



## FALKLAND ISLANDS

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### Plant Importation Regulations 1947

(S.R. & O. No. 4 OF 1947)

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## FALKLAND ISLANDS

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### Plant Importation Regulations 1947

*[DATE OF COMMENCEMENT: 2ND OCTOBER 1947]  
(Unless otherwise indicated)*

Regulations made by the Governor in Council under section 3 of the Plant Disease Regulation Ordinance 1944 —

#### **1 Citation**

These Regulations may be cited as the Plant Importation Regulations 1947.

#### **2 Prescribing authority**

The Director of Natural Resources shall be the prescribing authority.

*[Revision w.e.f. 31/07/2017]*

#### **3 Inspectors**

The Governor may appoint duly qualified persons who shall be termed Plant Inspectors to enforce the provisions of the Plant Disease Regulation Ordinance 1944 and of the regulations made under it. The Director of Natural Resources shall be Chief Plant Inspector and all Customs Officers shall be Plant Inspectors.

*[Revision w.e.f. 31/07/2017]*

#### **4 Duty to inspect on arrival**

An inspector shall inspect all plants set out in Schedule 1 and Schedule 3 on their arrival in the Falkland Islands, and may inspect any other plant, seed, container, or covering imported into the Falkland Islands.

#### **5 Powers of Inspectors**

For the purpose of these Regulations, Plant Inspectors may board and inspect any ship on arrival in the Falkland Islands if there is reason to believe that such a ship has on board any plants, seed,

soil, containers or coverings intended for importation into the Falkland Islands, and Plant Inspectors may enter land, enclosures or buildings (but not dwelling houses), and any person who impedes or obstructs or refuses such boarding of a ship or such entry to a Plant Inspector who states his business commits an offence.

## **6 Detention, quarantine and treatment or destruction by fire**

An inspector may-

- (a) detain any plant, seed, soil, container, or covering which, if permitted to enter, would, in his opinion, bring about the introduction of pests or plant disease such as would endanger the healthy growth of plants customarily grown in the Falkland Islands or intended to be grown therein;
- (b) with the approval of the Director of Natural Resources, order any plant to be planted for a period not exceeding twenty-four calendar months in a specified place set apart and used for the time being as a plant quarantine station;

*[Revision w.e.f. 31/07/2017]*

- (c) order or apply any treatment that may be necessary to destroy any pest or disease which he identifies or believes to be present on or in any plant, seed, soil, container, or covering, and if no such treatment exists, or if there is danger that a pest or plant disease may escape into the Falkland Islands before such treatment can be applied, he shall order the complete destruction by fire of such plant, seed, soil, packing material, container, or covering and shall ensure the complete destruction of the pest or plant disease.

## **7 Fees for permits**

(1) With the exception of the plants and seeds specified in Schedule 2 no plant, seed or soil may be imported without a permit from the prescribing authority.

(2) No permit may be issued by the prescribing authority until the applicant has paid such fees as is, by virtue of paragraph (3), the appropriate permit fee.

(3) The permit fees are as follows-

- (a) permits for each import by private individuals for non-commercial purposes: £4.60 (regardless of quantity);
- (b) permits for commercial imports: £144.80 a year (regardless of quantity or the number of occasions during the year that importations are made);
- (c) a permit for a single commercial import: £17.60 (regardless of the quantity of items imported by the applicant on the particular occasion).

*[S. 17/Ord. 5/16/w.e.f. 1/7/16; S. 27/Ord. 11/19/w.e.f. 1/7/19; Sch. Pt.B/Ord.5/2023/w.e.f. 01/07/2023]*

## **8 Permit necessary to import plants**

Applications for permits shall be made in writing and shall state-

- (a) the full name and address of the applicant;
- (b) the name and address of the person from whom it is proposed to obtain the plants, seeds or soil and the source of them, including locality and nursery if known;
- (c) the botanical or the generally accepted popular names of plants, and the number of each variety it is desired to import;
- (d) the locality in which it is proposed to grow the plants or seeds or use the soil, etc.;
- (e) any other information which may be specifically required by the prescribing authority.

## **9 Health certificate required**

Plants and tubers specified in the Third Schedule may not be imported unless-

- (a) they are accompanied by a certificate issued by or on behalf of the Government of the country of origin and stating that the plants were free from pests and diseases including virus disease when examined not more than fourteen days before shipment and that reasonable precautions were taken to prevent the plants becoming infected after the examination; and
- (b) there is in the Falkland Islands an officer competent to identify pests and diseases when the plants or tubers arrive:

Provided that plants or tubers accompanied by certificates issued by or on behalf of a British or United States of America Government Authority may be imported in the absence of such an officer.

## **10 Costs of examination and treatment recoverable from importer**

All reasonable costs incurred in the examination, treatment, or destruction of plants, seeds or soil shall be borne by the importer notwithstanding that the plants, seeds or soil may have been destroyed, and the costs may be recovered as a civil debt in the Summary Court or the Magistrate's Court:

Provided that the Governor may, if he sees fit, direct that no charge be made.

## **11 No compensation**

No claim for compensation shall lie for any loss incurred through the action of any inspector acting in good faith under the authority of the Plant Disease Regulation Ordinance.

## **12 Port of entry**

Plants, seeds or soil shall normally be imported into the Falkland Islands at Stanley, but may be imported at any other place under such conditions as the Director of Natural Resources may impose.

*[Revision w.e.f. 31/07/2017]*

### **13 Penalty**

Any person importing any plant, seed or soil contrary to these Regulations commits an offence and is liable on conviction to a fine not exceeding £50.

#### **SCHEDULE 1**

*[S.R. & O. 13/90/w.e.f. 7/12/90.]*

1. Seedlings and plants of forest trees
2. Plant stocks and cuttings of fruit trees
3. Plants and cuttings of small fruits (for example, currants, strawberries, raspberries and gooseberries)
4. Potatoes and other tubers
5. Fruit
6. Vegetables

#### **SCHEDULE 2**

1. Vegetable seeds
2. Flower seeds
3. Agricultural seeds (pasture and crop)
4. Seeds of small fruits

#### **SCHEDULE 3**

1. Potatoes
2. Jerusalem artichokes
3. Strawberry plants
4. Raspberry plants
5. Currant plants