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THE PLANTS (QUARANTINE) ACT

THE PLANTS (IMPORTATION) CONTROL REGULATIONS, 1997

In exercise of the powers conferred upon the Minister by section 38 of the Plants (Quarantine) Act and of every other power hereunto enabling, the following Regulations are hereby made:—

1. These Regulations may be cited as the Plants (Importation) Control Regulations, 1997.

2. For the purposes of these Regulations—

“importer” means a person who is importing or has imported a plant into the Island;

“inspector” means a person who has been given authority by the Chief Plant Quarantine Officer to perform specific duties of inspection;

"plant" means a plant that has been genetically modified and imported into Jamaica for the purpose of experimentation under controlled conditions;

"Quarantine Officer" has the same meaning as in the Plants (Quarantine) Act.

3. No plant, seed, cutting or slip shall be imported into the Island except in accordance with the provisions of these Regulations.

4. No plant, seed, cutting or slip shall be imported into the Island except in accordance with the terms of a permit granted by the Chief Plant Quarantine Officer.

5.—(1) No plant, seed, cutting or slip shall be landed without the prior written permission of the Chief Plant Quarantine Officer.

(2) Every plant, seed, cutting or slip being landed shall be subject to inspection by the Chief Plant Quarantine Officer who may—

(a) refuse permission for any such plant, seed, cutting or slip to be landed if satisfied—

(i) that any such plant, seed, cutting or slip is plagued with any disease; or

(ii) that any condition of a permit allowing the importation of any such plant, seed, cutting or slip has not been complied with; or

(b) grant permission for any such plant, seed, cutting or slip to be landed either unconditionally or subject to such conditions as he may impose and forward the plant to the importer.

6.—(1) Subject to the provision of regulation 5 if so required by the Chief Plant Quarantine Officer every plant, seed, cutting or slip upon being landed in the Island shall be removed by such means, in such manner and subject to such conditions as the Chief Plant Quarantine Officer may direct to a quarantine depot approved by the Chief Plant Quarantine Officer for the purpose of quarantine and shall be kept in quarantine there for such period as the Chief Plant Quarantine Officer may direct.

(2) The release from quarantine of any plant, seed, cutting or slip shall be subject to and dependent upon the result of re-inspection and of any diagnostic examination and any tests which the inspector may deem necessary to carry out for the detection of disease.

(3) Notwithstanding the expiry of the period of quarantine directed by the inspector under paragraph (1) no plant, seed, cutting or slip shall be removed from any quarantine depot without the prior written permission of the inspector and such permission may be either unconditional or subject to such conditions as may be specified.

7.—(1) The expenses of and incidental to the keeping in quarantine of a plant, seed, cutting or slip shall be borne by the consignee of such plant, seed, cutting or slip.

(2) Every plant, seed, cutting or slip shall be kept in quarantine at the risk of the consignee.

(3) When any plant, seed, cutting or slip, while in quarantine in accordance with the provisions of these Regulations, develops or, in the opinion of the Quarantine Officer, shows symptoms of, any disease, the spread of which would endanger the health of any person, animal or other living organism, such plant, seed, cutting or slip may, with the approval of the Minister, be destroyed without payment of compensation.

Seeds

8.—(1) No seeds shall be landed in the Island unless there is produced to the Quarantine Officer in respect thereof a statement by the importer that—

- (a) any such seeds have been packaged in—
 - (i) a sealed plastic bag, or
 - (ii) a plastic or paper envelope,of at least 5 millimetres in thickness;
- (b) after having been packaged in accordance with paragraph (a) the seeds have been placed in a metal container which is placed in another metal container that is capable of preventing spillage of the seeds and which is conspicuously labelled with the number of seeds and name of seeds printed thereon;
- (c) the inner and outer containers in which the seeds are packed are separated by shock-absorbing material;
- (d) where there is more than one container being transported, the containers are placed in a sturdy container made of corrugated fibreboard, cardboard, wood or other material of equivalent strength;
- (e) each outer container is labelled indicating the contents, place of origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the propagative material contained therein is derived from genetic engineering procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

Plants

9.—(1) No plant shall be imported if—

- (a) it is in flower, seed or fruit;
- (b) it is more than 15 centimetres (6 inches) tall.

(2) No plant shall be landed in the Island unless there is produced to the Quarantine Officer in respect thereof a statement by the importer stating that—

- (a) such plants have been packaged in a sealed plastic bag of at least 5 millimetres in thickness;
- (b) after having been packaged in accordance with paragraph (a) the plants have been placed in a sturdy, sealed, shatterproof, leak-proof metal container;
- (c) any plant transported in a pot is set in a soil free mix and covered before being boxed;

- (d) each container is labelled indicating the contents and number of specimens, place of origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the propagative material contained therein is derived from genetic engineering procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

Slips and Cuttings

10.—(1) No slips or cuttings shall be landed in the Island unless there is produced to the Quarantine Officer in respect thereof a certificate stating that—

- (a) such slips or cuttings have been packaged in a sealed plastic bag of at least 5 millimetres in thickness;
- (b) after having been packaged in accordance with paragraph (a) the slips or cuttings have been placed in a sturdy, sealed, shatterproof, leak-proof metal container;
- (c) any slips or cuttings transported in a pot are set in a soil free mix and covered before being boxed;
- (d) each container is labelled indicating the contents and number of specimens, place of origin, name and address of consignee and consignor along with respective telephone numbers, a statement indicating that the propagative material contained therein is derived from genetic engineering procedures and possess novel traits along with the notation 'For experimentation purposes only, not for sale or reuse'.

Application for Permit to Import

11.—(1) A person who wishes to import a plant, seed, cutting or slip into the Island shall apply to the National Biosafety Committee for permission to do so and thereafter upon its approval such application shall be submitted by the Committee to the Plant Quarantine Division of the Ministry responsible for agriculture for the grant of a permit.

(2) The National Biosafety Committee shall, in determining whether to grant approval of the application, consider the applicant's ability to enforce adequate procedures and safeguards to ensure that no contamination by or release of the plant, seed, cutting or slip which is detrimental to the health or safety of any human, animal or other living organism will occur at the port of entry or otherwise in the Island.

(3) Each application for a permit to import a plant shall include information on the schedule of arrival of the items to be imported.

Transportation

14. Where permission has been granted for the entry of a plant, seed, cutting or slip pursuant to regulation 6, the importer shall transport the plant, seed, cutting or slip to its final destination.

15. Every importer shall keep such records, make such returns and furnish such information as the Plant Quarantine Division may at any time require in relation to the following matters—

- (a) the number of quantity of plants, seeds, slips or cuttings imported;

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- (b) the name and address of the exporter from whom the plants, seeds, slips or cuttings were received;
 - (c) the name of the property or properties on which the plants, seeds, slips or cuttings originated;
 - (d) the date of receipt;
 - (e) the condition in which the plants, seeds, slips or cuttings were received;
 - (f) any other particulars required by the Division.

Dated this 22nd day of April, 1997.

HORACE CLARKE,
Minister of Agriculture and Mining.