

Plants (Amendment) Act 1991

TUVALU

PLANTS (AMENDMENT) ACT 1991 (Act 8 of 1991)

I assent
Toaripi Lauti PC GCMG
Governor-General

31st December 1991

AN ACT to amend the Plants Act.

Enacted by the Parliament of Tuvalu

(Commencement: _____)

Citation and commencement

1. This Act may be cited as the Plants (Amendment) Act 1991 and shall come into operation on such date as the Minister may by notice appoint.

Amendment of section 2 of Cap 39

2. The definitions in section 2 of the Plants Act are hereby amended as follows:

(a) the entry and definition of "pest" are deleted and the following entry and definition of "Plant pest" a substituted therefor:

""plant pest" means any form of plant or animal life or any pathogenic agent including insects nematode, snail, fungus, bacteria, virus, or weed which is or may be injurious to plants;"

(b) the entry and definition of "plant or plants" are deleted and to following entry and definition a substituted therefor:

""plant" means all species, variety and type of plant or part thereof whether live or dead, including stem, branch, tuber, bulb, corm, stock budwood, cutting, layer, slip, sucker, root, leaf, flower, seed and any plant material";

(c) the entry and definition of "earth" is deleted and the following entry and definition of "soil" is substituted therefor:

""soil" means the loose surface material of the earth in which plants may grow and which may serve to harbour plant pests; generally it consists of disintegrated rock with an admixture of organic material and soluble salts and may include gravel, rocks, aggregate, compost, clay, sand, silt or vermiculture";

and any reference in this Act to "earth" is hereby amended to "soil".

(d) by adding a new entry and definition of "treatment" as follows:

""treatment" means the use of measures designed to prevent by any of the following methods the entry into Tuvalu of plant pests, namely:

(i) treatment if feasible, failing which destruction or re-exportation of plants together with the soil, container wrappings or other articles with which the plant or any other plant may have been in contact;

(ii) treatment or re-exportation of any conveyance in which any plant pest, plant or such articles have been imported into Tuvalu."

(e) by add a new entry and definition of "conveyance" as follows:

""conveyance" means any vessel or aircraft or any container therein."

Amendment of section 3 of Cap 39

3. (a) Section 3(1) of the Plants Act is repealed and the following subsection substituted therefor:

"(1) Plant quarantine officers shall be appointed by the Public Service Commission."

(b) The amount of the fine contained in section 3(3) of the Plants Act is amended from "\$50" to be "up to \$500".

Amendment of section 7 of Cap 39

4. Sections 7(2) and 7(3) of the Plants Act is repealed and the following subsection substituted therefor:

"(2) Any plant found or suspected to be infected with any plant pest shall be treated as prescribed, or failing prescription, as the Agricultural officer may determine, together with the soil, containers, wrappings or other articles with which the plant or plant pest has been in contact and any conveyance in which the plant pest, plant or such articles were imported into Tuvalu."

Amendment of section 8 of Cap 39

5. The amount of the fine in section 8(3) is amended from "\$100" to be "up to \$5,000".

Amendment of section 10 of Cap 39

6. Section 10 of the Plants Act is repealed and the following section substituted therefor:

"10. For the purposes of this Act the Minister may make regulations generally, and in particular for the purpose of excluding plant pests from Tuvalu such regulations may:

(a) prohibit or restrict the importation or prescribe the conditions for entry into Tuvalu of plants or other articles liable to introduce plant pests into Tuvalu;

(b) prohibit the importation into Tuvalu of any plant pest;

(c) provide for the issue of permits import plants;

(d) prescribe the inspection, and treatment of imported plants;

(e) prescribe the inspection and treatment of conveyance from [illegible] Tuvalu, and the restriction of the movement;

(f) provide for the treatment of garbage;

(g) provide for the intermediate quarantine of plants;

(h) make such other provision as may be necessary to exclude plant pests from Tuvalu; and

(i) provide for the charging of fees for any quarantine service or treatment or other act done in pursuance of this Act."

Amendment of section 11 of cap 39

7. Section 11 of the Plants Act is repealed and the following section substituted thereto of:

"11. Any local government council on t advice of the Director of Agriculture may at any time by notice declare a area within its area of authority be an infected area and prohibit the movements of plants and plant material into, out of or within this area."

Amendment of section 16 of Cap 39

8. The amount of the fine in section 16 the Plants Act is amended from "\$500" to be "up to \$3,000".

PLANTS (AMENDMENT) ACT 1991
(Act 8 of 1991)

EXPLANATORY MEMORANDUM
(This memorandum is not part of the Act)

The purpose of this Act is to improve plant quarantine laws. The amendments generally follow the recommendations of J.R. Morschel, FAO Consultant as updated.

New definitions are provided in section 2 and Section 3 brings the appointment .of plant quarantine officers into conformity with the Constitution.

Section 4 provides for the treatment, destruction or re-exportation of plants and associated articles found or suspected to be infected with any plant pest.

The .Level of fines is increased. The scope of regulations is better defined in section 6.