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CONTROL OF PLANTS ACT

(CHAPTER 57A, SECTION 49)

CONTROL OF PLANTS (IMPORT AND TRANSHIPMENT OF FRESH FRUITS AND VEGETABLES) RULES

History	G.N. No. S9/99	->	R1 2006 REVISED EDITION
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[8th January 1999]

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CONTROL OF PLANTS ACT

(CHAPTER 57A, SECTION 49)

CONTROL OF PLANTS (IMPORT AND TRANSHIPMENT OF FRESH FRUITS AND VEGETABLES) RULES

[8th January 1999]

Citation

1. These Rules may be cited as the Control of Plants (Import and Transhipment of Fresh Fruits and Vegetables) Rules.

Definitions

2. For the purposes of these Rules —

"container" , in relation to fresh fruits or vegetables, means the basket, carton, bag, box, packet or other receptacle which contains the fruits or vegetables and, where any such receptacle is contained in another such receptacle, includes the latter receptacle;

"licence" means a licence issued under section 31 of the Act for the import or transshipment of any fresh fruit or vegetable;

"licensee" means the holder of a licence;

"permit" means a permit issued under section 31 of the Act to a licensee for the import or transshipment of any consignment of fresh fruits or vegetables.

Person to whom licence or permit may be issued

3. The Director-General shall not issue a licence or permit to any person unless the person is carrying on business in Singapore and is —

(a) registered under the Business Registration Act (Cap. 32); or

(b) in the case of a company, incorporated or registered under the Companies Act (Cap. 50).

Licence and permit not transferable

4. —(1) No licensee shall transfer or assign the benefit of his licence or any permit issued to him to any person.

(2) A licensee who contravenes paragraph (1) shall be guilty of an offence.

Alteration of licence, permit or any label or document

5. Any person who without lawful authority alters any licence or permit or any declaration form, document or label relating to the import or transshipment of any fresh fruit or vegetable or knowingly makes use of any licence, permit, declaration or document so altered shall be guilty of an offence.

Where consignment imported or transhipped in contravention of Act

6. —(1) Where an authorised officer has reasonable grounds to believe that a consignment of fresh fruits or vegetables has been or is to be imported or transhipped in contravention of section 7 or 8 of the Act, he may —

(a) where the consignment has yet to be removed from the conveyance in which it was brought into Singapore, by order prohibit the removal of the consignment from the conveyance;

(b) direct the person who brought the consignment into Singapore to export, destroy or otherwise dispose of the consignment; or

(c) seize the consignment.

(2) Any person who fails to comply with an order of an authorised officer given under paragraph (1) (a) or a direction of an authorised officer given under paragraph (1) (b) shall be guilty of an offence.

Inspection of consignment

7. —(1) Any licensee who imports or tranships a consignment of fresh fruits or vegetables shall —

(a) before removal of the consignment from the conveyance in which it was brought into Singapore or within such time as an authorised officer may allow, submit to an authorised officer a copy of the import declaration or cargo clearance permit in respect of the consignment, whichever is applicable, and such other document in respect of the consignment as the Director-General or authorised officer may reasonably require; and

(b) when directed by an authorised officer to do so, take the consignment to the Pasir Panjang Wholesale Centre, or such other place as may be specified by the authorised officer, for inspection prior to its sale, supply or distribution.

(2) Any person who fails to comply with paragraph (1) shall be guilty of an offence.

Procedure for taking samples for analysis

8. —(1) Where a consignment of fresh fruits or vegetables has been imported and an authorised officer takes a sample of the consignment for analysis under section 39 of the Act, the authorised officer shall —

(a) seal the sample in such manner as its nature permits;

(b) label the sample with the particulars of the licensee of the consignment and the date the sample was taken;

(c) sign his name on the label;

(d) direct the licensee or, where the licensee is not present, the person having charge of the consignment to sign an acknowledgment that the sample comes from the consignment imported by him or of which he is in charge, as the case may be; and

(e) immediately deliver the sample to an authorised analyst for analysis.

(2) Where the authorised officer determines that the consignment is to be detained until a report of the result of the analysis is obtained, he shall —

(a) cause the consignment to be marked or labelled for identification; and

(b) direct the licensee or, where the licensee is not present, the person having charge of the consignment to store the consignment at such place as the authorised officer may specify until the report is obtained.

(3) Where the licensee is not present at the time the consignment is detained, the authorised officer shall, as soon as practicable, inform the licensee of the detention.

(4) Any person who —

(a) fails to comply with a direction of an authorised officer given under paragraph (1) or (2); or

(b) without the authority of the authorised officer, removes, sells or otherwise disposes of any part of a consignment which has been detained,

shall be guilty of an offence.

(5) Where the result of the analysis of the sample confirms that the sample does not contain any —

- (a) prohibited pesticide residue;
- (b) residue of any pesticide which exceeds the prescribed level referred to in rule 9 (1) (a) in respect of the pesticide; or
- (c) residue of any toxic chemical which exceeds the prescribed level referred to in rule 9 (1) (b) in respect of that toxic chemical,

an authorised officer shall immediately release the consignment to the licensee if the consignment is detained.

Level of pesticide residue, etc.

9. —(1) For the purposes of section 8 (1) (c) of the Act —

- (a) the prescribed level of pesticide residue is —
 - (i) the level specified in the Ninth Schedule to the Food Regulations (Cap. 283, Rg 1) in respect of the pesticide in question; or
 - (ii) where the Ninth Schedule to the Food Regulations does not specify any level in respect of that pesticide, the level recommended by the Joint FAO/WHO Codex Alimentarius Commission in respect of that pesticide; and
- (b) the prescribed level of toxic chemical residue is —
 - (i) the level specified in the Food Regulations in respect of the toxic chemical in question; or
 - (ii) where the Food Regulations does not specify any level in respect of that toxic chemical, the level recommended by the Joint FAO/WHO Codex Alimentarius Commission in respect of that toxic chemical.

(2) For the purposes of section 8 (1) (d) of the Act, the sanitary standards are as follows:

- (a) a consignment of fresh fruits or vegetables which is to be imported must not contain any organism or substance (other than a pesticide or toxic chemical) that is likely to be, or of a level that is likely to be, injurious to human health;
- (b) the container for the fresh fruits or vegetables constituting the consignment is clean and in a sanitary condition, and is appropriate for the keeping of such fruits or vegetables.

Container to bear certain particulars

10. —(1) For the purposes of section 8 (1) (f) of the Act, a licensee shall ensure that each container of fresh fruits or vegetables constituting a consignment to be imported by him bears the following particulars:

- (a) the name of the producer of the fresh fruits or vegetables;
- (b) the address of the producer, not being a telegraphic or code address or an address at a post office;
- (c) the names of the fresh fruits or vegetables contained in the container; and

(d) such other particulars as the Director-General may reasonably require.

(2) Where a consignment does not bear any of the particulars referred to in paragraph (1), an authorised officer may —

- (a) direct the licensee to export, destroy or otherwise dispose of the consignment; or
- (b) seize the consignment.

(3) Any person who fails to comply with a direction of an authorised officer given under paragraph (2) shall be guilty of an offence.

Powers of authorised officers

11. —(1) For the purpose of ascertaining whether an offence under section 7 or 8 of the Act or under these Rules has been or is being committed, an authorised officer has (in addition to the powers referred to in section 37 (1) of the Act) the power to require a person who imports or tranships any fresh fruits or vegetables —

- (a) to disclose to the authorised officer his name, place of residence, place of business and such other particulars as the authorised officer may reasonably require;
- (b) to produce any document, which relates to, or which the authorised officer reasonably believes relates to, the import for sale, supply or distribution, or the transhipment of, fresh fruits or vegetables.

(2) Any person who refuses or fails to comply with a requirement of an authorised officer referred to in paragraph (1) shall be guilty of an offence.

Giving of false information, etc.

12. Any person who, being required under these Rules to provide any information or produce any document or who, for the purpose of obtaining a licence or permit —

- (a) provides any information or makes any statement or declaration which, to his knowledge, is false in any material particular; or
- (b) submits or produces any document which, to his knowledge, is false in any material particular or has not been made by the person by whom it purports to have been made, or has been in any way altered or tampered with,

shall be guilty of an offence.

Penalty

13. Any person who is guilty of an offence under these Rules shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Fees

14. The fees specified in the second column of the Schedule shall be payable to the Director-General in respect of the matters specified in the first column thereof.

THE SCHEDULE

<i>First column</i>	<i>Second column</i>
1. For the issue or renewal of a licence	\$378 per year
2. For the issue of a permit	\$3
3. For a certified true copy of a licence or permit	\$9.45

[G.N. Nos. S 9/99; S 89/2000;S 449/2006]

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