

The Plants Diseases Act, 1913

Arrangement of Section

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The Plants Diseases Act, 1913

Title

- 1. This Act may be cited as, "the Plants Diseases Act, 1913".**

Interpretation

2. In this Act, unless the context otherwise requires :-

- “Competent body”, means the Governor of the concerned state or whoever he may authorize;
- “Occupier”, in the case of any plantation which is unoccupied or of which the actual occupier is unknown or cannot be found, includes the owner;
- “Plantation”, means any plot of ground on which any plant is artificially grown or cultivated ;
- “Magistrate”, means Magistrate under the Criminal Procedure Act, 1991 or any other person having the powers of a Magistrate under the said law;
- “Disease” means any insect, fungus, parasite or bacterial or other disease which may be injurious to any plant;
- “Proclaimed disease”, means any of the diseases named in the First Schedule hereto.
- “Diseased”, means affected with disease;
- “Infected”, means infected with disease;
- “Inspector”, means an inspector appointed under the provisions of this Act;
- “Plant”, means any tree, shrub or vegetation and the fruits, leaves, cuttings, bark and any part or product thereof whatever, whether severed or attached, but shall not include grain or seed of any kind unless the same is specifically named in an order or regulation made under the provisions of this Act or is cotton seed grown outside the Sudan.¹
- “Package”, means the case, packing material, pot, earth, soil or moss in which any plant is placed for transport or protection;

Articles exempted from the Act

3. The Act shall not apply to articles canned, dried or otherwise preserved in which there is no longer any plant life nor to any plant which shall be for the time being excluded by any order or regulations made under the provisions of this Act. Provided always that this exclusion shall not apply to any articles which are in fact infected.

Powers of Competent body

4. The competent body may by order published in the gazette.
- (a) prohibit absolutely or except in accordance with the regulations to be made under the provisions of this Act :²
 - (i) the introduction either generally or from any specified places, of any plant, fungus, parasite, insect or any other thing which in its opinion is likely to produce any disease in the Sudan ;
 - (ii) the bringing into any specified portion of the Sudan from any other portion or specified portion of the Sudan of any specified plant, fungus, parasite insect or other thing which is diseased or is in its opinion likely to spread disease;
 - (b) appoint any specified places to be the only places of entry for plants or for any specified plant;
 - (c) appoint quarantine grounds where plants and packages containing the same or with which the same may have come into contact may be detained for the purpose of being inspected, disinfected, destroyed or otherwise disposed of ;
 - (d) exempt any plant from the provisions of this Act or from any regulation or order made under the provisions of this Act;
 - (e) extend, amend or vary the First Schedule hereto and declare any disease to be a proclaimed disease for the purposes of this Act or remove any disease from the category of proclaimed diseases.

Appointment of inspectors and plant quarantine officers

5. The competent body may appoint and having appointed cancel the appointment of inspectors and plant quarantine officers under the provisions of this Act.³

Competent body to exercise the power of inspection

6. The competent body may exercise all or any of the powers of an inspector appointed under the provisions of this Act.⁴

² 1977 Act No.52, 1981 Act No 76,2 1983 Act No.26, 1974 Act No.40

³ Ibid.

⁴ 1977 Act No.52, 1981 Act No.76, 1983 Act No. 26, 1974 Act No.40.

Responsibility of occupiers of plantation to eradicate proclaimed diseases

- 7.(1) The occupier of every plantation shall at all times do whatever is necessary in order to eradicate any proclaimed disease from such plantation and prevent the spread thereof.
- (2) The occupier of any plantation in which any proclaimed disease appears shall within forty-eight hours after first discovering or becoming aware of its presence send notice thereof to the State Crops Protection Officers or to the Executive Officer having jurisdiction over the area in which the plantation is situate, and it shall be the duty of every people's Administration to report to the State Crops Protection Officer or Executive Officer having jurisdiction over their area, the presence of any proclaimed disease which comes to their knowledge.⁵
- (3) Not with standing the provisions of subsections (1) and (2) of this section shall only apply in area within which it shall have been declared to be applicable by an order of the competent body published in the Gazette or in the case of urgency by public notice issued by the Senior Inspector of Agriculture in the locality and only in respect of such proclaimed area disease as shall be expressly mentioned in such order or notice .⁶

Powers of entry and inspection

- 8.(1) Any inspector, or plant quarantine officer may at any time enter into any means of conveyance or upon any plantation, land or building or on board any vessel for the purpose of inspecting any plants or the packages containing the same or with which the same may have come into contact, and shall have all such powers and authorities, including the power to dig up plants, open packages and otherwise as may be necessary for enabling him to inspect and examine any plants . Provided that no inspector or plant quarantine officer shall, in exercise of the powers conferred thereon by this sub-section, enter into any building or part of a building which is used exclusively as a private dwelling or on board any sea-going vessels unless he shall have been authorized thereto by warrant issued by a competent prosecution attorney or unless he is himself such a prosecution attorney.⁷
- (2) Where any inspector or plant quarantine officer considers any plants or packages to be diseased or infected he may give notice in writing to the owner or person in charge thereof

⁵ 1994 Act No.40.

⁶ Ibid...

⁷ Ibid.

and after the service of such notice no person shall remove or order to be removed any plant from such means of conveyance, plantation, land, building or vessel without the written permission of the inspector or plant quarantine officer or some superior authority and the owner or person in charge thereof shall forthwith take such managements and do such acts as may be necessary to eradicate and prevent the spread of the disease.

- (3) Where such owner or person in charge fails so to do, to the satisfaction of the inspector or plant quarantine officer, such inspector or plant quarantine officer may do the same at the expense in all things of such owner or person, who, nevertheless, shall not be thereby relieved from his other liabilities under the provisions of this Act.
- (4) Where the inspector, after inspection, considers the plants in any cotton plantation to be so seriously infected or diseased by cotton worm (*Prodenia littoralis*) or the Mexican boll weevil (*Anthonomus grandis*) as to necessitate for purposes of eradication the employment of more persons than the inspector has at his disposal, the inspector may call upon every person capable of labour to assist in the eradication of the pest. Provided that persons shall not be requisitioned for this purpose unless they are residing within a reasonable distance of the locality where the eradication is to be effected.
- (5) In exercise of the powers conferred upon him by the provisions of this section, any inspector or plant quarantine officer may remove, treat, disinfect, destroy or otherwise dispose of any plants or packages in such manner as he thinks fit.
- (6) An inspector or plant quarantine officer may order the closure of any plant or package which he suspects to be infected, or apprehends may introduce or spread disease, and may cause the same to be removed to and detained in a quarantine ground or other convenient place for examination or disinfection or to be dealt with otherwise under the provisions of this Act.

Seizure of articles introduced contrary to regulations

- 9.(1) Any plant, fungus, parasite, insect or other thing introduced or attempted to be introduced into the Sudan contrary to any order or regulation made under the provisions of this Act may, together with any package containing the same or with which the same may have come into contact, be seized by any inspector or plant quarantine officer or an officer of customs and be disinfected, destroyed or otherwise disposed of as such inspector, plant quarantine officer or officer of customs may direct at the expense of the owner or person in charge thereof.

- (2) It shall be the duty of all the Posts and Telegraph corporation officials and the Customs police officers respectively to assist in carrying out the provisions of this section and in preventing the introduction of anything into the Sudan contrary to any order or regulation issued under the provisions of this Act.

Cost of disinfection, etc.

10. The costs of and incidental to the disinfection or destruction of any plantation, plants or packages under this Act, except the cost of inspection and mere detention in quarantine, shall be paid by the owner, occupier, consignee or addressee thereof on demand, and in default of payment such costs may be recovered by action in a General Court , or before a or a District Judge of the first grade, and in addition the Competent body shall be entitled to a charge on all disinfected plants and packages to secure the payment of such costs and shall be entitled to enforce the same by sale in case the owner, occupier, consignee or addressee fails to pay such costs within two months of the service upon him of a formal notice calling him to make payment or if he or some duly authorized agent in his behalf cannot be found.⁸

Notices, and manner of delivery thereof

11. Any notice to be given to any occupier or other person under the provisions of this Act may be given either by delivering the same to such person or by leaving it at or posting it addressed to him at his usual last known place of abode or business in the Sudan, or where he is unknown or cannot be found in the Sudan, then by affixing such notice in a conspicuous place on the land or building with respect to which the notice is issued .

Immediate destruction of plants infected with proclaimed disease

12. The Regional Crop Protection Officer may order, or direct the immediate destruction of any plants which are found to be infected with any proclaimed disease.⁹

contraventions

13. Every person , who :-

⁸ 1977 Act No. 52, 1981 Act No. 76, 1983 Act No. 26 1974 Act No, 40.

⁹ 1974 Act No.40.

- (a) sells, offers or exposes for sale or distributes in any manner any plant or package which to his knowledge is infected with any proclaimed disease or (except under the direction of an inspector or plant quarantine officer) brings or suffers the same to ¹⁰be brought upon or removes or suffers the same to be removed from any land or building in his occupation;
- (b) sells or offers or exposes for sale or distributes in any manner any plant or thing which to his knowledge has been introduced into the Sudan contrary to any order or regulation made under the provisions of this Act, or (except under the direction of an inspector or plant quarantine officer) brings or suffers the same to be brought upon or removes or suffers the same to be removed from any land or building in his occupation;
- (c) does or attempts to do any other act in breach of the provisions of this Act or of any order or regulation made thereunder;
- (d) fails to observe and perform any duty or obligation imposed on him by this Act or by any order or regulation made thereunder or by any notice served upon him thereunder;
- (e) shall be deemed to have committed contravention of the provisions of this Act , whether directly or indirectly , and by himself or through his employee or agent.

Penalties

14. Every person who commits an offence against this Act shall be punishable with fine specified by the Court or in default with imprisonment for a term not exceeding three months.¹¹

Trial for contraventions

15. contraventions of the provisions of this Act may be tried summarily or non-summarily before first or second class criminal court under the Criminal Procedure, Act 1991, but no Criminal Procedures shall be initiated without the consent of the competent body or any inspector or the person authorized by the competent body in this respect .

¹⁰ Provisional order 1992 Act No.5.

¹¹ 1977 Act No.52, 1981 ,Act No.76 , 1983 Act No. 26, 1974

Fees

16. The fees set out in the regulations shall be payable in respect of the matters mentioned in this Act.¹²

Making of regulations

17. Regulations may be issued from time to time by the competent body with respect to the following matters and when published in the Gazette shall have effect as if part of this Act :-¹³

- (a) that notice shall be given by any person introducing into the Sudan through the post or otherwise any plants specified in such regulations, and to whom and in what manner any such notice is to be given;
- (b) the manner in which any plant introduced into the Sudan shall be examined by any inspector, or plant quarantine officer at the places of entry or before delivery through the post;
- (c) the manner in which diseased plants and infected packages shall be treated, cleansed, destroyed or otherwise disposed of;
- (d) prohibiting so far as the competent body may deem necessary the use of packages which have already been used as such;
- (e) with the consent of the Minister of Finance and National Economy there may specify and levy any of the fees chargeable under this Act as also additional or other fees;¹⁴
- (f) generally for any other purpose for which regulations are appropriate under the provisions of this Act or for the better applying of the provisions of this Act.

Protection of public servants

18. No Civil or criminal suit shall lie against the competent body or any inspector or plants quarantine officer or other public servant or any person acting under the authority of the competent body or any inspector or plant quarantine officer or other public servant for any thing done or intended to be done in good faith under the provisions of this Act ¹⁴

¹² 1974 Act No. 40.

¹³ The same

¹⁴ 1974 Act No.40.

Government not to be liable for loss or damage

19. The Government shall not be liable for any loss or damage which may occur to any plantation, plant or package to which the provisions of this Act applying and which are damaged, destroyed or lost by reason or in the course of any act or operation done or undertaken in accordance with the provisions of this Act.

First Schedule

(See section 2)

Proclaimed Diseases

All such scale insects or mealy bugs (Coccidae) as are injurious to fruit trees or other trees or plants of economic value.

Pink boll Worm (platyedra Gossypiella).

Blackarm or angular leaf spot (Bacillus Malvacearum).

Leaf curl or leaf crinkle.

Asal Fly.

Dura-stem-borer (Sesamia Cretica).

Second Schedule

Fees

(Repealed) ¹⁵

¹⁵ Provisional Decree No.(5), 1992 .