

LAWS OF THE REPUBLIC OF VANUATU

IMPORT OF PLANTS

[CAP. 34.

Commencement: 13 October 1964

LAWS OF THE REPUBLIC OF VANUATU

REVISED EDITION 1988

CHAPTER 34

IMPORT OF PLANTS

JR 26 of 1964

ARRANGEMENT OF SECTIONS

SECTION

1. Application for import permit
2. Minister may prohibit import of plants
3. Import through sea ports
4. Import declaration
5. Detention of plants on arrival in Vanuatu
6. Phytosanitary inspectors to inspect plants
7. Offences and penalties
8. Regulations

SCHEDULE-Application for an Import Permit

IMPORT OF PLANTS

IMPORT OF PLANTS

To provide for plant quarantine.

APPLICATION FOR IMPORT PERMIT

1. (1) No person shall, without applying to the Director of Agriculture for an import licence in the form set out in the Schedule, order for the purposes of importation into Vanuatu any of the following, that is to say-
 - (a) live plants or any part thereof including seeds, tubers, bulbs, ryzomes, shoots, suckers, cuttings, grafts, flowers and fruits;
 - (b) dry plants including straw, hay or fodder whether or not from packings or in powder;
 - (c) any other matter capable of containing any organism dangerous to cultivation including soil, compost and manure.
- (2) On receiving the application aforesaid the Director of Agriculture may demand further information from the applicant.
- (3) In considering an application for an import licence the Director of Agriculture shall take into account the special requirements for phytosanitary protection of Vanuatu, the international obligations contracted by the Government and, in particular, the provision of the Agreement for the Protection of Plants in South-East Asia and the Pacific, dated 27 February 1956, and the recommendation of the phytosanitary committee for the South-East Asia and Pacific areas.

MINISTER MAY PROHIBIT IMPORT OF PLANTS

2. Notwithstanding the provisions of section 1, the Minister responsible for agriculture may by Order prohibit absolutely, except by the Agricultural Department for scientific purposes, the importation of any plant, part or derivative of a plant.

IMPORT THROUGH SEA PORTS

3. No pelton shall import into Vanuatu any of the articles referred to in subsection (1) of section 1 except through the sea ports of Port Vila, Luganville and Palekula or the airports of Port Vila or Luganville:

Provided that such articles may be imported at other places of entry with the authority in writing of the Director of Agriculture and in such circumstances that satisfactory phytosanitary control can be enforced under his direction.

IMPORT DECLARATION

4. (1) The provisions of sections 1 and 2 shall apply to all imports of whatsoever quantity and origin and especially to plants, seeds, flowers and fruit carried in the baggage of travellers or on the person.
- (2) Every person entering Vanuatu shall declare either orally or in writing whether he has in his possession any of the articles referred to in subsection (1) of section 1, however small the quantity is.
- (3) Any such traveller or immigrant who has any such article in his possession shall deliver the same to the Customs Department and apply for an import licence in respect thereof.
- (4) Any person who, for the purpose of this section makes any false declaration shall be guilty of an offence and on conviction thereof shall be liable to the penalties prescribed in section 7.

DETENTION OF PLANTS ON ARRIVAL IN VANUATU

5. (1) Every consignment of articles referred to in subsection (1) of section 1 arriving in Vanuatu shall be immediately detained by the Customs or Posts and Telecommunications Department pending a decision by the Director of Agriculture as to whether it may be imported:
- Provided that in the case of a perishable nature such decision shall be given within 48 hours of their detention as aforesaid.
- (2) Articles in respect of which an import licence has been obtained and of which the sanitary condition is, after inspection, considered to be satisfactory shall, after disinfection, if necessary be returned to the importer on the instructions of the Director of Agriculture.
- (3) The Director of Agriculture may in respect of articles which-
- (a) have been imported in contravention of Orders made under section 2 of this Act;
 - (b) have been imported without an import licence or without the certificates required for an import licence; or
 - (c) are in his opinion in a dangerous or potentially dangerous condition and in regard to which no adequate treatment is available to the Agricultural Department for the destruction of any parasite or infectious germs which they may contain;
- order that they be returned or destroyed without compensation to and at the expense of the importer.

PHYTOSANITARY INSPECTORS TO INSPECT PLANTS

6. (1) The Director of Agriculture shall be responsible for plant protection.
- (2) It shall be the duty of the phytosanitary inspectors to carry out the inspection of articles referred to in subsection (1) of section 1:
- Provided that such inspections shall be carried out in the presence of an officer of the Customs or Posts and Telecommunications Department and the importer or his representative.
- (3) Any dispute arising in connection with any such inspection shall be submitted to the Director of Agriculture for his decision.

OFFENCES AND PENALTIES

7. Any person who acts in contravention of the provisions of this Act shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT100,000; and on a second or subsequent offence within 5 years to a fine not exceeding VT200,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

REGULATIONS

8. The Minister responsible for agriculture may make regulations for the better carrying out of the provisions of this Act.

CAP. 34.]

IMPORT OF PLANTS

SCHEDULE

(section 1)

APPLICATION FOR AN IMPORT PERMIT

I, the undersigned,
(name, surname)

Occupation

Full address

Request authorisation to import by
(means of transport)

through
(state the port of entry if the article is not to be imported by post)

the following articles-

Amount or quantity and weight and kind of goods (1)	Country and place of origin	Full address of suppliers
--	-----------------------------	---------------------------

for the purpose of (2)

at (3)

Date

Signature

- State whether seeds, grafts, cuttings, bulbs, tubercules, earth, vegetable mould, etc., and give the name of the variety.
- (2) State purpose for which imported, i.e., whether for sale, personal use, planting, manufacture, eating or planting for sale.
- State the exact place where the goods are to be sold or planted.

DECISION OF THE AGRICULTURAL DEPARTMENT:

Accepted: See import permit No.

Refused: (Indicate reason)