

Plant Protection (Amendment) Act 2013

REPUBLIC OF VANUATU

PLANT PROTECTION (AMENDMENT) ACT NO. 26 OF 2013

Arrangement of Sections

- 1 Amendment
- 2 Commencement

REPUBLIC OF VANUATU

Assent: 14/01/2014

Commencement: 10/03/2014

PLANT PROTECTION (AMENDMENT) ACT NO. 26 OF 2013

An Act to amend the [Plant Protection Act](#) [CAP 239].
Be it enacted by the President and Parliament as follows-

1 Amendment

The [Plant Protection Act](#) [CAP 239] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE [PLANT PROTECTION ACT](#) [CAP 239]

1 Section 1 (definition)

Insert in its correct alphabetical position:

“ “Biosecurity” means the control by legal and administrative means of pests and diseases affecting animals, plants and their products, in order to avoid adverse effects from such pests and diseases on the economy and health of Vanuatu;”

2 Section 1 (definition of Director)

Delete “Livestock and Quarantine”, substitute “Biosecurity”

3 Section 1(definition of Minister)

Delete “Quarantine, Forestry and Fisheries”, substitute “Livestock, Forestry, Fisheries and Biosecurity”

4 Section 1(definition of Principal Plant Protection Officer)

Repeal the definition, substitute

“ “Principal Biosecurity Officer” means the person appointed under subsection 9(1) of this Act;”

5 References to Principal Plant Protection Officer

Delete “Principal Plant Protection Officer” (wherever occurring in this Act), substitute “Principal Biosecurity Officer”

6 Subsection 8(2)

After “Department”, insert “of Biosecurity”

7 Paragraph 9(2)(a)

Delete “Quarantine Officers”, substitute “Biosecurity Officers”

8 Paragraph 9(2)(b)

Delete “purpose of section 5, 6, 7 and 8”, substitute “purposes”

9 Section 11

Delete “Agriculture and Horticulture”, substitute “Biosecurity”

10 Paragraph 14(i)

Delete “fro”, substitute “for”

11 After section 23

Insert

“23A. PENALTY NOTICE

(1) A Biosecurity officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under any provision of this Act or the regulations.

(2) A penalty notice is a notice to the effect that, if the person served does not intend to have the matter determined by a court, the person may pay within a time and to a person specified in the notice the amount of penalty prescribed by the regulations for the offence if dealt with under this section.

(3) Payments made under this section are to be made at the Ministry of Finance and Economic Management.

(4) A penalty notice may be served personally, electronically or by post.

(5) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(6) Payment made under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.

(7) The regulations may:

(a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and

(b) prescribe the amount of penalty payable for the offence if dealt with under this section; and

(c) prescribe different amounts of penalties for different offences or classes of offences.

(8) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.

(9) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.”