

TRINIDAD AND TOBAGO.

No. 38.—1911.

18th December.

AN ORDINANCE for the prevention and eradication of  
Diseases and Pests affecting vegetation.

[L.S.]

*Repealed by Ord 29 of 1969*  
GEORGE R. LE HUNTE,

GOVERNOR.

22nd January, 1912.

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Plant Short title.  
Protection Ordinance, 1911.

2. In this Ordinance, unless the context otherwise Interpretation.  
requires, the term

“Regulations” means regulations made under this Ordinance;

“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 proclamation from time to time declare to be a disease within the meaning of this Ordinance;

“Pest” means any parasitical, epiphytal or other animal or vegetable organism affecting trees, shrubs, or

*see § 19*

*in new definition of Pest*

herbs which the Governor may by proclamation from time to time declare to be a pest within the meaning of this Ordinance;

“Diseased” means affected with disease;

“Tree,” “Shrub,” and “Herb” respectively include the fruit or other 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;

“Animal organism” means any animal organism in whatever stage of existence such animal organism may be;

“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. Neither His Majesty the King nor the Governor as Intendant of Crown Lands is included in the expression “owner;”

“Director of Agriculture” means the Director of the Department of Agriculture;

“Chief Inspector” means a Chief Inspector appointed under this Ordinance;

“Inspector” means any Inspector appointed under this Ordinance; *Inspector as defined in Ord. No. 10 of 1911.*

“Nursery” means any land or premises whereon are grown or kept any trees, shrubs or herbs intended for sale or distribution;

“Inspection Grounds” means such lots of land as may from time to time be set apart by the Governor for the purposes of this Ordinance;

“Proclamation” means a notification by the Governor published in the *Royal Gazette*;

"Prescribed" means prescribed by regulation or proclamation under the provisions hereof.

3. The Governor may from time to time appoint some qualified person to act as Chief Inspector under this Ordinance, and also such other qualified persons as may be necessary to act as Inspectors under him. *and by the Ins. Act.* *vide 37/1910*

Appointment  
of Inspectors.

4. The Governor may from time to time rent or lease lands for the purpose of this Ordinance and may set apart such lands and also any Crown lands, for use as inspection grounds or for any other purpose which he may deem necessary to further the objects of this Ordinance.

Inspection  
grounds.

5. The Governor may from time to time by proclamation prohibit the importation into the Colony 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 proclamation which there shall be reason to believe are affected with or are the vehicle of any disease or pest, or which may be brought from any place or places outside the limits of the Colony where any such disease or pest may exist or be suspected, to exist, or which may be likely to be the means of communicating diseases or pests to plants in this Colony; and may by proclamation 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 proclamation shall not be imported from any place or places outside the limits of the Colony except upon the conditions specified therein.

Prohibition of  
importation of  
plants.

6. Every plant article or thing imported into this Colony in contravention of any proclamation under this Ordinance may be seized by any officer of Customs or by the Chief Inspector or any Inspector and shall thereupon become forfeited to His Majesty and may be destroyed or otherwise dealt with as the Governor may direct.

Seizure.

7. Every nursery shall be registered by the owner or occupier thereof at the office of the Chief Inspector on or before the First day of May in each year.

Nurseries—  
Registration  
of.

8. 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.

Inspection of  
Nurseries.

Quarantine of Nurseries.

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

Quarantine of Nurseries—  
Contravention of.

10. A quarantine declared under the preceding section 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 pest, 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.

11. 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 pest.

Plantations—  
Powers to enter.

12. 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 lands 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.

13. The Chief Inspector may issue an order in writing in the form in the Schedule hereto to the occupier, or if there be 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 pest or not.

14. If there is no occupier on any land, service of any order under this Ordinance may be made by affixing the same in some conspicuous part of the land. Procedure when owner is absent.

15. 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. Non-compliance with order.

16. The expenses incurred by the Chief Inspector or any Inspector in carrying into effect any order made under this Ordinance shall be paid by the party in default. Expenses.

Such expenses shall be recoverable as a debt which until paid shall be a first charge on the land affected by the order, and payment thereof may be enforced forthwith in the manner provided by the Land Charges and Land Taxes Ordinance, No. 204.

Provided always that 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.

17. It shall be lawful for the Governor out of moneys voted for that purpose by the Legislative Council 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 or the spread of any disease or pest into adjoining lands. Compensation.

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

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

Limitation  
of actions.

19. No action shall be brought against any person acting or purporting to act in the execution of this Ordinance unless the same be commenced within six months of the date when the act complained of was committed.

Offences.

20. Every person shall be guilty of an offence against this Ordinance who

- (a.) In any manner obstructs or impedes any person in the execution of any of the powers conferred by this Ordinance; or
- (b.) Refuses or neglects to comply with or acts in contravention of any of the provisions of this Ordinance or the terms of any proclamation issued thereunder or any regulations made or any order given in pursuance thereof respectively;
- (c.) Introduces any disease or pest into any cultivation, unless he proves to the satisfaction of the Stipendiary Justice that such introduction was accidental and not due to neglect or malice.

Punishment.

21. If any person is guilty of an offence against this Ordinance he shall for every such offence be liable on summary conviction to a fine not exceeding Twenty Pounds, or in default of payment to be imprisoned, with or without hard labour for a term not exceeding six months. This liability shall be in addition to the liability for civil claims which may be made against such person.

Exemption  
from stamp  
duty and fees.

22. All documents necessitated by any steps taken under this Ordinance and all actions, suits and proceedings taken thereunder shall be exempted from stamp duty and stamp fees, except when the latter represent the costs of advertisements or other disbursements made by the Government or by order of the Court.

Regulations.

23. The Governor in Executive Council may from time to time make alter or rescind 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 of any trees, shrubs, or herbs, soil, manure, straw or packing material ;

- (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 pest.
- (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 of the Chief Inspector under this Ordinance ;
- (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 generally for carrying into effect the provisions of this Ordinance.

24. The production of a copy of the *Royal Gazette* containing a copy of any proclamation or regulation purporting to be made under the provisions of this Ordinance shall be sufficient proof of the terms of such proclamation or regulation and the publishing thereof. Evidence.

A proclamation issued and published under the provisions of this Ordinance shall be conclusive evidence in all Courts of Justice and elsewhere of the several matters and things therein set forth and contained.

25. The Plant Protection Ordinance No. 126, the Agricultural Protection Ordinance No. 127 and the Plant Protection Ordinance No. 4 of 1907 are hereby repealed. Repeal.

Provided that this repeal shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any proceeding pending or uncompleted at the commencement of this Ordinance.

Passed in Council this Eighteenth day of December, in the year of Our Lord one thousand nine hundred and eleven.

ALFRED TAITT,  
*Acting Clerk of the Council.*

SCHEDULE.

To \_\_\_\_\_ (owner or occupier, of the  
Nursery }  
Land } (give name)  
Plantation }  
situate in the Ward of \_\_\_\_\_

In pursuance of the powers vested in me by Section 13 of the Plant Protection Ordinance 1911, I hereby direct you, within \_\_\_\_\_ days of the service upon you of this order, to do the following

work on your { nursery } (give name) , vizt. :—  
{ land }  
{ plantation }

*Chief Inspector.*

(Date)