

THE PLANTS (QUARANTINE) ACT

ORDER
(under section 3)THE PLANTS (QUARANTINE) (CONTROL OF RALSTONIA SOLANACEARUM
BACTERIUM PLANT PEST) ORDER, 2004*(Made by the Minister on the 29th day of March, 2004)*L.N. 44/2004
96/2004
2B/2005.

1. This Order may be cited as the Plants (Quarantine) (Control of Ralstonia Solanacearum Bacterium Plant Pest) Order, 2004.

2. The ralstonia solanacearum bacterium is hereby declared to be a notifiable plant pest.

3. The areas specified in the Schedule are hereby declared to be infected with the ralstonia solanacearum bacterium plant pest. Schedule.

4. Except with the approval in writing of the Chief Plant Quarantine Officer, no person shall remove any soil, banana, plantain, heliconia, ginger lily or ornamental plants of the heliconiaceae family, weeds, plant parts or plant products into or out of any infected area.

5.—(1) Subject to paragraph (2), the planting, replanting, or cultivation of banana or plantain within any infected area is prohibited.

(2) The Chief Plant Quarantine Officer shall, by notice in the *Gazette*, specify the date on which the planting, replanting, or cultivation of banana or plantain within an infected area is no longer prohibited.

6.—(1) Every owner, occupier or person having charge or management of any land on which banana or plantain is grown who has knowledge of or suspects the existence of the ralstonia solanacearum bacterium plant pest on such land shall forthwith give written notice of the existence or suspected existence of the ralstonia solanacearum bacterium plant pest to—

- (a) the Chief Plant Quarantine Officer;
- (b) the Parish Agricultural Manager of the office of the Rural Agricultural Development Authority of the parish in which the land is situated;
- (c) the Principal Research Director, Montpellier Agricultural Research Station in the parish of Saint James;

- (d) the Research Director/Banana Board Research Department, Kingston Gardens in the parish of Kingston; and
 - (e) the Agronomist, European Union Banana Support Programme, Boundbrook Wharf in the parish of Portland.
- (2) The notice referred to in sub-paragraph (1) shall specify—
- (a) the name and address of the owner, occupier or person having charge or management of the land;
 - (b) the name and location of the land on which the banana or plantain is grown;
 - (c) the type of banana or plantain grown;
 - (d) the source of the planting material for the banana or plantain grown on that land;
 - (e) the quantity of banana or plantain grown; and
 - (f) the manner in which and the person to whom the banana or plantain is sold.

7. Every owner, occupier or person having charge or management of land on which banana or plantain is grown and on which the *ralstonia solanacearum* bacterium plant pest is identified, shall implement all the recommendations specified by the Chief Plant Quarantine Officer or any person authorized by the Chief Plant Quarantine Officer in that behalf, in respect to that plant pest.

8. No person shall, unless authorized by the Chief Plant Quarantine Officer in writing—

- (a) transport from any infected area any fruit, sucker, corm, leaves or any other material from the banana or plantain;
- (b) drive or transport any vehicle used in an infected area on to land in any other area on which banana or plantain is grown.

9. Where the Chief Plant Quarantine Officer is not satisfied with the information given under paragraph 6 (2), he shall by notice in writing require the owner, occupier or person having charge or management of the land, as the case may be, to furnish him, within the period specified in the notice, with such further information as he may require.

10. Any person appointed under section 5 of the Plants (Quarantine) Act may, in the carrying out of his duties under that section—

- (a) direct the owner, occupier or other person having charge of the management of land in an infected area to implement such measures as are specified by the Chief Plant Quarantine Officer for the destruction and the control of the *ralstonia solanacearum* bacterium plant pest;

- (b) for the purpose of inspecting any land in an infected area in order to control the spread of *ralstonia solanacearum* bacterium plant pest, enter upon such land and with such assistance as may be necessary, destroy any plant found thereon and in accordance with the approved eradication protocol of the Ministry of Agriculture.

11. Any person who contravenes the provisions of this Order is guilty of an offence and shall, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding fifty thousand dollars and in default of payment, to imprisonment with hard labour for a period not exceeding one year and on a further conviction within a period of twelve months for a second or subsequent offence, he shall be liable at the discretion of the court to be imprisoned for a further term not exceeding six months with hard labour in lieu of a fine to which he is liable.

SCHEDULE

(Paragraph 3)

Infected Areas

The infected areas are—

- (a) the parish of St. Thomas;
- (b) the parish of St. James;
- (c) Portland;
- (d) St. Mary.