

Short title

1. This Act may be cited as the Control of Plants Act.

Interpretation

2. In this Act, unless the context otherwise requires —

"authorised analyst" means any person appointed by the Director-General as an authorised analyst under section 3 (3);

"authorised officer" means any person appointed by the Director-General as an authorised officer under section 3 (2);

"Authority" means the Agri-food and Veterinary Authority established under section 3 of the Agri-food and Veterinary Authority Act 2000 (Act 16 of 2000);

"certified pesticide operator" means a person who is certified as a pesticide operator under section 12;

"conveyance" includes any aircraft, vessel, train, vehicle or any other artificial contrivance, whether mechanically propelled or otherwise used or capable of being used as a means of transport on land, water or air;

"Director-General" means the Director-General, Agri-food and Veterinary Services appointed under section 3 (1) of the Animals and Birds Act (Cap. 7);

"diseased" means attacked by or infected with any pest;

"fresh fruits and vegetables" means unprocessed and raw fruits and vegetables which are intended for human consumption;

"import" , with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, sea or air from any place which is outside Singapore but does not include the bringing into Singapore by land, sea or air (whether landed or transhipped in Singapore) for the sole purpose of being carried to any other country either by the same or another conveyance;

"label" includes any written, printed, pictorial or other descriptive matter;

"land" includes —

(a) the surface of the earth and all substances forming the surface;

(b) the earth below the surface and all substances therein;

(c) all vegetation and other natural products whether or not requiring the periodical application of labour for their production and whether on or below the surface;

(d) all things attached to the earth, or permanently fastened to any thing attached to the earth, whether on or below the surface; and

(e) land covered by water;

"licensed grower" means a person who is issued with a licence under section 10;

"occupier" , in relation to any land, includes every person in actual possession, management or control thereof;

"owner" , in relation to any land, includes every lessee or tenant of the land;

"package" includes every means by which plants, plant products and pests are encased, covered, enclosed, contained or packed for conveyance from one place to another;

"pest" means any species, strain or biotype of plant, animal or pathogenic agent which is or is capable of being injurious to plants or plant products;

"pesticide" means any substance or mixture of substances prepared or used for preventing, destroying, repelling or mitigating any pest and any substance or mixture of substances prepared or used as a plant regulator, defoliant or desiccant;

"pesticide residue" means the remains of any substance resulting from the use of any pesticide, the level of which is prescribed by rules made under this Act;

"phytosanitary certificate" means a phytosanitary certificate referred to in section 30 (1);

"plant" means any species of plant or any part thereof whether living or dead and includes any vegetable, fruit, flower, leaf, stem, branch, spore, seed, root, cutting, graft, scion and any other part whatsoever, whether severed or attached, intended for propagation or from which further plants may be propagated;

"plant product" means any product derived from plants, either in their natural, manufactured or processed form;

"premises" includes land;

"prohibited pesticide" means a pesticide not specified in the Tenth Schedule to the Food Regulations (Cap. 283, Rg 1);

"prohibited pesticide residue" means the remains of any substance resulting from the use of any prohibited pesticide;

"prohibited plant" means any plant prohibited under section 17;

"sell" includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered or exposed for sale, and "sale" has a corresponding meaning;

"soil" includes earth, water, peat, manure, compost, sand, clay and any other substance capable of supporting plant life, or transmitting any pest, whether or not used or intended to be used as a growing medium, or in any process of manufacture, or as ballast or for any other purpose whatsoever;

"supply" includes offering or attempting to supply or having in possession for supply or causing or allowing to be supplied;

"toxic chemical residue" means the remains of any chemical substance, other than pesticides, the level of which is prescribed by rules made under this Act;

"tranship" , with its grammatical variations and cognate expressions, means to bring or cause

to be brought into Singapore by land, sea or air from any place which is outside Singapore any plant and thereafter to —

(a) remove or cause to be removed that plant from the conveyance in which it was brought into Singapore; and

(b) return or cause to be returned that plant to the same conveyance or transfer it or cause it to be transferred to another conveyance, for the purpose of export,

whether such plant is to be transferred directly between conveyances or whether it is to be landed in Singapore after it was brought into Singapore and stored, pending export;

"treatment" means disinfection and disinfestation to ensure the removal, sterilisation or killing of any pest by appropriate means.

[32/98; 16/2000]

Administration of Act and appointment of authorised officer, etc.

3. —(1) The Director-General shall be responsible for the administration of this Act, subject to the general or special directions of the Minister.

[16/2000]

(2) The Director-General may in writing appoint any public officer or any officer of the Authority or of any other statutory authority to be an authorised officer for the purposes of this Act and any rules made thereunder.

[16/2000]

(3) The Director-General may appoint one or more persons with the prescribed qualifications and practical experience to be authorised analysts for the purposes of this Act and any rules made thereunder.

[16/2000]

(4) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act to any authorised officer.

[16/2000]

Officers deemed to be public servants

4. All authorised officers shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Officer to produce identification on request

5. Every authorised officer, when exercising any power under this Act, shall declare his office and shall, if requested by any person in relation to whom the power is sought to be exercised, produce such identification card as the Director-General may provide.

[16/2000]

Director-General may authorise public officer, etc., to exercise powers and perform duties

6. The powers conferred and the duties imposed on the Director-General under this Act or any rules made thereunder may be exercised and carried out by any public officer or officer of the Authority or of any other statutory authority generally or specially authorised by name or office by the Director-General and subject to his directions.

[32/98;16/2000]

Prohibition of import or transhipment of fresh fruits or vegetables without licence

7. —(1) No person shall import for sale, supply or distribution or tranship any fresh fruit or vegetable except under and in accordance with the conditions of a licence issued by the Director-General.

[32/98;16/2000]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

[32/98]

Prohibition of import or transhipment of fresh fruits or vegetables without permit

8. —(1) No licensee shall import any fresh fruit or vegetable for sale, supply or distribution unless

(a) the licensee has obtained a permit from the Director-General in respect of each consignment of fresh fruits or vegetables to be imported by him and the import of such consignment is carried out in accordance with the conditions of the permit;

(b) the whole consignment conforms to the description contained in the permit;

(c) the whole consignment does not contain any prohibited pesticide residue, or levels of pesticide residue or toxic chemical residue exceeding the prescribed levels;

(d) the whole consignment complies with such sanitary standards as may be prescribed by the Minister;

(e) the licensee provides the Director-General with satisfactory evidence that the whole consignment complies with paragraphs (c) and (d); and

(f) the container of the fruits or vegetables constituting the consignment bears the name and address of the producer and such other particulars as may be prescribed.

[32/98;16/2000]

(2) No licensee shall tranship any fresh fruit or vegetable unless the licensee has obtained a permit from the Director-General in respect of each consignment of fresh fruits or vegetables to be transhipped by him and the transhipment is carried out by him in accordance with the conditions of the permit.

[32/98;16/2000]

(3) Any licensee who contravenes or fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

[32/98]

(4) Subject to subsection (5), in any proceedings for an offence under subsection (3), it shall be a defence for the person charged to prove —

(a) that the commission of the offence was due to the act or default of another person or some other cause beyond his control; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or by any person under his control.

[32/98]

(5) If in any case the defence provided by subsection (4) involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.

[32/98]

(6) For the purposes of this section —

"container" means the basket, carton, bag, box, packet or other receptacle which contains the fresh fruits or vegetables and, where any such receptacle is contained in another such receptacle, includes the latter receptacle;

"licensee" means a person who has obtained a licence as required under section 7 for the import or transshipment, as the case may be, of any fresh fruit or vegetable.

[32/98]

Application of this Part

9. This Part shall not apply to —

- (a) the cultivation of any plant for domestic and home gardening purposes; and
- (b) the cultivation of any plant which is not for sale.

No cultivation of plants without licence

10. No person shall cultivate any plant on any premises except under and in accordance with a licence issued by the Director-General.

[16/2000]

Use of pesticide

11. —(1) No person shall use any pesticide in the cultivation of any plant unless —

- (a) the pesticide is registered with the Director-General; and
- (b) he is a certified pesticide operator or the use is supervised by a certified pesticide operator.

[16/2000]

(2) Any person who uses any pesticide in the cultivation of any plant shall ensure that —

- (a) the pesticide is properly stored in the prescribed manner;
- (b) the pesticide container is disposed of in the prescribed manner; and
- (c) the pesticide residue on any plant cultivated does not exceed the prescribed level.

Certified pesticide operator

12. —(1) A person who desires to be certified as a pesticide operator may make an application to the Director-General.

[16/2000]

(2) The Director-General may certify a person as a pesticide operator if the Director-General is satisfied that —

(a) he possesses the prescribed qualifications and practical experience; and

(b) he is in all other respects a fit and proper person to be entrusted to apply or otherwise use pesticides safely.

[16/2000]

(3) Where a person is certified as a pesticide operator, the Director-General shall issue him a certificate to that effect.

[16/2000]

Suspension or cancellation of certification of pesticide operator

13. The Director-General may suspend or cancel the certification of a person as a pesticide operator if the pesticide operator —

(a) uses or supervises the use of any pesticide which is not registered with the Director-General;

(b) uses or supervises the use of any pesticide otherwise than in accordance with the instructions specified by the manufacturer of the pesticide;

(c) is responsible for any failure to store any pesticide in the prescribed manner;

(d) disposes or causes or allows the disposal of any pesticide container otherwise than in the prescribed manner; or

(e) fails to keep such records of the use of any pesticide as the Director-General may require.

[16/2000]

Application for registration of pesticide

14. —(1) Every pesticide for use in the cultivation of any plant shall be registered with the Director-General.

[16/2000]

(2) An application for registration under subsection (1) shall be made in such manner and form and accompanied by such documents and particulars as may be required by the Director-General.

[16/2000]

(3) The Director-General may establish one or more committees consisting of such persons as he may appoint for the purpose of advising him on such matters arising out of any application for registration under this section as are referred to any such committee by the Director-General.

[16/2000]

Protection of confidential supporting information about innovative pesticides

15. —(1) Where the Director-General receives, or has received not more than 5 years before 8th January 1999, an innovative pesticide application and confidential supporting information, the Director-General, during the protected period in relation to that confidential supporting information —

(a) shall take reasonable steps to ensure that the confidential supporting information is kept confidential to the Director-General; and

(b) shall not use the confidential supporting information for the purposes of determining whether to grant any other application.

[32/98;16/2000]

(2) For the purposes of this section and section 16, unless the context otherwise requires —

"application" means an application for registration of a pesticide under section 14;

"confidential information" includes —

- (a) trade secrets; and
- (b) information that has commercial value that would be, or would be likely to be, diminished by disclosure;

"confidential supporting information" means confidential information given —

- (a) in, or in relation to, an innovative pesticide application; and
- (b) about the pesticide that is or was, as the case may be, the subject of that application;

"Director-General" includes any public officer or officer of the Authority or of any other statutory authority authorised under section 6 to carry out registration of pesticides under section 14;

"ingredient" includes a chemical or biological entity;

"innovative pesticide application" means —

- (a) in relation to an application made after 8th January 1999, an application that refers to an active ingredient —
 - (i) that is an active ingredient of the pesticide to which the application relates; and
 - (ii) that has not, before that application is received by the Director-General, been referred to in any other application as an active ingredient of the pesticide; and
- (b) in relation to an application made before 8th January 1999, an application that referred to an active ingredient —
 - (i) that was an active ingredient of the pesticide to which the application related; and
 - (ii) that had not, before the application was received by the Director-General, been referred to in any other application as an active ingredient of the pesticide;

"protected period" , in relation to confidential supporting information relating to an innovative pesticide application received by the Director-General, means a period of 5 years from the date the innovative pesticide application is or was, as the case may be, received by the Director-General.

[32/98; 16/2000]

Circumstances where protection under section 15 does not apply

16. —(1) Notwithstanding section 15, the Director-General may, during the protected period in relation to confidential supporting information —

- (a) disclose that confidential supporting information, or use that confidential supporting

information for the purposes of determining whether to grant any application other than the application to which it relates or related, as the case may be —

(i) with the consent of the applicant who made the application to which the confidential supporting information relates or related; or

(ii) if that disclosure or use is, in the opinion of the Director-General, necessary to protect the health or safety of members of the public;

(b) disclose that confidential supporting information to a Government department or statutory body for the purposes of the Government department or statutory body if, in the opinion of the Director-General, the Government department or statutory body will take reasonable steps to ensure the confidential supporting information is kept confidential; or

(c) disclose that confidential supporting information to any one or more of the following:

(i) the World Health Organisation;

(ii) the Food and Agriculture Organisation;

(iii) any regulatory agency of a WTO Country;

(iv) any committee established under section 14 (3);

(v) any person or organisation, or a person or an organisation within a class or classes of persons or organisations, approved by any rules made under this Act, if the disclosure is in accordance with such conditions as may be specified in the rules.

[32/98;16/2000]

(2) The power to grant consent under subsection (1) (a) (i) may be exercised by a person other than the applicant referred to in that subsection if —

(a) that applicant —

(i) has notified the Director-General in writing that that other person may grant that consent; and

(ii) has not notified the Director-General in writing that that person's authority to grant that consent has been withdrawn; or

(b) that applicant's rights in respect of the relevant confidential supporting information have been transferred to that person and the applicant or that other person has notified the Director-General in writing of the transfer.

[32/98;16/2000]

(3) For the purposes of this section, "WTO Country" means a country that is a party to the Agreement establishing the World Trade Organisation adopted at Marrakesh on 15th April 1994.

[32/98]

Minister may prohibit cultivation of plants

17. —(1) The Minister may by order prohibit, either absolutely or conditionally, the cultivation of any plant in Singapore.

(2) An order made under subsection (1) may provide that no person shall cultivate any prohibited

plant except under and in accordance with a permit issued by the Director-General.

[16/2000]

Presumption that owner and occupier permitted growing of prohibited plants

18. If any prohibited plant is found growing on any land in contravention of any order made under section 17, the owner and the occupier of the land shall be deemed to have permitted the plant to grow unless the owner or the occupier, as the case may be, proves —

(a) that the plant was planted without his knowledge and consent; and

(b) that on becoming aware of the existence of the plant he forthwith effectually eradicated and destroyed it.

Certificate of Director-General to be conclusive evidence

19. A certificate under the hand of the Director-General stating that any plant is a prohibited plant shall be conclusive evidence of the facts stated therein.

[16/2000]

Eradication and destruction of prohibited plants

20. —(1) Any prohibited plant cultivated in contravention of any order made under section 17 may be eradicated and destroyed by the Director-General or any person acting under his authority.

[16/2000]

(2) The cost of such eradication and destruction shall be recoverable from the owner or occupier of the land on which the prohibited plant was planted or permitted to grow or from the person who planted it, as a debt due to the Authority.

[16/2000]

Power to direct destruction or treatment of plants, etc.

21. —(1) For the purpose of ascertaining whether any pest is present on or in any land or premises, an authorised officer may, upon serving notice in writing under the hand of the Director-General on the owner or occupier of the land or premises and upon producing, if so requested, an identification card —

(a) enter the land or premises and examine any plant, plant product, package, soil or article thereon at all reasonable times; and

(b) take, without payment, any sample of any plant, plant product or soil.

[32/98;16/2000]

(2) The notice referred to in subsection (1) shall be served on the owner or occupier of the land or premises at least 6 hours before the time of intended entry of the land or premises.

[32/98]

(3) If, as a result of any examination by an authorised officer under subsection (1), it appears to the authorised officer that any land or premises or plant is in a condition favourable to the introduction or spread of any pest or that any plant is diseased, the Director-General may, by notice in writing under his hand addressed to the owner or occupier of the land or premises where that condition exists or where the plant is, direct him to take within a time to be stated in the notice such measures as may appear to the Director-General necessary or expedient for —

(a) the eradication or the prevention of the spread of any pest, either by destruction or by treatment in a manner to be specified in the notice of that plant or any plant or of any pest or of any tool or utensil used for agricultural or industrial purposes on the land or premises

including the cessation of obtaining or abstracting any product from any plant on the land or premises; and

(b) the treatment of the land or premises or plant or of any tool or utensil used for agricultural or industrial purposes on the land or premises with a view to bringing them into a condition not favourable to the introduction or spread of any pest.

[32/98;16/2000]

(4) If the owner or occupier of any land or premises fails to comply with a notice under subsection (3) within the time stated for the performance of the acts required to be done, any authorised officer may —

(a) enter upon the land or premises to which the notice refers;

(b) cause any person authorised by him to enter with such instruments and things as are necessary; and

(c) proceed to perform all acts required by the notice,

and the costs and expenses thereof shall be recoverable as a debt due from the owner or occupier to the Authority.

[32/98;16/2000]

(5) Nothing in subsection (4) shall affect the liability of any person to prosecution and punishment under subsection (7).

[32/98]

(6) Any person who obstructs or hinders the Director-General or an authorised officer in the exercise of any of his powers under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

[32/98;16/2000]

(7) Any owner or occupier of any land or premises who wilfully fails to comply with the notice under subsection (3) within the time stated shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

[32/98]

Placing land under quarantine

22. —(1) Where the Director-General is of the opinion that any plant on any land is diseased, he may make an order placing the land or any part thereof in quarantine for such period as may be prescribed by the order.

[16/2000]

(2) So long as an order of quarantine applies to any land, no person shall remove any plant therefrom except under and in accordance with the direction of an authorised officer.

(3) Any land placed in quarantine under subsection (1) shall continue in quarantine until the Director-General certifies that no plant thereon is diseased.

[16/2000]

Application for examination of quarantined area

23. —(1) Any owner or occupier of any land quarantined under section 22 (1) may apply to an authorised officer to examine the quarantined area with a view to obtaining from the authorised officer the certificate referred to in section 22 (3).

(2) The authorised officer shall, as soon as possible after receipt of such an application, visit and examine the quarantined area and may charge such fees as may be prescribed for such visit and examination.

Power to order immediate destruction of plants

24. —(1) If in the opinion of the Director-General the destruction of any diseased plant is a matter of necessity and extreme urgency, he may forthwith make an order in writing directing the immediate destruction of the plant by any person referred to in the order.

[16/2000]

(2) Such plant shall be destroyed accordingly and the cost of the destruction, if incurred by any person other than the owner or occupier of the land where the diseased plant was, shall be defrayed by the owner or occupier.

Clearing diseased land

25. —(1) Where it appears to an authorised officer that any plant on any land is diseased and he is of the opinion that it is necessary for the prevention of the spread of any pest that the land be entirely cleared of cultivation or cleared of all cultivation of any particular species, the Director-General may, with the approval of the Minister, by notice in writing addressed to the owner or occupier of the land where the plant is, direct him to fell and burn or otherwise destroy within a time to be stated in the notice and to the satisfaction of the authorised officer all cultivation or all cultivation of the species named in the notice.

[16/2000]

(2) The action directed by a notice under subsection (1) may be enforced in the manner provided by section 21 (4) for the enforcement of the action directed by a notice under section 21 (3).

[32/98]

(3) If the owner or occupier of any land on whom a notice under subsection (1) has been served fails to comply with the notice, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day during which the offence continues after conviction.

Compensation

26. Where any cultivation has been destroyed in pursuance of a notice issued under section 25 (1), the Minister may, in his discretion, direct the payment out of the Consolidated Fund of compensation for that cultivation subject to the following provisions:

(a) no compensation shall be paid for any diseased plant;

(b) the value of any cultivation shall be taken to be the market value of that cultivation at the time of its destruction and if any question arises as to the market value, the decision of the Director-General shall be final and conclusive; and

(c) the Minister may entirely withhold or may reduce the amount of compensation for the destruction of any cultivation if the owner or occupier of the land has done anything in contravention of, or has failed to comply with, any notice issued under this Part or has by his neglect contributed to the introduction of the pest.

[16/2000]

Accredited pest control agency

27. The Director-General may register any fit and proper person possessing the prescribed qualifications and practical experience as an accredited pest control agency —

(a) to carry out, at any place, any inspection, identification, analysis, treatment, detention, destruction or disposal of any plant, plant product, pest, or any soil or other material attached to any plant or plant product under this Act and any rules made thereunder; and

(b) to issue phytosanitary certificates.

[32/98;16/2000]

Minister may prohibit export of plants

28. —(1) The Minister may by order prohibit, either absolutely or subject to such conditions as may be specified in the order, the export of any plant from Singapore to any country, territory or place.

(2) An order under subsection (1) may specify that no person shall export any plant except under and in accordance with a permit issued by the Director-General.

[16/2000]

Advisory committee

29. The Minister may establish one or more advisory committees consisting of such members as he may appoint, for the purpose of advising the Minister on the exercise of his power to make any order under section 28, and on other subjects connected therewith.

Phytosanitary certificate

30. —(1) Any authorised officer or accredited pest control agency may, on application and on such terms as the Director-General may require, issue a phytosanitary certificate stating that any plant or plant product is free from pests for the purpose of export.

[32/98;16/2000]

(2) Any person who wilfully —

(a) gives false information for the purpose of obtaining a phytosanitary certificate;

(b) falsifies any phytosanitary certificate; or

(c) uses a phytosanitary certificate with intention of causing it to be believed that a plant or plant product which is not a plant or plant product in respect of which the phytosanitary certificate was issued, is a plant or plant product in respect of which the certificate was issued,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Application for licence or permit

31. —(1) An application —

(a) for a licence under section 7 or 10;

(b) for a permit under section 8; or

(c) where provision is made by an order under section 17 (1) or 28 (1) for the issue by the Director-General of a permit, for a permit under that section,

shall be made to the Director-General in such manner and form as the Director-General may require

and shall be accompanied by the prescribed fee and such particulars, information and documents as the Director-General may require.

[32/98;16/2000]

(2) On the receipt of an application under subsection (1), the Director-General may —

(a) issue the licence or permit applied for, with or without conditions; or

(b) refuse to issue the licence or permit applied for.

[32/98;16/2000]

(3) Without prejudice to the generality of subsection (2), the Director-General may, in respect of an application for a licence under section 7 or a permit under section 8 —

(a) refuse to issue the licence or permit; or

(b) impose a condition restricting or prohibiting the import or transhipment of any fresh fruit or vegetable from any country, territory, place or farm,

if he considers that this is necessary to protect the health or safety of members of the public.

[32/98;16/2000]

(4) Where the Director-General has refused to issue the licence or permit applied for, he shall give the applicant notice in writing of the reasons for his refusal.

[32/98;16/2000]

(5) The Director-General may at any time vary or revoke any of the conditions imposed under subsection (2) (a) or impose new conditions.

[32/98;16/2000]

(6) Every licence or permit issued under this section —

(a) shall be in such form as the Director-General may determine;

(b) shall be valid for the period stated therein unless it is sooner revoked under section 32; and

(c) may, unless it is a permit under section 8, be renewed upon its expiry.

[32/98;16/2000]

(7) Subsections (1) to (6) shall apply, with the necessary modifications, to an application for the renewal of a licence under section 7 or 10 or a permit under section 17 (1) or 28 (1).

[32/98]

Revocation or suspension of licence or permit

32. —(1) The Director-General may at any time revoke or suspend a licence or permit.

[16/2000]

(2) The Director-General shall, before taking any action referred to in subsection (1), notify the person concerned of his intention to take such action and shall give the person concerned an opportunity to submit reasons why such action should not be taken against him.

[16/2000]

(3) Where the Director-General has revoked or suspended a licence or permit under this Act, he shall give notice in writing of the suspension or revocation to the person concerned.

[16/2000]

(4) Where a licence issued by the Director-General pursuant to an order made under section 17 is revoked or has expired, the licensee shall eradicate and destroy all or any of the prohibited plants planted or cultivated or maintained in pursuance thereof.

[16/2000]

(5) Any prohibited plant not eradicated and destroyed under subsection (4) shall be deemed to have been grown in contravention of section 17.

Appeal

33.—(1) Any person who is aggrieved by —

(a) the refusal of the Director-General to issue or renew a licence or permit under section 31;

(b) the decision of the Director-General to suspend or revoke a licence or permit under section 32,

may, within 7 days of the receipt of the notice informing him of the refusal, suspension or revocation, as the case may be, appeal in writing to the Minister whose decision shall be final.

[32/98;16/2000]

(2) Notwithstanding the pendency of any appeal under subsection (1) in respect of the suspension or revocation of a licence or permit, such suspension or revocation shall, unless the Minister otherwise orders, take effect from the date specified by the Director-General therefor.

[32/98;16/2000]

Penalty

34. Any person who —

(a) contravenes or fails to comply with section 10, 11 (1) and (2), 22 (2) or 41; or

(b) contravenes or fails to comply with any order made by the Minister under section 17 (1) or 28 (1),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

[32/98]

Offences committed by body corporate

35. Where an offence under this Act or any rules made thereunder has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences committed by agent or servant

36. Where an offence under this Act or any rules made thereunder is committed by any person acting as the agent or servant of another person, or being otherwise subject to the supervision or instructions of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act or any rules made thereunder in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the

offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

General powers of authorised officers

37. —(1) For the purpose of ascertaining whether any offence under this Act or any rules made thereunder has been or is being committed, any authorised officer may, on producing, if so requested, an identification card —

- (a) enter and inspect any land or premises and examine any plant, plant product, package, soil or article thereon at all reasonable times;
- (b) stop, examine, board, enter or detain any conveyance used for carrying any plant, plant product or package;
- (c) take, without payment, any sample of any plant, plant product or soil;
- (d) seize, remove or detain any plant, plant product, package, pest or soil; or
- (e) break open any hold, compartment or container or other receptacle including any place that could be used as a receptacle.

(2) The owner or occupier of any land, premises or conveyance shall, if requested by an authorised officer, provide reasonable assistance to the authorised officer for the purpose of the exercise of his powers under this section and furnish any information relating to the land or premises which is reasonably required by the authorised officer for the purposes of the discharge of his duties under this Act.

(3) A police officer may arrest without warrant any person who has committed or whom he reasonably suspects to have committed an offence under this Act or any rules made thereunder —

- (a) if the person refuses to give his name and address; or
- (b) if there is reason to doubt the accuracy of the name and address, if given.

(4) A person arrested under this section may be detained until his name and address are correctly ascertained except that no person shall be detained longer than is necessary for bringing him before a court.

(5) Any person who obstructs or hinders any authorised officer in the exercise of any of his powers under this Act or any rules made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Power to label for identification

38. —(1) Any authorised officer may, where he considers it necessary for the purposes of identification, label permanently or temporarily, any consignment of plants or plant products.

(2) Any person who wilfully counterfeits, alters, defaces, erases or removes any such label shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Power to take samples for analysis

39. —(1) An authorised officer may, for the purposes of ascertaining the presence of prohibited pesticide residue, and the levels of pesticide residue or toxic chemical residue, contained in any fresh

fruit or vegetable, enter any premises at all reasonable times to take, without payment, any reasonable sample of fresh fruits or vegetables for analysis by an authorised analyst and detain the whole lot from which the sample is taken under normal storage conditions until a report of the result of the analysis is obtained.

[32/98]

(2) A report of the result of an analysis which is signed by an authorised analyst shall be admissible in evidence in any proceedings under this Act or any rules made thereunder and, in the absence of evidence to the contrary, is proof of the matters stated in the report.

[32/98]

Power to dispose of, etc., fresh fruits and vegetables

40. —(1) Where any sample of fresh fruits or vegetables is determined by an authorised analyst to contain any prohibited pesticide residue, or any pesticide residue or toxic chemical residue exceeding the prescribed levels, the Director-General may, in his discretion, cause the whole lot of fresh fruits or vegetables from which the sample is taken, to be —

(a) re-exported or returned to its place of origin;

(b) treated in such manner as he may direct so as to remove or aid the dissipation of the residue to the prescribed levels; or

(c) disposed of in such manner as he may direct.

[32/98;16/2000]

(2) The cost of, and all expenses incurred in, the re-exporting, returning, treatment or disposal under subsection (1) shall be defrayed by the owner, grower or importer of the fresh fruits or vegetables.

Access to documents, books and records

41. Every person who imports for sale or supply or who grows fresh fruits or vegetables shall, on demand, afford the Director-General access to, and produce, such documents, books or records relating to or reasonably believed to relate to the fresh fruits or vegetables as may be required by the Director-General.

[16/2000]

Forfeiture

42. —(1) Where any person is convicted of any offence under this Act or any rules made thereunder, the court may order that any article seized under this Act or any rules made thereunder or in respect of which the offence was committed, be forfeited to the Authority.

[16/2000]

(2) Where a person who is charged for an offence under this Act or any rules made thereunder is acquitted, the court may order any article seized under this Act or any rules made thereunder to be released to the person from whom the article was seized.

(3) Where the owner of the article cannot be ascertained, the Authority may confiscate the article seized.

[16/2000]

(4) Every article so forfeited to the Authority shall be disposed of in such manner as the Authority thinks fit.

[16/2000]

Presumption of ownership

43. Where in any proceedings under this Act or any rules made thereunder a question arises as to the ownership of any plant, plant product, pest or article, the person found in possession of the plant, plant product, pest or article shall be presumed to be the owner thereof until the contrary is proved.

Service of notices

44. —(1) Where under this Act or any rules made thereunder any notice, order or document is required or authorised to be served on any person, it may be served by --

(a) delivering it personally or by leaving it with some adult person at the last known place of residence or business of the person to be served;

(b) leaving it at the usual or last known place of residence or business of the person to be served in a cover addressed to that person, or posting it upon a conspicuous part of those premises; or

(c) sending it by registered post addressed to the person to be served at his usual or last known place of residence or business.

(2) Any notice, order or document required or authorised by this Act to be served on the owner or the occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises without further name or description.

Protection from liability

45. No suit or other legal proceedings shall lie against the Director-General or any authorised officer in respect of anything done or omitted to be done in the discharge of their duties under this Act or any rules made thereunder unless the thing was done or omitted to be done in bad faith.

[16/2000]

Fees, etc., payable to Authority

46. All fees, charges, composition fines and moneys collected under this Act or any rules made thereunder shall be paid to the Authority.

[45A
[16/2000]

Composition of offences

47. —(1) The Director-General may, in his discretion, compound any offence under this Act or any rules made thereunder which is prescribed as an offence which may be compounded by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

[16/2000]

(2) The Minister may prescribe the offences which may be compounded.

(3) Where an offence is compounded under this Act or any rules made thereunder, any article seized shall be forfeited to the Authority.

[46
[16/2000]

Exemption

48. The Minister may, either generally or in any particular case, and subject to such conditions as he may impose, exempt any person from all or any of the provisions of this Act or any rules made thereunder.

[47]

Rules

49.—(1) The Minister may make rules for or with respect to any matter which may be necessary or expedient for carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), rules may be made —

- (a) providing for the powers and duties of the authorised officers;
- (b) providing for matters relating to registration, licensing, certification and the issue of permits;
- (c) prescribing the procedure, condition or location for the import or transshipment of any fresh fruit and vegetable;
- (d) providing for matters relating to the taking of samples of fresh fruits and vegetables under section 39 for analysis, and for matters relating to such analysis;
- (e) prescribing the qualifications and practical experience of an authorised analyst;
- (f) prescribing the sanitary standards referred to in section 8 (1) (d);
- (g) providing for the inspection, observation, detention, identification, treatment, destruction, reshipment or disposal of any plant or plant product;
- (h) prescribing the levels of any pesticide residue or toxic chemical residue in or on any plant or plant product;
- (i) providing for the control and eradication of pests and preventing their spread within Singapore;
- (j) prescribing the manner of entry upon any land and the conduct of any examination, inspection, detention, quarantine, treatment or destruction of any plant, plant product, pest, soil or any other article thereon;
- (k) prohibiting or restricting the introduction into Singapore of any plant, plant product, pest, soil or package or other thing which is likely to introduce pests into Singapore;
- (l) prohibiting or restricting the introduction into Singapore of any prohibited plant;
- (m) prescribing treatment for aircraft or any other conveyance arriving from overseas and the procedure to be adopted on their arrival so as to prevent the introduction of any pest into Singapore;
- (n) requiring every person arriving in Singapore from overseas to give a certificate declaring in such form as may be prescribed whether he has any plant, plant product, fungus, bacterium, virus or micro-organism or any insect, mite or other invertebrate animal or any soil in his possession;
- (o) providing for the inspection, observation, disinfection, treatment, destruction, reshipment or disposal of any plant introduced into Singapore and the progeny of any such plant or any soil, package or other thing;
- (p) providing for the control of plants kept or grown in isolation or under quarantine conditions;

- (q) prescribing the areas within Singapore where any plant, plant product, pest or package may be landed;
- (r) providing for the detention or the quarantine of any plant, plant product or package suspected of harbouring any pest and prescribing the treatment or the destruction thereof;
- (s) regulating the use of any pesticide in the cultivation of plants;
- (t) prescribing the qualifications and practical experience of a certified pesticide operator;
- (u) providing for matters relating to the registration, labelling, packing, use, storage, disposal and record keeping of any pesticide used in the cultivation of plants;
- (v) providing for the licensing, control, supervision and inspection of any land or premises on which any plant or plant product is grown, produced, processed, sold, stored or used;
- (w) providing for the registration, control and supervision of any accredited pest control agency; and
- (x) prescribing the forms, fees or registers for the purposes of this Act.

[32/98]

(3) The Minister may, in any rules made under this Act, provide that any contravention of or failure to comply with any provision thereof shall be an offence and may prescribe a penalty for any such offence of a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years or both.

[48]