

# THE PLANTS ACT 1976

Act No. 12 of 1976

I assent,

21st May 1976

A.R.M. OSMAN  
Governor-General

## ARRANGEMENT OF SECTIONS

### Section

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2. Interpretation.
3. Powers of officers.
4. Prevention, control and eradication of disease.
5. Control of crops.
6. Information by occupier of land to officer.
7. Plant disease emergency.
8. Loss resulting from exercise of powers by an officer.
9. Import and Export.
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16. Regulations.
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## An Act

**To consolidate the law relating to plants and plant disease, to implement the International Plant Protection Convention 1951, and to make better provision for the protection of plant life.**

ENACTED by the Parliament of Mauritius, as follows-

1. This Act may be cited as the Plants Act 1976. Short title.
2. In this Act- Interpretation.  
"article"-

(a) means any plant material, soil, micro-organism or invertebrate animal; and

(b) includes any container;

"Committee" means the Mauritius Sugar Industry Research Institute Advisory Committee established under the Mauritius Sugar Industry Research Institute Ordinance, 1953;

"container" means a container for an article and includes any packing material;

"disease" means an unhealthy condition in any plant caused by any plant material, micro-organism or invertebrate animal;

"infected" includes, in relation to any article or other object, the state of having been in contact or having been in association with, or near a disease, pest or diseased or pestiferous article;

"Minister" means the Minister to whom responsibility for the subject of Agriculture is assigned;

"occupier", in relation to land, means the actual occupier of the land, or if he cannot be found, the owner of, or holder of an interest in, the land;

"officer" means the Chief Agricultural Officer or an officer authorised by him;

"pest" -

(a) means the living stage of an animal or insect which may cause disease; and

(b) includes an injurious weed;

"plant material" means any plant or other material of the plant kingdom and any portion or product of a plant or other material of the plant kingdom unless it is no longer viable or has been freed from any disease or pest and has been made incapable of carrying any disease or pest;

"port" has the same meaning as in the Customs Ordinance, 1947;

"soil" includes any medium capable of supporting plant life or transmitting any disease or pest, whether or not used or intended for use as a growing medium;

"vehicle" means any means by which an article can be conveyed.

3. (1) Where an officer has reasonable ground to support that any article or other object may be infected, he may for the purposes of this Act, detain, examine, sample, submit for diagnostic examination, direct re-shipment of, remove for quarantine or treatment, disinfect, destroy or otherwise dispose of, the article or object. Powers of officers.
- (2) Subject to subsection (3), an officer may, for the purposes of this Act, and if so required, on producing evidence of his authority, enter any vehicle, premises or land.
- (3) (a) No officer shall enter any dwelling-house unless he is authorised to do so by warrant under the hand of a Magistrate.
- (b) A Magistrate shall not grant the warrant unless he is satisfied that the officer has reasonable grounds for residing entry to the dwelling-house.
4. (1) Where, in relation to any land or vehicle, an officer has reasonable ground to believe that measures should be taken for the prevention, control or eradication of any disease or pest, he may by written notice direct the occupier of the land or the owner or person in charge of the vehicle to take such measures as may be specified in the notice. Prevention, Control and eradication of disease.
- (2) Where a person to whom a direction has been given under subsection (1) fails to comply with the direction to the officer's satisfaction, the officer may carry out the measures specified in the notice.
5. Where an officer has reasonable ground to believe that any disease, pest or residue of a toxic chemical is present in any crop intended for sale or export and that the disease, pest or residue is present to such a degree that it would not be possible - Control of crops.
  - (a) by post-harvest treatment or otherwise to eliminate it;
  - or
  - (b) to reduce the residue to a level which in his opinion is safe,he may by written notice to the person who intends to sell or export such crop direct that the crop shall not be sold or exported.
6. Every occupier of land on which there is plant material which appears to be diseased or pestiferous shall give notice of the fact Information by occupier of land to

- to an officer as soon as reasonably practicable. officer.
7. (1) Where the Minister has reasonable ground to believe that agriculture or plant life is seriously threatened by any disease or pest and that special measures are required to deal with the threat, he may by Order declare that a plant disease emergency exists in any area. Plant disease emergency.
- (2) Where an Order under subsection (1) is in force, the Minister or any other person authorised in writing by him, may direct that such measures as may be specified shall be taken for the eradication of the disease or pest or for preventing the spread of the disease or pest.
- (3) There shall be paid to the owner of any plant material destroyed pursuant to measures taken under subsection (2), an amount by way of compensation equal to its fair market value, fixed as at the time of destruction of the plant material.
- (4) Any expenses incurred under subsection (3) shall be paid out of the Consolidated Fund.
8. Subject to section 7, no compensation shall be paid in respect of any loss resulting from the exercise by an officer of his powers under this Act. Loss resulting from exercise of powers by an officer.
9. No person shall import or export any article - Import and export.
- (a) except in the prescribed manner; and
- (b) other than through a port.
10. Any person who received any article from outside Mauritius otherwise than in the prescribed manner shall, on receipt of the article, immediately notify an officer. Dispatch of articles to Mauritius.
11. The Minister may give directions for the management and control of plant quarantine stations and the disposal, treatment, and destruction of plant material in quarantine or in transit to or from a quarantine station, and the time during which any plant material intended to be imported into Mauritius shall remain in quarantine. Quarantine stations.
12. (1) Any direction required to be given under this Act shall be in writing and may be given personally or by registered post. Directions.
- (2) Where it is not possible to give the direction personally or by registered post a copy of the direction shall be posted up in some conspicuous place on the land or the vehicle in which the plant material is in transit to or from a quarantine station.
13. Any measure required to be taken pursuant to section 3, 4 or shall be paid for by the occupier, owner, consignee or his agent. Cost of implementing

- measures.
14. Any expense incurred by Government or any fee or charge due by a person under this Act may be sued for and recovered as a small crown debt under the Recovery of Crown Debts Ordinance. Recovery of expenses, fees and charges.
15. (1) The Minister may, by Order - Restriction on varieties of plants
- (a) specify the varieties of sugar cane which may be planted and propagated in Mauritius;
- (b) fix the time within which any variety of sugar cane shall be uprooted;
- (c) provide that the propagation of any crop plant or variety of crop plant shall not be otherwise than by the use of seed, or other planting material, which have been declared free from any disease or pest by an officer.
- (2) No person shall plant sugar cane of any variety other than those specified in an Order under subsection (1) except on an experimental scale, with a written authorisation of the Committee and subject to such conditions as the committee thinks fit to impose.
16. (1) The Minister may make such regulations as he thinks fit for the purposes of this Act. Regulations.
- (2) Any regulations made under this Act may provide for the levying of fees and charges.
17. Any person who - Offences.
- (a) possesses, sells or distributes anything which to his knowledge has been imported into Mauritius in breach of the provisions of this Act;
- (b) possesses, sells or distributes an article which -
- (i) to his knowledge is infected, diseased or pestiferous; or
- (ii) is infected by a disease or pest which is the subject of an Order under section 7(1);
- (c) wilfully or negligently causes the spread of any disease or pest;
- (d) for the purposes of this Act or any subsidiary enactment made under this Act, makes any declaration or gives or makes use of any certificate which is false in a material particular;
- (e) contravenes any direction given to him by an officer under this Act or any subsidiary enactment made under

this Act; or

- (f) otherwise contravenes any other provisions of this Act or of any subsidiary enactment made under this Act.

shall commit an offence and shall, on conviction, be liable to a fine not exceeding two thousand rupees and to imprisonment for a term not exceeding six months.

18. The enactments set out in the Schedule are repealed. Repeal.
19. This Act shall come into operation on a day to be fixed by Commencement. Proclamation [No. 4/76 - 24th July 1976.

Passed in the Legislative Assembly on the eighteenth day of May, one thousand nine hundred and seventy-six.

GUY T. D'ESPAIGNET  
*Clerk of the Legislative Assembly.*

#### SCHEDULE (Section 18)

##### PART I

Beneficial Insects (Protection) Ordinance.  
Fruit Export Ordinance.  
Importation of Plants (Diseases Prevention) Ordinance.  
Plant Diseases Prevention Ordinance.  
Sugar Cane Plantations (Control) Ordinance, 1945.  
Uba de Riche Fond Cane Varieties (Restriction) Ordinance.  
Vine Plants Importation Ordinance.

##### PART II

Proclamation No. 18 of 1918.  
Proclamation No. 4 of 1919.  
Proclamation No. 18 of 1927.  
Proclamation No. 26 of 1927.  
Proclamation No. 51 of 1927.  
Proclamation No. 11 of 1931.  
Proclamation No. 15 of 1931.  
Proclamation No. 3 of 1934.  
Proclamation No. 5 of 1936.  
Proclamation No. 24 of 1936.  
Proclamation No. 19 of 1938.  
Proclamation No. 18 of 1939.

Proclamation No. 21 of 1939.  
Proclamation No. 20 of 1940.  
Proclamation No. 6 of 1943.  
Proclamation No. 26 of 1946.  
Proclamation No. 34 of 1948.  
Proclamation No. 3 of 1949.  
Proclamation No. 9 of 1957.  
Proclamation No. 17 of 1959.  
Proclamation No. 18 of 1960.  
Proclamation No. 20 of 1963.  
Proclamation No. 22 of 1964.  
Proclamation NO. 4 of 1974.

### PART III

Regulations made under the Importation of Plants (Diseases Prevention) Ordinance and published as Government Notice No. 144 of 1914 Lane, Subsidiary Legislation. Vol. 1 p. 375.

Regulations made under the Fruit Export Ordinance and published as Government Notice No. 169 of 1941, Lane, Subsidiary Legislation, Vol. I pp. 369-371.