this section shall be based upon applicable international standards or shall be supported by technical justification.

(c) The NPPO shall ensure that measures established under this Section are promptly modified or revoked upon change of circumstances or upon discovery of new facts.

(d) The NPPO may establish additional standards for the purpose of preventing the introduction and/or spread of new or unknown pests.

**Buildings and Plots at Designated Import Ports**

**21.** For inspection purposes as prescribed in this Chapter, Phytosanitary Inspectors must be granted access rights to appropriate facilities and working spaces at airports, seaports, and other designated ports of entry under this Act. The authorities responsible for designated ports of entry shall ensure access to these buildings and premises.

**Phytosanitary Import Permits**

**22.** (a) For inspection purposes mentioned in this chapter, Phytosanitary Inspectors must be granted access rights to appropriate facilities and working spaces at airports, seaports, and other designated ports of entry under this Act. The authorities responsible for designated ports of entry must ensure access to these buildings and plots.

(b) Where a phytosanitary import permit is required, the importer shall apply thereof and pay such fees as are prescribed in the applicable regulations.

(c) The NPPO shall establish through applicable regulation the conditions and procedures for issuing phytosanitary import permits, including maximum processing time, validity period, and applicable fees.

(d) When reviewing applications for phytosanitary import permits, the NPPO shall use international standards or pest risk analysis to:

(1) Determine applicable phytosanitary requirements; and

(2) Establish a list of plants, plant products, and regulated items exempt from phytosanitary import permits.

**Inspection**

**23.** (a) Where plants, plant products, and regulated items are imported into the Maldives or in transit in Maldives, the Phytosanitary Inspector shall conduct an inspection at the designated port of entry to verify that the consignments comply the conditions prescribed in the regulations approved by the Minister, and that the documentation are valid.

(b) Upon application by the importer, certain plants, plant products, and regulated items may be inspected by the Phytosanitary Inspector at their final destination, at a facility designated by NPPO, or quarantine station, provided that such items are packaged and labeled in accordance with the applicable regulations.

(c) A fee shall be levied for inspections conducted pursuant to subsections (a) and (b) of this Section.

(d) Inspections under this Section shall be conducted prior to clearance by the Maldives Customs Service.

**Post Inspection Standards**

**24.** (a) Following the inspection conducted pursuant to Section 23 of this Act, where the Phytosanitary Inspector determines that consignments and documentation comply with the phytosanitary requirements established by the NPPO, the inspector shall issue written notice authorizing the release of such consignment.

(b) Following the inspection conducted pursuant to Section 23 of this Act, where the inspector determines there are missing documents required under Section 19(a) or (b) of this Act, non-compliance with phytosanitary requirements of NPPO, or any pest introduction risk, the Inspector shall issue written notice requiring one of the following actions within a specified period:

(1) Detention until such time as testing or treatment is completed;

(2) Transfer to quarantine;

(3) Re-exportation; or

(4) Destruction.

(c) Where immediate destruction is necessary or where the issuance of notice is impracticable, the Inspector may take such actions as are prescribed under subsection (b) of this Section without prior notice. The Inspector shall submit written justification to the NPPO for any such actions taken.

(d) Where a consignment remains unclaimed within the prescribed period following entry or treatment, the Phytosanitary Inspector may take such steps as are necessary to destroy the same.

(e) The responsibility for enforcement of the measures and payment costs for such measures taken pursuant to subsections (a), (b), (c), or (d) of this Section shall be borne by the importer.

(f) The Government shall not be liable for the destruction of plants, plant products, regulated items, or consignments

resulting from the enforcement of governmental duties or the implementation of inspection standards prescribed under this Section.

**Obligation to report entry**

**25.** (a) The importer shall report the arrival and submit for phytosanitary inspection to the Phytosanitary Inspector in charge of designated ports any consignments of plants, plant products, and regulated items.

(b) Maldives Customs Service, ports, airlines, postal services, couriers, shipping and cargo agencies, the Maldives Police Service, the Coast Guard, state authorities, provincial authorities, and local authorities that receive information concerning the arrival of plants, plant products, and regulated items shall promptly notify a Phytosanitary Inspector and retain such items until they are placed under the supervision of the Phytosanitary Inspector.

(c) Any detention conducted under subsection (b) of this Section shall be deemed to be carried out under the direction of the NPPO.

(d) Items detained under subsection (b) of this Section shall be transferred to the custody of NPPO as soon as practicable and no later than 1 (one) working day from the date of detention.

## CHAPTER SIX

## EXPORT, RE-EXPORT AND TRANSIT

**Issuance of export phytosanitary Certificate**

**26.** (a) Upon receipt of a request from an exporter, the NPPO shall conduct a phytosanitary inspection and issue a Phytosanitary Certificate certifying compliance with the phytosanitary requirements of the importing country.

(b) Where a Phytosanitary Certificate is issued, the exporter shall pay a fee in accordance with the applicable regulation.

(c) NPPO shall enforce such standards as are necessary to ensure phytosanitary security of consignments exported through designated ports of exit.

**Issuance of Re-export Phytosanitary Certificate**

**27.** (a) Upon exportation of a consignment to a foreign jurisdiction subsequent to its importation into the Maldives, the NPPO shall, upon determining that all requirements of the importing country have been satisfied, issue a Re-export Phytosanitary Certificate in accordance with the template prescribed in the applicable regulations.

(b) Pursuant to subsection (a), each re-exported consignment shall be accompanied by either the original Phytosanitary Certificate or a certified true copy thereof, as issued by the NPPO of the exporting country.

**Consignments in transit**

**28.** (a) Except as otherwise provided in subsection (b), consignments in transit in the Maldives shall not be required to possess a Phytosanitary Certificate or Re-export Phytosanitary Certificate.

(b) Where the NPPO has reasonable grounds to believe that a transit consignment may be infested with regulated pests, or upon request by the exporting or importing country, the NPPO may establish appropriate phytosanitary measures and issue a Phytosanitary Certificate pursuant to Sections 26 and 27 of this Act, provided that the Office is satisfied that all import requirements have been met.

## CHAPTER SEVEN

## ENFORCMENT

**Agencies requiring assistance and cooperation**

**29.** All relevant State institutions shall provide the assistance requested by the NPPO to carry out the duties of Phytosanitary Inspectors and exercise the powers granted to inspectors under this Act.

**Obligation to notify the presence of a regulated pest**

**30.** Any party who suspects or knows of a quarantine pest must immediately notify the NPPO through a nearest Phytosanitary Inspector or by any other appropriate means.

**Appeal**

**31.** (a) The landowner, conveyance owner or operator, or importer who is adversely affected by a Phytosanitary Inspector's decision to detain, destroy or treat consignments of plants, plant products and regulated items may appeal such a decision to the head of the NPPO in accordance with the applicable regulations.

(b) The right of an affected party to seek judicial review shall not be affected by any decision made by the head of the NPPO with regards to an appeal submitted under subsection (a) of this Section.

## CHAPTER EIGHT

## OFFENCES

**Offences**

**32.** (a) It is an offence for any person directly or indirectly through his employee or agent, to commit any of the following acts:

(1) Knowingly cultivating, possessing, selling, offering for sale, transporting, or supplying plants, plant products, or regulated items infested with quarantine pests;

(2) Assaulting, refusing to cooperate, obstructing, or threatening any Phytosanitary Inspector working under the powers granted by this Act;

(3) Failing to comply with any order or directive issued under this Act;

(4) Importing plants, plant products, or regulated items through ports other than those designated by the Minister;

(5) Importing plants, plant products, or regulated items in violation of any other requirements prescribed under this Act;

(6) Intentionally introducing or spreading any quarantine pest in the Maldives, or deliberately allowing such actions;

(7) Exporting plants, plant products, or regulated items except as provided in Chapter 6 of this Act;

(8) Failing to maintain phytosanitary security of a consignment after issuance of a Phytosanitary Certificate under Section 26(a) of this Act;

(9) Failure to permit inspection and sampling as authorized under this Act;

(10) Breaking the seal of a consignment containing plants, plant products, or regulated items except in the presence of a Phytosanitary Inspector and a Maldives Customs Service Officer;

(11) Intentionally or negligently providing false information to obtain any document under this Act;

(12) Altering, forging, destroying or disposing of any document issued under this Act.

(b) It is an offence for a Phytosanitary Inspector to:

(1) Directly or indirectly request or accept any money or gift for personal use in connection with official duties;

(2) Agree to, omit, permit, conceal, or plan any act contrary to official duties under this Act or Maldivian Laws;

(3) Disclose any information obtained during official duties about any person, firm, or business except as directed by a supervisor or Court order.

**Penalties**

**33.** (a) A person who commits an offence under this Act shall be liable to:

(1) A fine of 3,000/- (three thousand rufiyaa) for the first conviction of an offence under this Act;

(2) A fine of 6,000/- (six thousand rufiyaa) for the second conviction of an offence under this Act.

(b) In addition to any other penalties prescribed under this Act, the judge or magistrate who finds a person guilty of an offence under this Act may issue the following orders:

(1) Confiscation of the materials used in the commission of the crime; and

(2) A person who intentionally commits an offence endangering plant health or the environment shall be declared ineligible to apply for a permit or license to import plants, plant products, or regulated items for a period not exceeding 6 (six) months.

(c) A Phytosanitary Inspector who commits an offence under this Act shall be liable to:

(1) A fine of 5,000/- (five thousand rufiyaa) for the first conviction of an offence under this Act;

(2) A fine of 10,000/- (ten thousand rufiyaa) for the second conviction of an offence under this Act.

## CHAPTER NINE

## GENERAL PROVISIONS

**Powers vested in the Minister to make regulations and to set standards for the enforcement of the Act**

**34.** (a) The Minister shall have the power to issue, amend, and repeal regulations, orders, schedules, and notices deemed necessary to achieve the objectives of this Act.

(b) Without prejudice to subsection (a) of this Section, the Minister may include all or any of the following matters in regulations, orders, schedules, notices, and manuals, upon

the advice of the NPPO or the Plant Protection Advisory Board:

(1) Phytosanitary surveillance, findings, inspection procedures, and other phytosanitary programs;

(2) Designation of ports of entry for importing consignments into the Maldives;

(3) Procedures for issuing permits and certificates under this Act, their format, required content, and language;

(4) Procedures for declaring pest-free areas or areas of low pest prevalence;

(5) Requirements for exporting consignments;

(6) Procedures for appealing decisions made by Phytosanitary Inspectors under this Act;

(7) Conditions under which consignments may be inspected at their final destination under Section 23(b) of this Act;

(8) Maximum period for which consignments may be detained without disposal under Section 24(d) of this Act;

(9) Procedures for appeals under Section 31;

(10) Fees for inspections and services provided under this Act;

(11) Procedures for implementing other phytosanitary measures under this Act in addition to those specified in this section, as per regulations.

**Commencement of the Act**

**35.** This Act shall come into effect from the date of its passing, ratification, and publication in the Government Gazette.

**Definitions**

**36.** Unless explicitly stated otherwise in the context used in this law: Definitions

"Area" means a part of the officially designated area of the Maldives, including land and sea.

"Low pest prevalence area" means a part or whole of the Maldives where a specific type of pest exists in small numbers and requires monitoring, control, and destruction measures.

"Biological Control Agent" means natural enemies, competitors, antagonists, or other organisms used for pest control.

"Board" means the Plant Protection Advisory Board established under Section 7 of this Act.

"Consignment" means the plants, plant products, and/or regulated items being imported to Maldives or exported from the Maldives, covered by a Phytosanitary Certificate. (A consignment may be composed of one or more or multiple typed of goods)

"Consignment in Transit" means a consignment passing through Maldivian territory, subject to phytosanitary measures, without being imported.

"Control" means the suppression, containment, or destruction of a pest population.

"Conveyance" means any marine vessel, aircraft, train, vehicle, cart, container, animal, or other means used for transporting plants, plant products, pests, soil, or regulated items from one place to another.

"Detention" means the official isolation or detention of a consignment as a phytosanitary measure.

"Emergency measure" means a prompt phytosanitary action taken in response to a new or unexpected phytosanitary situation.

"Endangered area" means an area where ecological conditions favor the prevalence of a pest whose presence would result in significant economic loss.

"Export" means sending from one country to another.

"Government authorities" means government ministries, departments, and authorities. This definition includes private companies where the government holds a majority share.

"Phytosanitary import permit" means an official document authorizing importation of a commodity in accordance with specified phytosanitary requirements.

"Import" means bringing into the Maldives from another country.

"Importer" means the owner, consignor, consignee, agent, broker, or person in charge of or having control over plants, plant products, or regulated items being brought or about to be brought into the Maldives from another country.

"Infestation" means the presence of a living pest on plants or plant products. This includes infection.

"Inspection" means examination of plants, plant products, or regulated items to determine presence of pests and/or compliance with phytosanitary regulations.

"Phytosanitary Inspector" refers to a person designated or appointed under this Act and authorized by the NPPO to carry out its functions.

"IPPC" refers to the International Plant Protection Convention as last amended.

"IPPC Secretariat" refers to the Secretariat established by the International Plant Protection Convention.

"Minister" refers to the Minister of the government ministry responsible for agriculture in the Maldives, or the person to whom these responsibilities have been assigned to by the President.

"National Plant Protection Organization" (NPPO) refers to the agency designated by the Minister under Section 4 of this Act to carry out the responsibilities specified in this Act, or a similar agency of a foreign country.

"Organism" refers to any living entity capable of natural reproduction.

"Official" refers to actions taken by or established by or authorizations by the NPPO or government authority.

"Owner" in relation to plants, plant products, regulated items, and premises, includes the person in charge or having control over such items or premises at the time.

"Packaging material" refers to materials used for protecting or transporting goods.

"Person" refers to both natural and legal persons.

"Pest" refers to any plant species, animal, or other disease-carrying agent that cause harm to plants or plant products. This includes "invasive alien species" as defined in the CBD.

"Pest-free area" refers to an area scientifically proven to be free of a specific pest and maintained in that condition.

"Pest risk analysis" refers to the evaluation of scientific and economic evidence to determine if an organism is a pest, whether it should be regulated, and the strength of phytosanitary measures needed against it.

"Phytosanitary action" refers to official operations such as inspection, testing, and treatment to enforce phytosanitary measures.

"Phytosanitary Certificate" refers to certificates issued according to IPPC model certificates.

"Phytosanitary import requirements" refers to phytosanitary measures established by importing countries or NPPOs for incoming consignments.

"Phytosanitary standards" refers to legislation and regulations aimed at preventing the introduction and spread of quarantine pests or reducing the economic impact of regulated non-quarantine pests.

"Phytosanitary security" refers to maintaining the integrity of consignments through appropriate phytosanitary measures and preventing contamination or infestation by regulated pests.

"Plants" refers to living plants and plant parts, including plant seeds.

"Plant products" refers to items made using plant parts without changing their original form (including crops), and products that pose a risk of pest introduction and spread due to their production method.

"Designated port of entry" refers to airports, seaports, harbors, and jetties designated by the Minister for the entry of consignments and people.

"Premises and plots" refers to land, water storage facilities, buildings, warehouses, containers, conveyances, or other structures on land or sea used wholly or partly for keeping, moving, or growing plants, plant products, and regulated items.

"Quarantine" refers to official confinement of plants, plant products, and regulated items for inspection, research, further examination, testing and/or treatment.

"Quarantine area" refers to an area where a quarantine pest exists and is officially controlled.

"Quarantine pest" refers to a pest that pose significant economic loss to the threatened area, not yet present or present but not widely distributed, and being officially controlled.

"Quarantine station" refers to an official station where plants, plant products, and regulated items are kept under quarantine.

"Re-export Phytosanitary Certificate" refers to the certificate included in applicable regulations under this Act.

"Regulated items" refers to plants, plant products, storage places, packaging materials, conveyances, containers, soil, and other organisms and items that maybe infested with or spread pests, particularly in international trade, requiring phytosanitary measures.

"Regulated non-quarantine pest" refers to a non-quarantine pest regulated in the Maldives due to its impact on plants affecting their intended use and causing unacceptable economic impact.

"Regulated pest" refers to a quarantine pest or regulated non-quarantine pest.

"Regulation" refers to regulations made to enforce this Act.

"Surveillance" refers to an official process of collecting and recording data on pest presence or absence through surveys, monitoring, or other procedures.

"Technical reason" means a reason based on the results obtained through evaluating scientific information using

appropriate pest risk analysis or, when necessary, through other such methods.

"Treatment" means an official method used for killing, inactivating, destructing, preventing reproduction, or reducing pests.

**Repealed Regulations**

**37.** Upon enforcement of this Act, the "Plant Quarantine Regulation 2008" shall be repealed.