

Plant Disease and Control Regulation 1956

Unvalidated References:

Plant Disease and Control Act 1953

Quarantine Regulation 1956

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 220.

Plant Disease and Control Regulation 1956

ARRANGEMENT OF SECTIONS.

1. Interpretation.
2. Cultivated land.
3. Diseased or noxious plants.
4. Coconut palms.
5. Treatment and disinfection.
6. Prevention of spread of disease, etc.

Plant Disease and Control Regulation 1956

Made under the *Plant Disease and Control Act 1953*.

Dated 200 .

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears—

“**cultivated land**” means land on which plants are being grown for economic purposes;

“**economic purposes**” includes—

(a) sale, exchange and barter; and

(b) the production of food from, or the use as food of, a plant, plant produce or plant products; and

(c) the manufacture of commodities of any kind; and

(d) any other commercial purposes;

“**harbour**” means to be or to be liable to be a breeding ground for or the means of causing the spread of or attacks by diseases or pests.

2. CULTIVATED LAND.

(1) The occupier, or if there is no occupier the owner, of cultivated land who fails—

(a) to keep the land free of rubbish and other refuse and matter that may harbour a disease, pest or noxious plant; or

(b) to take such measures as an inspector may require him, in writing, to take for the reduction, eradication or prevention of the spread of diseases, pests or noxious plants on the land; or

(c) to carry out an order of an inspector under this Regulation, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Subsection (1) applies to the occupier, or if there is no occupier to the owner, of any land within a distance of 91.44m from the boundaries of cultivated land as if it were cultivated land

3. DISEASED OR NOXIOUS PLANTS.

A person who knowingly—

(a) plants, grows, sells, offers for sale or gives to any person any diseased or noxious plant; or

(b) introduces any disease, pest or noxious plant into or on to any land,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

4. COCONUT PALMS.

(1) A person who, without the written permission of the Chief Inspector of Plants, conveys or causes to be conveyed from one province to any other province any coconut palm or part or product of a coconut palm other than—

(a) copra, desiccated coconut or other manufactured product of the coconut; or

(b) husked coconut for use as food or the manufacture of desiccated coconut or other commodity; or

(c) seed nuts (unsprouted),

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) The owner of a coconut palm or the occupier, or if there is no occupier the owner, of any land on which coconut palms are growing, who fails, when directed by an inspector to do so—

(a) to cause the coconuts to be collected before they have expanded leaves; and

(b) if the coconuts are not intended to be used for economic purposes and, in the opinion of the inspector, are likely or bound to harbour any disease or pest, to cause them to be destroyed before they have expanded leaves,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

5. TREATMENT AND DISINFECTION.

The approved and prescribed means and methods of treating and disinfecting plants are—

- (a) those specified in Schedule 3 to the *Quarantine Regulation 1956*; or
- (b) in any particular case, as an Inspector directs.

6. PREVENTION OF SPREAD OF DISEASE, ETC.

(1) For the purposes of preventing the spread of a disease or pest, the Minister may, by notice in the National Gazette, declare an area at or adjoining a port or aerodrome to be an area where a species of plant specified in the notice must not be planted, grown or allowed to grow.

(2) The owner or occupier of land in an area declared under Subsection (1) on which there is, or on which he knows or suspects or ought, if he used reasonable diligence, to know or suspect that there is a plant specified in a notice under that subsection, who fails to immediately eradicate and destroy it, whether or not it is grown or planted for economic purposes, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) A person shall not be convicted of an offence against Subsection (2) if he has used and is using reasonable exertions to eradicate and destroy the plant.

(4) Where a person has failed to eradicate and destroy plants as required by Subsection (2), an Inspector may—

- (a) immediately enter or authorize a person appointed by him to enter on the land; and
- (b) expend such sums of money made available for the purpose as he thinks expedient in endeavouring to eradicate and destroy the plant.

(5) Any reasonable expense incurred under Subsection (4) is recoverable from the occupier or if there is no occupier from the owner, of the land as a debt.

(6) The liability of an occupier or owner for expense recoverable under Subsection (5) is in addition to his liability to pay any penalty under the Act or this Regulation.

(7) Where the Minister is satisfied that a plant destroyed under this section was grown for economic purposes, he may authorize the payment of such compensation as he thinks proper to the owner of the plant.

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