

Plant Protection Act (Ch 31)

CHAPTER 31

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CHAPTER 31

THE PLANT PROTECTION ACT.

Commencement: 15 July, 1937.

An Act to make provision for the prevention of the introduction and spread of disease destructive to plants.

1. Interpretation.

In this Act, unless the context otherwise requires—

“animal organism” means any animal organism, in whatever stage of existence the organism may be;

“disease” means any abnormal condition of plants, communicable or believed to be communicable by the transfer of a causative agent or by the propagation of the affected plant, which the Minister may declare, by statutory instrument, to be a disease for the purposes of this Act;

“infected area” means any area or place in which a pest or disease exists and which has been declared by the Minister, by statutory instrument, to be an infected area for the purposes of this Act;

“inspector” means the commissioner or deputy commissioner for agriculture, and any other person authorised in writing by the commissioner for agriculture to act as an inspector for the purposes of this Act;

“pest” means any of the following descriptions of pests which the Minister may declare, by statutory instrument, to be a pest for the purposes of this Act— (i) any animal or vegetable organism inimical to the growth or

existence of living plants or injurious to plant products; and (ii) any other agent capable of producing a communicable disease of plants;

“plant” means any member of the vegetable kingdom and includes any part of a plant, whether severed from the plant or not;

“vegetable organism” means any vegetable organism, in whatever stage of existence the organism may be.

2. Duties of the commissioner for agriculture.

The commissioner for agriculture shall be charged with the due administration of this Act, and every inspector shall, in the performance of his or her duties under this Act, act in accordance with any instructions, not being inconsistent with the provisions of this Act, which the commissioner may from time to time issue for the purposes of the administration of this Act.

3. Power to make rules for prevention or spread of pests, etc.

The Minister may make rules for the purpose of preventing and controlling attacks by or the spread of pests or diseases in Uganda, and, in particular, and without prejudice to the generality of the foregoing power, as to all or any of the following matters—

the disinfection, treatment, destruction and disposal of any unhealthy plant, or of any plant appearing to be infected with any pest or disease, or of anything whatever, whether of a nature similar to a plant or not, likely to infect any plant with any pest or disease;

the payment and recovery of fees for any disinfection or treatment carried out by any inspector, or for any services rendered by any inspector in connection with any such disinfection or treatment;

the prohibition, restriction and regulation of the removal or transport of any such plant or thing as aforesaid;

the control and destruction of any plant which has been declared to be a pest under the powers conferred by this Act;

the prohibition, restriction or regulation of the cultivation and harvesting, either throughout Uganda or in any specified area, of any plant, where, in the opinion of the Minister, any pest or disease cannot otherwise be readily or adequately controlled or eradicated;

the reporting of the occurrence of any pest or disease specified in the rules, and the collection and transmission of specimens of any pest or diseased plant;

the methods of planting, cleaning, cultivation and harvesting to be adopted and the precautions and measures to be taken by any person for the purpose of preventing or controlling attacks by or the spread of any pest or disease, or for the purpose of giving effect to any rules made under this Act;

(h) the issue and revocation of licences for, and the inspection of, nurseries in which plants are reared for the purposes of sale, the imposition of fees for such licences, and the regulation of the sale or removal of plants, whether reared in nurseries or not;

(i) the disinfection, fumigation and treatment of any building, vehicle, aircraft or vessel known or suspected to have been used for the storage or conveyance of anything likely to infect any plant with any pest or disease;

(j) the measures to be taken, including provision for the requisitioning on payment of chemicals, appliances, labour and other means, to secure the eradication of diseases and pests;

(k) the quarantine of infected areas;

(l) the prohibition, restriction and regulation of the tapping of plants of any description.

4. Duty of occupiers of land.

Every occupier or, in the absence of the occupier, every owner of land shall take all measures as he or she may be required to take by virtue of any rules made under section 3 and, in addition, such other measures as are reasonably necessary for the eradication, reduction or prevention of the spread of any pest or disease which an inspector may by notice in writing order him or her to take, including the destruction of plants, whether the plants are infected with disease or not; but no order for the destruction of any living plants shall be made by an inspector under this subsection without the approval in writing of the senior agricultural officer of the area.

In the case of two or more joint occupiers or joint owners, each of them shall be deemed an occupier or owner for the purposes of this section.

Where any occupier or owner fails to take any of the measures which he or she is required to take under subsection (1), the inspector may, on giving not less than seven days' notice in writing of his or her intention so to do, cause the measures to be taken; and thereupon the occupier or owner shall, without prejudice to any penalty which he or she has incurred through the failure, be liable to pay all the costs of the undertaking, which shall be recoverable as a debt due to the Government.

5. Right of entry and destruction of infectious articles.

Subject to any rules made under section 3, any inspector and his or her assistants may enter any land or building, other than a dwelling house, at all reasonable hours for the purpose of discovering pests or diseases in any plant, and of ascertaining whether any order of an inspector or any rules made under section 3 have been complied with, and of causing measures to be taken under section 4(3); but before entering upon any land or building under the provisions of this section, the inspector shall first inform the owner or occupier, if present, of the intention so to enter.

6. Compensation.

The Minister may, if he or she thinks fit, order compensation to be paid out of the public funds to any person whose plants or other articles are destroyed pursuant to this Act.

7. Offences and penalties.

Any person who knowingly introduces any pest or disease into any cultivated land commits an offence and is liable on conviction to a fine of two thousand shillings or to imprisonment for six months.

Any person who wilfully obstructs or interferes with any inspector or an assistant of an inspector in the execution of any duty or power imposed or given by this Act or any rules made under this Act commits an offence and is liable on conviction to a fine of two thousand shillings or to imprisonment for six months, or to both such fine and imprisonment.

8. Power to control the importation or exportation of articles likely to spread pests or diseases.

The commissioner for agriculture may, by order, prohibit, restrict or regulate the importation into and the exportation from Uganda of any plants and the soil, packages, coverings or wrappings of the plants and of any article or class of articles, whether of a nature similar to plants or not, and of any animals or insects known or likely to be injurious to agriculture or to infect any plant with any pest or disease.

Without prejudice to the generality of the foregoing power, an order under this section may—

authorise or require the inspection before import or export of any plant or any article likely to infect any plant with any pest or disease, and the grant of a certificate of the result of any such inspection;

direct or authorise the disinfection or treatment of any plant, and of any article likely to infect any plant with a pest or disease;

authorise the immediate destruction without compensation of any imported plant or article or any plant or article intended to be exported which on inspection appears to be infested or infected with any pest or disease where, in the opinion of an inspector, disinfection is impracticable or will not be a complete safeguard, or the delay caused by disinfection would give rise to risk of the introduction or spread of any pest or disease;

direct or authorise the disinfection or fumigation of any vehicle, vessel or aircraft known or suspected to harbour any pest or article likely to infect any plant with disease;

prohibit the importation of plants or classes of plants except at specified ports or places of entry;

direct or authorise the detention of classes of imported plants in any specified place, and prescribe the precautions to be observed during the detention; and

impose and provide for the recovery of fees for any inspection, disinfection or treatment carried out in compliance with, or under any power conferred by, any such order.

Notwithstanding the Interpretation Act, it shall not be necessary to publish in the Gazette any order made under the powers conferred by subsections (1) and (2) where the order is not intended to be of general application but is made in regard to the importation or exportation of any specified consignment of plants, articles, animals, insects or other matter in respect of which an order may lawfully be made under this section; in such case the order of the commissioner for agriculture shall be signified in writing.

In this section, notwithstanding section 1—

“disease” means any unhealthy condition of any plant; and

“pest” means any animal or vegetable organism inimical to any plant.

9. Penalty for breach of rules and orders of an inspector.

Any person who, without reasonable excuse, fails to comply with any lawfully given order of an inspector or who contravenes any rule or order made under this Act commits an offence and is liable on conviction for each offence to a fine of two thousand shillings.

10. Protection to inspectors acting under Act.

No suit, prosecution or other legal proceeding shall lie against any inspector or his or her assistant for anything done under this Act in good faith and without negligence.

History: Cap. 244.

Cross Reference

Interpretation Act, Cap. 3.