

LAWS OF DOMINICA

PLANT PROTECTION AND QUARANTINE ACT

CHAPTER 58:40

**Act
10 of 1986**

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**Note
on
Omission**

The Plant Protection and Quarantine (Unroasted or Unprocessed Coffee Beans Importation Prohibition) Order 1986 (S.R.O. 44/1986) made under section 7 of the Act has been omitted.

CHAPTER 58:40

PLANT PROTECTION AND QUARANTINE ACT

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SCHEDULE.

CHAPTER 58:40

PLANT PROTECTION AND QUARANTINE ACT

10 of 1986. **AN ACT to provide for the protection of the agricultural resources of Dominica from dangerous plants, pests and diseases.**

Commencement. [27th March 1986]

Short title. 1. This Act may be cited as the –
PLANT PROTECTION AND QUARANTINE ACT.

Interpretation. 2. In this Act –

“carrier” refers to aircraft, vessels, vehicles or any other means of transport;

“fruits and vegetables” include all edible portions of food plants in the raw or unprocessed state;

“Minister” means the Minister responsible for Agriculture;

“notifiable plant pest” means any plant pests of substantial economic importance for which measures must be taken for its eradication, control or to prevent its further spread;

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

“owner” refers to the person who is for the time being entitled to receive the rent of any land or who, were the land let to a tenant, would be entitled to receive the rent.

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

“plant pest” means any living stage of any insect, mite, nematode, slug, snail, protozoa or other invertebrate or vertebrate animal, bacterium, fungus, parasitic plant or reproductive part thereof, viruses, mycoplasma, or any organism similar or allied with any of the foregoing capable of causing damage to any plant or plant product;

“plant product” means any substance, material or article or of vegetable origin, including pollen, either processed or unprocessed, which is capable of harbouring or transporting plant pests;

“Plant Protection and Quarantine Service” means the Plant Protection and Quarantine Service established under section 25;

“receptacle” includes any package, box, container, covering, wrapper or anything whatsoever in which plants are, or have been imported, kept or conveyed, or which can serve to transport plant pests;

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

3. Subject to this Act, no person shall import or offer for entry into Dominica any planting material, fruits, vegetables, plant products, plant pests, soil or any other non-plant articles (hereinafter referred to as “restricted articles”) unless he first obtains a permit in accordance with this Act.

Permit required for restricted articles.

4. (1) Applications for permits shall be made to the Minister in the manner prescribed.

Applications for and restrictions on grant of permits.

(2) Where the Minister decides to grant a permit, he shall do so in accordance with this Act and on such terms and conditions as he considers appropriate.

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

- (a) each importation of a restricted article is accompanied by a phytosanitary certificate issued by the appropriate government department or agency in the country;
- (b) the certificate referred to in paragraph (a) shall be similar to that adopted from time to time by the International Plant Protection Convention of 1951 or an amended model; and
- (c) planting material shall, where the Ministry of Agriculture considers it necessary, be grown locally by or under the supervision of the Ministry and if found

harbouring or likely to harbour plant pests, shall be subject to such remedial treatment as may be stipulated.

Emergency permits.

5. The Minister is authorised to issue an emergency permit for the entry of certain pre-determined restricted articles offered for entry and for which no permit was previously granted provided the article is found to be free of plant pests and its introduction is justifiable.

Official shipments.

6. Any restricted article imported by the Ministry of Agriculture for experimental purposes shall be imported under such conditions and regulations as specified by the Minister.

Minister may prohibit or regulate importation of restricted articles.

7. (1) Notwithstanding section 3, the Minister, if it appears to him that the importation of a restricted article into Dominica is likely to result in the entry or spread of a plant pest, may by Order prohibit or regulate the importation of any such restricted article into Dominica.

(2) An Order under subsection (1) may –

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

Minister may by Order take steps to prevent the spread of plant pests.

8. (1) The Minister may make such Orders as he thinks necessary or expedient for the control of or for preventing the spread of plant pests in Dominica.

(2) An Order made under subsection (1) may –

- (a) identify the notifiable plant pest under consideration;
- (b) determine the land or nursery to be placed under quarantine and advise the occupier or owner by notice in writing accordingly;
- (c) set forth the action to be taken by the Plant Protection and Quarantine Service and the occupier or owner in order to control the plant pest;
- (d) restrict, prohibit or control the cultivation and harvesting of any plant on any land or nursery under quarantine;

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

9. When a permit has been granted for the importation of any restricted article, but an Order affecting this permit is subsequently set forth as authorised under section 7 or 8, the permit may be revoked or modified so as to conform to the Order under consideration.

Order modifying permit.

10. The Comptroller of Customs, through an authorised officer or any officer of the Postal Service through the Postmaster General, shall promptly notify the Plant Protection and Quarantine Service –

Notification of arrival or movement in the mail.

- (a) in the case of the Comptroller of Customs, of the arrival at the port of entry of any restricted articles regulated by this Act; or
- (b) in the case of the Postal Service, of the movement in the mail of any restricted articles regulated by this Act,

and further shall not release or dispose of the articles unless so authorised by the Plant Protection and Quarantine Service.

11. A restricted article which is prohibited or the importation of which is regulated by this Act or Orders issued pursuant thereto, if temporarily in the country or territorial waters of Dominica is subject to such regulations as the Minister may prescribe. All carriers, including ships and aircraft, their stores and furnishings while the carriers are temporarily in the territory of Dominica shall be subject to such regulations.

Safeguards.

12. The Minister may make such Orders and use such means as he thinks necessary to provide for the inspection of domestic plants and plant products offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant pests according to the phytosanitary requirements indicated on the model

Export certification.

- Schedule. certificate adopted by the International Plant Protection Convention of 1951 and set out in the Schedule.
- Exclusion of liability. **13.** No liability may be attached to the Government of Dominica or any duly authorised officer for the destruction of material brought into Dominica in violation of this Act or any Orders or Regulations issued pursuant thereto. Likewise, the Government is in no way liable for any damage done, or delays incurred by treatments or other quarantine action deemed necessary and performed under the existing Orders. All such treatment are performed at the sole risk of the importer.
- Occupier responsibility. **14.** The occupier or owner of any land or nursery on which a suspected or identified notifiable plant pest is found shall, as soon as possible, advise the Plant Protection and Quarantine Service accordingly.
- Pest control notice. **15.** Any authorised officer of the Plant Protection and Quarantine Service may, by notice in writing served upon the occupier or owner of any land or nursery and which describes the measures to be taken to prevent the further spread or to control or eradicate the notifiable pest under consideration, require the occupier or owner to –
- (a) at his own expense and within the time specified in the notice, take such measures as may be recommended or required to prevent the further spread, or to control or eradicate the notifiable pest or pests;
 - (b) be responsible for the implementation of control or eradication measures even if they are not stipulated in the written notice.
- Failure to comply with notice. **16.** Where an occupier or owner fails to take any measures which he is required to take by notice under section 15, upon expiration of the time specified in the notice, an authorised officer of the Plant Protection and Quarantine Service shall enter the land or nursery and have implemented the measures to be taken.
- Reimbursement of costs. **17.** Any expenses incurred by an authorised officer of the Plant Protection and Quarantine Service in connection with those measures to be taken under a notice issued under section 15, shall be reimbursed by the occupier or owner, whoever may be responsible for operating the land or nursery.

18. Any expenses for measures as described under section 16 are recoverable as a debt which, until paid, are considered as the first charge upon the land or nursery affected by the notice. **Debt recovery.**

19. The Minister may waive repayment of expenses referred to under section 18 for any justifiable reason, which shall be determined by the Minister and based upon substantiated facts submitted in writing. **Waiving of expenses.**

20. A notice served on the occupier or owner of land or a nursery under section 8(2)(b) or section 15 shall remain in force until the Plant Protection and Quarantine Service gives the owner or occupier a certificate in writing declaring that the land or nursery no longer is under quarantine. **Duration of quarantine.**

21. While a notice served under section 8(2)(b) or section 15 is in force, it shall be unlawful to remove or have removed any restricted article from the land or nursery under quarantine unless so authorised by the Plant Protection and Quarantine Service in writing. **Removal of plants under quarantine.**

22. It shall be the responsibility of the Plant Protection and Quarantine Service to determine if any notifiable plant pest has been eradicated and any inspections of land or nurseries to determine this shall be carried out by an authorised officer or officers at no cost to the occupier or owner. **Determination of eradication.**

23. Where no person is in actual occupation of any land or should it not be possible to locate the occupier or owner, service of any notice under this Act shall be made by affixing the notice to a conspicuous place on the land and such affixing shall be considered as an authorised service of notice. **Inability to locate occupier or owner.**

24. The Minister is authorised to compensate, out of moneys voted for that purpose by the State, occupiers and owners of lands and nurseries where any healthy plants, restricted articles or food products have been destroyed in order to achieve eradication or prevent the further spread of an identifiable pest. **Compensation.**

25. There is hereby established for the purposes of this Act a Plant Protection and Quarantine Service which shall comprise officers of the Ministry of Agriculture designated in writing by the Minister to administer and enforce the provisions of this Act. The purpose of the **Establishment of Plant Protection and Quarantine Service.**

Plant Protection and Quarantine Service is to prevent the entry into Dominica of plant pests, which are likely to affect adversely any sector of the local agricultural industry and to generally protect the agricultural resources of Dominica.

Power of Plant
Protection and
Quarantine
Service.

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

(2) Without prejudice to the generality of subsection (1), any Plant Protection and Quarantine Officer designated in writing by the Minister under section 25 to administer and enforce the provisions of this Act, who is furnished with suitable identification, shall have the power –

- (a) if he has cause to believe that any person, receptacle or carrier coming into or moving within Dominica possesses, contains or carries any restricted articles that constitute a risk to the agriculture of Dominica the entry or movement of which is prohibited or restricted by this Act or Orders issued pursuant thereto, to stop and without warrant, search and examine such persons, receptacles or carriers and seize, detain, treat, destroy or otherwise dispose of such restricted articles brought into or moving with in Dominica in violation of this Act; and
- (b) if he has cause to believe that a notifiable plant pest may be present on any land, to enter on such land and without warrant to carry out survey and detection programmes as well as to treat, destroy and remove any restricted articles, he being required, however, to inform the occupier, if present at the time, of the intention to enter, search, examine, treat, destroy or remove.

Penalties.

27. Any person who –

- (a) contravenes any provision of this Act or the Regulations made thereunder;
- (b) alters, forges, counterfeits, defaces or destroys any document or certificate provided for in this Act; or

- (c) in any manner obstructs, impedes, or commits an assault upon or causes bodily harm to any duly authorised employee of the Plant Protection and Quarantine Service or the Ministry of Agriculture in the execution of any of the powers conferred by this Act,

is liable to a fine of five thousand dollars and to imprisonment for six months.

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

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

29. All Regulations made under the Plant Protection and Quarantine Act 1972 (repealed by this Act) or having effect as if made under the Act shall continue in force until revoked. Savings.
16 of 1972.

Section 12.

SCHEDULE

PHYTOSANITARY CERTIFICATE

PLANT PROTECTION AND QUARANTINE SERVICE

THIS IS TO CERTIFY that the plants, part of plants or plant products described below, or representative samples of them, were thoroughly examined on 19 by an authorised officer of the Plant Protection and Quarantine Service and were found to the best of his knowledge to be substantially free from injurious diseases and pests, and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if any)

Date Treatment

Duration of exposure Concentration

Additional Declaration

Signed

Official Status

Date

DESCRIPTION OF CONSIGNMENT

Name and address of Exporter

Name and address of consignee

No. and description of packages, weight

Distinguishing marks

Origin (Grown at)

(Please state precise location)

Means of conveyance

Point and place of entry in importing country

Quantity and name of produce

.....

.....

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SUBSIDIARY LEGISLATION

PLANT PROTECTION (IMPORTATIONS) REGULATIONS

ARRANGEMENT OF REGULATIONS

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4. Entry of plants into the State.
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**GOVERNING THE IMPORTATION OF PLANTING
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-

REGULATION

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REGULATION

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SCHEDULE.

SUBSIDIARY LEGISLATION

**PLANT PROTECTION (IMPORTATIONS)
REGULATIONS**

37/1942.
[5/1944
4/1948
11/1952].

deemed to be made under section 28

[31st August 1942]

Commencement.

**PART I
IMPORTATIONS
*General***

1. These Regulations may be cited as the –

Short title.

**PLANT PROTECTION (IMPORTATIONS)
REGULATIONS.**

2. In these Regulations –

Interpretation.

“Chief Technical Officer” includes any officer of the Agricultural Department acting under the directions of the Chief Technical Officer;

“West Indies” means the Caribbean Commonwealth territories excluding Guyana and Belize;

“Financial Secretary” includes any officer of the Treasury or Customs Department acting under the directions of the Financial Secretary or in discharge of duties assigned to him by the Financial Secretary;

“Form”, identified by a number, means the form of that number as set out in the Schedule;

Schedule.

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

“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.

L.R.O. 1/1991

Prohibition of importation of plants.

3. 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 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.

Entry of plants into the State.

4. Any plant, any soil, dung, living insect, non-marine invertebrate animal or any accompanying container or wrapping material brought to the State, except the articles or things specified in regulation 8 and their containers or wrapping materials, shall only enter the State through the port of Roseau which shall be the only port authorised for the entry of such material. All such materials or things shall be declared as such to the Treasurer or his officers at the port of entry or at the post office in Roseau and shall be examined by a plant protection officer before delivery to the owner or consignee.

Examination of plants.

5. It shall be the duty of all officers of the Customs Department to require a plant protection officer to examine any package entering the State which contains or is suspected to contain any of the articles or things specified in regulation 4.

Fumigation of plants.

6. (1) If, after examination of any plant or other thing to which regulation 4 applies, a 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 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 considered necessary and in his 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.

Treatment of plants.

7. A plant protection officer may order any plant or thing, to which regulation 4 applies, to be held, until an examination can be made or to be forwarded to the Plant Quarantine Station for examination, treatment or detention.

8. The under-mentioned articles shall be exempted from the provisions of regulation 4: Exempted articles.

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

9. The importation, detention and treatment of any of the articles or things specified in regulation 4 shall be entirely at the risk of the importer and all charges for storage, cartage and labour incidental to the inspection and the cost of treatment, other than the services of a plant protection officer, shall be borne by the importer. Charges for storage of plants.

10. Notwithstanding any prohibition or restriction contained in these Regulations, the Chief Technical Officer shall have power to import into the State any plant or thing for the use of the Agricultural Department. Importation of plants for use in State.

11. Any articles imported in contravention of these Regulations shall be forfeit to Government and shall be disposed of as the chief plant protection officer may direct. Forfeiture of imported articles.

Explanation

In order to prevent the introduction into the State of organisms likely to be injurious to agricultural, horticultural or silvicultural plants, it is provided that all plant material and certain other articles likely to carry such organisms shall be thoroughly examined by a plant protection officer before they are admitted to the State. It is however provided that, whenever necessary, infected or suspected material may

be disinfected or destroyed according to the requirements of the case. But certain specified articles, the importation of which is regarded as unlikely to serve as a means of introducing injurious organisms, are exempted from examination.

PART II

GOVERNING THE IMPORTATION OF PLANTING
MATERIAL INTO THE STATE

Permit to import
planting material.

12. Planting material of the kinds or classes specified in the list subjoined 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 tribe Citrinae.
- Coconut.
- Cotton.
- Seeds of plants of the family Gramineae excepting sugar-cane fuzz.
- Planting material growing in or accompanied by soil.
- Banana, plantain and any other member of the genus *Musa* Linn.
- Cacao.
- Coffee.
- All parts of sugar-cane, including fuzz.
- All parts of all other members of the family Gramineae excepting the seeds thereof.
- All parts of the sweet potato from Trinidad and Tobago and South America.

Explanation

From time to time it becomes essential that planting material of new varieties or strains of crop plants or of closely related species should be introduced for commercial propagation in the State. It is important for the protection of such crop plants that every reasonable precaution

should be taken when importing such planting material to ensure that no insect pests or diseases likely to be injurious to such plants are introduced. It is therefor regulated that the importation of planting material of this nature shall only be allowed under permit of the Minister and either, in certain cases, in accordance with conditions prescribed by the Central Plant Quarantine Committee or, in other cases, directly from the Plant Quarantine Station in Trinidad; but this regulation shall not apply to the item "All parts of sugar-cane, including fuzz" where and in any case the same is prepared at the British West Indies Central Sugar Cane Breeding Station in the island of Barbados and exported therefrom at the request of and directly to the Chief Technical Officer.

PART III

GOVERNING THE IMPORTATION OF FRUIT AND VEGETABLES INTO THE STATE

13. Fruits and vegetables (except plantains, onions and potatoes (*Solanum tuberosum*) which notwithstanding anything contained in this Part to the contrary may be imported from any source) shall not be imported into the State except from the British Isles, Canada, New Zealand, the United States of America, West Indies, Bermuda and the Virgin Islands of the United States of America. Importation of fruits and vegetables.
14. Citrus fruits shall be imported only from the West Indies, except that citrus fruits shall not be imported from Trinidad and Tobago and the British Virgin Islands. Importation of citrus fruits.
15. The importation of sweet potato from Trinidad and Tobago and South America is prohibited except in accordance with the provisions of Part II. Importation of sweet potato.
16. All consignments of fruits and vegetables from Bermuda shall be accompanied by a Government certificate from the country of origin stating that they have been examined at the port of shipment and that they and their containers are free from trash and soil. Examination of fruits and vegetables.

Explanation

Fruits and vegetables in most parts of the world are subject to attack by insects or other pests which reduce their economic value as crop plants or sometimes render their cultivation entirely uneconomic. Pests which cause damage to economic crop plants to a greater or less

extent already occur in the State, but the object of these Regulations is to prevent the importation of pests of this category which do not already occur in the State. Provision is therefore made to prohibit the importation of certain fruits and vegetables from certain specified countries, but to allow the importation of such kinds and from such countries as can be permitted without serious risk.

PART IV

RESTRICTING AND REGULATING THE IMPORTATION INTO
THE STATE OF COTTON, COTTON PRODUCTS AND CER-
TAIN OTHER ARTICLES

Importation of
cotton products.

17. 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 Commonwealth territories in the Windward and Leeward Islands; but 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.

Importation of
cotton seed meal.

18. 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 Commonwealth territories in the Windward and Leeward Islands.

Importation of
cotton plant.

19. Any part of the cotton plant not specified in regulations 17 and 18 of this Part and any accompanying containers and wrapping materials shall not be imported into the State.

Permit to import
cotton products.

20. 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 Commonwealth territories 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.

Importation of
second-hand
bags.

21. 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 Cuba,

Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador, Costa Rica, Belize and the United States of America.

22. The following articles or things shall not be imported into the State from Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador, Costa Rica and Belize: Prohibited articles.

- (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.

23. 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. Pillows and bedding material.

24. (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 Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador, Costa Rica or 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 Financial Secretary in the form set out as Form 1 whether the vessel's cargo and other articles carried on board the vessel include any of the articles or things specified in regulations 17 to 23; and no article whatsoever shall be landed in the State from any such vessel unless the Financial Secretary has granted permission for the landing as hereinafter provided in this regulation. Examination of cargo.

(2) In the event of the master of a vessel declaring that his vessel has called at a port of a country named in and within the time specified in subregulation (1) or in the event of any of the articles or things specified in regulations 17 to 23 being carried on board such vessel, the Financial Secretary shall inform a plant protection officer accordingly in writing in the form set out as Form 2, 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 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). Form 2.

(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 shall notify the Financial Secretary accordingly in writing on the form set out as Form 3 whereupon the Financial Secretary shall deliver to the master of the vessel a permit in the form set out as Form 4 and it shall thereupon be lawful, in so far as these Regulations are concerned, for such articles to be landed in the State.

Form 3.

Form 4.

(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 shall at his discretion –

(a) cause the articles to be fumigated in the vessel until he is satisfied that the infestation has been destroyed; he shall then notify the Financial Secretary accordingly in writing on the form set out as Form 3, whereupon the Financial Secretary shall deliver to the master of the vessel a permit in the form set out as Form 4, 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; or

Form 3.

Form 4.

(b) cause the articles to be enclosed and sealed in his presence in insect-proof containers and to be brought ashore to a place specified by him where he shall cause the article to be fumigated to his satisfaction. On removing the articles as aforesaid in the manner prescribed the plant protection officer shall notify the Financial Secretary accordingly in writing on the form set out as Form 3, whereupon the Financial Secretary shall deliver to the master of the vessel a notice in the form set out as Form 5 informing him that no other articles or things of any description may be landed from the vessel; or

Form 3.

Form 5.

(c) deliver a notice to the Financial Secretary, in the form set out as Form 3, forbidding the landing in the State from the vessel of any cargo, any baggage or any other articles of any description except mails which shall be landed in insect-proof containers when in his opinion the infestation cannot be completely destroyed, and the Financial Secretary shall without delay deliver a notice, in the form set out as Form 6, to the master of the vessel

Form 3.

Form 6.

ordering him to remove the vessel forthwith to a distance not less than two miles from any point in the State.

25. (1) It shall be the duty of the postmaster to place all mail bags ^{Mail bags.} on arrival from Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador, 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 a plant protection officer in the form set out as Form 7 (Part 1) ^{Form 7 (Part 1).} notifying him of the arrival and isolation of the mail bags.

(2) It shall be the duty of the plant protection officer on receipt of the notice to proceed to the post office at the earliest possible opportunity, and there, in the presence of the postmaster or his representative, to examine the mail bags and the contents thereof and to determine to his satisfaction whether or not the 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 shall give notice accordingly to the postmaster or his representative in the form set out as Form 7 (Part 2) ^{Form 7 (Part 2).} and shall hand over the mail bags and their contents to the postmaster or his 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 mail bags and their contents are infested with cotton boll-weevil he shall at his discretion subject any or all of the mail bags or their contents to fumigation until he is satisfied that the infestation has been destroyed; he shall then give notice accordingly to the postmaster or his representative in the Form set out as Form 7 (Part 2) ^{Form 7 (Part 2).} and shall hand over the mail bags and their contents to the postmaster or his representative for delivery in the usual manner.

Explanation

The cotton boll-weevil is generally regarded as the most destructive pest of cotton. If this pest were introduced and became established in the Eastern West Indies the Sea Island cotton industry of the Commonwealth territories might be completely ruined. It is therefore essential that the greatest possible precautionary measures should be taken to prevent the introduction of this dangerous pest. In recent years

the cotton boll-weevil has spread eastwards from the United States and Central America and become established in Cuba and Haiti. These Regulations are accordingly designed to ensure that careful examination is made of all ships and mails arriving from countries where the pest is known to exist and of ships known or suspected to contain cotton in any form or cotton products. Provision is made for the disinfection of ships or articles carried in them or mails which are infested or suspected of being infested with cotton boll- weevil. In cases where disinfection cannot be successfully effected authority is given for ordering the removal of the ship from within the two-mile limit of the State.

PART V

PROHIBITING THE IMPORTATION OF SOIL AND DUNG
INTO THE STATE

Importation of
soil and dung.

26. 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.

Definition of
soil.

27. For the purposes of this Part, "soil" means any earthy matter containing plant debris. In the event of any dispute as to whether any material or thing is soil or not the decision of the Chief Technical Officer shall be final.

Explanation

Soil and dung are well known to be suitable media for transmitting a large variety of plant pests (e.g. fungus spores, insect eggs, many kinds of small insects and other organisms, etc.), and in consequence their introduction from any source is highly undesirable unless sterilised and transported in a sealed container. It is seldom that reasonable justification could be given for the importation of soil and dung, but provision is made for the importation under permit of the Minister of small quantities of these materials from the Central Plant Quarantine Station where the necessary examination and sterilisation process would be undertaken. It is anticipated that a permit would only be given in cases where the importation of one or both of these materials is desirable for important experimental investigation.

PART VI

PROHIBITING THE IMPORTATION INTO THE STATE OF
ALLSPICE, BAY AND RELATED PLANTS FROM CERTAIN
COUNTRIES

28. Fruits 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.

Importation of
Pimenta.

Explanation

A serious disease of allspice, bay and related plants, caused by the fungus *Pucciniaapsidii*, is well established in the Greater Antilles but is not known to occur in the Eastern West Indies. It is therefore desirable that parts of these plants should not be admitted to the State.

PART VII

PROHIBITING THE IMPORTING INTO THE STATE
OF CERTAIN PARTS OF THE COCONUT PALM
(*Cocos Nucifera* Linn)

29. The importation into the State of all parts of the coconut palm 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 the importation: but ungerminated coconuts, copra and processed coconut fibre may be imported into the State from the West Indies and Guyana.

Importation of
coconut palm.

Explanation

There are several major diseases of pests of the coconut palm which do not already occur in various parts of the Caribbean territories. Germinated coconuts or coconut seedlings and other parts of the palm are very suitable media for conveying various kinds of pests and undesirable organisms. Consequently restriction of the movement of certain parts of the palm are provided for in this regulation.

PART VIII

**PROHIBITING THE IMPORTATION INTO THE STATE OF
BANANA, CACAO, COFFEE, SUGAR-CANE, OTHER
GRAMINACEOUS PLANTS AND SWEET POTATO EXCEPT
WHEN IMPORTED AS PLANTING MATERIAL**

Importation of
graminaceous
plants.

30. The importation into the State of –

- (a) the banana fruit;
- (b) banana trash and pseudostems;
- (c) all parts of cacao;
- (d) raw coffee;
- (e) all parts of sugar-cane;
- (f) all parts of all other members of the family Gramineae, except straw used as a packing material;
- (g) 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.

Explanation

Banana trash and pseudostems are of no commercial importance but are suitable means of conveying diseases and insects pests from one country to another. The importation of such parts of the banana plant is therefore prohibited. The importation of banana fruit and planting material is, however, permitted in accordance with certain conditions prescribed elsewhere in these Regulations.

With the object of preventing the further spread of the witches broom disease of cacao in the West Indian area and of preventing the introduction of major pests and diseases of coffee from other parts of the world, provision is made for controlling the movement of cacao and coffee plants.

Sugar-cane in the West Indies is singularly free from major diseases. Mosaic disease occurs in some islands but causes no serious damage; gumming disease in a mild form is fairly widespread. There are, however, several sugar-cane diseases of a more serious nature occurring in other parts of the world, particularly in the eastern hemisphere. It is therefore essential in order to protect the most important industry in the West Indies to impose strict quarantine measures on the movement of sugar-cane. It is desirable from time to time both for plant breeding and commercial purposes to import planting material from sources outside the West Indies and to distribute planting material to the several islands in the West Indies. Provision is therefore made that planting material may only be imported from such outside sources by the Central Plant Quarantine Station and that planting material shall only be distributed to the several islands directly from the Central Plant Quarantine Station.

Members of the grass family (*Gramineae*) are likely to convey diseases and insect pests of the sugar-cane. Consequently it is essential that their movement from one country to another should be restricted and controlled.

A serious pest of the sweet potato (*megastes grandalis*) occurs in Trinidad and Tobago and in South America, but it is not known to occur in any other West Indian island. It is important therefore that the importation of all parts of the sweet potato plant should be prohibited from the above-mentioned countries. There is, however, no risk of introducing the pest if planting material is imported from the Central Plant Quarantine Station in Trinidad.

SCHEDULE

FORM 1

DOMINICA

PLANT PROTECTION (IMPORTATIONS) REGULATIONS

(PART IV)

(Part 1)

(a) Insert name of vessel. To the master of the (a).

Under the provisions of the Plant Protection (Importations) Regulations (Part IV) 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 2 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 (Importations) Regulations.

.....
Financial Secretary.

Date.....

(Part 2)

(b) Insert name of master. I, the undersigned(b), master of the
(c) Insert name of vessel. (c), hereby declare that the said
(d) Strike out words which do not apply. (c) has (d) */has not (d), within the last
three calendar months, called at (e) a port in
..... (f) a country or state specified in
Appendix I to this Form.

(e) Insert name or names of ports. I further declare that to the best of my knowledge and belief –

(f) Insert name of country or state. _____
* Strike out words which do not apply.

- (g) the vessel does not contain any of the articles specified in Appendix II hereof;
- (g) the vessel contains the following articles which are specified in Appendix II hereof namely;

(g) Strike out words which do not apply.

.....

.....
Master of vessel.

Date

APPENDIX I

Cuba, Haiti, Santo Domingo, Mexico, Honduras, Nicaragua, Guatemala, Salvador, 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.

* Strike out words which do not apply.

FORM 2

DOMINICA

PLANT PROTECTION (IMPORTATIONS) REGULATIONS
(PART IV)

To the Plant Protection Officer.

(a) Insert name of vessel. I HEREBY notify you that the vessel (a) which arrived at the port of (b) at (c) on (d), 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 24(1) of Part IV of the Plant Protection (Importations) Regulations.

(b) Insert name of port.

(c) Insert hour of arrival.

(d) Insert date.

In accordance with regulation 24(2) of Part IV of the Plant Protection (Importations) Regulations, I therefor 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 regulation 24 (2), (3) and (4).

.....
Financial Secretary.

Date

FORM 3

DOMINICA

PLANT PROTECTION (IMPORTATIONS) REGULATIONS
(PART IV)

To the Financial Secretary.

I HEREBY notify you that, in accordance with your notice contained in Form 2 as set out in the Schedule to the Plant Protection (Importations) Regulations dated 19 , 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.

†Delete paragraphs not required.

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

†(b) 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 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 (Importations) 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 (Importations) 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 (Importations) 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

DOMINICA

PLANT PROTECTION (IMPORTATIONS) REGULATIONS

(PART IV)

(a) Insert name of vessel.

To the master of (a)

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

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

.....
Financial Secretary.

Date

FORM 5

DOMINICA

PLANT PROTECTION (IMPORTATION) REGULATIONS

(PART IV)

(a) Insert name of vessel.

To the master of (a)

I HEREBY notify you that a Plant Protection Officer has declared that he has found certain articles on your vessel infested with the cotton boll-weevil (*Anthonomus grandis* Boheman) and that he 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 (Importations) Regulations, I hereby notify you that no other articles of any description may be landed from your vessel.

.....
Financial Secretary.

Date

FORM 6
DOMINICA
PLANT PROTECTION (IMPORTATIONS) REGULATIONS
(PART IV)

To the master of (a). (a) Insert name of vessel.

I HEREBY notify you that a Plant Protection Officer has declared that (b) 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 satisfaction. (b) Insert name and description of articles.

By authority of the Minister under the Plant Protection (Importations) 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 at a.m./p.m.

.....
Financial Secretary.

FORM 7
DOMINICA
PLANT PROTECTION (IMPORTATIONS) REGULATIONS
(PART IV)
(Part 1)

To: The Plant Protection Officer.

I HEREBY give you notice that (a) bags of (a) Insert number.
mails were received at (b) from (b) Insert date
and hour.
..... (c) and are being retained unopened in isolation (c) Insert name of
country.
at the post office pending examination by you in accordance with regulation
25(1) of Part IV of the Plant Protection (Importations) Regulations.

.....
Postmaster.

Date

Time

(Part 2)

CERTIFICATE OF EXAMINATION

To the Postmaster.

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

(a) and (b)
Strike off
whichever
paragraph is
not applica-
ble.

(a) I am satisfied that the bags and their contents are free from infestation of the cotton boll-weevil and I therefore grant permission for delivery to the addresses in the usual manner.

(b) 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

SUBSIDIARY LEGISLATION

PLANT PROTECTION (IMPORT PROHIBITION) REGULATIONS 22/1956.

deemed to be made under section 28

[17th October 1956] Commencement.

1. These Regulations may be cited as the – Short Title.

PLANT PROTECTION (IMPORT PROHIBITION) REGULATIONS

and shall be read as one with the Plant Protection (Importations) Regulations (hereinafter referred to as the principal Regulations).

2. In these Regulations, the expression “fruits” shall have the same meaning as in the principal Regulations, and shall include tomatoes. Interpretation.

3. During the period for which these Regulations remain in force no fruit shall be imported into the State from the State of Florida. Prohibition on importation of fruit from Florida.

4. During the period for which these Regulations remain in force, fruits shall not be imported into the State from the United States of America unless they are accompanied by a certificate delivered by an official of the plant protection service of the country of export stating – Restriction on importation of fruit from U.S.A.

(a) that such fruits have not originated from, nor passed through, the State of Florida or any other place where the incidence of the Mediterranean fruit fly has been reported; and

(b) that such fruits have been examined at the place of export and that they are free of disease and insect pests.

5. These Regulations shall remain in force until the Minister for Trade and Production by Notice published in the *Gazette* declares that he is satisfied that the State of Florida is free of the Mediterranean fruit fly. Duration.

