

RGN 154 of 1976

Plant Pests and Diseases (Importation) Regulations, 1976

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Rhodesia Government Notice No 154 of 1976

Amended by S.I.s 369/77 and 48/88

IT is hereby notified that the Minister of agriculture has, in terms of section 8 and 29 of the Plant Pests and Diseases Act [Chapter 19:08], made the following regulations:—

ARRANGEMENT OF REGULATIONS

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which a permit is required

Title and application

1. (1) These regulations may be cited as the Plant Pests and Diseases (Importation) Regulations, 1976

(2) These regulations shall not apply to any—

- (a) growing medium; or
- (b) injurious organism; or
- (c) Invertebrate; or
- (d) plant; or
- (e) plant product specified in the Third Schedule; or
- (f) seed listed in the Fourth Schedule;

which is in transit through Zimbabwe and consigned by rail, water transport, aircraft on international flight and by road including motorized and animal driven means of transport.

Interpretation

2. In these regulations—

“a plant protection officer” means a person who is authorized by the plant protection authority to issue a phytosanitary certificate;

“appropriate fee” means the appropriate fee prescribed in the First Schedule;

“Chief Plant Protection Officer” means an officer appointed in terms of section 3;

“form” means the appropriate form prescribed in the Second Schedule

“permit” means a permit issued in terms of section 5;

“phytosanitary certificate” means a statement, in form 1 or other similar statement accepted by the Chief Plant Protection Officer, issued by a plant protection officer:

“plant product” means plant material which may be intended for manufacture or further industrial processing, and which is not intended for propagative purposes;

“plant protection authority” means the department of the government of a country, which is responsible for the administration of the law in force in that country providing for the protecting of plants against injurious organisms

“quarantine”, means the detention and culture of plants in isolation, under such conditions as the Chief Plant Protection Officer may determine;

“soil” means a growing medium, which is neither inert or sterilized;

“specified country” means, Botswana, Lesotho, Malawi, Mocambique, the Republic of South Africa or Swaziland;

“treatment” means the disinfecting, fumigating, quarantining, sorting or treating of a growing medium, plant or container in terms of these regulations;

“vegetative material” means:

(a) any growing plant; or

(b) any part of a plant, other than seed or fruit, which can be used to propagate

the plant

Responsibility for administration of these regulations

3. (1) The Minister shall appoint an inspector to be the Chief Plant Protection Officer for the plant protection authority in Rhodesia.

(2) The Chief Plant Protection Officer referred to in subsection (1) shall be responsible for the administration of these regulations

Importation of growing media, injurious organisms, invertebrates and plants

4. (1) Subject to the provisions of subsections (2) and (3), no person shall import any—

(a) Growing medium; or

(b) injurious organism: or

(c) invertebrate: or

(d) plant; or

(e) Plant produce specified in the Third Schedule; or

(e) seed listed in the Fourth Schedule;

unless he has obtained a permit authorizing such importation.

(2) No person shall—

(a) import any soil, plant packed in soil, or fresh fruits from Asia or the Pacific Islands without the written consent of the Chief Plant Protection Officer, which consent shall not be given unless the importation is for scientific purposes or made under his direct supervision.

(b) import any injurious organisms without the written consent of the Chief Plant Protection Officer, which consent shall not be given unless the importation is for scientific purposes and made under his direct supervision.

(3) No permit shall be required for the importation of any –

(a) cut flower not intended for propagation; or

(b) fruit, other than citrus, grown or produced in a specified country: or

(4) No person shall import any growing medium or plant other than through a place appointed as a port of entry in terms of section 14 of the Customs and Excise Act [Chapter 177]

Provided that, where a permit specifies that the growing medium or plant shall be placed in quarantine, such growing medium or plant shall be consigned to the Chief Plant Protection Officer in Salisbury

Permits

5. (1) Every person who wishes to obtain a permit to import any –

(a) growing medium; or

(b) injurious organisms; or

(c) invertebrate; or

(d) plant; or

(e) plant product specified in the Third Schedule; or

(f) seed specified in the Fourth Schedule;

shall make application to the Chief Plant Protection Officer in the form 2 for the issue of a permit.

(2) On receipt of an application made in term of subsection (1) the Chief Plant Protection Officer may –

- (a) issue a permit, in duplicate, in form 3; or
- (b) refuse to issue a permit, if he considers that the proposed importation may result in the introduction or spread of any injurious organisms.

(3) The Chief Plant Protection Officer, may in issuing a permit impose any conditions, including any one or more of the following –

- (a) the production of a phytosanitary certificate;
- (b) the production of a certificate of origin;
- (c) Quarantine;
- (d) any treatment considered to be necessary.

(4) Every condition imposed in terms of subsection (3) or of section 30 of the Act shall be endorsed on the permit by the issuer of the permit.

(5) The Chief Plant Protection Officer may cancel, suspend or amend any permit if –

- (a) he is satisfied that such cancellation, suspension or amendment is necessary to prevent the introduction or spread of any disease or injurious organisms; or
- (b) the person to whom the permit was issued has failed to comply with any condition imposed in terms of subsection (3) or of section 30 of the Act.

Specific controls

6. An inspector may—

- (a) cause any vehicle suspected or know to have brought into Rhodesia –
 - (i) an injurious organisms; or
 - (ii) a plant or container suspected or known to be diseased or infected with an injurious organism; to be disinfected or fumigated.
- (b) on importation, detain and inspect any growing medium, plant or container which is liable to harbour an injurious organism:
- (c) order the treatment of any growing medium or plant or container referred to in paragraph (b), whether or not the growing medium, plant or container is diseased or infected with an injurious organism.
- (d) cause any imported growing medium or plant which appears to be infested with an injurious organism together with the container and any plant in the same containers to be destroyed without compensation if, in his opinion—
 - (i) the injurious organism is a specially dangerous character; or
 - (ii) disinfection is impracticable or will not be a complete safeguard against the introduction or spread of an injurious organism; or
 - (iii) the delay caused by disinfection would give rise to the risk of the introduction or spread of the injurious organism.

Place of treatment

7. Unless the Chief Plant Protection Officer otherwise directs, the treatment of any imported growing medium, plant of container in terms of section 6 shall be carried out on State premises appointed by him for the purpose.

Costs and fees

8. (1) No imported growing medium, plant or container, which has been treated in terms of section 7, shall be released to the importer unless he pays the appropriate fee.

(2) If any importer fails to pay the appropriate fee in respect of a growing medium, plant or container referred to in subsection (1) within seven days of the date of a notice demanding payment sections (3), (4) and (5), cause that growing medium, plant or container to be sold by public auction at such time and place as he may fix.

(3) The sale of a growing medium, plant or container in terms of subsection (2) shall be subject to a reserve sufficient to cover the estimated costs and charges referred to in paragraphs (a), (b) and (c) of subsection 5.

(4) A growing medium, plant or container not purchased at a sale in terms of subsection (2) may be –

- (a) sold out of hand; o5r
- (b) destroyed without payment of compensation.

(5) If a growing medium or plant referred to in subsection (1) is, in the opinion of an inspector, of such a nature that only its immediate sale would realize an amount sufficient to cover –

- (a) the cost of the sale; and
- (b) the appropriate fee; and
- (c) any charges payable to the controller of Customs and Excise;

the growing medium or plant shall be disposed of in the manner described in subsection (4).

(6) There shall be paid to the importer any amount realized by the sale of a growing medium, plant or container in terms of this section, less charges referred to in paragraphs (a), (b), and (c) of subsection 5.

Appeals

9. (1) Any person who is aggrieved by a decision of an inspector in terms of these regulations may appeal, in writing, to the Chief Plant Protection Office.

(2) Notwithstanding the repeal of the regulations specified in the Fifth Schedule, any –

(a) application for a permit made under the repealed regulations shall be deemed to be an application for a permit to be issued under these regulations.

(b) permit issued under the repealed regulations shall continue to be valid as if it were issued under these regulations, and may be cancelled, suspended or amended in terms of section 5:

(c) conditions subject to which a permit was issued under the repealed regulations shall continue to attach to such permit throughout its period of validity, and may be varied or cancelled in terms of these regulations.

(d) consent given by the Minister under the repealed regulations shall be deemed to have been given in terms of section (4)

(e) notice or order made or given under the repealed regulations shall continue to have effect as if it were issued or made under the appropriate provisions of these regulations.

First Schedule (Section 2)

PRESCRIBED FEES

Nature of treatment	Fee
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1. Fumigation of living plants in a fumigation chamber with hydrogen cyanide methyl bromide or other approved fumigant	Ten cents for each container. The minimum fee for each use of the fumigation chamber shall be fifty cents and the maximum fee shall be four dollars
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2. Treatment other than specified In item 1.	Such fee as the Minister may fix from time to time.
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Second Schedule (Section 2)

FORMS

FORM 1

PHYTOSANITARY CERTIFICATE

THIS IS TO CERTIFY that the plants, parts of plants or plant products described below, or representative samples of them, were thoroughly examined on
by

an authorized officer of the (insert name of plant protection authority)

and were found to the best of his knowledge, to be substantially free from injurious, diseases and pests, and that the consignment is believed to conform with the current phytosanitary regulations of the importing country, both as stated in the declaration hereon and otherwise.

Fumigation or disinfection treatment (if required by importing county)

Date Treatment

Duration of exposure

Chemical and concentration

Additional declaration

(Official stamp)

20

(Signature)

(Rank)

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter

Name and address of consignee

Distinguishing marks

Origin (if required by importing country)

Means of conveyance

Point of entry

Quantity and names of produce

Botanical name (if required by importing country)

FORM 2

ZIMBABWE

Plant Pests and Diseases (Importation) Regulations, 1976

APPLICATION FOR A PERMIT FOR THE IMPORTATION OF GROWING

MEDIA/INJURIOUS ORGANISMS/INVERTEBRATES/PLANTS

The Chief Plant Protection Officer

(Plant Importation Permits)

P O Box 8100

Causeway

I,

(full name) of

(postal and residential addresses)

Hereby apply to import by

(state mode of importation, i.e. whether by post, rail, road or air)

from through

(State port of entry into Zimbabwe if mode of importation is not to be by post)

the following

for the purpose of

(state which one or more of the following applies: sale, private use, manufacture, consumption or propagation for sale)

I intend to grow these plants at

(states exact locality if plants are to be grown)

Dated

(Signature of applicant)

FORM 3

Plant Pests and Diseases (Importation) Regulations, 1976

PERMIT AUTHORIZING THE IMPORTATION OF GROWING

MEDIA/INJURIOUS ORGANISMS/INVERTEBRATES/PLANTS

(This permit is to be issued in duplicate)

Permission is granted to

of

to import, in one consignment, within six months of the date of this permit

by

from

of
through
the following

subject to the following conditions

Dated

(Chief Plant Protection Officer)

Note – One copy of this permit should be sent by the importer to the supplier who should ensure that it accompanies the growing media/injurious organisms/invertebrates/plants.

Third Schedule (Section 4 and 5)

PLANT PRODUCTS FOR THE IMPORTATION OF WHICH A PERMIT IS REQUIRED

1. Broom – corn
2. Citrus – peel, fresh or dried, other than candied
3. Clover fodder
4. Cocoa – beans and cacao products
5. Coffee – beans for consumption
6. Cotton lint
7. Lucerne hay.
8. Tobacco, cured, unmanufactured

Fourth Schedule (Section 4 and 5)

SEED AND PROPAGATING MATERIALS FOR THE IMPORTATION OF WHICH A PERMIT IS REQUIRED

1. Bean seed, Phaseolus spp
2. Capsicum spp.
3. Cereals, seeds of Acena spp, Hoedun spp, Oryza spp, Secale spp, Triticale spp and triticum spp.
4. Clover seed
5. Coffee seed
6. Conifer seed
7. Cotton seed
8. Grass seed
9. Groundnut seed
10. Lucerne seed
11. Maize seed
12. Mango seed
13. Pea seed
14. Peach seed, including nectarine
15. Pepper seed (Piper nigrum).
16. Pyrethrum seed
17. Soya-bean seed
18. Tobacco seed
19. Tomato seed
20. Cocoa-beans and cacao products
21. Fruits, flowers and vegetable seeds and propagating materials