

PLANTS PROTECTION RULES

(SECTION 6)

[Commencement 7 October, 1916]

G.N. 276/1916
G.N. 339/1916
S.I. 1/1966
S.I. 32/1983
5 of 1987

1. These Rules may be cited as the Plants Protection Rules. Title.
2. In these Rules, unless the context otherwise requires — Interpretation.

“Minister” means the Minister charged with the responsibility for the administration of the Act.
3. No plants whatsoever as defined by the Act nor the packages that contain the same as defined by the Act shall be imported into The Bahamas except under the following conditions — Importing of plants.
 - (a) all such plants and packages shall be landed at the Port of Nassau, except when permission has been obtained from the Minister to land the same at any other port or place in The Bahamas, upon such conditions as to landing and otherwise, as may be determined by the Minister with reference to the same;
 - (b) all such plants and packages shall be delivered up by the importer to the Comptroller of Customs, who shall cause them to be conveyed to such place as shall be determined by the Minister, and the Comptroller may also for such purpose take charge of any such plants and packages immediately on their arrival in The Bahamas, and prior to the delivery thereof to the importer. Upon such delivery the Comptroller shall give to the importer a receipt showing the time and date of such delivery;
 - (c) a permit issued by the Minister authorizing the importation of such plants and packages into the Bahamas is obtained. *S.I. 32/1983.*
4. If the importer of any plants imported under these Rules if suspected or found to be diseased produces to the Minister a certificate of a recognised State Authority (at the place from which such plants were exported) that the nursery, plantation, field or land from which the plants Importer to produce certificate.
S.I. 1/1966.

have come is free from any harmful or dangerous disease, such plants and the packages that contain the same will (unless the Minister deems it otherwise necessary) be delivered to the importer without undergoing any process of fumigation or disinfection. If no such certificate is produced, it shall be the duty of the Inspector or of some officer or servant duly authorised by the Minister, to examine such plants and packages and if he is satisfied that they are free from any harmful or dangerous disease, he shall deliver the same to the importer.

Fumigation of plants.

5. If the Minister deems it necessary in order to carry out the provisions of the Act, any plants and packages imported under these Rules may be fumigated, disinfected, cleansed, purified, and treated in such manner and under such conditions as the Minister may consider adequate for destruction of any vegetable or insect pests which may possibly be on or amongst such plants and packages. No liability shall attach to the Minister in respect of any damage occasioned by such fumigation, disinfection, cleansing, purifying or treating.

Plants may be seized.

6. All plants and packages imported under these Rules may be seized by and forfeited to the Minister, and may be destroyed or otherwise dealt with as the Minister may direct.

Plants to be collected within 24 hours.

7. All plants and packages shall be moved from any place of fumigation or other treatment by the importer within twenty-four hours after he has been required by the Minister to remove the same, and failing such removal the Minister shall be at liberty to order the destruction of such plants and packages, or to deal otherwise with them at his discretion.

Expense of fumigation, etc., to be borne by importer.

8. The expenses of removal to and from any place appointed by the Minister, and of disinfection or other treatment, and for labour connected with the opening and repacking of packages for the purpose of inspection and preparing plants for disinfection or other treatment, if made under these Rules, shall be borne by the importer, and the Minister may recover from the importer in any court having jurisdiction such expenses as well as any expenses necessarily incurred in keeping the plants in good condition.

9. Any importer of plants disinfected or otherwise treated under these Rules shall if so required keep the Minister informed as to the disposal of such plants after disinfection or other treatment, and an officer or servant duly authorised by the Minister may visit and examine the same at any time if necessary.

Minister to be informed as to disposal of plants.

10. (1) When any plants are sent to The Bahamas through the Post Office from a place beyond The Bahamas, the importer shall forthwith notify an Inspector or an officer of the Ministry of Agriculture and Fisheries (hereinafter referred to as “the Ministry”) of the fact, and the officer in charge of the Post Office at which the plants arrived shall notify an Inspector or an officer of the Ministry of the arrival within twenty-four hours thereafter.

Minister to be notified of imports.

(2) The importer of the plants through the Post Office shall not take possession of them or of any package or wrapping that contains or has contained them until an Inspector’s certificate or a certificate from an officer of the Ministry has been issued.

11. (1) After disinfection or other treatment as prescribed by rule 5 hereof, of any plants or packages brought into The Bahamas, the Inspector or officer of the Ministry shall issue a certificate setting forth that the plants and packages have been inspected and disinfected or otherwise treated, and showing the sums payable in respect thereof.

Certificate.

(2) Upon presentation of such certificate to the proper officer of customs by the importer when entering the imported plants and packages inwards, and upon payment to that officer of the amount shown in the certificate to be payable and receiving his acknowledgement of payment thereon, the importer may remove from the place of disinfection the articles to which the certificate relates.

12. All plants and packages imported under these Rules may be seized by the Minister and may be destroyed or otherwise dealt with as the Minister may direct if, on demand made by an Inspector or an officer of the Ministry or a customs officer, sufficient evidence of their being included in an Inspector’s or officer’s certificate is not given by the importer.

Plants may be seized by the Minister.

Attacked plants
to be inspected.

13. An Inspector or any officer or servant of the Ministry shall inspect plants which are attacked or likely to be attacked by disease as directed by the Minister.

Presence of
disease to be
notified in
writing.

14. When any district or area within The Bahamas or place within any area has been declared infected or suspected of being infected with a plant disease it shall be the duty of every owner or occupier of land within the district or area so declared to call the attention of an Inspector or an officer of the Ministry or the commissioner of the district in writing to the presence of any disease of plants on plants on his land and to submit specimens if called upon to do so.

Minister to
prescribe
treatment.

15. The Minister may by notice in the *Gazette* prescribe the treatment to be given to plants attacked by a plant disease, and it shall be the duty of the owner or occupier of the land to cause plants on that land attacked by a plant disease to be treated in the prescribed manner.

Plants to be
treated at once.

16. If, on the visit of an Inspector or an officer of the Ministry, a plant disease is found to be present, the Inspector or the officer shall order the plants affected to be treated at once in the manner prescribed by the Minister.

Plants may have
to be destroyed.

17. If upon a second visit not less than fourteen days after he has ordered treatment of plants an Inspector or officer of the Ministry shall find a declared plant disease and that the treatment ordered by the Minister has not been carried out, he shall report the matter to the Minister who may by written notice to the owner or occupier of the land order the plants to be destroyed.

Plants may be
treated at
expense of
owner.

18. If the owner or occupier fails or neglects to comply with such notice the inspector or officer may enter upon the land and spray or otherwise treat the plants or destroy them at the expense in all things of the owner or occupier, but nothing contained herein shall relieve the owner or occupier from any penalty he may have incurred by reason of his default, failure or neglect.

Plants may not
be taken to an
Out Island
without
permission.
G.N. 339/1916.

19. No plant, tree, shrub, herb or vegetable nor the cuttings, bulbs, seeds, berries or grafts thereof, nor the fruit or products thereof, nor the root, trunk, stem, branch or leaf of any plant, tree, shrub or herb, nor the whole or any part of any growing, dying or dead plant (including

emptied pods, husks or skins), shall be removed, carried coastwise or waterborne to be so carried from the Island of New Providence to any Out Island of The Bahamas except with the written permission of an officer or servant of the Ministry duly authorised by the Minister to give such permission.

20. Any notice under these Rules may be served either by delivering the same personally to the person to be served, or by leaving or by posting the same addressed to him at his usual or last known place of abode in The Bahamas, or by affixing the same in some conspicuous place on the land to which the notice relates. Notice.

21. Any person who acts in contravention of any of these Rules shall be guilty of an offence against the Act, and shall be liable on summary conviction to a penalty of eighty dollars. Penalty.
G.N. 339/1916.
5 of 1987, r.2.