

L.N. 272 of 2004**PLANT QUARANTINE ACT, 2001
(ACT NO. XVIII OF 2001)****Protected Zones (Movement) Regulations, 2004**

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

1. (1) The title of these regulations is the Protected Zones (Movement) Regulations, 2004. Title and commencement.

(2) These regulations shall come into force on the 15th May, 2004.

2. The scope of these regulations is to establish the conditions to be met, when plants, plant products or other objects listed in Schedule V, part A, section II of the Plant Quarantine (Harmful Organisms) Regulations 2004, originating outside a protected zone established in respect of one or more harmful organisms, are moved through such protected zone for final destination outside the zone, and without a plant passport valid for that zone. Scope.
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3. In these regulations, unless the context otherwise requires: Interpretation.

“the Act” means the Plant Quarantine Act, 2001;

“the Department” means the Plant Health Department;

“protected zone” means a zone in which one or more harmful organisms are not endemic or established despite favourable conditions for them to establish themselves there, and in which there is a danger that certain harmful organisms will establish, given propitious ecological conditions, for particular crops. For the purposes of this definition, a harmful organism shall be considered to be established in an area if it is known to occur in that area and if either no official measures have been taken there with a view to its eradication, or such measures have proved for a period of at least two successive years to be ineffective.

Conditions for the movement of plants, plant products and other objects through protected zones.

4. (1) The packaging used or, where appropriate, the vehicles transporting the plants, plant products or other objects referred to in regulation 2, shall be clean and of such a nature as to ensure that there is no risk of harmful organisms spreading.

(2) Immediately after packaging, the packaging or, where appropriate, the vehicles transporting the said plants, plant products or other objects shall be secured according to stringent plant health standards to ensure that there is no risk of harmful organisms spreading in the relevant protected zone and that the identity will remain unchanged and to the satisfaction of the Director, and remain secured during transportation through the relevant protected zone.

(3) The plants, plant products or other objects referred to in regulation 2, shall be accompanied by a document which is normally used for trade purposes, indicating that the said products originate outside the relevant protected zone and have a destination outside the relevant protected zone.

Official measures.

5. If during an official check, organised pursuant to regulations under the Plant Quarantine Act, 2001 and carried out at a place within the relevant zone, it is found that the requirements laid down under regulation 3 above are not met, the following official measures shall be taken immediately, as appropriate, and without prejudice to the measures to be taken if the plants, plant products or other objects do not meet the conditions laid down under the Plant Quarantine Act, 2001:

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(a) sealing of the packaging,

(b) transportation, under official control, of the plants, plant products or other objects to a destination outside the relevant protected zone.

Conditions for plants, plant products and other objects originating in and moving within protected zones.

6. Less stringent conditions shall apply to those plants, plant products or other objects listed in Annex V, part A, section II of the Plant Quarantine Act originating in and moving within a protected zone established for the said plants, plant products or other objects in respect of one or more harmful organisms.