

# **Plant (Importation and Exportation) (Amendment) Regulations 2019**

**GN No. 182 of 2019**

**Government Gazette of Mauritius No. 104 of 5 October 2019**

## **THE PLANT PROTECTION ACT**

### **Regulations made by the Minister under section 32 of the Plant Protection Act**

1. These regulations may be cited as the **Plant (Importation and Exportation) (Amendment) Regulations 2019**.

2. In these regulations —

“principal regulations” means the Plant (Importation and Exportation) Regulations 1976.

3. Regulation 2 of the principal regulations is amended by inserting, in the appropriate alphabetical order, the following new definitions —

“Director-General” has the same meaning as in the Mauritius Revenue Authority Act;

“effective date”, in relation to an application, means the date by which all required documents, information or samples are submitted;

4. Regulation 4 of the principal regulations is amended —

(a) by revoking paragraphs (1), (2) and (3) and replacing them by the following paragraphs —

(1) No person shall import or cause to import a plant, plant product or other regulated article unless he holds a plant import permit, or has applied for phytosanitary inspection, as the case may be, from the NPPO.

(2) An application for a plant import permit or a phytosanitary inspection shall be made through the TradeNet or in such other manner as NPPO may determine and shall be —

(a) accompanied —

(i) in the case of an application made through the TradeNet, by a scanned copy of the application form approved by the NPPO, duly filled in;

(ii) by such other document as may be specified in the guidelines;

(b) subject to —

(i) the payment of the appropriate fees and charges specified in the Second Schedule; and

(ii) such conditions as may be specified in the guidelines.

(3) On receipt of an application under paragraph (2), an officer —

(a) may require the applicant to submit such further additional information as may be necessary to consider his application; and

(b) shall process the application and may issue or grant the plant import permit or phytosanitary inspection, as the case may be, not later than 5 working days after the effective date.

(b) by inserting, after paragraph (3), the following new paragraphs —

(3A) (a) Notwithstanding paragraph (3), where verification, testing or analysis of the plant, plant product or other regulated article is required, the officer shall grant or

refuse to issue or grant the plant import permit or phytosanitary inspection, as the case may be, not later than 2 working days —

- (i) after the verification of the goods; or
- (ii) after the receipt of the report, as the case may be.

(b) The plant import permit or phytosanitary inspection shall be issued or granted on payment of the fees specified in the Second Schedule for the purpose of testing, analysis or inspection.

(c) For the purpose of paragraph (a), where the goods are under customs control, the officer shall take the goods or a sample of the goods, as the case may be, in accordance with section 258(3) of the Customs Act.

(3B) For the purpose of paragraphs (3) and (3A), the officer shall notify his decision to issue or grant or refuse to issue or grant the plant import permit or the phytosanitary inspection to the Director-General and the importer through the TradeNet or in such other manner as NPPO may determine.

(3C) Subject to regulations 5 and 6, the Director-General shall release or clear the plant, plant product or other regulated article imported in accordance with section 25B of the Customs Act.

(3D) (a) Any fee or charge under this regulation shall be paid to the Director-General through the TradeNet in such other manner as the Director-General may determine.

(b) The Director-General shall, not later than 15 working days after the end of every month, remit the fees collected to NPPO.

**5.** Regulation 8 of the principal regulations is amended —

- (a) by inserting, after the word “export”, the words “or re-export”;

- (b) by inserting, after the word “permit”, the words “or certificate”;
- (c) by adding the following new paragraph, the existing provision being numbered as paragraph (1) —

(2) The procedures set out in regulation 4(1) to (3D) shall apply, in respect of an application for —

- (a) an export phytosanitary certificate under section 22 of the Act;
- (b) a re-export phytosanitary certificate under section 23 of the Act; or
- (c) any permit, certificate or authorisation required in respect of importation and exportation under the Act,

with such modifications, adaptations and exceptions as may be necessary.

6. These regulations shall be deemed to have come into operation on 1 September 2019.

Made by the Minister on 24 September 2019.