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IMPORTANT INFORMATION

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Plant Protection Act

Little Cherry Control Regulation

[includes amendments up to B.C. Reg. 4/2010, January 14, 2010]

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Interpretation

1 In this regulation:

"Act" means the *Plant Protection Act*;

"approved source" means a place that through testing and isolation of planting material produces only planting material that is free of the virus causing the little cherry disease;

"director" means an inspector who has been appointed as director of the Crop Protection Branch in the Ministry of Agriculture and Food;

"grower" means a person who occupies land on which a cherry tree is grown;

"inspector" means an inspector appointed under the authority of the *Ministry of Agriculture and Food Act*;

"little cherry control area" means

(a) the part of British Columbia that is bounded on the north by the 51st parallel, on the east by the 119th meridian, on the west by the 121st meridian and on the south by the International Boundary with the United States of America, and

(b) the area within the Electoral Areas A, B and C of the Central Kootenay District;

"minister" means the minister appointed for the administration of the Act;

"ornamental flowering cherry trees" means the following species of cherry trees:

(a) *Prunus serrulata*;

(b) *Prunus subhirtella*;

- (c) *Prunus sieboldii*;
- (d) *Prunus yedoensis*;
- (e) *Prunus incisa*;

"plant pathologist" means an inspector who is a plant pathologist employed in the minister's ministry or the Agriculture and Agri-Food Canada.

[am. B.C. Regs. 152/94, ss. 1, 2; 4/2010, s. 3.]

Application

2 Sections 3, 4 and 5 apply only to the portion of the Province within the little cherry control area.

Destruction of plants with little cherry disease

3 (1) Where, on inspection, an inspector discovers or suspects the presence of little cherry disease in a plant, he shall notify a plant pathologist.

(2) Where, after examination of a plant, a plant pathologist determines or suspects that the plant has little cherry disease, he may request the grower to destroy the plant.

(3) Where the grower fails to comply with a request under subsection (2), the minister may order that the plant be confiscated and destroyed by an inspector within a specified period.

Restrictions on cultivation of ornamental cherries

4 (1) Subject to section 5, no person shall

- (a) plant or grow an ornamental flowering cherry tree, or
 - (b) graft the grafting wood from or bud the buds of an ornamental flowering cherry tree
- in the cherry control area.

(2) Where a person grows an ornamental flowering cherry in the control area, other than in accordance with section 5, he shall immediately move the ornamental flowering cherry from the control area.

Cultivation of ornamental cherries can occur

5 (1) A person may plant or grow an ornamental flowering cherry tree or the understock for an ornamental flowering cherry tree or graft the grafting wood from or bud the buds of an ornamental flowering cherry tree in the control area for sale outside the control area after he has done all of the following:

- (a) notified the minister in writing before he plants or grows the ornamental flowering cherry trees;
- (b) obtained the ornamental flowering cherry stock from an approved source;
- (c) entered into a written agreement with the minister to move all ornamental flowering cherry stock that is older than 5 years from budding from the little cherry control area;
- (d) where he wishes to move understock, obtained written permission from the director to move understock for the ornamental flowering cherry trees into the control area.

(2) The minister may refuse to enter into or may cancel a written agreement referred to in subsection (1) (c) where a person has failed to move his ornamental flowering cherry stock that is older than 5 years from budding in contravention of that or a prior agreement.

Transportation of cherry stock

6 (1) Repealed. [B.C. Reg. 152/94, s. 3.]

(2) No person shall move a cherry tree, understock of a cherry tree or the buds of or the grafting wood for a cherry tree into the little cherry control area unless he has received written permission from the director.

(2.1) Where a cherry tree, understock of a cherry tree or buds of or grafting wood for a cherry tree is imported into Canada with the authorization of the Government of Canada, and is forthwith moved into the little cherry control area, the permission of the director under subsection (2) is not required.

(3) It shall be the duty of the director to determine if the movement of a cherry tree, understock for a cherry tree or the buds of or the grafting wood from a cherry tree into the control area will be likely to cause an outbreak of little cherry disease.

(4) Where the director determines that the movement of a cherry tree, understock for a cherry tree or the buds of or grafting wood from a cherry tree would not transmit or cause an outbreak of little cherry disease in the control area, he may grant permission for the movement into the control area.

[am. B.C. Regs. 147/89; 152/94, s. 3.]

Offence

7 A person who contravenes section 4, 5 or 6 commits an offence and is liable to a fine not exceeding \$2 000.

[Provisions relevant to the enactment of this regulation: the *Plant Protection Act*, R.S.B.C. 1996, c. 365, section 8]

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