

PLANT PROTECTION ACT

[RSBC 1996] CHAPTER 365

Definitions

1 In this Act:

"**inspector**" means an inspector appointed under the *Ministry of Agriculture and Food Act*;

"**plant**" includes all members of the vegetable kingdom and a part or product of a plant;

"**treatment**" includes the application or manipulation of cultural, chemical or biological practices.

Application of Act

2 This Act does not apply to matters specifically regulated under the *Plant Protection Act* (Canada).

Powers and duties of inspectors

3 To carry out duties under this Act and the regulations, an inspector may do one or more of the following:

- (a) enter premises at any reasonable time for an inspection under this Act or regulations;
- (b) inspect the premises, a plant, root medium or container;
- (c) detain or order the detention of a plant, root medium or container;
- (d) carry out or direct the carrying out of treatment;
- (e) on the order of the minister, confiscate or destroy a plant, root medium or container;
- (f) carry out other duties and exercise other powers prescribed in the regulations.

Costs of treatment, confiscation or destruction of plants

4 (1) The minister may order that the costs of treatment, confiscation or destruction be paid by the person or persons who have a direct interest in the land or plants.

(2) For the purposes of subsection (1), the inspector must record the costs and make a certificate setting them out.

Recovery of cost

5 A certificate made under section 4 (2) may be filed in a court registry and may be enforced as if it were an order of the court for recovery of the amount set out in the certificate.

Appeal

6 A person adversely affected by an act or decision of an inspector under this Act or regulations may appeal to the minister in the prescribed manner.

Offences

7 A person who does either of the following commits an offence:

- (a) fails to comply with an order or direction of the minister or an inspector under this Act;
- (b) interferes with an inspector carrying out duties under this Act.

Regulations to prevent deleterious spreading

8 (1) In order to prevent the spread in British Columbia of an insect, pest or disease destructive to plants, the Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) prescribing the type or manner of treatment and who must carry it out;
- (b) providing for collection, from the owner, of the expenses of treatment, and prescribing a method or system for that collection;
- (c) prohibiting the sale or providing for the confiscation or destruction of a plant, root medium or container that is infested or infected or suspected of being infested or infected with an insect, pest or disease destructive to plants, or that is damaged by frost or otherwise injured;
- (d) providing for reporting the discovery of a destructive insect, pest or disease and for obtaining and sending specimens;
- (e) setting fees payable to the government for inspection or other service under the regulations;
- (f) establishing quarantine areas in British Columbia and regulating or prohibiting the moving of a plant, root medium or container from or into a quarantine area.