

CHAPTER 235.

GRENADA.

AN ORDINANCE TO PROVIDE FOR THE ERADICATION OF PLANT DISEASE. Ordinance
Cap. 177-1634
Revision.

[5th October, 1925.]

1. This Ordinance may be cited as the Short title.

PROTECTION FROM DISEASE (PLANTS) ORDINANCE.

2. In this Ordinance the following expressions have the meanings hereby assigned to them, that is to say — Interpreta-
tion.

“infectious plant disease” means any plant disease declared to be an infectious plant disease under this Ordinance ;

“notifiable plant disease” means any plant disease declared to be a notifiable plant disease under this Ordinance ;

“plant” includes any tree, plant, root, herb or grass, or part thereof respectively ;

“plant disease” includes any condition conducive to the deterioration or destruction of any plant or part of a plant whether such deterioration or destruction be due to disease, insects, blight, fungus or any other cause and whether communicable or not.

3. (1) The Governor in Council may by order —

Order as to
plant
diseases.

(a) declare any district, area or parcel of land described in the order to be infected with plant disease or suspected of being infected with plant disease ;

(b) prescribe the isolation by means of fences of any description, ditches or otherwise of any district.

area or parcel of land or of any portion of such district, area, or parcel of land, which shall by the same or any other order have been declared to be a district, area or parcel of land infected or suspected of being infected with plant disease ;

(c) prescribe and regulate the destruction or removal, uprooting, disposal or treatment of plants and products of a vegetable nature within a district, area or parcel of land declared by the same or any other order to be infected or suspected of being infected with plant disease ;

(d) prescribe and regulate the cleansing and disinfecting of any district, area or parcel of land declared by the same or any other order to be infected or suspected of being infected with plant disease together with any plants thereon ;

(e) prescribe the period within which it shall not be lawful to plant or replant with any plant whatsoever or with any particular plant named in the order the whole or any portion of any district, area or parcel of land declared by the same or any other order to be infected or to be suspected of being infected with plant disease ;

(f) prohibit or regulate the movement or dispatch of persons and animals and the removal and carriage of earth, soil, manure, vegetable products or other things in, into or out of a district, area or parcel of land declared by the same or any other order to be infected or to be suspected of being infected with plant disease ;

(g) regulate the duties of persons appointed to carry out the provisions of any orders issued under this Ordinance ;

(h) declare any plant disease to be a notifiable plant disease ;

(i) declare any plant disease to be an infectious plant disease ;

(j) prescribe the measures to be taken for the treatment of any notifiable plant disease or any infectious plant disease by the owner, occupier or person having the charge or management of any land whether the land shall or shall not have been declared to be infected or suspected of being infected with plant disease ; and

(k) generally, make provision for the purpose of preventing the spread of plant disease or of any particular plant disease named in the order.

(2) The Governor in Council may at any time revoke or vary any order or any part of any order issued under this Ordinance.

(3) Any order made under this Ordinance shall be of the same effect as if it were contained in this Ordinance and shall be judicially noticed.

(4) Any order made under this Ordinance shall come into operation on publication in the *Gazette* or at such other time as may be named in such order.

(5) Any order made under this Ordinance shall be laid before the Legislative Council as soon as may be after the making thereof ; and if the Legislative Council by resolution request that any order laid before them be rescinded, such order shall be rescinded by the Governor in Council, but without prejudice to the validity of anything previously done thereunder or the making of a new order.

4. It shall be lawful for the Governor to appoint persons to carry out the provisions of this Ordinance and of any orders issued thereunder and the Governor may by warrant direct payment out of the Treasury of the remuneration and expenses of all such persons and of any other expenditure that may in the discretion of the Governor be deemed to be necessary for the purposes of this Ordinance.

Appointment
of officers.

5. (1) Any person appointed under the provisions of the immediately preceding section may with such assistance as may be necessary enter upon any land whatsoever (whether the same shall or shall not have been declared to

Power of
entry on
lands.

be infected or suspected of being infected with plant disease) and there examine any plant, article or thing and dig up the ground and fell, lop, dig up and take away any suspected or infected plant, article or thing, and do all such other acts and things as may be expedient in order the more effectually to ascertain whether the said land or any plant thereon is infected with plant disease and may search for any plant disease and do any act or thing whatsoever in order to give effect to any order issued under the provisions of this Ordinance and may with the approval of the Superintendent of Agriculture destroy the causes, to be determined by the Superintendent of Agriculture, of any plant disease.

(2) For the purposes of this section any person so appointed as aforesaid shall have power to pass over any adjoining or intervening lands.

Notice by owner or occupier of existence of notifiable plant disease, and presumption of knowledge of such disease.

6. (1) Every owner or occupier and every person having the charge or management of land who knows or suspects the existence of any notifiable plant disease on the land of which he is owner or occupier or has the charge or management shall with all practicable speed give notice in writing to the Superintendent of Agriculture of the fact of the land or of any plant thereon being so infected or suspected and shall in such notice give all information in his power as to the extent and nature of the disease. The said notice shall be served personally on the Superintendent of Agriculture or shall be addressed to him by registered post.

(2) Where the occupier of or the person having the charge or management of land is charged with any act done in contravention of this section he shall be presumed to have known of the existence of the disease, unless and until he shows to the satisfaction of the Court that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

Power of Superintendent of Agriculture to carry out measures

7. If the owner or occupier or person having the charge or management of any land fails to carry out any measures required to be carried out by him under any order issued under this Ordinance the Superintendent of Agriculture, or any person authorized by him in writing, may enter

on such land and may carry out any measures required to be carried out under the said order and the cost of carrying out any such measures shall be recoverable from such owner, occupier or person as the case may be at the suit of the Superintendent of Agriculture, or any person authorized by him in writing, as a civil debt before the Magistrate for the parish in which such land is situate.

prescribed
by orders.

8. If any person without lawful authority or excuse, proof whereof shall lie on him, does any of the following things he shall be guilty of an offence against this Ordinance —

Offences and
penalties.

(a) if he does anything in contravention of this Ordinance or of any order issued under this Ordinance or of any rules made under this Ordinance or fails to carry out any measures required to be carried out by him under any such order or rules ;

(b) if he fails to give any notice which by this Ordinance he is required to give ;

(c) if he refuses to any person acting in execution of this Ordinance or of any order issued thereunder admission to any land or place which the said person is entitled to enter or examine, or obstructs or impedes such person in so entering or examining or otherwise in any respect obstructs or impedes any person in the execution of his duty under this Ordinance or assists in any such obstructing or impeding,

and he shall on summary conviction be liable to a fine not exceeding two hundred and forty dollars and in default of payment to imprisonment for any period not exceeding three months, and on a further conviction within a period of twelve months, for a second or subsequent offence against this Ordinance he shall be liable in the discretion of the Court to be imprisoned for any term not exceeding six months in lieu of the fine to which he is liable.

9. (1) Whenever by order issued under this Ordinance any parcel of land has been declared to be infected with plant disease it shall be lawful for the Governor with the approval of the Legislative Council by proclamation to be published in the *Gazette* to declare that the said land or any portion there-

Provisions as
to acquisition
of lands.

of and also any land which is required for the purpose of ingress, egress and regress to and from the said land or for the purpose of diverting any roads or paths, or any parts thereof adjoining or passing through or near the said land has been acquired and thereupon the land described in such proclamation shall vest in the Governor for the public uses of the Colony.

Cap. 153. (2) The owner of any land acquired under this section shall be entitled to receive from the Government the value of such land and such value shall be determined under and in accordance with the provisions of the Land Acquisition Ordinance in the same manner as the purchase money of selected land is determined under that Ordinance.

Cap. 153. (3) For the purposes of this section the expression "owner" has the same meaning as in the Land Acquisition Ordinance.

(4) Any rent due in respect of any land acquired under this section shall be dealt with as if it had accrued from day to day and shall be paid by the tenant to the person entitled to receive the same up to the day of the date of the proclamation referred to in subsection (1) of this section and shall thereafter cease.

(5) If any right of way exists over any land acquired under subsection (1) of this section the Governor with the approval of the Legislative Council may by proclamation declare the same or any of them to be determined and thereupon such rights of way as are described in the proclamation shall cease and determine.

(6) The Governor in Council may, if satisfied that any land acquired under subsection (1) of this section is no longer infected with plant disease, by proclamation published in the *Gazette* restore to any owner receiving the value of such land as aforesaid or to any person claiming by, from, through or under such owner any land so acquired upon repayment by such owner, or person of the amount paid as such value, and thereupon the land described in such proclamation shall vest in the person named in such proclamation

for such estates and interests as are set forth in the said proclamation.

(7) The Administrator shall forward a copy of every proclamation issued under this section to the Registrar of the Supreme Court for registration in the Deeds and Land Registry and the Registrar shall, without any fee, register such proclamation.

(8) The Superintendent of Agriculture may with the approval of the Governor take possession of and hold for a period not exceeding five years any parcel of land declared by order issued under this Ordinance to be infected with plant disease and shall in such case pay monthly, quarterly, half-yearly or yearly as the Superintendent of Agriculture may determine, rent to the person for the time being entitled to receive the same at a rate to be determined by the Superintendent of Agriculture not exceeding four dollars and eighty cents per annum per acre :

Provided that any parcel of land less than one acre may in the discretion of the Superintendent of Agriculture be dealt with for the purposes of rental as one acre.

10. The Governor may, if in his discretion he so thinks fit, cause any land acquired under the immediately preceding section to be fenced and may by warrant direct payment out of the Treasury of the cost of such fencing.

Fencing of
acquired
lands.

11. No prosecution for an offence under this Ordinance shall be instituted except by or with the consent of the Superintendent of Agriculture.

Consent of
Superinten-
dent of
Agriculture
to prosecu-
tion.

12. The Governor in Council may make rules for the purpose of more effectually carrying out the provisions and objects of this Ordinance.

Power to
make rules.

13. The decision of the Superintendent of Agriculture as to the presence or identification of any notifiable plant disease or infectious plant disease shall be sufficient authority for carrying out the purposes of this Ordinance.

Finality of
decision of
Superinten-
dent of
Agriculture
as to
existence
of plant
disease.