ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P50

PLANT PROTECTION ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 6/2010, in force 1 November 2010

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PLANT PROTECTION ACT

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SCHEDULE: Order under the Plant Protection Act

PLANT PROTECTION ACT

Interpretation

1. In this Act—

"animal organism" means any animal organism in whatever stage of existence such animal organism may be;

"Chief Inspector" means a Chief Inspector appointed under this Act;

"Director of Agriculture" means the Director of Agriculture of the Department of Agriculture;

"disease" means any disease affecting trees, shrubs or herbs caused by or consisting in the presence of any pathogenical animal or vegetable organism which the Governor may by regulation declare to be a disease within the meaning of this Act;

"diseased" means affected with disease;

"inspection grounds" means such lots of land as may from time to time be set apart by the Governor for the purposes of this Act;

"Inspector" means any Inspector appointed under this Act, and includes an Assistant Inspector;

"nursery" means any land or premises whereon are grown or kept any trees, shrubs or herbs intended for sale or distribution;

"occupier" means the person in actual occupation of any land or building, or if there is no such person, then the expression means the person entitled to possession thereof;

"owner" means the person who is for the time being entitled to receive the rent of any land, or who if the same were let to a tenant at a rack rent would be entitled to receive such rent;

"pest" includes any parasitical, epiphytal or other animal or vegetable organism, and also any insect or other invertebrate animal (in whatever stage of existence such insect or animal may be) affecting or injurious to trees, shrubs or herbs, which the Governor may by regulation declare to be a pest within the meaning of this Act;

"tree", "shrub" and "herb" respectively include the fruit or any product of any tree, shrub or herb and the roots, trunks, stems, branches, fruits, leaves or other parts thereof or any parts severed from any tree, shrub or herb, including emptied pods or husks;

"vegetable organism" means any vegetable organism in whatever stage of existence such vegetable organism may be.

Appointment of Inspectors

2. The Governor may appoint some qualified person as Chief Inspector under this Act, and also such other qualified persons as may be necessary as Inspectors and Assistant Inspectors under him.

Inspection grounds

3. The Governor may rent or lease land for the purposes of this Act, and may set apart such land and also any Government land for use as inspection grounds or for any other purpose which he may deem necessary to further the objects of this Act.

Prohibition of importation of plants, etc.

4. (1) The Governor may by regulation prohibit the importation into Anguilla of any plants, parts of plants, seeds, fruits, soil, or any class of goods, packages, coverings, or other articles or things named and specified in such regulation.

(2) The Governor may by regulation order that the plants, parts of plants, seeds, fruits, soil, or any class of goods, packages, coverings, or other articles or things named or specified in such regulation shall not be imported into Anguilla except upon such conditions as may be specified in such regulation.

(3) Every plant, article or thing named in any regulation in force under this Act coming into Anguilla or any part thereof by sea, may be deemed to have come from a place the introduction thereof from which is prohibited by this Act and may be treated accordingly, unless the importer satisfies the Comptroller of Customs at the port of arrival to the contrary.

(Act 6/2010, s. 41)

Seizure

5. Every plant, article or thing imported into Anguilla in contravention of any regulation under section 1 or 4 , or of any of the conditions imposed thereby, may be seized by the Chief Inspector or any Inspector or by any member of the Police Force and shall thereupon become forfeited to Her Majesty and may be destroyed or otherwise dealt with as the Governor may direct.

(Act 6/2010, s. 41)

Registration of nurseries

6. Every nursery shall be registered by the owner or occupier thereof at the office of the Chief Inspector on or before the 1st day of April in each year.

Inspection of nurseries

7. Every nursery shall be inspected at least twice a year by the Chief Inspector or by an Inspector appointed by him to fulfil that duty, and at such other times as the Chief Inspector shall deem necessary.

Quarantine nurseries

8. The Chief Inspector or any Inspector may declare under quarantine any nursery or such part of any nursery as lies within 20 yards of any tree, shrub or herb which he finds infected by disease, or infested with pests, or within 30 yards if such infected or infested tree, shrub or herb is over 10 feet in height; and such area shall be held and deemed to be under quarantine accordingly.

Contravention of quarantine of nurseries

9. A quarantine declared under section 8 shall remain in force until the Chief Inspector shall have given to the owner or occupier of the nursery affected his written certificate to the effect that the trees, shrubs and herbs within such quarantined area are free from disease and pests, and during such period

of quarantine it shall not be lawful for any person to remove or cause to be removed from such nursery any tree, shrub or herb or any parts thereof or any soil, manure, plant cases, wrappings or packing materials from the quarantined area.

Examination of quarantined nurseries

10. Any owner or occupier of a nursery having his nursery or any part thereof thus placed under quarantine may upon application to the Chief Inspector have his nursery examined free of charge to determine whether or not he has been successful in eradicating the disease or pests.

Power to enter nurseries, etc.

11. The Chief Inspector or any Inspector may at all reasonable times enter without notice (with or without assistants as may to the person making entry seem fit) upon any nurseries, land or plantations or into any building or part of any building not being a dwelling house for the purpose of searching for and examining any animal or vegetable organism or any diseased or pest-infested tree, shrub or herb or any soil, manure, plant cases, wrappings or packing materials, and may remain thereon or therein so long as may be reasonably necessary for any such purpose.

Procedure for eradication of diseases and pests

12. The Chief Inspector or any Inspector authorised by him in writing for that purpose may issue an order in writing in the form in the Schedule to the occupier, or if there is no occupier, to the owner of any nursery, land or plantation, directing him to take within a definite time from the service upon him of such order to be specified therein all such measures as may be necessary for the eradication of or for the prevention of the spread of any disease or pest, including in such measures the total destruction if necessary of any trees, shrubs or herbs whether infected by any disease or infested with any pests or not.

Procedure when occupier is absent

13. If there is no occupier on any land, service of any order under this Act may be made by affixing it on some conspicuous part of the land.

Non-compliance with order

14. If any owner or occupier shall fail to comply with the directions contained in any order, any Inspector may with or without assistants enter upon such land and take such steps as may be necessary for properly and effectively carrying such order into execution.

Expenses

15. (1) The expenses incurred by the Chief Inspector or any Inspector in carrying into effect any order made under this Act shall be paid by the party in default.

(2) Such expenses shall be recoverable summarily as a civil debt in the manner provided by the Magistrate's Code of Procedure Act.

(3) Notwithstanding anything in this section, it shall be lawful for the Governor to dispense with the payment of such expenses in cases where owing to the party in default being in needy circumstances, or for any other reason, the Governor thinks fit so to do.

Compensation

16. It shall be lawful for the Governor out of money voted for that purpose by the Legislature to make grants by way of compensation or partial compensation to occupiers and to owners (according to their respective interests) in respect of healthy trees, shrubs or herbs, destroyed in order to prevent the increase of any disease or pest into adjoining lands.

Protection of persons acting under Act

17. No Inspector or other person authorised under the provisions hereof shall be deemed a trespasser by reason of any entry or destruction or action taken or thing done under this Act, or be liable for any damages occasioned by carrying out any of the provisions of this Act, unless the same were occasioned maliciously and without reasonable and probable cause.

Informality not to invalidate proceedings

18. Proceedings taken under this Act shall not be rendered void by reason of any informality in any order or notice made or given.

Offences

19. Every person is guilty of an offence against this Act who—

(a) in any manner obstructs or impedes any person in the execution of any of the powers conferred by this Act;

(b) refuses or neglects to comply with or acts in contravention of any of the provisions of this Act or the regulations made or any order given in pursuance thereof; or

(c) introduces any disease or pest into any cultivation, unless he proves to the satisfaction of the Magistrate that such introduction was accidental and not due to neglect or malice.

Penalties

20. Any person who is guilty of an offence against this Act is for every such offence liable on summary conviction to a penalty of $3,840. This liability shall be in addition to the liability for civil claims which may be made against such person.

Regulations

21. The Governor in Council may make regulations for all or any of the following purposes, namely—

(a) for regulating or prohibiting the removal from any nursery, inspection ground, plantation or place or the transference or conveyance from any part of Anguilla to any other part thereof of any trees, shrubs or herbs, soil, manure, straw or packing materials;

(b) for securing the detention and examination of any tree, shrub or herb and of any soil, manure, straw or packing material which is suspected to be diseased or pest-infested and of boxes, baskets, pots, packages and cases which are suspected to contain or to have contained diseased or pest-infested trees, shrubs or herbs or to harbour or to be infected by disease or infested with pests;

(c) for securing the effectual treatment of diseased trees, shrubs and herbs and the effectual eradication of diseases and pests, and for the supply of chemicals, appliances and other means whereby such treatment or eradication may be facilitated;

(d) for defining the duties of Inspectors and the Chief Inspector under this Act;

(e) for regulating the work to be done in inspection grounds;

(f) for regulating the manner in which requests are to be made by occupiers to the Chief Inspector and the nature of such requests;

(g) generally for carrying into effect the provisions of this Act.

Citation

22. This Act may be cited as the Plant Protection Act, Revised Statutes of Anguilla, Chapter P50.

SCHEDULE

(Section 12)

ORDER

UNDER THE PLANT PROTECTION ACT

To ……..……..

the occupier, or owner, of ……..……...

situate at ……..……..…… in Anguilla.

TAKE NOTICE that you are hereby required with regard to the disease or pest known as

……..

to take the following measures in connection with your lands—

……

……
Chief Inspector