

PLANT PROTECTION (IMPORT) REGULATIONS

under s. 12

G.N. 107/1969

1. Citation

These Regulations may be cited as the Plant Protection (Import) Regulations.

2. Interpretation

In these Regulations unless the context otherwise requires—

“eastern Africa” means Kenya, Uganda and Tanzania;

“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 Schedule to these Regulations;

“palm” means any plant belonging to the natural order “palmates”;

“permit” means a permit in form No. 2 in the Third Schedule;

“phytosanitary certificate” means a certificate issued by a competent authority in the exporting country which is substantially the same as form No. 3 in the Third Schedule and which certifies that the plants or a representative sample thereof to which the certificate relates have been examined and found to be substantially free from any pest or disease;

“protective treatment” means the sorting, disinfecting, fumigation or other 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 Ministry under such conditions, at such place and for such period as the Permanent Secretary may determine;

“soil” means a growing medium which is neither sterile nor inert;

“southern Africa” means Angola, Botswana, Lesotho, Malawi, Moçambique, Rhodesia, South Africa, Swaziland and Zambia;

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

“vegetable” means a herbaceous plant, grown for human consumption in whole or in part, but does not include cereals, fodder crops, culinary herbs, spices and soft fruits;

“vegetative material” means—

- (a) any growing plant; or
- (b) any part of a plant, other than the seed,

which can be used for and is intended to propagate the plant, and includes budwood, cuttings, fruits, grafts, rooted material, suckers, bulbs, bulbils, corms, rhizomes, and tubers.

3. Goods in transit

The provisions of these Regulations shall not apply to anything in transit through Malawi which is consigned by a method approved by the Permanent Secretary or which have been transhipped for re-export within seven days of their arrival in Malawi.

4. Permit to import

(1) Save as is otherwise provided, no person shall import vegetative material, mushroom or other fungal spawn, seeds or any unmanufactured plant product, or any rooting compost, soil or other growing media, unless a permit authorizing such importation is submitted.

(2) No person shall import any live insect or other invertebrate, or any plant pathogen unless a permit authorizing such importation is submitted.

5. Permit subject to conditions

(1) Where a permit in terms of regulation 4 has been issued but stipulates that certain conditions must be fulfilled, an inspector may refuse to allow the import unless he is satisfied that these conditions have been fulfilled or are capable of being fulfilled.

(2) Where a condition of import is that the plants shall be accompanied by a phytosanitary certificate such certificate shall be substantially the same as form No. 3 in the Third Schedule hereto.

6. Application for permit

(1) Application for a permit to import any item indicated in regulation 4 shall be made to the Permanent Secretary and, if the Permanent Secretary so requires, shall be made in form 1, in the Third Schedule hereto.

(2) The Permanent Secretary may—

- (i) issue a permit;
- (ii) refuse to issue a permit; or
- (iii) cancel, suspend or amend any permit which has been issued.

7. Exemption from permits

Subject to the provisions of these regulations, no permit shall be required for the importation of—

- (a) cured tobacco of the previous season's crop from Rhodesia or Zambia;
- (b) cut flowers intended for ornament;
- (c) fruit, other than citrus fruit and tomatoes, from Moçambique, Rhodesia, South Africa or Zambia;
- (d) grains and pulses produced in Africa intended for human consumption;
- (e) plants, or parts of plants, carried by travellers by road or rail and intended for consumption as food on the journey;

(f) seeds of ornamental flowering plants, excluding trees and shrubs, other than Althaea, Berberis, Helianthus, Hibiscus, Hollyhock, Malva, Nicotiana and Pyrethrum;

(g) seeds of vegetables other than those of aubergine (egg plant, brinjal), beans, Capsicum (green peppers or chillies), lettuce, pea, Physalis (Cape gooseberry) and tomato;

(h) vegetables, except potatoes and tomatoes, from Moçambique, Rhodesia, South Africa or Zambia;

(i) a plant, other than citrus or grape vines, produced in a nursery approved by the Permanent Secretary.

8. Powers of inspector

Subject to the provisions of these Regulations an inspector may—

(a) cause any vehicle known to have brought or suspected of having brought a pest or disease or plant known or suspected of being infested with a pest or disease into Malawi, to be protectively treated;

(b) detain for inspection any growing medium, plant or container on importation;

(c) cause any growing medium, plant or container detained in terms of paragraph (b) to be protectively treated whether or not the growing medium, plant or container is diseased or infested with a pest;

(d) cause any imported growing medium or plant which appears to be diseased or infested with a pest listed in the Second Schedule hereto, or with any other pest or disease which, in the opinion of the inspector is of a particularly dangerous nature, and any other plant in the same container, to be destroyed immediately.

9. Treatment

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

10. Restrictions on imports

(1) No person shall import—

(a) any plant packed in soil which is not the product of a nursery approved by the Permanent Secretary and bears a label certifying such origin;

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

(c) any plant or part of a plant specified in the First Schedule hereto;

(d) any grain, pulse or similar produce unless it is accompanied by a phytosanitary certificate stating that it has been fumigated in an approved manner not more than fourteen days prior to entry into Malawi;

(e) rooted vegetative material of any plant, unless it is certified as having been rooted in a sterile medium, from any country outside eastern and southern Africa;

(f) vegetative material of any plant species or cultivar from any country outside eastern and southern Africa;

without the consent in writing of the Minister.

(2) The Minister shall not give his consent to the importation of any plant or part of a plant mentioned in subregulation (1) (a) (b) (c) (e) and (f) unless he is satisfied that the importation is made—

(a) (i) for scientific purposes; or

(ii) because the plant cannot be grown from seed; and

(b) under the direct supervision of the Ministry.

FIRST SCHEDULE

PLANTS AND PARTS OF PLANTS THE IMPORTATION OF WHICH IS PROHIBITED WITHOUT THE SPECIAL WRITTEN AUTHORITY OF THE MINISTER

1. Acacia species, vegetative material from countries outside Africa.
2. Banana from countries other than eastern Africa, Moçambique, Rhodesia, South Africa and Zambia.
3. Beans, Phaseolus species, vegetative material from all countries and seeds from Australia, eastern Europe, Mexico and the United States of America.
4. Capsicum species, all parts except seed.
5. Cereals, small, such as barley, oats, rice, rye, and wheat, all parts except seed.
6. Chestnut, and all other species of Castanea, all parts except seed, from countries other than eastern and southern Africa.
7. Crysanthemum, all parts except seed.
8. Citrus, rooted vegetative material from all countries except Rhodesia and Zambia.
9. Clover (Trifolium species), including shamrock, all parts except seed and ornamental foliage.
10. Cocoa (Theobroma cacao), all parts.

11. Coconut, all parts except seed.
12. Coffee, all parts except seed.
13. Conifers, all parts except seed.
14. Cotton, all parts except seed, seed-cotton, lint and seed-bran.
15. Dahlia, vegetative material from South Africa.
16. Elm, and all other species of *Ulmus* and *Zelkova*, all parts.
17. Eucalyptus species, vegetative material, from countries outside Africa.
18. Grape vine, and all other species of Vitaceae, all parts, except seed, from countries other than eastern and southern Africa.
19. Hibiscus, and all other species of Malvaceae, all parts except seed.
20. Lucerne, all parts except seed.
21. Maize, all parts except seed.
22. Oak (*Quercus* species), vegetative material, from countries other than southern Africa.
23. *Opuntia* species, including spineless cactus, all parts.
24. Palms from all American countries.
25. Pea (*Pisum*, *Dolichos*, *Lathyrus* and *Vicia* species), all parts except seed.
26. Peach, including nectarine, stones and seed from countries other than Rhodesia and South Africa.
27. Plane (*Platanus* species), all parts except seed.
28. Potato, seed tubers, from all countries except Australia, the United Kingdom and southern Africa.
29. Rice, all parts except grain for food.
30. Rose, and all other species of Rosaceae, from Asia or the Pacific Islands.
31. Rubber (*Hevea* species) from South and Central America.
32. Soya bean, all parts except seed; and seeds from Australia, eastern Europe, Mexico and the United States of America.
33. Sunflower (*Helianthus* species) including Jerusalem artichoke, all parts except seed.

34. Sweet potato, all parts, except tubers for consumption from eastern and southern Africa.
35. Tea, all parts, from countries other than eastern Africa and Rhodesia.
36. Tobacco, all parts except trade samples and seed, and cured tobacco from eastern and southern Africa.
37. Tomato, all parts, except fruit from eastern Africa, Moçambique, Rhodesia and Zambia, and seeds.
38. Forest trees, all parts except seed.

SECOND SCHEDULE

PESTS AND DISEASES OF A PARTICULARLY DANGEROUS NATURE THE PRESENCE OF WHICH RENDERS AN IMPORTED PLANT LIABLE TO IMMEDIATE DESTRUCTION

Anthracnose of tobacco *Colletotrichum tabacum* Boning Bacterial blight of grapes *Erwinia vitivora* (Baccarini) Du Plessis Bacterial blight of peas *Pseudomonas pisi* Sackett Bacterial canker of tomato *Corynebacterium michiganense* (E.F.S.) Jensen Bacterial ring-rot of potato *Corynebacterium sepedonicum* (Spieck and Kotth.) Skaptason and Burkholder Bacterial streak of sugar cane *Xanthomonas albilineans* (Ashby) Dowson Blister blight of tea *Exobasidium vexans* Masee Blue mould of tobacco *Peronospora tabacina* Adam Cereal foot rots *Helminthosporium* species Chestnut canker *Endothia parasitica* (Murr.) Chlorotic streak virus of sugar cane *Guignardia citricarpa* Kiely Citrus canker *Xanthomonas citri* (Hasse) Dowson Coffee Berry Disease *Colletotrichum coffeanum* Noack Crown gall *Agrobacterium tumefaciens* (Smith & Townsend) Conn. Crown wart of lucerne *Urophlyctis alfalfae* (Lagerh.) Magnus Dodder *Cuscuta* species Dutch Elm disease *Ceratocystis ulmi* (Buism.) C. Moreau Ergot of rye *Claviceps purpurea* Fr. (Tul) Fiji disease virus of sugar cane *Saccharum virus 2*. Smith Fireblight *Erwinia amylovora* (Burrill) Winslow et al. Internal cork virus disease of sweet potato *Corynebacterium insidiosum* Lucerne wilt (McCulloch) Jensen Onion smut *Urocystis cepulae* Frost Panama disease of banana *Fusarium oxysporum* f. *cubense* (E.F.S.) Snyder & Hansen Pierce's disease of the grape (lucerne dwarf virus) *Medicago virus 3*. Smith *Rose mosaic virus* *Rosa virus 1*. Smith *Rose streak virus* *Rosa virus 4*. Smith *Rose wilt virus* *Rosa virus 3*. Smith *Stewart's disease of maize* *Xanthomonas stewarti* (E.F.S.) Dowson Strawberry red core *Phytophthora fragariae* Hickman Tomato spotted wilt virus (kromnek) *Lycopersicum virus 3*. Smith Wart disease of potato *Synchytrium endobioticum* (Schilb.) Percival Potato root eelworm (golden nematode) *Heterodera rostochiensis* Wollenw Root knot eelworm *Meloidogyne* species Stem and bulb eelworm *Ditylenchus dipsaci* (Kuhn) American bollworm *Haliotis armigera* Hubn. Apple codling moth *Cydia pomonella* (L) Cereal midges *Contarinia* species and *Sitodiplosis* species Cherry fruit-fly *Rhagoletis cerasi* (L) Chrysanthemum midge *Diarthronomyia chrysanthemi* Ahlb. Citrus Black Fly *Aleurocanthus woglumi* Ashby Coffee berry borer *Stephanoderes hampei* Ferr. Colorado beetle *Leptinotarsa decemlineata* (Say) Dry wood termite *Cryptotermes brevis* (Wlk.) European house-borer *Hylotrupes bajulus* (L) Japanese beetle *Popillia japonica* Newn. Khapra beetle *Trogoderma granarium* Ev. Mediterranean fruit fly *Ceratitis capitata* Wiedm. Oriental fruit fly *Dacus dorsalis* Hend. Oriental fruit moth *Cydia molesta* Busck. Pink

bollworm *Platydra gossypiella* (Saund) Red scale *Aonidiella aurantii* Mask San Jose scale *Quadraspidiotus perniciosus* (Comst.) Tobacco moth *Ephesia elutella* Walk Woolly aphis (American blight) *Eriosoma lanigerum* (Ham.)

THIRD SCHEDULE

FORM No. 1

MALAWI GOVERNMENT

PLANT PROTECTION ACT

(CAP. 64:01)

PLANT PROTECTION (IMPORT) REGULATIONS

APPLICATION FOR A PERMIT FOR THE IMPORTATION OF PLANTS

THE SECRETARY TO THE MINISTRY OF AGRICULTURE

(PLANT IMPORTATION PERMITS),

P.O. Box 748,

LIMBE

Date

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 in Malawi 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, manufacture, consumption or propagation for sale)

I intend to grow these plants at

(State exact locality if plants are to be grown)

.....

(Signature of Applicant)

FORM No. 2

MALAWI GOVERNMENT

PLANT PROTECTION ACT

(Cap 64:01)

PLANT PROTECTION (IMPORT) REGULATIONS

PERMIT AUTHORIZING 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 Secretary for Agriculture

FORM No. 3

MALAWI GOVERNMENT

PLANT PROTECTION ACT

(Cap 64:01)

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 (date)

..... by (name) an authorized officer of
the plant protection service 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 or otherwise. Fumigation or disinfection treatment (if required by importing
country): Date Treatment Duration of exposure

..... Chemical and concentration ADDITIONAL DECLARATION
..... 19..... (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)