
4th Session Third Parliament Trinidad and Tobago
24 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 13 of 1975

[L.S.]

AN ACT to make better provision for the control of diseases and pests injurious to plants.

[Assented to 4th July, 1975]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Plant Protection Act, Short title 1975.

Interpretation

2. In this Act—

“carrier” means vehicles, ships or aircraft or any other means of international transport;

“fruit” means any edible part or product derived from a flower but does not include nuts, cereals or pulses;

“Minister” means the member of the Cabinet to whom responsibility for Agriculture is assigned;

“person” includes a body corporate, an unincorporated association or a partnership;

“planting material” includes buds, bulbs, cuttings, grafts, roots, acions, seeds, shrubs, trees, vines and any other part of a plant capable of propagation;

“plant pest” means any living stage of an insect nematode, mite, protozoan or other invertebrate or vertebrate animal, bacterium, fungus, parasitic plant or a reproductive part thereof, virus or any other similar organism capable of causing damage to any plant or plant product;

“plant product” means any substance, material or article of vegetable origin (including pollen whether processed or not) capable of harbouring plant pests;

“soil” means the loose surface material of the earth in which plants grow and which consists mainly of disintegrated rock with an admixture of organic material and soluble salts;

“vegetable” includes all edible portions of food plants in their raw or unprocessed state.

Permit
required for
importation
of a
restricted
article

3. (1) Subject to this Act, no person shall import into Trinidad and Tobago any fruits, planting material, plant pest, pathogens, plant products, soil, vegetables or any other prescribed articles (hereinafter referred to as “restricted articles”) unless he first obtains a permit in accordance with the provisions of this Act or the regulations.

(2) A person who contravenes the provisions of sub-section (1) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment and to a further fine of five hundred dollars for every such contravention after conviction.

4. (1) Applications for permits shall be made to the Minister in the manner prescribed.

(2) Where the Minister decides to grant a permit, he shall do so in accordance with the provisions of this Act and the regulations and on such terms and conditions as he considers appropriate.

(3) Without prejudice to any other terms and conditions subject to which a permit may be granted, it shall be a condition of each permit that—

- (a) each importation of a restricted article is accompanied by a phytosanitary certificate issued by the appropriate government department or agency in the country of export;
- (b) the certificate referred to in paragraph (a) shall be similar to that adopted from time to time by the International Plant Protection Convention 1951; and
- (c) planting material shall, where the Ministry of Agriculture deems it necessary, be grown locally by or under the supervision of the Ministry and if found harbouring or likely to harbour plant pests, shall be subject to such treatment as may be prescribed.

5. (1) Notwithstanding the provisions of section 3, the Minister, if it appears to him that the importation of a restricted article into Trinidad and Tobago is likely to result in the entry of a plant pest, may by Order published in the *Gazette* and in a local daily newspaper prohibit or regulate the importation of such article into the country.

(2) An Order made under subsection (1), may—

- (a) where it regulates the importation of a restricted article, specify conditions subject to which such article may be imported;
- (b) direct or authorize the seizure or disposal of the restricted article, the importation of which is prohibited or does not satisfy the conditions specified in the Order.

Minister may by Order take steps to prevent the spread of plant pests

6. (1) The Minister may make such Orders as he thinks necessary or expedient for preventing the spread of plant pests in Trinidad and Tobago.

(2) An Order made under subsection (1) may—

- (a) direct or authorise the destruction, removal or treatment of a restricted article;
- (b) prohibit the selling, exposing or offering for sale or the distribution of a restricted article; or
- (c) direct or authorise the entering on any land for the purpose of destroying, removing or treating a restricted article in respect of which an Order is made under subsection (1).

Minister may designate employees

7. The Minister may in writing designate suitable employees of the Ministry of Agriculture or any other competent individuals (hereinafter referred to as "a designated employee") for the purpose of enforcing the provisions of this Act.

Power of designated employee

8. A designated employee who has reasonable cause to believe that any person, receptacle or carrier has, possesses, contains or carries a restricted article, the importation of which into Trinidad and Tobago is prohibited or does not satisfy the conditions subject to which it was imported may—

- (a) board any ship or aircraft or enter on any land;
- (b) without warrant, search, inspect or examine any such person, carrier or receptacle for the purpose of seizing, destroying or otherwise disposing of a restricted article.

Comptroller of Customs to notify Minister of entry of restricted article

9. The Comptroller of Customs and Excise or an officer authorised by him for the purpose in writing shall, where a restricted article enters Trinidad and Tobago on a carrier, forthwith notify the Minister or a designated employee of such entry and shall not release or dispose of the article unless authorised so to do by the Minister or a designated employee.

Intransit restricted article or carrier to be subject to regulations

10. A restricted article or a carrier (including the furnishings and stores of an aircraft or a ship) intransit in Trinidad and Tobago shall be subject to such regulations as the Minister may prescribe.

11. There is hereby established for the purposes of this Act a Plant Quarantine Service which shall comprise of designated employees. The purpose of the Plant Quarantine Service is to prevent the entry into Trinidad and Tobago of plant pests which are likely to affect adversely any sector of the agricultural industry of the country.

Establishment
of Plant
Quarantine
Service

12. The Plant Quarantine Service shall have power to do all that is necessary or incidental to the effective carrying out of the provisions of this Act and any regulations made thereunder.

Power of
Plant
Quarantine
Service

13. (1) A Board of Management (hereinafter referred to as "the Board") is hereby established for the purposes of this Act.

Establishment,
composition,
powers and
duties of
Board.

(2) The Board shall manage the affairs of the Plant Quarantine Service, and do such other things as may be necessary or expedient in order to enable the Plant Quarantine Service to achieve its purpose. The Board shall consist of the following members—

- (a) the Technical Officer (Crop Research);
- (b) the Entomologist and the Pathologist attached to the Research Division of the Ministry of Agriculture;
- (c) the Officer-in-Charge of the Plant Quarantine Service;
- (d) a representative of the Crop Science Department of the University of the West Indies, St. Augustine, appointed by the Pro-Vice Chancellor;
- (e) a representative of the Ministry for Legal Affairs appointed by the Attorney General; and
- (f) a representative of private enterprise engaged in agriculture appointed by the Agricultural Society of Trinidad and Tobago.

(3) In respect of each member of the Board, the Minister shall appoint an alternate member who may act in the stead of the respective member at any meeting of the Board.

(4) A member of the Board appointed under paragraph (d) or (f) or under subsection (3)—

Tenure of
office

- (a) shall hold office for the period specified in his instrument of appointment but is eligible for re-appointment; or

(b) may at any time resign his office by instrument in writing addressed to the Secretary; resignation takes effect on the date of receipt of the instrument.

(5) The Technical Officer (Crop Research) or his alternate shall be the Chairman of the Board; the officer in charge of the Plant Quarantine Service or his alternate shall be the Secretary.

Meetings and
procedure

14. (1) The Board shall meet at such times as may be necessary or expedient for the efficient performance of its functions and at such places and times and on such days as the Board may decide.

(2) The Chairman or in his absence his alternate shall preside over the meetings of the Board but where both the Chairman and his alternate are unable to preside, the members present and forming a quorum may appoint a member to preside over that meeting.

(3) The Chairman or, in his absence, his alternate, or where both the Chairman and his alternate are absent, the member appointed pursuant to subsection (2) to preside over the meeting, and three other members shall constitute a quorum.

(4) The decisions of the Board shall be by a majority of votes of the members present, and in the event that there is an equality of votes, the Chairman, his alternate or the member appointed to preside over the meeting, as the case may require, shall in addition to an original vote, exercise a casting vote.

(5) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board; no person who has been so co-opted shall have the right to vote.

Government
not liable for
seizure, loss
or damage of
restricted
article

15. The Government of Trinidad and Tobago or its authorised agents shall not be liable to pay compensation in respect of—

(a) the seizure, destruction or other means of disposal of a restricted article imported into the country contrary to the provisions of this Act or the regulations; or

(b) any damage or loss incurred as a result of any treatment or quarantine action which was necessary.

16. Any person who—Offences and
penalties

- (a) violates any of the provisions of this Act or the regulations;
- (b) alters, forges, defaces or destroys any certificate or other document required by this Act; or
- (c) obstructs, impedes or assaults a designated employee while in the execution of his duties under this Act,

is guilty of an offence and liable on summary conviction to a fine of two hundred and forty dollars or to imprisonment for three months or to both such fine and imprisonment.

17. The Minister may make such regulations as he considers necessary or expedient for carrying out the provisions of this Act and in particular may make regulations—

Regulations

- (a) prescribing anything which is required by this Act to be prescribed;
- (b) governing the procedure relating to the issue of permits;
- (c) authorising the keeping of a restricted article in a specified place;
- (d) prescribing the measures to be taken where a restricted article is kept in a specified place;
- (e) providing for the revocation of permits;
- (f) providing for the inspection of nurseries or any other place where plants are grown for the purpose of sale;
- (g) providing for the treatment of buildings, vehicles, ships or aircraft in which a restricted article is or was conveyed or stored;
- (h) regulating the importation of a restricted article;
- (i) prescribing what fees are to be paid where treatment or quarantine action was given or taken.

18. The Plant Protection Ordinance is repealed.Repeal
Ch. 23. No. 17

19. This Act shall come into operation on a day to be fixed by Proclamation of the Governor-General published in the *Gazette*.

Commencement

Passed in the House of Representatives this 14th day of February, 1975.

J. E. CARTER
Acting Clerk of the House

Passed in the Senate this 1st day of April, 1975.

R. GRIFFITH
Acting Clerk of the Senate