

SUBSIDIARY LEGISLATION

AGRICULTURAL PRODUCTS LEVY CAP. 232

SECTION 5-THE AGRICULTURAL PRODUCTS LEVY (CATTLE) ORDERFederal Government Notice  
245 of 1959

Order by the Minister

1. This Order may be cited as the Agricultural Products Levy (Cattle)  
Order.Title
2. In this Order, "cattle" means bulls, calves, cows, heifers and  
oxen.Interpretation
3. Cattle are hereby declared to be an agricultural product for the purposes  
of the Act.Declaration of agricultural product

SECTION 6-THE AGRICULTURE PRODUCTS LEVY (WITHDRAWAL) ORDERStatutory Instrument  
47 of 1966

Order by the Minister

1. This Order may be cited as the Agricultural Products Levy (Withdrawal)  
Order.Title
2. The levies imposed in pursuance of the Act on-
  - (a) dry maize on or off the cob;
  - (b) milk and butterfat;
  - (c) cattle;

are hereby wholly withdrawn.

REPUBLIC OF ZAMBIAWithdrawal of levies

THE PLANT PESTS AND DISEASES ACT

CHAPTER 233 OF THE LAWS OF ZAMBIA

CHAPTER 233 THE PLANT PESTS AND DISEASES ACTCHAPTER 233

THE PLANT PESTS AND DISEASES ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARYPART I

PRELIMINARY

Section

1. Short title
2. Interpretation
3. This Act binds the Republic

#### PART II ERADICATION AND PREVENTION OF THE SPREAD OF PESTSPART II

##### ERADICATION AND PREVENTION OF THE SPREAD OF PESTS

4. Regulatory powers to eradicate pests, etc.
5. Regulatory powers to inspect, disinfect and fumigate vehicles
6. Minister may make different regulations, etc.
7. Duty of owner to eradicate pests

#### PART III CONTROL OF THE IMPORTATION OF GROWING MEDIA, INJURIOUS ORGANISMS, INVERTEBRATES AND PLANTSPART III

##### CONTROL OF THE IMPORTATION OF GROWING MEDIA, INJURIOUS ORGANISMS, INVERTEBRATES AND PLANTS

8. Interpretation of term in Part III
9. Regulatory powers to control import of growing media, etc.
10. Powers of inspectors in relation to imported growing media, etc.
11. Seizure, detention and destruction of growing media, etc., unlawfully imported

#### PART IV SPECIAL PROVISIONS RELATING TO CURED TOBACCOPART IV

##### SPECIAL PROVISIONS RELATING TO CURED TOBACCO

12. Handling, storing and removal of cured tobacco
13. Licensing of premises
14. Section 12 (a) and section 13 to apply to premises of certain growers only
15. Orders prohibiting handling and storing in and removal to or from premises of cured tobacco
16. Discovery of pests on premises

##### Section

17. Removal of cured tobacco from pest infested premises, etc., prohibited
18. Permits for removal of cured tobacco from pest infested premises, etc.
19. Costs of inspection

20. Destruction of cured tobacco handled or stored or removed in contravention of Part IV

21. Regulatory powers in connection with pests

#### PART V GENERALPART V

##### GENERAL

22. Appointment of inspectors

23. Powers of inspectors

24. Sale of pest infested plants by nurserymen

25. Appeals against orders of destruction

26. Compensation

27. Limitation of actions against the State

28. Offences

29. General regulatory powers

30. Conditions contained in permits

31. Repeal

32. Saving

#### CHAPTER 233

##### THE PLANT PESTS AND DISEASES ACTAct No.

11 of 1958

13 of 1994

An Act to provide for the eradication and prevention of the spread of plant pests and diseases in Zambia, for the prevention of the introduction into Zambia of plant pests and diseases, and for matters incidental thereto.

[1st January, 1959]Government Notices

90 of 1964

497 of 1964

Statutory Instruments

57 of 1965

176 of 1965

#### PART I PRELIMINARYPART I

##### PRELIMINARY

1. This Act may be cited as the Plant Pests and Diseases Act.

(As amended by G.N. No. 90 of 1964) Short title

2. (1) In this Act, unless the context otherwise requires-

"alternate host" means a plant which is declared to be an alternate host of a pest in terms of paragraph (b) of subsection (2);

"board" means a board appointed in terms of subsection (5) of section twenty-five;

"container" means a case, package, pot, sack or other article containing a growing medium, injurious organism, invertebrate or plant and includes a covering, wrapping or packing material used in the packing of a growing medium, injurious organism, invertebrate or plant;

"cured tobacco" means tobacco which is not-

(a) cigars, cigarettes, pipe tobacco, plug or rolled tobacco, snuff or any like product; or

(b) tobacco leaves, flowers or stalks in a green state; or

(c) living tobacco plants;

"disease" means a pathological condition of plants communicable or believed to be communicable by the transfer of a causative agent or by the propagation of an infected plant;

"grower", in relation to tobacco, means a person who by himself or his agents grows tobacco;

"growing medium" means a medium, including soil, capable of being used for the propagation or culture of plants;

"host plant" means a plant which is capable of being the host of a pest;

"infested area" means an area declared in terms of this Act to be an infested area;

"injurious organism" means any organism or like agent whatsoever, including a virus, which is-

(a) inimical to the growth or existence of living plants; or

(b) injurious to plant products; or

(c) capable of producing a disease of plants;

in whatever stage of development it may be;

"inspector" means an inspector appointed in terms of section twenty-two;

"invertebrate" means a living invertebrate animal organism in whatever stage of development it may be;

"nursery" means land or premises where nursery stock is grown or cultivated and includes other land or premises adjacent thereto, held by the same owner, where

plants are grown;

"nursery man" means the owner or other person responsible for the management of a nursery;

"nursery stock" means plants grown or cultivated for the purpose of trade, and with the intention of their being sold or distributed for the purpose of their being grown elsewhere than on the land or premises on which they stand, but does not include vegetables, annuals, herbaceous plants or ferns;

"owner", in relation to land or premises, includes a joint owner, part owner, lessee or occupier or the agent of an owner, joint owner, part owner, lessee or occupier;

"Permanent Secretary" means the Permanent Secretary, Ministry of Agriculture;

"pest" means an injurious organism which is declared to be a pest in terms of paragraph (a) of subsection (2);

"plant" means a member of the vegetable kingdom whether living or dead and includes-

- (a) tubers, bulbs, corns, roots, cuttings, grafts, seeds and fruits; and
- (b) any part of a plant whether severed there-from or not; and
- (c) an unmanufactured plant product;

"premises", in relation to cured tobacco, means a warehouse, building or structure in which such tobacco is handled or stored, and includes the land held by the owner of the warehouse, building or structure-

- (a) on which the warehouse, building or structure is situate; or
- (b) which may be adjacent to land referred to in paragraph (a);

but does not, unless the Minister by order otherwise provides, include a warehouse, building, structure or land referred to in this definition which is used solely for the purpose of storing and manufacturing cured tobacco and from which no cured tobacco is removed;

"quarantine area" means an area declared in terms of this Act to be a quarantine area;

"vehicle" includes an aircraft, railway train and ship. Interpretation

(2) For the purposes of this Act, the Minister may by regulation, statutory order or statutory notice-

- (a) declare an injurious organism to be a pest either generally or in respect of a particular type of plant and either with a view to its complete eradication or its control or the prevention of its spread or for some other purpose; and
- (b) declare a plant to be an alternate host of a pest.

(As amended by G.N. No. 90 of 1964 and S.I. No. 57 of 1965)

3. The provisions of this Act bind the Republic.

(G.N. No. 90 of 1964 as amended by S.I. No. 57 of 1965) This Act binds the Republic

## PART II ERADICATION AND PREVENTION OF THE SPREAD OF PESTS PART II

### ERADICATION AND PREVENTION OF THE SPREAD OF PESTS

4. (1) The Minister may by regulation, statutory order or statutory notice provide for the eradication of pests or the prevention or control of attacks by or the spread of pests. Regulatory powers to eradicate pests, etc.

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may in regulations, orders or notices made in terms of that subsection provide for-

(a) the disinfection, treatment, destruction or disposal of-

(i) pests; or

(ii) plants infested or appearing to be infested with a pest; or

(iii) anything whatever whether similar in nature to a plant or not which, in the opinion of the Minister, is liable to infest a plant with a pest;

(b) the prohibition, restriction and regulation of the removal or transport of pests, plants or things referred to in paragraph (a);

(c) the control and destruction of host plants not under cultivation for the current season's crop and of alternate hosts;

(d) the prohibition, restriction and regulation of the cultivation and harvesting of plants if, in the opinion of the Minister, a pest cannot otherwise be readily or adequately controlled or eradicated;

(e) the reporting of the occurrence of a pest and the collection and transmission of specimens of a pest;

(f) the methods of planting, cleaning, cultivating and harvesting to be adopted and the precautions and measures, including the destruction of plants, to be taken by an owner of land for the purpose of preventing or controlling attacks by or the spread of a pest;

(g) the destruction after harvest of a particular kind of plant by a specified date;

(h) the registration and inspection of nurseries and the imposition of registration fees, the regulation of the sale or removal of plants from nurseries and the prohibition of the sale or exposure for sale of nursery stock not grown in registered nurseries;

(i) the disinfection, fumigation and treatment of land, warehouses, buildings and structures suspected of being or having been used for the storage of anything likely to infest a plant with a pest;

(j) the declaration of areas infested with a pest as infested areas and of

areas around infested areas as quarantine areas and the prohibition, restriction and regulation of the removal of compost, growing media, manure, plants and other things whatsoever to or from infested or quarantine areas;

(k) the payment and recovery of fees for a disinfection, fumigation or treatment carried out by an inspector, or for services rendered by an inspector in connection with a disinfection, fumigation or treatment, or for an inspection carried out by an inspector at the request of an owner of land, warehouses, buildings, structures, plants or other things;

(l) the power of an inspector if he reasonably suspects the presence of a pest on land, or in premises, to declare the area in which the land or premises is situate an infested area and by order to prohibit for a period not exceeding fourteen days, the removal from the land or premises of compost, growing media, manure, plants and other things whatsoever capable of spreading a pest.

5. The Minister may, by regulation, provide for-

(a) the inspection, disinfection or fumigation of vehicles which are suspected of harbouring an injurious organism;

(b) the payment and recovery of fees for the inspection, disinfection or fumigation of vehicles referred to in paragraph (a) or for services rendered by an inspector in connection therewith. Regulatory powers to inspect, disinfect and fumigate vehicles

6. In regulations, orders or notices made in terms of section four or five, the Minister may make-

(a) different provision in respect of different growing media, injurious organisms, pests, plants, vehicles, areas and types and classes of land, warehouses, buildings and structures;

(b) provision exempting, subject to such conditions as he may specify, any person or classes of persons from complying therewith. Minister may make different regulations, etc.

7. (1) An owner of land or premises shall take all measures prescribed and such additional or such alternative measures as are reasonably necessary for the eradication, reduction or prevention of the spread of a pest which an inspector may, subject to the provisions of subsection (2), by notice in writing order him to take. Duty of owner to eradicate pests

(2) An inspector shall not order the destruction of a living plant in terms of subsection (1) unless authorised to do so by regulation, order or notice made in terms of section four.

(3) If an owner of land or premises fails to take all or any of the measures which he is required to take in terms of subsection (1), an inspector may-

(a) on giving the owner not less than seven days' notice in writing of his intention so to do, cause the measures to be taken; or

(b) if he is satisfied that the measures must be taken without delay, cause the measures to be taken immediately without giving the notice referred to in paragraph (a).

(4) An owner of land or premises shall, without prejudice to any penalty incurred by reason of his failure to take the measures which he is required to take in terms of subsection (1), be liable to pay the costs of the measures which an inspector causes to be taken in terms of subsection (3).

(5) The Minister may by civil action in a competent court recover from an owner of land or premises the costs of measures which an inspector causes to be taken in terms of subsection (3).

PART III CONTROL OF THE IMPORTATION OF GROWING MEDIA, INJURIOUS ORGANISMS, INVERTEBRATES AND PLANTS PART III

CONTROL OF THE IMPORTATION OF GROWING MEDIA, INJURIOUS ORGANISMS, INVERTEBRATES AND PLANTS

8. In this Part, "importation", in relation to growing media, injurious organisms, invertebrates or plants, means the importation into or the transit through Zambia of growing media, injurious organisms, invertebrates or plants, and cognate expressions shall be construed accordingly.

(As amended by G.N. No. 90 of 1964) Interpretation of term in Part III

9. (1) The Minister may by regulation, statutory order or statutory notice provide for the prohibition, restriction and regulation of the importation of any-Regulatory powers to control import of growing media, etc.

(a) growing media; and

(b) injurious organisms and invertebrates; and

(c) plants and the growing media in which plants are growing or to which plants are attached or which may be adhering to plants;

together with their containers.

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may in regulations, orders or notices made in terms of that subsection-

(a) authorise or require the detection and inspection on importation of growing media and plants and their containers;

(b) direct or authorise the disinfection, fumigation or treatment of imported growing media and plants and their containers;

(c) authorise the immediate destruction, without compensation, of imported growing media and plants which on inspection appear to be infested with an injurious organism and of any plants included in the same container, if the injurious organism is of a specially dangerous character or in the opinion of the inspector-

(i) disinfection is impracticable or will not be a complete safeguard; or

(ii) the delay caused by disinfection would give rise to the risk of the introduction or spread of the injurious organism;

(d) authorise the immediate destruction, without compensation, of an imported

invertebrate if, in the opinion of an inspector, the invertebrate might be a potential danger to agriculture;

(e) prohibit the importation of growing media, invertebrates and plants except by specified ports or places of entry and routes and by specified methods of transport;

(f) direct or authorise the detention of imported growing media, invertebrates and plants for observation and prescribe the precautions to be taken during detention;

(g) provide for the imposition and recovery of fees for sorting, disinfecting, fumigating or treating growing media and plants on importation;

(h) provide for the disposal of imported growing media and plants in respect of which prescribed fees are not paid and of the proceeds, if any, resulting from their disposal;

(i) provide for the issue of permits as a pre-requisite to the importation of growing media, injurious organisms, invertebrates and plants;

(j) provide for the production of certificates signed by responsible persons or authorities in the country or territory of origin relating generally or specifically to-

(i) the freedom of imported growing media, invertebrates and plants or the area in which they were produced or grown from injurious organisms; and

(ii) the fumigation or other processes of disinfection or treatment of imported growing media and plants before despatch;

(k) provide for the production of certificates of origin of imported growing media, injurious organisms, invertebrates and plants and for the furnishing by the importer of particulars relating to imported growing media, injurious organisms, invertebrates and plants.

(3) In regulations, orders or notices made in terms of subsection (1) the Minister may make different provision in respect of different growing media, injurious organisms, invertebrates and plants and in respect of different countries and territories from which growing media, injurious organisms, invertebrates and plants are imported.

10. (1) An inspector may-Powers of inspectors in relation to imported growing media, etc.

(a) at all reasonable times enter upon and inspect land, buildings, structures or vehicles on or in which growing media, injurious organisms, invertebrates and plants and their containers are kept or conveyed on importation; and

(b) inspect growing media, injurious organisms, invertebrates and plants referred to in paragraph (a) and, for the purpose of detecting injurious organisms, expose the roots of plants, remove bark or cut any plant or the fruit or flowers or other part of a plant, or open any container or package or wrapping reasonably suspected to contain growing media, invertebrates or plants liable to harbour an injurious organism.

(2) An importer of growing media, injurious organisms, invertebrates or plants and his servants and agents shall afford an inspector access thereto and shall give such information and provide such labour and facilities as the inspector may require for the purposes of carrying out any inspection, sorting, disinfection, fumigation or treatment of the growing media, injurious organisms, invertebrates or plants.

11. (1) Subject to the provisions of subsection (2), an inspector may order the seizure, detention and destruction without compensation of—Seizure, detention and destruction of growing media, etc., unlawfully imported

(a) a growing medium; or

(b) an injurious organism or invertebrate; or

(c) a plant and the growing medium in which a plant is growing or to which a plant is attached or which is adhering to a plant;

together with its container, which—

(i) is not accompanied at the time of importation by such a certificate of origin or other document as may be prescribed or is accompanied by a certificate of origin or other document which is incorrect in a material particular;

(ii) is imported otherwise than in accordance with the conditions of a permit issued in terms of this Act;

(iii) is imported in contravention of the provisions of this Act.

(2) If an importer or owner of a growing medium or plant referred to in subsection (1), which has not been declared by an inspector to be infested with an injurious organism, gives notice of his intention to appeal to a board in terms of subsection (1) of section twenty-five against the order of destruction, the order shall not have effect unless and until the period specified for lodging notice of appeal has elapsed, and no notice of appeal has been lodged, or the appeal is dismissed, withdrawn or abandoned.

#### PART IV SPECIAL PROVISIONS RELATING TO CURED TOBACCO PART IV

##### SPECIAL PROVISIONS RELATING TO CURED TOBACCO

12. Save as is provided in this Act, no person shall—

(a) handle or store cured tobacco in or remove cured tobacco to or from or take delivery of cured tobacco removed from premises which are not licensed in terms of subsection (1) of section thirteen; or

(b) handle or store cured tobacco in or remove cured tobacco to or from or take delivery of cured tobacco removed from premises in respect of which an order made in terms of subsection (1) of section fifteen has effect. Handling, storing and removal of cured tobacco

13. (1) Subject to the provisions of subsection (2), the Minister shall, on the application in the manner prescribed by an owner of premises, issue to the owner a licence authorising the handling or storing in and the removal to or from his premises of cured tobacco. Licensing of premises

(2) The Minister shall not issue a licence in respect of premises referred to in subsection (1) unless he is satisfied on the report of an inspector that the premises are suitable for the handling and storing of cured tobacco and are free from pests.

14. The provisions of paragraph (a) of section twelve and of section thirteen shall not apply in relation to premises owned by a grower unless the premises are used not only for handling or storing cured tobacco grown by the grower or his agents but also for handling or storing cured tobacco grown by other persons. Section 12(a) and section 13 to apply to premises of certain growers only

15. (1) If, in the opinion of the Minister, premises are or have become unsuitable for the handling or storing of cured tobacco, the Minister may by order in writing prohibit the handling and storing of cured tobacco in and the removal of cured tobacco to or from the premises. Orders prohibiting handling and storing in and removal to or from premises of cured tobacco

(2) The Minister shall notify the owner of premises in respect of which he has made an order in terms of subsection (1) of the repairs and alterations to the premises which the owner shall make in order to render the premises suitable for the handling and storing of cured tobacco.

(3) An inspector may order-

(a) the removal of cured tobacco from premises in respect of which an order made in terms of subsection (1) has effect to a place specified in the order; or

(b) if circumstances so require, the removal of cured tobacco from premises referred to in paragraph (a) and its delivery to a person specified in the order;

to facilitate the making of the repairs and alterations to the premises which are referred to in subsection (2).

(4) The Minister shall, subject to the provisions of section nineteen, cancel an order made in terms of subsection (1) when he is satisfied that the reason for making the order no longer exists.

16. (1) If an inspector discovers premises or cured tobacco stored in premises to be infested with a pest or confirms the existence of an infestation reported by an owner of premises in terms of subsection (2), the owner of the premises shall, within fourteen days of the date he is ordered to do so by the inspector, disinfect, fumigate or treat the premises and their contents in the manner ordered by the inspector. Discovery of pests on premises

(2) An owner of premises who knows or has reason to believe that his premises or the cured tobacco stored therein are infested with a pest shall, within seven days, report the infestation in writing to the Permanent Secretary.

(As amended by S.I. No. 57 of 1965)

17. (1) No person shall, unless he is authorised to do so by order made in terms of subsection (2) or a permit issued in terms of section eighteen-Removal of cured tobacco from pest infested premises, etc., prohibited

(a) remove cured tobacco or take delivery of cured tobacco removed from

premises which are infested with a pest; or

(b) remove from premises cured tobacco which is infested with a pest or take delivery of any such cured tobacco.

(2) An inspector may order-

(a) the removal of cured tobacco from premises which are infested with a pest or the removal from premises of cured tobacco which is infested with a pest to a place specified in the order; or

(b) if circumstances so require, the removal of cured tobacco referred to in paragraph (a) and its delivery to a person specified in the order;

to facilitate the disinfection, fumigation or treatment of the cured tobacco or the premises.

18. (1) The Minister may issue a permit authorising, subject to such conditions as the Minister may specify in the permit-Permits for removal of cured tobacco from pest infested premises, etc.

(a) the removal of cured tobacco from premises which are infested with a pest; or

(b) the removal from premises of cured tobacco which is infested with a pest;

and, if circumstances so require, the delivery of such cured tobacco to a person named in the permit, for such purposes as the Minister may approve.

(2) The Minister may at any time cancel a permit issued in terms of subsection (1).

19. An owner of premises shall be liable to pay the costs of an inspection of his premises made by an inspector in connection with-

(a) the cancellation of an order made in terms of subsection (1) of section fifteen; or

(b) an application for a permit referred to in subsection (1) of section eighteen;

and the Minister may refuse to cancel an order made in terms of subsection (1) of section fifteen or to issue a permit referred to in subsection (1) of section eighteen until the costs of the inspection have been paid. Costs of inspection

20. An inspector may seize and detain and the Minister may order the destruction without compensation of cured tobacco which is handled or stored in or removed to or from premises otherwise than in accordance with the provisions of this Part or an order made thereunder or the conditions of a permit referred to in subsection (1) of section eighteen. Destruction of cured tobacco handled or stored or removed in contravention of Part IV

21. (1) Without derogation from the generality of the provisions of section four, the Minister may by regulation-Regulatory powers in connection with pests

(a) provide for the compulsory disinfection, fumigation or treatment by such methods as he may specify of premises and of cured tobacco handled or stored

therein;

(b) prohibit the keeping in or authorise the removal from premises of-

(i) products other than cured tobacco which are liable to be infested with a pest; or

(ii) anything, including products referred to in subparagraph (i), which renders the proper inspection of the premises impracticable;

(c) prescribe measures to be taken for the purpose of protecting or facilitating the protection of cured tobacco from infestation with a pest.

(2) In regulations made in terms of subsection (1) the Minister may make different provision in respect of different premises and pests and different classes and types of cured tobacco.

#### PART V GENERALPART V

##### GENERAL

22. The Minister may appoint persons as inspectors for the purposes of this Act.

(G.N. No. 90 of 1964)Appointment of inspectors

23. (1) An inspector may-Powers of inspectors

(a) at all reasonable times enter upon and inspect lands, buildings, or structures on or in which growing media or plants may be found; and

(b) inspect growing media and plants and, for the purpose of detecting pests, expose the roots of plants, remove bark or cut any plant or the fruit or flowers or other part of a plant, or open any container or package or wrapping reasonably suspected to contain growing media or plants liable to harbour a pest; and

(c) order the application of measures which are reasonably necessary or prescribed for the eradication or prevention of the spread of a pest; and

(d) order the destruction at any time of alternative hosts and any plant which is growing on land contrary to the provisions of this Act; and

(e) give instructions for the adoption of measures prescribed for the purpose of protecting cured tobacco from infestation with a pest of tobacco or of facilitating such protection; and

(f) declare a nursery infested with a pest or such portion thereof as he deems sufficient to be an infested area until such time as the nursery or portion thereof is free from the pest.

(2) An owner of any land, building or structure or of a growing medium or plant and his servants and agents shall afford an inspector access thereto and shall give such information and provide such labour and facilities as the inspector may require for the purposes of carrying out an inspection.

(As amended by G.N. No. 90 of 1964)

24. If, within three days of the delivery to him of plants sold by a nurseryman, the purchaser of the plants finds the plants to be infested with a pest, he may return the plants to and at the expense of the nurseryman and shall thereupon be freed from liability to pay for the plants or, if he has paid for the plants, he may recover the purchase price. Sale of pest infested plants by nurserymen

25. (1) Subject to the provisions of subsection (2), the importer or owner of a growing medium or plant the destruction of which has been ordered in terms of this Act may, within seven days of the date of the order, lodge with the Minister a notice of his intention to appeal against the order. Appeals against orders of destruction

(2) There shall be no right of appeal against-

(a) an order for the destruction of a growing medium or plant declared by an inspector to be infested with an injurious organism or pest; or

(b) an order of destruction made in terms of paragraph (d) of subsection (1) of section twenty-three.

(3) A notice of intention to appeal lodged in terms of subsection (1) shall be in writing and shall specify in detail the grounds upon which it is given.

(4) The Minister shall transmit to a board a notice lodged with him in terms of subsection (1).

(5) For the purpose of hearing and determining an appeal against an order of destruction the Minister shall, subject to the provisions of subsection (6), appoint a board consisting of three members of whom-

(a) one member, who shall be the chairman, shall be a legal practitioner or magistrate; and

(b) not less than two members shall be persons who are not public officers.

(6) The Minister shall not appoint a board unless and until the appellant deposits with the Minister such sum as the Minister considers will be sufficient to pay the costs, including the remuneration and allowances payable to the members of the board, likely to be incurred by the Government in connection with the appeal.

(7) The powers, rights and privileges of a board shall be the same as those conferred upon commissioners by the Inquiries Act, and the provisions of that Act shall, mutatis mutandis, apply in relation to the hearing and determination of an appeal by a board in terms of this section and to a person summoned to give evidence or giving evidence before a board. Cap. 42

(8) The decision of a board shall be final.

(9) On the determination of an appeal the Minister shall refund to the appellant the sum deposited by the appellant in terms of subsection (6) less the amount of the costs, if any, payable by the appellant in terms of subsection (10).

(10) If an appeal is dismissed, a board may order the appellant to pay to the

Government the costs incurred by the Government in connection with the appeal.

(11) Members of a board who are not public officers shall be paid out of moneys appropriated for the purpose by Parliament such remuneration as the Minister may prescribe.

(12) All members of a board shall be paid out of moneys appropriated for the purpose by Parliament such allowances to meet the reasonable expenses incurred by them in connection with an appeal as the Minister may prescribe.

(As amended by G.N. No. 90 of 1964)

26. (1) Subject to the provisions of this Act, the Minister may, out of moneys appropriated for the purpose by Parliament, pay compensation to the owner of a growing medium or plant destroyed under the powers conferred by this Act. Compensation

(2) Compensation payable in terms of subsection (1) shall, if the owner of the growing medium or plant so requires, be assessed by two persons of whom one shall be appointed by the Minister and the other by the owner.

(3) If the persons appointed as assessors in terms of subsection (2) fail to agree as to the amount of compensation to be paid to the owner of a growing medium or plant referred to in subsection (1), they shall choose an umpire whose decision shall be final.

(As amended by G.N. No. 90 of 1964)

27. No claim shall lie against the State or the Minister or an inspector, servant or agent of the State for anything done in good faith and without negligence under the powers conferred by this Act.

(As amended by G.N. No. 90 of 1964 and S.I. Nos. 57 and 176 of 1965) Limitations of actions against the State

28. (1) A person who—Offences

(a) wilfully obstructs, impedes or hinders an inspector in the carrying out of his duties under this Act; or

(b) contravenes or fails to comply with a provision of this Act or the regulations, orders or notices made or issued in terms of this Act, or an order or direction made or given under the provisions of this Act or of regulations, orders or notices made in terms of this Act with which it is his duty to comply; or

(c) without reasonable cause contravenes or fails to comply with the condition or a permit or a licence issued in terms of this Act or of regulations, orders or notices made in terms of this Act; or

(d) maliciously introduces a pest on to land; or

(e) on being required to do so fails or refuses to produce to an inspector, police officer or other authorised person a permit, certificate or licence; or

(f) fails or refuses without reasonable cause to give information to an inspector or a police office when required to do so in terms of this Act or

gives false or incomplete information; or

(g) for the purpose of obtaining whether for himself or any other person the issue of a permit, certificate or licence, makes a declaration or statement which he knows to be false in any particular or does not know or believe to be true or knowingly makes use of a declaration, statement or document containing the same;

shall be guilty of an offence and liable-

(i) for a contravention of paragraph (d), to a fine not exceeding twelve thousand penalty units or, in default of payment, to imprisonment for a period not exceeding four years, or to such imprisonment without the option of a fine, or to both;

(ii) for any other offence, to a fine not exceeding three thousand penalty units or, in default of payment, to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine, or to both.

(2) An inspector may seize and detain and the Minister may order the destruction without compensation of a growing medium, plant or other thing whatsoever which is removed from an infested or quarantine area in contravention of the provisions of this Act or an order made in terms of this Act.

(3) The confiscation or destruction of a growing medium, plant or other thing in terms of subsection (2) shall not free the person responsible for its illegal removal from liability to prosecution.

(As amended by G.N. No. 90 of 1964 and Act No. 13 of 1994)

29. (1) The Minister may by regulation, statutory order or statutory notice prescribe all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act. General regulatory powers

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may in regulations, orders or notices made or issued in terms of that subsection provide for-

(a) the form and manner in which applications for registration, permits, certificates and licences are to be made and the information to be supplied in connection therewith;

(b) the form of permits, certificates and licences, the conditions to be contained in permits, certificates and licences and the periods for which permits and licences shall remain in force;

(c) the persons by whom, the circumstances in which and the conditions subject to which permits, certificates and licences shall be issued;

(d) the circumstances in which and the conditions, including the payment of a fee, subject to which copies of permits, certificates and licences may be obtained;

(e) the cancellation, suspension and amendment of permits, certificates and licences and the surrender or delivery of permits, certificates and licences for those purposes.

30. In issuing a permit in terms of this Act, an issuer of permits may impose conditions which are not prescribed and in so doing may exclude or vary, as circumstances require, any prescribed condition. Conditions contained in permits

31. Has had its effect.

32. (1) Notwithstanding the repeal of the Plant Pests and Diseases Act, Chapter 100 of the 1957 Edition of the Laws, (hereinafter in this section referred to as "such legislation") a permit, special permit, licence, certificate or authority issued, application, approval or exemption made or given, examination, inspection, treatment or test taken or made, or other thing done under the provisions of such legislation which, immediately before the commencement of this Act was subsisting or was of force or effect or capable of acquiring force or effect, shall, subject to the terms and conditions on which it was issued or, as the case may be, the provisions of such legislation, continue to subsist or to be of force or effect, or as the case may be, acquire force or effect and shall be treated for the purposes of this Act as having been issued, made, given, taken or done under the corresponding provisions of this Act. Saving

(2) Any permit, special permit, licence, certificate or authority issued, order, application, approval or exemption made or given, examination, inspection, treatment or test taken or made or other thing done or commenced under this Act which immediately before the 31st January, 1964, was subsisting or was of, or was capable of acquiring, force or effect, shall continue to have or acquire force or effect, as the case may be, and shall on and after that date, be deemed to have been issued, made, given, taken or done under this Act as modified and adapted by Government Notice No. 90 of 1964.

(As amended by G.N. No. 90 of 1964)

#### SUBSIDIARY LEGISLATION

#### PLANT PESTS AND DISEASES

#### SECTION 2 (2)-THE PLANT PESTS AND DISEASES (PESTS AND ALTERNATE HOSTS) ORDER

Order by the Minister Federal Government Notices  
325 of 1958  
87 of 1962  
198 of 1963

1. This Order may be cited as the Plant Pests and Diseases (Pests and Alternate Hosts) Order. Title

2. The following injurious organisms are declared to be pests with a view to their control and the prevention of their spread:

Anthraenose of tobacco *Colletotrichum tabacum* Bning

Bacterial blight of grapes *Erwinia vitivora* (Baccarini) Du  
Plessis

Bacterial blight of peas *Pseudomonas syringae* pr pisi

Bacterial canker of tomato      *Corynebacterium michiganense* (E.F.S.) Jensen sub  
sp.  
   *michiganensis*

Bacterial ring-rot of potato      *Corynebacterium michiganensis* sp. *sepedonicum*  
(Spieck &  
   Kotth.) Slapton & Burkholder

Bacterial streak of sugar cane      *Xanthomonas albilineans* (Ashby) Downson

Blister blight of tea      *Exobasidium vexans* Masee

Blue mould of tobacco      *Peronospora hyoscyamiae* Adam

Cercospora leaf spot of banana      *Mycosphaerella figiansis* Leach

Cereal foot rots      *Helminthosporium* spp.

Chestnut canker      *Cryphonectria parasitica* (Murr.) Anderson & Anderson

Chlorotic streak virus of sugar cane

Citrus black fly      *Aleurocanthus woglumi* Ashby

Citrus black spot      *Guignardia citricarpa* Kiely

Citrus canker      *Xanthomonas campestris* pr *citri* (Hasse) Dowson

Crown gall      *Agrobacterium tumefaciens* (Smith & Townsend) Conn.

Crown wart of lucerne      *Urophlyctis alfalfae* (Lagerh.) Magnus

Dodder      *Cuscuta* spp.

Dutch elm disease      *Ceratocystis ulmi* (Buism.) C. Moreau

Ergot of rye      *Claviceps purpurea* Fr. (Tul.)

Fiji disease virus of sugar cane      Sugar cane fiji disease-fiji virus 2. Smith

Fireblight      *Erwinia amylovora* (Burrill) Winslow  
   et al.

Internal cork virus disease of sweet potato

Lucerne wilt      *Clavibacter michiganensis* sp. *insidiosum* (McCulloch)  
   Jensen

Onion smut      *Urocystis cepulae* Frost

Banana panama disease      *Fusarium oxysporum* f. *cubense* (E.F.S.) Synder & Hansen

Pierce's disease of the grape      *Xylella fastidiosa* virus 3. Smith (lucerne  
dwarf virus)

Rose mosaic virus      *Rosa virus* 1. Smith

Rose streak virus *Rosa virus 4.* Smith  
 Rose wilt    Rose wilt disease 3. Smith  
 Stewart's disease of maize    *Erwinia stewartii* (E.F.S.) Dowson  
 Strawberry red core    *Phytophthora vas fragariae* Hickman  
 Tomato spotted wilt virus (kromnek) *Lycopersicum virus 3.* Smith  
 Wart disease of potato    *Synchytrium endobioticum* (Schilb.) Percival  
 Potato root eelworm (golden nematode)    *Globodera rostochiensis* Wollenw.  
 Root knot eelworm *Meloidogyne* spp.  
 Stem and bulb eelworm    *Ditylenchus dipsaci* (Khn)  
 American bollworm *Helico verpa armigera* Hbn.  
 Apple codling moth    *Cydia pomonella* (L.)  
 Cereal midges    *Contarinia* spp. and *Sitodiplosis* spp.  
 Cherry fruit-fly *Rhagoletis cerasi* (L.)  
 Chrysanthemum midge    *Diarthronomyia chrysanthemi* Ahlb.  
 Coffee berry borer    *Hypothenemus hampei* Ferr.  
 Colorado beetle    *Leptinotarsa decemlineata* (Say)  
 Dry wood termite *Cryptotermes brevis* (Wlk.)  
 European house-borer    *Hylotrupes bajulus* (L.)  
 Japanese beetle    *Popillia japonica* Newm.  
 Oriental fruit-fly    *Bactrocera dorsalis*  
 Oriental fruit-moth    *Cydia molesta* Busck.  
 Pink bollworm    *Pectinophora gossypiella* (Saund.)  
 Red scale    *Aonidiella aurantii* Mask.  
 San Jos Scale    *Quadraspidiotus perniciosus* (Comst.)  
 Tobacco moth    *Ephestia elutella* Walk.  
 Tobacco vein-browning virus    *Marmor upsilon* Holmes var. *costaenecans* Klink. and Schmelz  
 Woolly aphid (American blight)    *Eriosoma lanigerum* (Hsm.)  
 African migratory locust    *Locusta migratoria migratorioides* Rch. & Frm.

Red locust *Nomadacris septemfasciata* (Serv.)

(As amended by F.G.N. No. 87 of 1962 and F.G.N. No. 198 of 1963) Declaration of pests

3. The following injurious organisms are declared to be pests in respect of living tobacco with a view to their control and the prevention of their spread:

Tobacco leaf curl *Tobacco streak virus*

Tobacco rosette

Tobacco white fly *Bemisia tabaci* Gennadius Declaration of pests of living tobacco

4. The following injurious organisms are declared to be pests in respect of cured tobacco with a view to their control and the prevention of their spread:

Cigarette beetle *Lasioderma serricorne* (F.)

Tobacco moth *Ephestia elutella* Walk. Declaration of pests of cured tobacco

5. The following injurious organisms are declared to be pests in respect of cotton with a view to their control and the prevention of their spread:

Cotton jassid *Jacobiasea lybica* (de Besgerin)

Cotton stainers *Dysdercus faciliotus*

Red bollworm *Diparopsis castanea* Hmps. Declaration of pests of cotton

6. The following injurious organisms are declared to be pests of nursery stock with a view to their control and the prevention of their spread:

Circular purple scale *Chrysomphalus ficus* Ashm.

Egyptian black scale *Chrysomphalus aonidum* (L.)

False circular purple scale *Chrysomphalus pinnulifera diversicolor* Green

False red scale (Spanish red scale) *Chrysomphalus dictyospermi* Morg.

Large red scale *Selenaspidus silvaticus* Lind.

Long scale *Lepidosaphes gloverii* (Pack.) Kirk.

Oleander scale *Aspidiotus hederæ* (Nal.) Sign.

Purple scale (mussel scale) *Lepidosaphes beckii* (Pack.) Kirk.

Ross's black scale *Chrysomphalus rossi* Mask.

White peach scale *Aulacaspis pentagona* (Targ.)

Woolly aphis (American blight) *Erisoma pemphigidae* (Hsm.) Declaration of pests of nursery stock

7. The following injurious organisms are declared to be pests of coffee with a view to their control and the prevention of their spread:

Coffee berry borer      *Hypothenemus hampi* Ferr.

Coffee bug   *Antestiopsis orbitalis* Stal

Kenya mealy bug   *Planococcus kenyae* le Pelley  
Declaration of pests of coffee

8. The following injurious organisms are declared to be pests of unmanufactured plant products with a view to their control and the prevention of their spread:

Firebrat      *Thermobia domestica* (Packard)

Silverfish   *Lepisma saccharina* L.

American cockroach      *Periplaneta americana* (L.)

Common cockroach   *Blatta orientalis* L.

German cockroach   *Blatella germanica* (L.)

Angoumois grain moth      *Sitotroga cerealella* (Olf.)

Brown house moth   *Hofmannophila pseudospretella* (Stnt.)

Carpet moth   *Trichophaga tapetzella* (L.)

Case-making clothes moth      *Tinea pellionella* (L.) *Tinea columbariella* Wocke

Clothes moth      *Tineola bisselliella* (Humm.)

Corn moth      *Tinea granella* (L.)

Dried-current moth      *Cadra cautella* (Wlk.)

Indian meal moth   *Plodia interpunctella* (Hb.)

Lesser wax moth   *Achroia grisella* (F.)

Mediterranean flour moth      *Anagasta kuehniella* (Zell.)

Raisin moth   *Cadra figulilella* (Gregson)

Rice moth      *Corcyra cephalonica* (Stnt.)

Tapestry moth      *Trichophaga tapetzella* (L.)

Wax moth      *Galleria mellonella* (L.)

African spider beetle      *Stethomezium squamosum* Hinton *Mesium affine* Boield.

American seed beetle      *Acanthoscelides obtectus* (Say)

Australian carpet beetle      *Anthrenocerus australis* (Hope)

Australian spider beetle      *Ptinus tectus* Boield. *Ptinus sexpunctatus* Panz.  
Bacon beetle      *Dermestes lardarius* (L.)  
Biscuit beetle      *Stegobium paniceum* (L.) *Dorcatoma bibliophagum* Magalh.  
Black carpet beetle      *Attagenus megatoma* (F.)  
Black fungus beetle      *Alphitobius laevigatus* (F.)  
Broad-horned flour beetle      *Gnathocerus cornutus* (F.) *Gnathocerus maxillosus* (F.)  
Cadelle      *Tenebroides mauritanicus* (L.)  
Confused flour beetle      *Tribolium confusum* Duv.  
Copra beetle      *Necrobia rufipes* (Deg.)  
Corn sap beetle      *Carpophilus dimidiatus* (F.) *Carpophilus ligneus* Murray  
Cowpea beetle      *Callosobruchus chinensis* (L.) *Callosobruchus analis* (F.)  
Dark flour beetle *Tribolium destructor* Uytt.  
Dark mealworm      *Tenebrio obscurus* (F.)  
Depressed flour beetle      *Palorus subdepressus* (Woll.)  
Dried fruit beetle      *Carpophilus hemipterus* (L.)  
Flat grain beetle *Cryptolestes pusillus* (Olf.)  
Foreign grain beetle      *Ahasverus advena* (Waltl.)  
Fur beetle      *Attagenus pellio* (L.)  
Furniture carpet beetle *Anthrenus vorax* Waterh.  
Globular spider beetle      *Trigonogenius globulus* Sol.  
Golden spider beetle      *Niptus hololeucus* (Fald.)  
Groundnut beetle      *Caryedon fuscus* (Goeze)  
Hide beetle *Dermestes frischii* Kug.  
Hump spider beetle      *Gibbium psylloides* (Czenp.)  
Japanese spider beetle      *Pseudeurostus hilleri* (Rter.)  
Khapra beetle      *Trogoderma granarium* Everts  
Larger cabinet beetle      *Trogoderma versicolor* (Creutz.)  
Leather beetle      *Dermestes maculatus* Deg.

Lesser grain borer        *Rhizopertha dominica* (F.)  
 Lesser mealworm    *Alphitobius diaperinus* (Panz.)  
 Long-headed flour beetle        *Latheticus oryzae* Waterh.  
 Merchant grain beetle    *Oryzaephilus mercator* (Fauv.)  
 Red rust grain beetle    *Cryptolestes ferrugineus* (Steph.)  
                           *Cryptolestes pusilloides* (Steel & Howe)  
                           *Cryptolestes turcicus* (Grouv.)  
 Rust-red flour beetle    *Tribolium castaneum* (Hbst.)  
 Saw-toothed grain beetle        *Oryzaephilus surinamensis* (L.)  
 Small-eyed flour beetle *Palorus ratzeburgi* (Wizzm.)  
 Varied carpet beetle    *Anthrenus verbasci* (L.)  
 White-marked spider beetle        *Ptinus fur* (L.)  
 Yellow mealworm    *Tenebrio molitor* L.  
 Broad-nosed grain weevil        *Caulophilus latinasus* (Say)  
 Cacao weevil        *Araecerus fasciculatus* (Deg.)  
 Grain weevil        *Sitophilus granarius* (L.)  
 Rice weevil *Sitophilus oryzae* (L.)

(F.G.N. No. 87 of 1962) Declaration of pests of unmanufactured plant products

9. The plants specified in the first column of the Schedule are declared to be alternate hosts of the pests specified opposite thereto in the second column of the Schedule.

(F.G.N. No. 87 of 1962) Declaration of alternate hosts

SCHEDULE

(Paragraph 9)

ALTERNATE HOSTS

Plants            Pests

Abelmoschus esculentus

          (L.) Moench    Pink bollworm

Dahlia spp. Kromnek

                  (lycopersicum virus 3. Smith)

Hibiscus dongolensis Del.        Pink bollworm

(F.G.N. No. 87 of 1962)

SECTION 4-THE PLANT PESTS AND DISEASES (PEST CONTROL)  
REGULATIONS

Regulations by the Minister Federal Government Notice  
331 of 1958  
Government Notice  
90 of 1964

1. These Regulations may be cited as the Plant Pests and Diseases (Pest Control) Regulations. Title

2. In these Regulations-Interpretation

"scheduled pest" means a pest listed in the Schedule.

3. (1) An inspector may destroy or order by notice in writing the destruction of any plant, or such portion thereof as he considers necessary, which is infested or appears to be infested with a scheduled pest. Destruction of infested plants

(2) In ordering the destruction of a plant or any portion thereof in terms of sub-regulation (1), the inspector may specify the manner in which the plant or portion thereof is to be destroyed.

4. (1) The Minister may, by order-Declaration by Minister of infested or quarantine areas

(a) declare an area infested with a scheduled pest as an infested area and any area around such infested area as a quarantine area;

(b) prohibit, restrict or regulate the removal of any compost, growing media, manure, plants and other things whatsoever to or from an infested or quarantine area.

(2) The Minister may exempt, subject to such conditions as he may specify, any person from complying with any order made in terms of paragraph (b) of sub-regulation (1).

5. An inspector may, if he reasonably suspects the presence of a scheduled pest on land or in premises-

(a) declare the area in which the land or premises is situate an infested area;

(b) by order, prohibit for a period not exceeding fourteen days, the removal from the land or premises of compost, growing media, manure, plants and other things whatsoever capable of spreading the pest. Declaration by inspector of infested areas

6. An inspector may by notice in writing order the owner of any land within an infested or quarantine area to destroy any plant on such land for the purpose of controlling attacks by or the spread of a scheduled pest. Destruction of plants in infested or quarantine areas

7. An owner of land who knows or has reason to believe that a scheduled pest

is present on his land shall immediately report the occurrence in writing to an inspector. Duty to furnish information

SCHEDULE

(Regulation 2)

SCHEDULED PESTS

Bacterial blight of grapevine *Xylophilus ampelinus* (Baccarini) Du Plessis

Bacterial canker of tomato *Clavibacter michiganensis* ssp. *michiganensis* (E.F.S.) Jensen

Bacterial ring-rot of potato *Clavibacter michiganensis* ssp. *sepedonicus* (Spieck & Kotth.) Skaptason & Burkholder

Bacterial streak of sugar cane *Xanthomonas albilineans* (Ashby) Dowson

Blister blight of tea *Exobasidium vexans* Masee

Blue mould of tobacco *Peronospora hyoscyami* Adam

Chestnut canker *Cryphonectria parasitica* (Murr.) Anderson & Anderson

Chlorotic streak virus of sugar cane

Citrus black spot *Guignardia citricarpa* Kiely

Citrus canker *Xanthomonas campestris* pr *citri* (Hase) Dowson

Crown wart of lucerne *Physoderma alfalfae* (Lagerh.) Magnus

Dutch elm disease *Ceratocystis ulmi* (Buism.) C. Moreau

Fiji disease virus of sugar cane Sugar cane fiji disease-fiji virus 2. Smith

Fireblight *Erwinia amylovora* (Burrill) Winslow et al.

Internal cork virus disease of sweet

potato

Lucerne wilt *Clavibacter michiganensis* sp. *insidiosus* (McCulloch) Jensen

Onion smut *Urocystis cepulae* Frost

Pierce's disease of the grape (lucerne *Medicago* virus 3. Smith

dwarf virus)

Stewart's disease of maize *Erwinia stewartii* var *fragariae* (E.F.S.) Dowson

Strawberry red core *Phytophthora fragariae* Hickman

Tomato spotted wilt virus (Krombek) *Lycopersicon* virus 3. Smith

Wart disease of potato *Synchytrium endobioticum* (Schilb.) Percival  
Potato root eelworm (golden nematode) *Heterodera rostochiensis* Wollenw.  
Stem and bulb eelworm *Ditylenchus dipsaci* (Kuhn)  
Cereal midges *Contarinia* spp. and *Sitodiplosis* spp.  
Cherry fruit-fly *Rhagoletis cerasi* (L.)  
Chrysanthemum midge *Diarthronomyia chrysanthemi* Ahlb.  
Coffee berry borer *Hypothenemus hampei* Ferr.  
Colorado beetle *Leptinotarsa decemlineata* (Say)  
Japanese beetle *Popillia japonica* Newm.  
Oriental fruit-fly *Bactrocera dorsalis* Hend.  
Oriental fruit-moth *Cydia molesta* Busck.  
Pink bollworm *Pectinophora gossypiella* (Saund.)  
San Jos scale *Quadraspidiotus perniciosus* (Comst.)

SECTION 29-THE PLANT PESTS AND DISEASES (COFFEE) REGULATIONS  
Federal Government  
Notice  
330 of 1958  
Government Notice  
90 of 1964

Regulations of the Minister

1. These Regulations may be cited as the Plant Pests and Diseases (Coffee) Regulations.  
Title

2. In these Regulations, unless the context otherwise requires-  
Interpretation

"borer" means the coffee berry borer (*Stephanoderes hampei* Ferr.);

"coffee" means any species of the genus *Coffea*;

"plantation" includes any land on which a coffee plant is growing, whether the land is used solely as a coffee plantation or not;

"sell" includes to offer or expose for sale.

3. No person shall-

(a) sell or cause or permit to be sold;

(b) remove or cause or permit the removal of from his premises; or

(c) transport or cause or permit the transportation of;

any coffee plant infested or appearing to be infested with borer, unless he has written permission from an inspector to do so.  
Sale or removal of infested plants

4. The owner of a plantation who knows or has reason to believe that any coffee plant on his land is infested with a pest of coffee shall immediately report the infestation in writing to an inspector.  
Reporting of infestation

5. An inspector may by notice in writing order the owner of a plantation  
Orders to eradicate pests from plantations

which is infested with a pest of coffee, to-

(a) destroy, by burning or by any other method specified by the inspector, all or any coffee plants on the plantation;

(b) spray, fumigate or otherwise treat all or any coffee plants on the plantation;

(c) take such other steps as the inspector may consider necessary for the purpose of controlling attacks by or the spread of the pest.

6. An inspector may destroy or order in writing the destruction of any plant infested or appearing to be infested with a pest of coffee.  
Destruction of infested plants

7. (1) The owner of a plantation shall not leave his plantation without that supervision necessary for-Supervision of plantations

(a) the detection of any infestation by a pest of coffee; and

(b) the carrying out of any measures required by or in terms of these Regulations.

(2) If, in the opinion of an inspector, a plantation is habitually left without that supervision required by subregulation (1) he may, subject to the provisions of sub-regulation (3), by notice in writing order the owner of the plantation to destroy all coffee plants on that plantation.

(3) An inspector shall not order the destruction of a coffee plant in terms of sub-regulation (2) unless authorised to do so by the Permanent Secretary.

(As amended by G.N. No. 90 of 1964)

8. Every person who has had in possession or under his charge any coffee infested with borer shall, if so required in writing by an inspector, give the inspector all such information as he possesses as to the person in whose possession or under whose charge such coffee is or has been. Duty to furnish information

#### SECTION 31-THE PLANT PESTS AND DISEASES (COTTON) REGULATIONS

Regulations by the Minister Federal Government Notice

84 of 1960

Government Notice

90 of 1964

1. These Regulations may be cited as the Plant Pests and Diseases (Cotton) Regulations. Title

2. In these Regulations-Interpretation

"cotton" means the linted species of the genus *Gossypium*.

3. (1) Subject to the provisions of regulation 4, an owner of land cultivated for the production of cotton shall destroy all cotton plants on his land-Cotton lands to be cleared annually

(a) on or before the 1st August in each year if that land is situated in an infested area or in a quarantine area;

(b) on or before the 1st October in each year if that land is situated outside an infested area or a quarantine area.

(2) Subject to the provisions of regulation 4, an owner of land in an infested area or in a quarantine area shall not plant cotton on such land before the 1st October in any year.

(As amended by G.N. No. 90 of 1964)

4. The Minister may, upon receipt of a written application, exempt, subject to such conditions as he may specify, any person or class of persons from complying with the provisions of sub-regulation (1) or (2) or both

sub-regulations of regulation 3.Exemptions

## SECTION 31-THE PLANT PESTS AND DISEASES (IMPORTATION) REGULATIONS

Regulations by the Minister Federal Government Notices

144 of 1960

217 of 1963

Government Notices

90 of 1964

497 of 1964

1. These Regulations may be cited as the Plant Pests and Diseases (Importation) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"additional declaration", in relation to a phytosanitary certificate, means an endorsement by a plant protection officer on that certificate;

"approved" means approved by the Permanent Secretary;

"coniferous timber" means timber derived from trees of the order Coniferales and includes all softwood timbers, whether sawn or unsawn, planed or otherwise fashioned or processed, but excludes any timber which has been treated with a preservative in an approved manner;

"Convention" means the Phytosanitary Convention for Africa South of the Sahara, signed at London in the United Kingdom on the 29th July, 1954, or any other international Phytosanitary Convention for Africa South of the Sahara to which the Government may be a party;

"Convention country" means-

(a) the metropolitan territory situated in Africa to the south of the Sahara of a government which is a party or has acceded to the Convention; or

(b) a territory situated in Africa to the south of the Sahara for whose international relations a government which is a party or has acceded to the Convention is responsible;

"cotton" means the linted species of the genus *Gossypium*;

"does not occur", in relation to the incidence of an injurious organism in a country outside Zambia or in any area or district of that country, means does not occur, to the knowledge of the plant protection authority of that country, in that country, area or district, as the case may be, and "do not occur" shall be construed accordingly;

"during active growth", in relation to an inspection for the purposes of an additional declaration, means during the last period of active growth of the plants prior to their exportation;

"fee" means the appropriate fee prescribed in the First Schedule;

"forest tree" means any tree which is commonly grown for the production of timber and not solely for ornamental purposes;

"form" means the appropriate form prescribed in the Second Schedule;

"import" means to bring or cause to be brought into Zambia, and cognate expressions shall be construed accordingly;

"non-Convention countries" means territories other than Convention countries;

"pests and diseases", in relation to a phytosanitary certificate of an additional declaration, means injurious organisms;

"phytosanitary certificate" means a statement issued by a plant protection officer certifying that he has before despatch thoroughly examined the plants, parts of plants or plant products, to which the statement relates, or representative samples of them, and found them substantially free from pests and diseases;

"plant", in relation to an inspection for the purposes of an additional declaration, means-

(a) if the declaration relates to a growing plant, the growing plant;

(b) if the declaration relates to a part of a plant such as budwood, bulbs, corns, cuttings, fruit, grafts, rhizomes, rooted material, seeds, suckers or tubers, the growing parent plant from which such part was directly derived or which produced such part;

"plant protection authority" means the department of the government of a country which is responsible for the administration of the plant protection law in force in that country;

"plant protection law" means a law providing for the protection of plants against injurious organisms;

"plant protection officer" means an officer of a plant protection authority who is authorised by that authority to issue phytosanitary certificates;

"protective treatment" means the sorting, disinfecting, fumigation, treatment or quarantine of growing media, plants or containers in terms of these Regulations, and cognate expressions shall be construed accordingly;

"quarantine" means the detention and culture of plants in isolation under the supervision of the Department of Agriculture under such conditions, at such place and for such period as the Permanent Secretary may determine;

"soil" means a growing medium which is neither sterilised nor inert;

"South Africa" means the Republic of South Africa;

"South African nursery" means a nursery in South Africa which is registered in terms of the plant protection law in force in that country;

"submit", in relation to a permit or phytosanitary or other certificate relating to a consignment of growing media, injurious organisms, invertebrates or plants, means the submission of the permit or certificate at the place of inspection or port of entry of the consignment, and cognate expressions shall be construed accordingly;

"supervised importation only", in relation to a plant listed in the first column of the Sixth or Seventh Schedule, means importation of the plant by or under the direct supervision of the Department of Agriculture with subsequent quarantine of the plant;

"vegetative material" means-

(a) any growing plant; or

(b) any part of a plant, other than the seed or fruit, which can be used to propagate the plant and includes budwood, cuttings, grafts, rooted material, suckers and dormant parts such as bulbs, bulbils, cornns, rhizomes and tubers.

(As amended by G.N. No. 90 of 1964)

3. The provisions of these Regulations shall not apply to any growing medium, invertebrate or plant in transit through Zambia which is consigned by rail or by an approved airline.

(As amended by G.N. No. 90 of 1964)Application of Regulations

4. (1) Save as is provided in regulation 8, no person shall import any growing medium or plant, including any unmanufactured plant product specified in the Fourth Schedule or seed specified in the Fifth Schedule, unless a permit authorising the importation of that growing medium or plant is submitted.Import of growing medium or plant under permit

(2) No person shall import any growing medium or plant otherwise than through a port of entry specified in the Third Schedule or an approved place, or, if quarantine is one of the conditions governing the importation of the growing medium or plant, otherwise than through Lusaka.

(As amended by G.N. No. 90 of 1964)

5. (1) Subject to the provisions of sub-regulation (2), no person shall import an invertebrate, the importation of which is not governed by the provisions of another law, unless a permit authorising the importation of that invertebrate is submitted.Import of invertebrate or injurious organism under permit

(2) No person shall import an injurious organism unless-

(a) the importation is made-

(i) for scientific purposes; and

(ii) under the direct supervision of the Department of Agriculture; and

(b) a permit authorising the importation of that injurious organism is submitted.

6. Application for a permit to import a growing medium, injurious organism, invertebrate or plant shall be made to the Permanent Secretary and, if the Permanent Secretary so requires, shall be made in Form No. 1.

(As amended by G.N. No. 90 of 1964)Applications for permits

7. (1) A permit authorising the importation of a growing medium, injurious

organism, invertebrate or plant shall be issued by the Permanent Secretary in Form No. 2. Issue, refusal, etc., of permits

(2) The Permanent Secretary may-

(a) refuse to issue a permit; or

(b) cancel, suspend or amend any permit which has been issued.

(As amended by G.N. No. 90 of 1964)

8. Subject to the provisions of these Regulations, no permit shall be required for the importation of-

(a) cut flowers, other than heather, holly, mistletoe or shamrock, not intended for propagation;

(b) dormant underground parts, such as bulbs, corms, rhizomes and tubers, of ornamental plants;

(c) fruit from Convention countries;

(d) herbaceous ornamental plants produced in South Africa;

(e) potato tubers produced in South Africa;

(f) unmanufactured plant products which are not listed in the Fourth Schedule;

(g) seeds which are not listed in the Fifth Schedule;

(h) vegetables, other than potatoes, from Convention countries, which are intended for consumption;

(i) any plant other than-Imports without permit

(i) a plant specified in the Sixth Schedule; or

(ii) a plant specified in item 2, 4 or 9 of the Eighth Schedule;

which is produced in a South African nursery and is despatched in accordance with the provisions of the plant protection law in force in South Africa.

9. Subject to the provisions of these Regulations, an inspector may-

(a) cause any vehicle in Zambia suspected or known to have brought into Zambia-General powers of inspectors

(i) an injurious organism; or

(ii) a plant or container suspected or known to be diseased or infested with an injurious organism;

to be disinfected or fumigated;

(b) detain and inspect any growing medium, plant or container on importation;

(c) cause any growing medium, plant or container detained and inspected in terms of paragraph (b) to be disinfected, fumigated or treated whether or not the growing medium, plant or container is diseased or infested with an injurious organism;

(d) cause any imported growing medium or plant which on inspection appears to be infested with an injurious organism and any plant in the same container to be destroyed immediately without compensation if the injurious organism is of a specially dangerous character or, in the opinion of the inspector-

(i) disinfection is impracticable or will not be a complete safeguard; or

(ii) the delay caused by disinfection would give rise to the risk of the introduction or spread of the injurious organism.

(As amended by G.N. No. 90 of 1964)

10. A consignment of fruit found by an inspector on importation to be infested with living caterpillars of the apple codling moth (*Cydia pomonella* (L.)) shall be destroyed without compensation: Imported fruit found to be infested

Provided that the inspector may-

(a) if less than five per centum of the fruit is infested, cause the infested fruit in such consignment to be separated from the uninfested fruit and permit the release to the importer of the uninfested fruit;

(b) if five per centum or more of the fruit is infested-

(i) in consignments of not more than two containers of not more than one bushel each, believed by the inspector not to be for re-sale, cause the infested fruit to be separated from the uninfested fruit and release the uninfested fruit to the importer; or

(ii) in other consignments in which, owing to the immature development of the caterpillars there is in the opinion of the inspector no immediate risk of the introduction or spread of that moth within Zambia, permit the importer or consignor, within such period as the inspector may fix, to cause such consignment to be returned to the country of last export.

(As amended by G.N. No. 90 of 1964)

11. A consignment of potatoes found by an inspector on importation to be infected with wart disease (*Synchytrium endobioticum* (Schilb.) Percival) and a consignment of seed potatoes found by an inspector on importation to be infested with the root knot eelworm (*Meloidogyne javanica* (Treub)) or with any other species of eelworm injurious to plants shall be-

(a) destroyed without compensation; or

(b) if the inspector so permits, returned to the country of last export. Imported potatoes found to be infected or infested

12. Unless the Permanent Secretary otherwise directs, the protective treatment of any imported growing medium, plant or container shall be carried

out on Government premises.

(As amended by G.N. No. 90 of 1964)Protective treatment

13. (1) No imported growing medium or plant which has been protectively treated shall be released to the importer unless he pays the fee for such treatment.Fee for protective treatment

(2) If an importer fails to pay the fee in respect of a growing medium or plant referred to in sub-regulation (1) within seven days of the date of a noticed demanding the payment of the fee, an inspector shall, subject to the provisions of sub-regulation (3), cause that growing medium or plant to be sold by auction at such time and place as he may fix.

(3) The sale of a growing medium or plant in terms of sub-regulation (2) shall be subject to a reserve sufficient to cover the estimated costs of such sale.

(4) A growing medium or plant not purchased at a sale in terms of sub-regulation (2) shall be-

- (a) sold immediately out of hand; or
- (b) destroyed without payment of compensation if the Minister so directs; or
- (c) disposed of in such manner as the Minister may direct.

(5) If a plant referred to in sub-regulation (1) is, in the opinion of the inspector, of such nature that only the immediate sale of the plant would realise an amount sufficient to cover-

- (a) the cost of the sale; and
- (b) the fee; and
- (c) any charges payable to the Controller of Customs and Excise;

the plant shall be disposed of in the manner described in paragraph (a), (b) or (c) of sub-regulation (4).

(6) The inspector shall pay to the importer the amount realised by the sale of a growing medium or plant in terms of this regulation less the charges referred to in paragraphs (a), (b) and (c) of sub-regulation (5).

14. (1) No person shall import-Import of certain plants and fruits

(a) any plant which is packed in soil and which is not the product of a South African nursery; or

(b) fresh fruits from Asia or the Pacific Islands; or

(c) any plant specified in the Sixth Schedule;

without the consent in writing of the Minister.

(2) The Minister shall not give his consent to the importation of a plant mentioned in paragraph (a), (b) or (c) of sub-regulation (1) unless he is satisfied that the importation is made-

(a) for scientific purposes; and

(b) under the direct supervision of the Department of Agriculture.

15. (1) Subject to the imposition of conditions in terms of section thirty of the Act, the conditions governing the importation from a country other than South Africa of a plant listed in the first column of the Seventh Schedule shall be the conditions specified opposite thereto in the second column of the Schedule. Conditions for import of plants listed in Seventh Schedule

(2) Any reference in the second column of the Seventh Schedule to a phytosanitary certificate shall be construed as a reference to a phytosanitary certificate in Form No. 3.

16. Subject to the imposition of conditions in terms of section thirty of the Act, the conditions governing the importation from South Africa of a plant listed in the first column of the Eighth Schedule shall be the conditions specified opposite thereto in the second column of the Schedule. Conditions for import of plants listed in Eighth Schedule

FIRST SCHEDULE

(Regulation 2)

PRESCRIBED FEE UNITS

Nature of Protective Treatment	Fee Units
1. Fumigation of living plants in a fumigation chamber with hydrogen cyanide, methyl bromide or other approved fumigant.	Ten ngwee for each container. The minimum fee units for each use of the fumigation chamber shall be eight fee units and the maximum fee sixty fee units.
2. The treatment of tobacco and against disease.	Two fee units for each gram treated.
3. Delinting of cotton seed or ginning and delinting of seed cotton.	Two fee units for each kilogram weight of cotton seed delinted or seed cotton ginned and delinted. The minimum fee for any one consignment shall be fifteen fee units.
4. Sorting and packing of fruit	Two fee units for each tray or eight fee units for each bushel. No fee shall be payable if the importer provides his own labour.
5. Any protective treatment not specified in items 1 to 4.	Such fee, sufficient to cover the cost of the treatment as the Minister may fix.

SECOND SCHEDULE

(Regulation 2)

FORM No. 1

REPUBLIC OF ZAMBIA

THE PLANT PESTS AND DISEASES (IMPORTATION) REGULATIONS

Application for a Permit for the Importation of Plants

The Permanent Secretary, Ministry of Agriculture,

(Plant Importation Permits),

P.O. Box RW.195,

Lusaka.

I,

(State full name)

of

(State postal and residential addresses)

hereby apply to import by

(State mode of importation, i.e., whether by post, rail, road or air freight)

from

(State full name of consignor)

of

through

(State port of entry into Zambia if mode of importation is not by post)

the following plants:

(State number and

kinds of plants)

for the purpose of

(State which one or more of the following applies: sale, private use,  
manufacturer, consumption or propagation for sale)

I intend to grow these plants at

(State exact locality if plants are to be grown)

No. of Currency Import Licence

(If plants are to be imported from France, South America or U.S.S.R.

and other Eastern European countries)

Date.....

.....  
.....

(Signature of applicant)

(As amended by G.N. No. 90 of 1964)

FORM NO. 2

REPUBLIC OF ZAMBIA

THE PLANT PESTS AND DISEASES (IMPORTATION) REGULATIONS

PERMIT AUTHORISING THE IMPORTATION OF GROWING MEDIA/INJURIOUS

ORGANISMS/INVERTEBRATES/PLANTS

(This permit is to be sent by the importer to the supplier who shall ensure that it accompanies the growing media/injurious organisms/invertebrates/plants.)

Permission is granted to

of

to import in one consignment, within six months of the date of this permit,

by

from

of

through

the following:

.

subject to the following conditions:

Date.....

.....

for Permanent Secretary,

Ministry of Agriculture

(As amended by G.N. No. 90 of 1964)

FORM NO. 3

PHYTOSANITARY CERTIFICATE

THIS IS TO CERTIFY-

that the plants, parts of plants or plant products described below or representative samples

of them were thoroughly examined on

by

an authorised officer of the

authority) (Insert name of plant protection

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 required by importing country)

Date.....Treatment

Duration of exposure

Chemical and concentration

Additional declaration:

.....  
....., 19.....

(Official Stamp)

.....  
.....

(Signature)

.....  
.....

(Rank)

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter

Name and address of consignee

Number and description of packages

Distinguishing marks

Origin (if required by importing country)

Means of conveyance

Point of entry

Quantity and name of produce

Botanical name (if required by importing country)

THIRD SCHEDULE

(Regulation 4 (2))

PORTS OF ENTRY

Chipata. Livingstone.

Chirundu. Lusaka.

Kabwe. Mbala.

Kariba. Mokambo.

Kasumbelesa. Nakonde.

Kitwe. Ndola.

(G.N. No. 90 of 1964)

FOURTH SCHEDULE

(Regulations 4 and 8)

PLANT PRODUCTS FOR THE IMPORTATION OF WHICH A PERMIT IS REQUIRED

1. Broom corn
2. Citrus peel, fresh or dried, other than candied
3. Clover fodder
4. Coffee beans for consumption
5. Cotton lint
6. Lucerne hay
7. Tobacco, cured, unmanufactured

FIFTH SCHEDULE

(Regulations 4 and 8)

SEEDS FOR THE IMPORTATION OF WHICH A PERMIT IS REQUIRED

1. Abutilon seed
2. Acacia seed from non-Convention countries
3. Acorns from countries other than South Africa
4. Banana seed
5. Beech seed from non-Convention countries
6. Birch seed from non-Convention countries
7. Capsicum (Pepper or Chillies) seed from non-Convention countries
8. Cereals, seed of the following, barley, oats, rice, rye and wheat, from countries other than South Africa
9. Chestnuts from countries other than South Africa
10. Citrus seed from countries other than South Africa or Portuguese East Africa
11. Clover seed
12. Cocoa seed
13. Coffee seed
14. Cotton seed from countries other than South Africa
15. Conifers, seeds of, from non-Convention countries
16. Elm seed from non-Convention countries
17. Eucalyptus spp. seed from non-Convention countries
18. Grape vine seed
19. Grass seed for propagation from countries other than South Africa
20. Groundnut (Arachis spp.) seed
21. Hibiscus seed
22. Hickory seed from non-Convention countries
23. Hollyhock seed
24. Lettuce seed

25. Lucerne seed
26. Maize seed from non-Convention countries
27. Mango seed from countries other than South Africa
28. Maple seed from non-Convention countries
29. Oil-palm seed from countries other than South Africa
30. Pea (*Pisum sativum*) seed from countries other than South Africa
31. Peach, including nectarine, stones and seed from non-Convention countries
32. Pepper (*Piper nigrum*) seed from countries other than South Africa
33. Plane seed from non-Convention countries
34. Poplar seed from non-Convention countries
35. Pyrethrum seed from non-Convention countries
36. Rubber (*Hevea brasiliensis*) seed
37. Sisal (*Agave* and *Furcraea* spp.) seed from non-Convention countries
38. Soya bean seed from non-Convention countries
39. Sugar cane seed from non-Convention countries
40. Sunflower (*Helianthus* spp.), including Jerusalem artichoke, seed from countries other than South Africa
41. Tea seed
42. Tobacco seed
43. Tomato seed.
44. Tung (*Aleurities* spp.) seed from countries other than South Africa
45. Willow seed from non-Convention countries
46. Forest trees of species not specified elsewhere in this Schedule, seed of, from non-Convention countries
47. Malvaceous plants of species not specified elsewhere in this Schedule, seed of, from non-Convention countries

(As amended by F.G.N. No. 217 of 1963 and S.I. No. 217 of 1972)

SIXTH SCHEDULE

(Regulations 2, 8 and 14)

PLANTS, THE IMPORTATION OF WHICH IS PROHIBITED

1. Acacia, vegetative material of, from non-Convention countries
2. Banana leaves severed from the plant, whether used as packing or other-wise, and banana fruits from non-Convention countries, and vegetative material of banana from Natal
3. Capsicum spp., such as chillies and peppers, vegetative material of, from non-Convention countries
4. Cereals, small, such as barley, oats, rice, rye and wheat, vegetative material of, from non-Convention countries
5. Chestnut, and all other species of Castanea, plants from North America or from any other country where chestnut canker (*Endothia parasitica* (Murr.) Anderson & Anderson) is known by the Permanent Secretary to exist
6. Citrus fruits, fresh and dried citrus peel, but not including candied citrus peel, from any territory where citrus black spot (*Guignardia citricarpa* Kiely) or citrus canker (*Xanthomonas citri* (Hasse) Dowson) is known by the Permanent Secretary to exist
7. Citrus, rooted vegetative material of, from non-Convention countries
8. Clover (*Trifolium* spp.), fodder or vegetative material of, from non-Convention countries
9. Cocoa (*Theobroma cacao*), fruits of, from non-Convention countries
10. Coconut plants from non-Convention countries
11. Coffee, fruits (coffee cherries) of, from non-Convention countries
12. Conifers, vegetative material of, from non-Convention countries. (Note: This will include most "Christmas trees".)
13. Cotton, vegetative material of, from non-Convention countries
14. Dahlia, vegetative material of, from South Africa
15. Elm, and all other species of *Ulmus* and *Zelkova*, plants from Europe or any country where Dutch elm disease (*Ceratocystis ulmi* (Buism.) C. Moreau) is known by the Permanent Secretary to exist
16. Eucalyptus spp., vegetative material of, from non-Convention countries
17. Grape vine, and all other species of Vitaceae, plants from China, Japan, Korea or Manchuria
18. Hibiscus and all other species of Malvaceae, vegetative material of, from

North and Central America

19. Lucerne, hay and vegetative material of, from non-Convention countries
20. Maize, vegetative material of, and straw for packing from non-Convention countries, and seed of, from Asia
21. Oak (*Quercus* spp.), vegetative material of, from non-Convention countries
22. *Opuntia* spp., including spineless cactus, vegetative material, seed and fruit of, for propagation
23. Pea (*Pisum*, *Dolichos*, *Lathyrus* and *Vicia* spp.), vegetative material of, from non-Convention countries
24. Peach, including nectarine, stones and seed from non-Convention countries
25. Plane (*Platanus* spp.), vegetative material of, from non-Convention countries
26. Potato, vegetative material of, except tubers from non-Convention countries
27. Rice, seed with husk and vegetative material of, from any country where rice leaf (white tip) nematode (*Aphelenchoides besseyi*) is known by the Permanent Secretary to exist;
28. Rose, and all other species of Rosaceae, plants from Asia or the Pacific Islands
29. Rubber (*Hevea* spp.) plants from South and Central America
30. Soya bean, seed from any country where soya bean cyst nematode (*Heterodera glycines*) or bacterial wilt (*Corynebacterium flaccumfaciens*) is known by the Permanent Secretary to exist, and vegetative material from non-Convention countries;
31. Sunflower (*Helianthus* spp.), including Jerusalem artichoke, vegetative material of, from non-Convention countries
32. Sweet potato tubers for consumption from non-Convention countries
33. Tea plants from non-Convention countries
34. Tobacco and flowering plants of the genus *Nicotiana*, seed and vegetative material of, from non-Convention countries;
35. Tomato, seed, vegetative material and fruit of, from any country where bacterial canker (*Cornebacterium michiganense*) is known by the Permanent Secretary to exist.
36. Forest trees of species not specified elsewhere in this Schedule, vegetative material of, from non-Convention countries

(Amended by G.N. No. 90 of 1964 and S.I. No. 217 of 1972)

SEVENTH SCHEDULE

(Regulations 2 and 15)

PLANTS, THE IMPORTATION OF WHICH FROM TERRITORIES OTHER THAN SOUTH AFRICA IS SUBJECT TO SPECIAL CONDITIONS

Description of Plant Conditions

1. Vegetative material of host plants of On importation to be submitted to an in

San Jos scale (*Quadraspidiotus* sceptor for examination and, if necessary,

*perniciosus* (Comst.)), including all fumigation.

woody perennials of the Rosaceae, including the genera *Amelanchier*, *Chaenomeles*, *Cotoneaster*, *Crataegus*, *Cydonia*, *Malus*, *Mespilus*, *Pirus* (*Pyrus*), *Prunus*, *Rosa*, *Sorbus*, and all species of the genera *Acacia*, *Acer*, *Euonymus*, *Fagus*, *Juglans*, *Ligustrum*, *Maclura*, *Populus*, *Ptelea*, *Ribes*, *Salix*, *Symphoricarpus*, *Syringa*, *Tilia*, *Ulmus*, from any country where San Jos e scale is known by the Permanent Secretary to exist.

2. Avocado (*Persea* spp.), vegetative (a) Supervised importation only;

material of, from non-Convention (b) Submission of a phytosanitary certifi-

countries. cate with additional declaration that the plants have been

inspected during active growth and found free from pests and diseases.

3. Banana and plantain (*Musa* (a) Quarantine; spp.),

vegetative material of, from (b) Submission of a phytosanitary certifi-

non-Convention countries. cate with additional declaration that Panama disease

(*Fusarium oxysporum* f. *cubense* (E.F.S.)

Snyder & Hansen) and cercospora leaf spot

(*Mycosphaerella musicola* Leach)

do not occur in the district of origin.

4. Broom corn, unmanufactured, (a) The straws to be detached from the derived from sorghum. crowns;

(b) No part of the crown to remain with the straws on importation.

5. Cassava (*Manihot* spp.), vegetative (a) Quarantine; material of, from non-Convention (b) Submission of a phytosanitary certifi-

countries. cate with additional declaration that the plants have been

inspected during active growth and found free from pests and diseases.

6. Cereals, seed of the following, Submission of a phytosanitary certificate

barley, oats, rye and wheat, with additional declaration that the seed from non-Convention countries. has been-

- (i) inspected and found free from ergot (*Claviceps purpurea* Fr. (Tul.)); and  
(ii) treated against *Helminthosporium* spp. in an approved manner.

7. Cereals of species not specified (a) Supervised importation only; elsewhere in this Schedule, (b) Submission of a phytosanitary certifi- vegetative material of. cate with additional declaration that the plants have been

inspected during active growth and found free from pests and diseases.

8. Chestnuts, seed and vegetative Submission of a phytosanitary certificate

material of, for propagation. with additional declaration that chestnut canker

(*Endothia parasitica* (Murr.) Anderson & Anderson) does not occur in the country of origin.

9. Chrysanthemum, vegetative material of. Submission of a phytosanitary certificate with additional declaration that-
- (i) the plants have been inspected during active growth and found free from chrysanthemum midge (*Diarthronomyia chrysanthemi* Ahlb.); or
  - (ii) chrysanthemum midge does not occur in the country of origin.
10. Citrus cuttings and budwood from non-Convention countries and vegetative material from Convention countries other than Portuguese East Africa. (a) Quarantine; (b) Submission of a phytosanitary certificate with additional declaration that-
- (i) all citrus plants on the nursery or plantation from which the consignment was taken were inspected not more than three months prior to the despatch of such consignment; and
  - (ii) such plants were found free from pests and diseases especially citrus black spot (*Guignardia citricarpa* Kiely); and
  - (iii) citrus canker (*Xanthomonas citri* (Hasse) Dowson) does not occur in the district of origin.
11. Cocoa, seed and vegetative material of. (a) Supervised importation only; (b) Submission of a phytosanitary certificate with additional declaration that the plants have been inspected during active growth and found free from pests and diseases.
12. Coffee, vegetative material of, from non-Convention countries. (a) Supervised importation only; (b) Submission of a phytosanitary certifi-

cate with additional declaration that the plants  
have been inspected during active growth  
and found free from pests and diseases.

13. Cotton, ginned. To be subject to fumigation with methyl bromide or  
other approved

treatment.

14. Cotton seed and seed cotton. The delinting or ginning and delinting,  
as the case may be,

of the consignment by means of concentrated sulphuric  
acid.

15. Dahlia, vegetative material of. (a) Supervised importation only;

(b) Submission of a phytosanitary certificate with additional  
declaration that-

(i) the plants have been inspected  
during active growth and found free from tomato spotted  
wilt virus (*Lycopersicum virus 3. Smith*); or

(ii) tomato spotted wilt virus does not  
occur in the country of origin.

16. Date palms, vegetative material Supervised importation only. of, from  
non-Convention countries.

17. Elm (*Ulmus spp.* and *Zelkova spp.*) plants from non-Convention Submission of a phytosanitary certificate  
with additional declaration that the  
plants

countries. have been inspected during active growth  
and found free from pests and diseases.

18. Fruit, fresh, of species not specified Submission of a phytosanitary  
certificate

elsewhere in this Schedule, from with additional declaration that  
Oriental

non-Convention countries fruit-fly (*Ducas dorsalis Hend.*), cherry  
fruit-fly

(*Rhagoletis cerasi L.*), Mexican fruit-fly (*Anastrepha ludens Loew*)

and Queensland fruit-fly (*Ducas tryoni* (Frogatt)) do not occur in the country of origin or that the fruit has been fumigated with methyl bromide or subjected to other approved treatment before despatch.

19. Granadilla (*Passiflora* spp. and *Tacsonia* spp.), vegetative material of. Supervised importation only.

20. Grape vine plants. (a) Quarantine;

(b) Submission of a phytosanitary certifi-

cate with additional declaration that the plants have been inspected during active growth and found free from pests and diseases, especially Pierce's disease (*Medicago virus 3*. Smith) and bacterial blight of grapes (*Erwinia vitivora* (Baccarini) Du Plessis).

21. Grasses (*Gramineae* spp.) other than (a) Supervised importation only;

sugar cane, vegetative material of. (b) Submission of a phytosanitary certificate

with additional declaration that the plants have been inspected during active growth and found free from pests and diseases.

22. Groundnut (*Arachis* spp.), vegetative (a) Quarantine;

material of. (b) Submission of a phytosanitary certificate with additional

declaration that the plants have been inspected during active growth and found free from pests and diseases.

23. Heather (*Calluna* and *Erica* spp.) plants, other than seed. To be free from unmanufactured packing materials of vegetable origin.

24. Hibiscus spp., and all other (a) Submission of a phytosanitary certifi-

species of *Malvaceae* except cotton, vegetative material of, during (b) Submission of a phytosanitary certificate with additional declaration that the plants have been inspected

from non-Convention countries. active growth and found free from pests and diseases;

(b) No flower buds, flowers or fruits to be included with the material.

25. Lucerne seed. Submission of a phytosanitary certificate with additional declaration-

(i) that the consignment is free from dodder (*Cuscuta* spp.); and

(ii) that-

A. the plants have been inspected

during active growth and found free from crown wart (*Urophlyctis alfalfae* (Lagerh.) Magnus), lucerne wilt (*Corynebacterium insidiosum* (McCulloch) Jensen) and Pierce's disease of the grape or lucerne dwarf virus (*Medicago virus 3*. Smith); or

B. crown wart, lucerne wilt and Pierce's

disease do not occur in the district of origin.

26. Maize seed from non-Convention countries outside Asia. with additional declaration that Stewart's disease

certificate Submission of a phytosanitary certificate

(*Xanthomonas stewarti* (E.F.S.) Dowson)

does not occur in the district of origin.

27. Mango plants from non-Convention countries. (a) Supervised importation only;

(b) Submission of a phytosanitary certificate with additional declaration that the plants have been inspected during active growth and found free from pests and diseases.

28. New Zealand Flax (*Phormium tenax*), vegetative material of. Submission of a phytosanitary certificate

with additional declaration that the plants have been inspected

during active growth and found free from pests and diseases.

29. Oil-palm (*Elaeis* spp.) plants Supervised importation only. from non-Convention countries.
30. Olive (*Olea* spp.), vegetative Supervised importation only.  
material of, from non-Convention countries.
31. Onions, chives, garlic, leeks, shallots Submission of a phytosanitary certificate  
and all other species vegetative with additional declaration of *Allium*,  
material of, for propagation or that-  
consumption, from non-Convention (i) the plants have been inspected  
during countries. active growth and found free from onion smut  
(*Urocystis cepulae* Frost); or  
(ii) onion smut does not occur in the  
country of origin.
32. Pea (*Pisum sativum*) seed. Submission of a phytosanitary with  
additional declaration that-  
(i) the plants have been inspected during  
active growth and found free from bacterial blight of peas  
(*Pseudomonas pisi* Sackett) or similar pathogens; or  
(ii) bacterial blight of peas or similar  
pathogens do not occur in the country of origin.
33. Pepper (*Piper nigrum*) plants Supervised importation only.  
from non-Convention countries.
34. Pineapple, vegetative material of, Supervised importation only.  
from non-Convention countries.
35. Pome fruit trees, including Submission of a phytosanitary certificate  
ornamental species of *Cydonia*, with additional declaration that-  
*Malus*, *Pyrus* and *Sorbus*, vegetative (i) the plants have been inspected  
during

material of, from non-Convention active growth and found free  
from

countries. pests and diseases; and

(ii) fireblight (*Erwinia amylovora* (Burrill)

Winslow et al.) does not occur in the district of origin.

36. Potato tubers. Submission of a phytosanitary certificate dated not  
more than 30 days

before the despatch of the consignment,

with additional declaration-

(i) that the potatoes were grown in land

certified by the plant protection authority as being free from

potato root eelworm (*Heteroderarostochiensis* Wollenw.)

and other cyst-forming nematodes, and have been washed

free from soil; and

(ii) that-

A. wart disease (*Synchytrium endo-*

*bioticum* (Schilb.) Percival) and bacterial ringrot

(*Corynebacterium sepedonicum* (Spieck & Kotth.)

Skaptason & Burkholder) do not occur within eight

kilometres of the place where the potatoes were grown,

and no case of wart disease has been observed in that

area by the plant protection authority during the ten years

preceding the date of the certificate; or

B. wart disease and bacterial ring-rot do

not occur in the country of origin.

37. Pyrethrum plants from non-Convention Supervised importation only.  
countries.

38. Rice seeds (paddy or rough rice) Supervised importation only. for  
propagation,

from non-Convention countries.

39. Rosaceae of species not specified Submission of a phytosanitary

certificate

elsewhere in this Schedule, with additional declaration that the plants vegetative material of. have been inspected during active growth and found free from pests

and diseases especially fireblight (*Erwinia amylovora* (Burrill) Winslow et al.) and virus diseases.

40. Rose, vegetative material of. Submission of a phytosanitary certificate with additional declaration

that during active growth of the plants they and all other rose plants

on the same premises were inspected and-

(i) they and all other rose plants on the same premises were found free from rose streak (*Rosa virus 4. Smith*) and rose wilt (*Rosa virus 3. Smith*); and

(ii) they were found free from other virus diseases of rose, including rose mosaic (*Rosa virus 1. Smith*); and

(iii) not less than 98 per centum of the other rose plants on the same premises were found free from other virus diseases of rose, including rose mosaic.

41. Rubber, Para (*Hevea brasiliensis*), Supervised importation only. plants.

42. Sisal (*Agave* spp. and *Furcraea* spp.), plants of, Supervised importation only. from non-Convention countries.

43. Strawberry, vegetative material Submission of a phytosanitary certificate

of, from non-Convention countries. with additional declaration that the plants have been inspected during

active growth and found free from virus diseases and strawberry red core (*Phytophthora fragariae* Hickman).

44. Sugar cane plants. Supervised importation only.

45. Sunflower (*Helianthus* spp.), including Submission of a phytosanitary certificate

Jerusalem artichoke, seed of. with additional declaration that-

- (i) the plants have been inspected during active growth and found free from pests and diseases; and
- (ii) virus diseases of *Helianthus* spp. do not occur in the country of origin.

46. Sweet potato, vegetative material of, (a) Supervised importation only;

from non-Convention countries. (b) Submission of a phytosanitary certificate with additional

declaration that-

- (i) the plants have been inspected during active growth and found free from pests and diseases; and
- (ii) internal cork virus disease does not occur in the district of origin.

47. Tobacco and flowering plants of the Submission of a phytosanitary certificate

genus *Nicotiana*, seed of, from with additional declaration that-

Convention countries. (i) the plants have been inspected during active growth and found free from pests and diseases, especially anthracnose (*Colletotrichum tabacum* Bning); and

- (ii) blue mould (*Peronospora tabacina* Adam) does not occur in the district of origin.

48. Tobacco, cured, unmanufactured, Submission of a phytosanitary certificate

including manufacturers' samples. with additional declaration that the tobacco has been fumigated with

methyl bromide, hydrogen cyanide, acrylonitrile or other approved fumigant in a manner adequate to destroy pests of cured tobacco.

49. Tomato plants. Submission of a phytosanitary certificate with additional declaration

that-

- (i) the plants have been inspected during active growth and found free from bacterial canker (*Corynebacterium michiganense* (E.F.S.) Jensen); or
- (ii) bacterial canker does not occur in the country of origin.

50. Tung (*Aleurites* spp.) plants. Submission of a phytosanitary certificate with additional declaration

that the plants have been inspected during active growth and found free from pests and diseases.

51. Yam (*Dioscorea* spp.), vegetative Submission of a phytosanitary certificate

material of, from non-Convention with additional declaration that the plants

countries. have been inspected during active growth and found free from pests and diseases.

52. Ornamental plants of species not Submission of a phytosanitary certificate

specified elsewhere in this Schedule, with additional declaration that the plants

vegetative material of, other than have been inspected during active growth

dormant underground parts of, from and found free from pests and diseases.

non-Convention countries.

53. Bulbs, corns, rhizomes, tubers (a) To be thoroughly washed free from soil;

other dormant underground (b) Submission of a phytosanitary certificate

with additional

declaration that the plants have been inspected during  
active growth and found free from pests and diseases.  
parts of ornamental plants.

(As amended by G.N. No. 90 of 1964, and S.I. No. 217 of 1972)

EIGHTH SCHEDULE

(Regulations 8 and 16)

PLANTS, THE IMPORTATION OF WHICH FROM SOUTH AFRICA IS SUBJECT TO SPECIAL CONDITIONS

Description of Plant Conditions

1. Vegetative material of host plants On importation to be submitted to an in-

of San Jos scale (Quadraspidotus) spector for examination and, if necessary,

perniciosus) (Comst.)), including all fumigation.

woody perennials of the Rosaceae, including the genera Amelanchier, Chaenomeles, Cotoneaster, Crataegus, Cydonia, Malus, Mespilus, Pirus (Pyrus), Prunus, Rosa, Sorbus, and all species of the genera Acacia, Acer, Euonymus, Fagus, Juglans, Ligustrum, Maclura, Populus, Ptelea, Ribes, Salix, Symphoricarpus, Syringa, Tilia, Ulmus.

2. Citrus, vegetative material of, from Supervised importation only.

the Provinces of Natal, Transvaal and the Orange Free State.

3. Coniferous timber which has The importer shall-

been in the Magisterial District (a) notify the Permanent Secretary in writing within seven days of the date of Bellville, Caledon, Cape Town,

Durban, East London, Estcourt, of despatch of any such coniferous

Malmesbury, Paarl, Port Elizabeth, timber to Zambia; and

Simonstown, Somerset West, (b) cause all such coniferous timber to be Stellenbosch, Tulbagh, Uitenhage, sterilised by an approved method before

Wellington, Worcester or Wynberg such timber is sold or otherwise disposed

at any time during the period from of or used, caused to be used or processed

the 1st November in any year to the in any manner whatsoever within Zambia,

31st March of the following year. and in any event within 180 days of its

arrival in Zambia.

#### Description of Plant Conditions

4. Grape vines, Virginia creeper Submission of a certificate issued by an

and all other species of Ampelidaceae officer of the plant protection authority

(Vitaceae), vegetative material of, authorising the removal from the district

grown in the Magisterial District of of origin of that material.

Caledon Paarl, Robertson, Somerset

West, Stellenbosch, Worcester or

Wynberg.

5. Lucerne seed. Submission of a phytosanitary certificate with additional

declaration that the consignment is free from dodder

(Cuscuta spp.)

6. Pea (*Pisum sativum*) seed for The seed to be in an unbroken container propagation produced in South sealed by an officer of the plant protection

Africa. authority.

7. Poplar (*Populus*), vegetative All leaves and leaf-stalks to be removed material of. before importation.

8. Potato tubers for propagation. Submission of a phytosanitary certificate with additional declaration that-

(i) wart disease (*Synchytrium endo-*

*bioticum* (Schilb.) Percival) does not occur

within ten kilometres of the place where the potatoes were grown; and

(ii) no case of wart disease has been observed in that area by the plant protection authority during the ten years preceding the date of the certificate.

(iii) Golden Nematode (*Heterodera rostochiensis*) is not known to occur within fifty kilometres of the growing site.

9. Potato tubers for consumption. Submission of a phytosanitary certificate with the additional

declaration that Golden Nematode (*H. rostochiensis*) is not known to occur within 50 kilometres of the growing site.;

10. Plants of all kinds with roots, and all Unless from a registered nursery, sub-

bulbs, corms, tubers or other mission of a phytosanitary certificate underground parts of a plant, for with the additional declaration that propagation or consumption. Golden Nematode (*H. rostochiensis*) is not known to occur

within 50 kilometres of the growing site.;

11. Sugar cane, vegetative material of, Supervised importation only. propagation.

(As amended by G.N. No. 90 of 1964 and S.I. No. 217 of 1972)

#### SECTION 29-THE PLANT PESTS AND DISEASES (KROMNEK) REGULATIONS

Regulations by the Minister Federal Government Notice  
327 of 1958  
Government Notice  
90 of 1964

1. These Regulations may be cited as the Plant Pests and Diseases (Kromnek) Regulations. Title

2. (1) Every person who grows or cultivates dahlia tubers for sale and every person who sells dahlia tubers shall make application to the Permanent Secretary, Ministry of Agriculture, P.O. Box RW, Lusaka, for the registration of his premises. Registration of premises

(2) A person referred to in sub-regulation (1) shall, before the 1st January in each subsequent year, make a further application to the Permanent Secretary for the registration of his premises.

(3) On receipt of an application for registration in terms of sub-regulation (1) or (2), the Permanent Secretary shall register the premises in a register to be kept for the purpose.

(As amended by G.N. No. 90 of 1964)

3. (1) Every person who has registered his premises in terms of regulation 2 shall keep a register, in the form prescribed in the Schedule, of all sales of dahlia tubers made by him. Register of sales

(2) Such register shall be kept on the registered premises and shall be available for inspection by any inspector.

4. (1) An inspector may-Destruction of infested plants

(a) destroy or order by notice in writing the destruction of any plant infested or appearing to be infested with kromnek (*Lycopersicum virus 3. Smith*); or

(b) by notice in writing order the destruction of any plants for the purpose of preventing or controlling attacks by, or the spread of, kromnek.

(2) Any plant destroyed in terms of sub-regulation (1) shall be destroyed by-

(a) burning;

(b) boiling; or

(c) a method approved by an inspector.

SCHEDULE

(Regulation 3)

FORM OR REGISTER OF SALES

DateName and address of growerName and address of buyerPremises on which to be  
grownQuantityVarieties

SECTION 29-THE PLANT PESTS AND DISEASES (NURSERY)  
REGULATIONS

Regulations by the Minister

Federal Government Notices

286 of 1961

364 of 1962

Government Notices

90 of 1964

497 of 1964

Act No.

13 of 1994

1. These Regulations may be cited as the Plant Pests and Diseases (Nursery) Regulations. Title

2. (1) Every nurseryman shall, before the 1st January each year, apply to the Permanent Secretary, Ministry of Agriculture, P.O. Box RW, Lusaka, for the registration of his nursery. Registration of nurseries

(2) The owner or other person responsible for the management of a nursery which is established after the 1st January of any year shall make the application referred to in sub-regulation (1) within sixty days of the date on which it was established.

(3) A registration fee of one hundred and fifty penalty units shall be submitted with each application for registration.

(4) On receipt of an application for registration and the registration fee, the Permanent Secretary shall-

(a) if he agrees to register the nursery, register the nursery in a register to be kept for the purpose and notify the nurseryman of the fact that he has been registered;

(b) if he refuses to register the nursery, return the registration fee to the nurseryman and notify the nurseryman of the reason for the refusal to register the nursery.

(As amended by F.G.N. No. 364 of 1962, G.N. No. 90 of 1964 and Act No. 13 of 1994)

3. No person shall, without special written authority from the Minister, sell or expose for sale nursery stock grown or cultivated in Zambia unless-

(a) it has been grown or cultivated in a registered nursery;

(b) it is labelled in accordance with the provisions of regulation 10.

(As amended by G.N. No. 90 of 1964) Sale of nursery stock

4. Where a nursery or portion thereof has been declared an infested area, no person, other than an inspector, shall remove, cause to be removed or allow the removal of any compost, growing media, manure or plants from that infested area

unless such removal is-

(a) ordered by an inspector;

(b) effected for the purpose of treating or destroying the compost, growing media, manure or plants. Removal of plants, etc., from infested nurseries

5. (1) Where a nursery or portion thereof has been declared an infested area, the nurseryman may apply to the Permanent Secretary for such infested area or any portion thereof to be inspected by an inspector for the purpose of ascertaining whether or not it is free from the infestation. Inspection of infested nurseries

(2) An inspection in terms of sub-regulation (1) shall not be carried out unless the nurseryman certifies that-

(a) all nursery stock on the premises, or the portion thereof which has been ordered to be treated by the inspector at the time of the declaration of the infested area, has been fumigated in the manner set out in the First Schedule; or

(b) a period of six weeks has elapsed since the remedial treatment, other than fumigation, ordered by the inspector has last been applied to the area to be inspected.

(3) The cost of an inspection in terms of sub-regulation (1), or of such portion thereof as the Minister determines, shall be paid by the nurseryman.

(As amended by F.G.N. No. 364 of 1962  
and G.N. No. 90 of 1964)

6. An inspector may-

(a) destroy or order by notice in writing the destruction of any plants in a nursery which are infested, or appear to be infested, with any pest liable to be disseminated with nursery stock; or

(b) by notice in writing order the destruction of any plants in a nursery for the purpose of preventing or controlling attacks by, or the spread of, a pest. Destruction of infested plants

7. (1) No person shall remove or cause or permit the removal of nursery stock from a nursery unless such stock has been fumigated-Fumigation of nursery stock

(a) in a chamber complying with the provisions of regulation 8;

(b) in a manner complying with the provisions of regulation 9;

not more than forty-eight hours before removal from the nursery.

(2) The Minister may, upon receipt of a written application, exempt, subject to such conditions as he may specify, any person or class of persons from complying with the provisions of sub-regulation (1).

8. (1) A chamber for the fumigation of nursery stock in terms of regulation 7 shall be air-tight and shall be constructed of brick, concrete or other strong, durable, gas-proof and rigid material. Chamber for fumigation

(2) The chamber referred to in sub-regulation (1) shall be provided with racking or other means to ensure the free circulation of the fumigant around and beneath nursery stock contained therein.

9. (1) Nursery stock to be fumigated in terms of regulation 7 shall be fumigated in the manner set out in the First Schedule. Manner of fumigation

(2) The Minister may, upon receipt of a written application, exempt, subject to such conditions as he may specify, any person or class of persons from complying with the provisions of sub-regulation (1).

10. (1) A nurseryman shall label nursery stock despatched from his nursery with a label in one of the forms set out in the Second Schedule. Labelling of nursery stock

(2) A nurseryman may use either Form 1 or Form 2 or both forms:

Provided that if the nurseryman uses Form 2 only he shall label each item of nursery stock dispatched from his nursery with that label.

FIRST SCHEDULE

(Regulations 5 and 9)

MANNER OF FUMIGATING NURSERY STOCK

1. Hydrocyanic acid gas or methyl bromide shall be used in the following quantities-

(a) where hydrocyanic acid gas is used, for every 1,000 cubic feet of space in the fumigation chamber-

(i) 70.88 grams of hydrocyanic acid gas, in the case of dormant, leafless nursery stock;

(ii) 1.4 ounces of hydrocyanic acid gas, in the case of leafy plants; shall be introduced;

(b) where methyl bromide is used, for every 1,000 cubic feet of space in the fumigation chamber-

(i) 1.4 kilograms of methyl bromide, in the case of dormant, leafless nursery stock;

(ii) 1.13 kilograms of methyl bromide, in the case of leafy plants; shall be introduced.

2. The plants shall be placed so that the gas has access to every portion of their surfaces which grow above ground.

3. The chamber shall be securely closed as soon as or before the generation of gas begins and shall be kept closed-

(a) where hydrocyanic acid gas is used, for at least 45 minutes;

(b) where methyl bromide is used, for at least two hours.

4. Fumigation shall be carried out at a temperature of between 65 degrees and 75 degrees Fahrenheit, with an optimum temperature of 70 degrees Fahrenheit.

SECOND SCHEDULE

(Regulation 10)

FORM 1

THE PLANT PESTS AND DISEASES (NURSERY) REGULATIONS

This label may be used for consignments of nursery stock containing several plants as well as for single items

I certify that the plants herewith consigned, namely-

(1)

.....

for

(2).....

.....

of (3)

.....

....., are produced from a nursery registered

under the Plant Pests and Diseases (Nursery) Regulations, and that the provisions of those Regulations, including those relating to fumigation, have been complied with.

Registered nursery

.....  
.....

Nurseryman

Address

.....  
.....

.....  
.....

Date

.....

(1) State number of bales or other containers and kinds of plants.

(2) Give consignee's name.

(3) Give consignee's address.

(As amended by G.N. No. 90 of 1964)

FORM 2

THE PLANT PESTS AND DISEASES (NURSERY) REGULATIONS

This label may be used for single items of nursery stock only

This plant is produced at the

Nurseries, registered under the Plant Pests and Diseases (Nursery) Regulations,  
the provisions of which have been complied with.

SECTION 29-THE PLANT PESTS AND DISEASES (POTATO AND TOBACCO GROWING) REGULATIONS

Regulations by the Minister Federal Government Notice  
199 of 1963

1. These Regulations may be cited as the Plant Pests and Diseases (Potato and Tobacco Growing) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation  
"farm" means a continuous area of land-

(a) under the ownership of the same person or group of persons; and

(b) on which potatoes or tobacco or both are cultivated;

"field potatoes" means potatoes-

(a) in active growth so that growing parts of the plants are visible above the ground; and

(b) growing on a farm or part of a farm in an area greater than one-quarter of an acre;

"field tobacco" means tobacco which is growing on a farm, but does not include tobacco which has been sown in seed-beds from which it has not been transplanted into fields.

3. (1) Subject to the provisions of sub-regulation (2), no person shall grow field potatoes and field tobacco at the same time on a farm between the 1st October and the 31st March in any growing season. Growing of potatoes and tobacco

(2) The Minister may, upon receipt of a written application, exempt, subject to such conditions as he may specify, any person or class of persons from complying with the provisions of sub-regulation (1).

4. Any person who knows or suspects that the disease known as tobacco vein-browning virus is present on his farm shall inform the Minister without delay. Duty to furnish information

SECTION 29-THE PLANT PESTS AND DISEASES (TOBACCO) REGULATIONS

Regulations by the Minister Federal Government Notices  
328 of 1958  
354 of 1960  
114 of 1962  
Government Notices  
90 of 1964  
497 of 1964  
Statutory Instrument  
91 of 1979

1. These Regulations may be cited as the Plant Pests and Disease (Tobacco) Regulations. Title

2. In these Regulations-Interpretation

"tobacco premises licence" means a licence issued in terms of subsection (1) of section thirteen of the Act authorising the handling or storing in and the removal to or from premises of cured tobacco.

3. (1) Subject to the provisions of sub-regulation (2), an owner of land shall-Tobacco lands to be cleared annually

(a) on or before the 31st May in each year destroy, in accordance with the provisions of regulation 4, all tobacco plants of a type other than Turkish, including stalks and roots thereof, which are growing on any of his land cultivated for the production of tobacco;

(b) on or before the 15th August in each year destroy, in accordance with the provisions of regulation 4, all tobacco plants of the Turkish type, including stalks and roots thereof, which are growing on any of his land cultivated for the production of tobacco;

(c) at all times keep his land, other than that cultivated for the production of tobacco for the current season's crop, free from living tobacco plants; and

(d) destroy all living tobacco plants in his seed-beds as soon as such plants are no longer required for transplanting into lands for the production of tobacco for the current season's crop.

(2) The Minister may, upon receipt of a written application, exempt, subject to such conditions as he may specify, any person or class of persons from complying with the provisions of sub-regulation (1).

(As amended by F.G.N. No. 354 of 1960,  
G.N. No. 90 of 1964 and S.I. No. 91 of 1979)

4. Tobacco plants, including stalks and roots thereof, shall be destroyed by-

(a) burning;

(b) conversion into manure by a process approved by an inspector;

(c) ploughing or discing; or

(d) any other method of destruction approved in writing by an inspector.

(As amended by F.G.N. No. 114 of 1962)Manner of clearance

5. (1) Cured tobacco from the current season's crop, which has not been sold across the tobacco auction floors, shall not be stored in the same room as cured tobacco from a previous season's crop.Storage of cured tobacco

(2) Subject to the provisions of sub-regulation (4), an owner of premises where cured tobacco is handled or stored shall remove all waste tobacco scrap and refuse from any warehouse, building or structure in which cured tobacco is handled and stored and shall treat with limewash or a material approved by an inspector the interior surfaces of the walls of such warehouse, building or structure-

(a) in the case of premises licensed in terms of section thirteen of the Act,

on or before the 31st December each year;

(b) in the case of any other premises, on or before the 31st October each year.

(3) If it appears to an inspector that any treatment in terms of sub-regulation (2) has not been carried out satisfactorily, he may order it to be repeated.

(4) The Minister may, upon receipt of a written application, exempt, subject to such conditions as he may specify, any person or class of persons from complying with the provisions of sub-regulation (2).

(F.G.N. No. 114 of 1962)

6. An inspector may order the removal from any warehouse, building or structure in which cured tobacco is handled or stored of-

(a) products other than cured tobacco which are liable to be infested with a pest; or

(b) anything, including products referred to in paragraph (a), which renders the proper inspection of the warehouse, building or structure impracticable. Clearance of tobacco premises

7. The Minister may order the destruction of any cured tobacco which is infested with a pest of cured tobacco if, within fourteen days of the discovery of such infestation by an inspector-

(a) the owner of the tobacco has not been traced; or

(b) the tobacco has not been claimed. Destruction of infested tobacco

8. Application for a tobacco premises licence shall be made to the Permanent Secretary in the form prescribed in the First Schedule.

(As amended by G.N. No. 90 of 1964) Application for tobacco premises licence

9. A tobacco premises licence shall be issued in the form prescribed in the Second Schedule and shall remain in force until the 31st December of the year for which it was issued. Issue of tobacco premises licence

FIRST SCHEDULE

(Regulation 8),

REPUBLIC OF ZAMBIA

THE PLANT PEST AND DISEASES ACT

APPLICATION FOR TOBACCO PREMISES LICENCE

The Permanent Secretary,

Ministry of Agriculture,

P.O. Box RW,

Lusaka.

Applicant's name in full

Applicant's postal address

Name of premises

Address of premises.

Railway station or halt used

Type of tobacco to be handled or stored on the premises (Turkish, Virginia, etc.)

Calendar year for which licence is required

.....  
.....

(Signature of applicant)

Date.....  
...

(As amended by G.N. No. 90 of 1964)

SECOND SCHEDULE

(Regulation 9)

REPUBLIC OF ZAMBIA

THE PLANT PESTS AND DISEASES ACT

TOBACCO PREMISES LICENCE

This licence is issued in terms of subsection (1) of section 13 of the Plant Pests and

Diseases Act, to

authorising him/them to handle or store cured tobacco in, and to remove cured tobacco to

or from, his/their premises known as

.....  
.....at.....  
.....

This licence is issued for the year..... and shall remain in force until the 31st December of that year.

.....  
.....

for Minister of Agriculture

Date Stamp.

(As amended by G.N. No. 90 of 1964)