

*Legal Supplement Part A to the "Trinidad and Tobago Gazette", Vol. 40,
No. 60, 27th March, 2001*

**First Session Sixth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 2 of 2001

[L.S.]

AN ACT to amend the Plant Protection Act, 1975

[Assented to 23rd March, 2001]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Plant Protection Short title
(Amendment) Act, 2001.

Interpretation
Act No. 13 of 1975

2. In this Act, “the Act” means the Plant Protection Act, 1975.

Section 2 amended

3. Section 2 of the Act is amended—

(a) by inserting in the appropriate alphabetical sequence, the following definitions:

“land” includes plantation and nursery;

“notifiable disease” or “notifiable pest” means any disease or pest which the Minister may, by Order, from time to time, declare to be a notifiable disease or notifiable pest within the meaning of this Act;

“nursery” means any land or place where plants are grown or kept for sale, distribution or replanting;

“occupier” in relation to any land or building means the person in actual occupation thereof or, if there is no such person, the owner or the possessor of such land or building;

“owner” means the person who is for the time being entitled to receive the rent of any land or building; or the person who is in possession of or who is for the time being in possession of any land or building;

“pest” means any parasitical, epiphytal or other animal or plant organism inimical to the growth or existence of living plants or injurious to plant products and

any agent capable of producing a communicable disease of plants, which the Minister may, by Order, from time to time, declare to be a pest within the meaning of the Act;

“restricted articles” includes, in addition to the articles referred to in section 3, notifiable pest or notifiable disease; and

(b) by deleting the definition of “plant pest” and substituting the following definition:

“plant pest” means any organism or stage of an organism or of a biotechnically produced variant of any such organism capable of having a deleterious effect on a plant or plant product.”.

4. Section 3 of the Act is amended by repealing subsection (2) and substituting the following subsection: Section 3 amended

“ (2) A person who contravenes subsection (1) is guilty of an offence and is liable—

(a) on a first conviction to a fine of five thousand dollars or to imprisonment for two years or to both; and

(b) on a second or subsequent conviction to a fine of ten thousand dollars or to imprisonment for two years or to both.”.

5. Section 4 of the Act is amended—

Section 4 amended

(a) in subsection (1), by deleting the word “Minister” and by substituting the words “Chief Technical Officer through the Plant Quarantine Service”;

(b) by repealing subsection (2) and by substituting the following subsection:

“ (2) Where a permit is granted, it shall be done in accordance with the provisions of this Act and the regulations and on such terms and conditions as are considered appropriate and such permit may be revoked or any conditions varied;”
and

(c) by repealing subsection (3)(c) and by substituting the following subsection:

“(c) where it is necessary, planting material shall be grown locally by or under the supervision of the Ministry with responsibility for Agriculture and if found harbouring or likely to harbour a plant pest, it shall be the responsibility of the importer or his agent to comply with the action prescribed within the specified time.”.

Sections 4A and 4B
inserted

6. The Act is amended by inserting after section 4, the following sections:

<sup>“Power to
make Order</sup> 4A. The Minister may by Order as he thinks necessary or expedient for preventing the spread of any plant pest or disease in Trinidad and Tobago—

(a) declare a disease to be a notifiable disease or a pest to be a notifiable pest;

(b) prohibit, control or restrict the transportation of any plant, or of any plant appearing to be infested with any pest or disease, or of any

thing whatever, whether of a nature similar to any plant or not, likely to infect any plant with any pest or any disease;

- (c) prohibit, control or restrict the cultivation and harvesting either throughout the country, or any specified area, of any plant when, in the opinion of the Minister, such measures are necessary for the control or eradication of any pest or disease;
- (d) direct, authorise or control the quarantine of infected areas;
- (e) direct and specify the precautions to be taken to prevent the spread of plant disease or pest;
- (f) authorise or require the inspection before import or export of any plant or article likely to infect any plant with any pest or disease, and provide for the grant of a certificate as to the results of such inspection;
- (g) authorise the immediate destruction without compensation of any plant or article which on inspection appears to be infested or infected with any pest or disease;
- (h) direct or authorise the detention of classes of imported plants in any specified place and specify the

precautions to be observed during such detention;

- (i) require plants, or any class or classes of plants, to be accompanied on importation by a plant health certificate issued by a competent authority; and
- (j) prohibit the importation of a particular species of organism or of a biotechnically developed variant of such organism capable of having a deleterious effect on a plant or plant product.

Occupier to
give notice of
notifiable
disease or
pest

4B. (1) The occupier of any land, on which any notifiable disease or notifiable pest occurs, shall as soon as practicable give notice thereof to a Plant Quarantine Officer or an officer authorised by the Chief Technical Officer.

(2) Any occupier who fails to give such notice commits an offence and shall be liable on summary conviction to a fine of five thousand dollars.

(3) In any proceedings under this section it shall be no defence that the occupier was not aware of the occurrence of such disease or pest unless it shall be shown to the satisfaction of the court that he and the persons employed by him on the land took all reasonable steps to discover such occurrence.”.

Section 5 amended

7. Section 5 of the Act is amended by inserting the following new subsection:

“ (3) The seizure and disposal of a restricted article under subsection (2)(b) shall be carried

out at the expense of the importer or his agent.”.

8. Section 6 of the Act is amended—

Section 6 amended

(a) in the marginal note, by inserting after the words, “spread of” the words “plant disease or”;

(b) in subsection (1), by inserting after the words “spread of” the words “plant disease or”; and

(c) in subsection (2), by deleting the first line and substituting “Without prejudice to the generality of subsection (1), the Minister may by such Order—”.

9. Section 7 of the Act is amended—

Section 7 amended

(a) by inserting after the words “The Minister” the words, “, on the recommendation of the Chief Technical Officer,”; and

(b) by deleting the words (“hereinafter referred to as a designated employee”).

10. Section 8 of the Act is amended by deleting the words “designated employee” in the marginal note and in line one and by substituting the words “Plant Quarantine Officer”.

Section 8 amended

11. The Act is amended by inserting after section 8, the following sections:

Sections 8A, 8B and 8C inserted

“Procedure for eradication of diseases and pests

Schedule

8A. A Plant Quarantine Officer or an officer authorised by the Chief Technical Officer may, by notice in writing in the form set out in the Schedule to this Act, served upon the occupier of any land, require him to take within a time specified in the notice, all such measures as may be

necessary for the eradication or the prevention of the spread of any diseases or pests.

Quarantine of
land

8B. (1) Where a Plant Quarantine Officer or an officer authorised by the Chief Technical Officer finds any land or any part thereof to be affected by any disease or pest he may, by notice in writing served upon the occupier, declare such land or part thereof to be under quarantine.

(2) The notice shall remain in force until a Plant Quarantine Officer or an officer authorised by the Chief Technical Officer gives the owner or occupier of the land affected a certificate in writing that the land is free from diseases or pests.

(3) The occupier of land or any part thereof thus placed under quarantine may, upon application to a Plant Quarantine Officer or an officer authorised by the Chief Technical Officer, have his land examined free of charge to determine whether or not the disease or pest has been eradicated.

Service of
notice in the
absence of
occupier

8c. Where there is no person in actual occupation of any land, or where the occupier cannot be found, service of any notice under this Act may be made by affixing the same in a conspicuous place on the land and such affixing shall be deemed to be sufficient and valid service.”.

Section 9 amended

12. Section 9 of the Act is amended—

(a) by deleting the word “Minister” in the marginal note and by substituting the words “an officer of the Plant Quarantine Service”; and

(b) by deleting the words “the Minister or a designated employee” and by substituting the words “an officer of the Plant Quarantine Service”.

13. Section 11 of the Act is amended by deleting the words “comprise of designated employees” and by substituting the words “comprise Plant Quarantine Officers”. Section 11 amended

14. Section 13 of the Act is amended— Section 13 amended

(a) in subsection (2), by inserting after the words “as may be” the words “designated by the Minister or”;

(b) in subsection (2)(a), by deleting the words “Technical Officer (Crop Research)” and by substituting the words “Director in charge of Plant Quarantine Service”;

(c) in subsection (2)(b), by deleting the word “the” occurring before the words “Entomologist” and “Pathologist” and by substituting the words “a Senior”;

(d) by deleting subsections (2)(d) and (2)(e) and by substituting the following subsections:

“(d) a plant protection specialist nominated by the Principal of the University of the West Indies, St. Augustine Campus;

(e) a legal representative of the Ministry responsible for Agriculture or a representative of the Ministry of the Attorney General and Legal Affairs; and”;
and

(e) in subsection (5), by deleting the words “Technical Officer (Crop Research)” and by substituting the words “Director in charge of Plant Quarantine Service”.

- Section 15 amended **15.** Section 15 of the Act is amended—
- (a) in paragraph (a) by deleting the word “or” after the word “regulations;”;
 - (b) by deleting paragraph (b) and by substituting the following paragraph:
 - “(b) any damage or loss incurred as a result of any treatment or quarantine action which was deemed necessary in the opinion of the officers of the Plant Quarantine Service; or”; and
 - (c) by inserting after paragraph (b) the following paragraph:
 - “(c) the detention of any carrier.”.
- Section 15A amended **16.** The Act is amended by inserting after section 15 the following section:
- “Defect not to invalidate proceedings 15A. Proceedings commenced under this Act shall not be rendered invalid by reason of any defect of any order or notice made or given except as against any person prejudiced by such defect of any order made or notice given.”.
- Section 16 amended **17.** The Act is amended by repealing section 16 and by substituting the following section:
- “Offences and penalties **16.** Every person who—
- (a) in any manner obstructs or impedes any person in the execution of any of the duties or powers conferred by this Act or by regulations made thereunder;
 - (b) violates any of the provisions of this Act or the regulations or any order made thereunder;
 - (c) alters, forges, defaces or destroys any certificate or other document required by this Act; or

(d) knowingly introduces any disease or pest onto any cultivated land or to any plant whether cultivated or not,
commits an offence and on summary conviction shall be liable to a fine of five thousand dollars and imprisonment for two years.”.

18. Section 17 of the Act is amended—

Section 17 amended

(a) by deleting paragraph (f) and by substituting the following paragraph:

“(f) providing for the inspection and treatment of plants grown or offered for sale;”;

(b) by deleting paragraph (h) and by substituting the following paragraph:

“(h) regulating the importation, sale, distribution, movement and cultivation of restricted articles;”;

(c) by inserting after paragraph (h), the following paragraph:

“(i) providing for the inspection and certification of restricted articles for exportation;”;

(d) by renumbering paragraph (i) as paragraph (j).

19. The Act is amended by inserting immediately Schedule inserted after section 19 the following Schedule:

SCHEDULE

(Section 8A)

Plant Protection Act, 1975

To:

Name

Land

Situated at

In pursuance of the powers vested in me by section 8A of the Plant Protection Act, 1975, I hereby direct you within.....days of the service upon you of this notice to do the following work on the land:

Viz—

.....
Plant Quarantine Officer

Passed in the House of Representatives this 9th day of February, 2001.

J. SAMPSON-JACENT
Clerk of the House

Passed in the Senate this 20th day of February, 2001.

D. DOLLY
Acting Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 2nd day of March, 2001.

J. SAMPSON-JACENT
Clerk of the House