

TRINIDAD AND TOBAGO.

No. 29.—1919.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,
Governor.

17th December, 1919.

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

[17th December, 1919.]

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

Short title. 1. This Ordinance may be cited as the Plant Protection
Ordinance, 1919.

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

The expression "Disease" means any disease affect-
ing 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 :

The expression "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 proclamation from time to time declare to be a pest within the meaning of this Ordinance;

The expression "Diseased" means affected with disease;

The expression "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;

The expression "Vegetable organism" means any vegetable organism in whatever stage of existence such vegetable organism may be;

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

The expression "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;

The expression "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;"

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

The expression "Chief Inspector" means a chief inspector appointed under this Ordinance;

The expression "Inspector" means any inspector appointed under this Ordinance, and includes an assistant inspector;

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

The expression "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.

Appointment
of Inspectors.

3. The Governor may from time to time appoint some qualified person as Chief Inspector under this Ordinance, and also such other qualified persons as may be necessary as inspectors and assistant inspectors under him.

Inspection
grounds.

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

Prohibition of
importation of
plants, etc.

5.—(1.) 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.

(2.) The Governor may from time to time 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 into the Colony except upon such conditions as may be specified in such proclamation.

Seizure.

6. Every plant, article or thing imported into this Colony in contravention of any proclamation under this Ordinance, or of any of the conditions imposed thereby 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.

Nurseries—
registration
of.

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.

Inspection of
nurseries.

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.

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 nurseries.

10. A quarantine declared under the last 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.

Quarantine of nurseries — contravention of.

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.

Examination of quarantined nurseries.

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, 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.

Plantations — power to enter.

13. 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 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

Procedure for eradication of diseases and pests.

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.

Procedure when occupier is absent.

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.

Non-compliance with order.

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.

Expenses.

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.

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 Lands and Buildings Taxes Ordinance, 1919.

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.

Compensation.

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.

Protection of persons acting under Ordinance.

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.

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

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

- (a.) In any manner obstructs or impedes any person in the execution of any of the powers conferred by this Ordinance;
- (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; 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.

21. If any person is guilty of an offence against this Ordinance he shall for every such offence be liable on summary conviction before a Magistrate to a fine not exceeding twenty pounds. This liability shall be in addition to the liability for civil claims which may be made against such person. Punishment.

22. The Governor in Executive Council may make regulations for all or any of the following purposes, namely:— Regulations.

- (a.) For regulating or prohibiting the removal from any nursery, inspection ground, plantation or place or the transference or conveyance from any part of the Colony to any other part thereof 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
- (g.) Generally for carrying into effect the provisions of this Ordinance.

Evidence.

23. The production of a copy of the *Royal Gazette* containing a copy of any proclamation purporting to be made under this Ordinance shall be *prima facie* evidence in all Courts and for all purposes whatever of the due making and tenor of such proclamation.

Repeal.
Ordinances
38-1911,
37-1916,
5-1917.

24. The Plant Protection Ordinance, 1911, the Plant Protection (Amendment) Ordinance, 1916, and the Plant Protection (Amendment) Ordinance, 1917 are hereby repealed.

 SCHEDULE.

To _____ (owner or occupier, of the

Nursery
Land
Plantation } (give name)

situate in the Ward of

In pursuance of the powers vested in me by Section 13 of the Plant Protection Ordinance, 1919, I hereby direct you, within

_____ days of the service upon you of this order, to do the following

work on your { Nursery
Land
Plantation } (give name) , viz. :—

Chief Inspector.

(Date)

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

G. L. GUPPY,
Acting Clerk of the Council.