

PLANT PROTECTION ACT, 1996
(Act No. 10 of 1996)

I assent

F. A. René

President

31st May, 1996

AN ACT to make provision for preventing the importation and spread of plant pests and diseases, for better protecting the agricultural and forestry resources and ecological environment of Seychelles, for regulating the importation of beneficial organisms, for regulating the export of plants and plant products and for connected purposes

ENACTED by the President and the National Assembly

PART I - PRELIMINARY

Short title and commencement

1. This Act may be cited as the Plant Protection Act, 1996 and shall come into operation on such date as the Minister may, by Notice in the *Gazette*, appoint.

Interpretation

2. In this Act—

"authorised officer" means an authorised officer appointed under section 12(1) (c), a police officer, a trade tax officer, an immigration officer, a public health inspector and a postal officer;

"beneficial organism" means organism, including fungi, bacteria, viruses, virus-like organisms or invertebrate animals, used specifically for the control of pest, for pollination, for the production of commercially valuable agricultural products or for other purposes beneficial to agricultural production;

"conveyance" mean a vessel, vehicle, cargo container, animal or other device used for moving goods, soil or other things from one place to another;

"Director" means the person referred to under section 12(2);

"designated point of entry" means a port, airport, post office or other such place designated under section 16;

"infested" means harbouring or contaminated by pest;

"inspector" means a person appointed under section 12(1);

"permit" means a permit issued under section 5;

"pest" means any form of plant or animal life or a pathogenic agent specified in Schedule 1;

"plant material" means a plant, plant part, including seeds, corm, bud or rhizome or a plant product;

"plant product" means unmanufactured material of plant origin and those manufactured products which, by their nature or that of their processing may create a risk for the spread of pests;

"plant protecting authority", in respect of a foreign country, means the authority in that country responsible for issuing any certificates or other authorisations for the export of a plant materials, pests, beneficial organisms, soils or associated packagings;

"phytosanitary certificate" means the certificate referred to in section 6;

"quarantine pest" means a pest declared to be a quarantine pest under section 7(1);

"quarantine station" means a place appointed under section 12(1)(d);

"soil" means any medium, including earth, water, compost or clay which is capable of supporting plant life or of harbouring or transmitting pests;

"treatment" means any appropriate process, including the use of chemicals, heat or low temperature, for ensuring the removal, sterilisation or killing of a pest.

Republic bound

3. This Act shall bind the Republic.

PART II - CONTROL OF IMPORT AND EXPORT

Importation of pest prohibited

4. A person shall not import a pest.

Control of Import of plant material etc.

5.(1) A person shall not import a plant material or beneficial organism, soil or an associated packaging—

- (a) except under and in accordance with a permit issued by the Director;
- (b) except through a designated point of entry; and
- (c) unless the plant material, beneficial organism, soil or associated packaging is accompanied by a phytosanitary certificate issued by the plant protection authority of the country from where the plant material, beneficial organism, soil or associated packaging has been exported.

(2) A person who imports a plant material, beneficial organism, soil or associated packaging shall at the time the plant material, beneficial organism, soil or associated packaging enters Seychelles—

- (a) make a declaration to this effect;

- (b) produce the permit and phytosanitary certificate referred to in subsection (1) in respect of the plant material, beneficial organism, soil and associated packaging;
- (c) produce the plant material, beneficial organism, soil or associated packaging,

to the inspector or, where an inspector is not present, the trade tax officer or other authorised of officer at the designated point of entry at which entry into Seychelles takes place.

(3) An officer of the public authority responsible for trades tax on imports or the public authority responsible for providing postal services or a police officer shall immediately—

- (a) upon a person making a declaration or producing a permit, certificate or plant material, beneficial organism, soil or associated packaging under subsection (2);
- (b) upon discovering or becoming aware that a person is entering Seychelles with a plant material or beneficial organism, soil or an associated packaging while not in possession of a permit or phytosanitary certificate as required by subsection (1),

inform an inspector of the presence of the plant material, beneficial organism, soil and associated packaging and shall assist the inspector in ensuring compliance with this Act.

(4) Notwithstanding any other written law, a person shall not remove a plant material or beneficial organism, soil or an associated packaging which is the subject of an inspection under this section, whether or not there is in its respect a permit and phytosanitary certificate, without the approval of an inspector.

(5) An inspector may, when authorised by the Director and notwithstanding that there is in its respect a permit or phytosanitary certificate, require that a propagative material which is being imported be grown in a quarantine station before it may be released to the importer.

(6) An inspector may require a person who has been permitted to import a plant material, beneficial organism, soil or associated packaging, notwithstanding that there is a permit or phytosanitary certificate in its respect, to make available for inspection at all reasonable times within a reasonable period after allowing the entry of the plant material, beneficial organism, soil or associated packaging.

(7) The Director may grant a permit subject to such reasonable conditions which are consistent with the purpose of this Act.

Control of export

6.(1) The Director may issue a phytosanitary certificate in respect of a plant material or beneficial organism, soil or an associated packaging for export.

(2) A phytosanitary certificate shall be in the form specified in Schedule 2.

(3) The Director may establish the procedure for the purpose of subsection (1).

PART III - CONTAINMENT AND ERADICATION OF PESTS

Notification of quarantine pest

7.(1) The Minister may by notice in the *Gazette* declare any form of plant or animal life or a pathogenic agent which is not otherwise specified in Schedule I to be a pest for the purposes of this Part.

(2) For the purposes of this Part—

"pest" means a pest specified in Schedule I or any other form of plant or animal life or pathogenic agent which the Minister has declared to be a pest by a notice under subsection (1);

"quarantine pest" means a pest declared as a quarantine pest under subsection (3).

(3) The Minister may, by notice published in the *Gazette*, declare a pest which represents a threat to the agricultural or forestry resources or the ecological environment of Seychelles to be a quarantine pest.

(4) The owner or occupier of any land who knows or suspects the presence of a quarantine pest on the land shall as soon as practicable after so knowing or suspecting advise the Director of the presence or suspected presence of the quarantine pest on the land.

Notification of infected area

8.(1) The Minister may, by notice published in the *Gazette*, declare any place in Seychelles to be infected or suspected of being infected with a quarantine pest to be an infected area.

(2) A notice under subsection (1) may, for the purposes of containing the spread of the quarantine pest—

(a) prescribe the measures for the treatment or disposal or both treatment and disposal of a plant material, soil or associated packaging, whether infected or not, found in the infected area or of a conveyance which has or suspected to have come into contact with the quarantine pest or a plant material, soil or associated packaging which has been affected or suspected of having been affected by a quarantine pest;

(b) prohibit, restrict or otherwise specify measures for controlling the removal of a quarantine pest or a plant material, soil or associated packaging from an infected area;

(c) provide that, within a period specified in the notice, any plant specified in the notice or propagative material of that plant, shall not be planted in an infected area or place which was declared an infected area.

Measures of quarantine

9.(1) Where the Minister has published a notice under section 7 and the Director is satisfied on reasonable ground that there is a quarantine pest affecting a plant on or the soil of any land, the Director, may, by notice served on the owner or occupier of the land and any adjoining land, order the owner or occupier or both owner and occupier of the land to perform, within the time specified in the notice, such treatment and carry out such measures on the land or adjoining land or in respect of any plant, whether it is infested or not by a quarantine pest, for the purpose of eliminating, containing or preventing the spread of a quarantine pest.

(2) Where under subsection (1) the Director does not know the identity of the owner or occupier of any land or the land is otherwise not occupied by any person, the Director may affix the notice in a conspicuous place on the land and the notice shall be deemed to have been served on the owner and occupier of the land for the purposes of the subsection.

Powers of an inspector and authorised officer

(3) Where an owner or occupier of land on whom notice has been or deemed to have been served under this section fails to comply with the requirement of the notice, the Director may enter upon the land and perform the treatment and carry out the measures together with such other measures as are reasonably necessary for the purpose of complying with the notice.

(4) The owner or occupier or both the owner and the occupier of the land referred to in subsection (3) shall, in addition to any other penalty under this Act, be liable for all reasonable expenses incurred by the Director under the subsection and the amount so incurred may be recovered from the owner or occupier or both owner and occupier as a debt due to the Republic.

PART IV - ADMINISTRATION AND ENFORCEMENT

10.(1) An inspector may, for the purpose of ensuring compliance with this Act—

- (a) require a person to produce for the purposes of paragraph (e) any plant material, pest, beneficial organism, soil or associated packaging;
- (b) without a warrant, search a person, baggage, parcel, package or conveyance where the inspector has reasonable ground for believing that this Act is not being complied with;
- (c) require a person to produce in respect of a plant material, pest, beneficial organism, soil or associated packaging a permit, certificate, authorisation or other document required under this Act;
- (d) without a warrant, enter and inspect any land, building or other premises where the inspector has reasonable ground for believing that this Act is not being complied with;
- (e) whether or not there is in its respect a permit or phytosanitary certificate, inspect, examine, analyse or take sample for the purpose of carrying a further examination or analysis of a plant material, pest, beneficial organism, soil or associated packaging imported or which a person is seeking to import;
- (f) where the inspector has reasonable ground for believing that this Act is not being complied with, without a warrant, seize a plant material, pest, beneficial organism, soil or associated packaging, stop and detain and seize a conveyance which the inspector reasonably believes is carrying a plant material, pest, beneficial organism, soil or associated packaging;
- (g) destroy any pest, plant material, beneficial organism, soil or associated packaging imported in contravention of this Act or require a person who has imported or has custody or control of a pest, plant material, beneficial organism, soil or associated packaging which has been imported contrary to this Act to destroy the pest, plant material, beneficial organism, soil or associated packaging.

(2) An inspector shall at the time of exercising or as soon as practicable thereafter any of the powers under subsection (1) advise the relevant person of the reasons for the exercise of the power.

(3) An authorised officer shall have the power of an inspector set out in subsection (1)(f).

Removal from quarantine station prohibited

11. A person shall not, unless authorised by the Director, remove a plant material, pest, soil, beneficial organism or associated packaging from a quarantine station.

Delegation of powers

12.(1) The Minister may—

- (a) establish a unit consisting of such number of persons as the Minister thinks necessary for the purpose of ensuring the effective implementation of this Act;
- (b) appoint an inspector who shall form part of the unit referred to in paragraph (a);
- (c) appoint an authorised officer;
- (d) by notice in the *Gazette*, appoint such places as the Minister considers fit and necessary to be quarantine stations.

(2) The unit referred to in subsection (1)(a) shall have as its head a Director who shall, unless the context otherwise provides, be deemed to be and have the powers of an inspector.

Quarantine station, inspector authorised officer

13.(1) The Minister may in writing delegate any of the powers conferred on the Minister under this Act except that contained in section 12(1)(a), this subsection and section 16.

(2) The Director may in writing delegate any of the powers conferred on the Director under this Act except that contained in this subsection.

Indemnity

14.(1) An action shall not lie against the Government, the Director, an inspector, authorised officer or other officer under this Act for an act done or omitted to be done in good faith in the performance of a function under this Act.

(2) Except where it is otherwise provided under this Act, compensation shall not be payable to any person for anything done or omitted to be done in good faith under this Act.

Offences and penalties

15.(1) A person who—

- (a) obstructs, prevents or otherwise hinders an inspector or authorised officer in the performance of the inspector's or authorised officer's functions under this Act;
- (b) refuses or neglects to comply with a notice, order, requirement or direction lawfully made or given under this Act;
- (c) knowingly provides information which is false or misleading in a material particular for any purpose under this Act;
- (d) defaces, destroys, forges or alters any document provided for under this Act;
- (e) contravenes a provision of this Act,

is guilty of an offence and liable on conviction to imprisonment for 3 years and a fine of R75,000.

(2) In addition to imposing a penalty under subsection (1), the Court may order a person who has been convicted of an offence under this Act to refund any expenses incurred by an inspector or authorised officer for the purpose of complying with a notice, order, requirement or direction referred to in subsection (1)(b) or compensate for any loss or damage caused to the agricultural or forestry resources or ecological environment of Seychelles.

Regulations

16. The Minister may make regulations for the better carrying out the purposes and provisions of this Act and without prejudice to the generality of the foregoing may, in particular—

- (a) designate points of entry for the purpose of importation under this Act;
- (b) appoint or prescribe or provide for anything which is required to be appointed or prescribed or provided for under this Act;
- (c) provide for fees to be paid in respect of a permit or certificate which may be granted or any services which may be provided under this Act;
- (d) provide for the payment of compensation by the Government in respect of any matters under this Act;
- (e) provide for penalties of up to R25,000 in fine and 3 years imprisonment for contravening any regulations;
- (f) amend the Schedules.
- (g) make such regulations as are required to be made under this Act;

Repeal of Cap.171

17.(1) The Plant Pest Act is hereby repealed.

(2) Notwithstanding the repeal of the Plant Pest Act a statutory instrument made under that Act which is in force at the commencement of this Act shall, so far as the statutory instrument is not inconsistent with this Act, continue in force until it is amended or repealed by a statutory instrument made under this Act.

SCHEDULE I

PESTS

PART 1

INSECTS AND MITES

1. *Anacridium melanorhodon arabafrum*
2. *Aphis gossipii*
3. *Anastrepha* spp.
4. *Bactrocera* spp.
5. *Bemisia tabaci*
6. *Brevipalpus* spp
7. *Ceratitis capitata*
8. *Ceratitis cattoirii*
9. *Ceratitis cosyra*
10. *Ceratitis rosa*
11. *Cylas formicarius*
12. *Dacus ciliatus*
13. *Dacus cucurbitae*
14. *Dacus curvipennis*
15. *Dacus demmerezi* (*Tridacus demmerezi*)
16. *Dacus dorsalis*
17. *Dacus frontalis*
18. *Dacus tryoni*
19. *Dacus zonatus*
20. *Delia platura*

21. *Dysmicoccus brevipes*
22. *Frankliniella occidentalis*
23. *Heliothis* spp.
24. *Heliethrips haemorrhoidales*
25. *Hoplochelus marginalis*
26. *Leptinotarsa decemlineata*
27. *Lyriomyza huidobrensis*
28. *Lyriomyza sativae*
29. *Locusta migratoria migratorioides*
30. *Myzus* spp.
31. *Oedaleus senegalensis*
32. *Panonychus citri*
33. *Pardalaspis quinaria*
34. *Pieris* spp.
35. *Polyphagotarsonemus latus*
36. *Phyllocnistis citrella*
37. *Phyllocoptruta oleivora*
38. *Quadraspidiotus perniciosus*
39. *Selenothrips rubrocinctus*
40. *Schistocerca gregaria*
41. *Spodoptera* spp.
42. *Tetranychus urticae*
43. *Thrips tabaci*

PART II

NEMATODES

44. *Ditylenchus* spp.
45. *Meloidogyne* spp.

- 46. *Pratylenchus* spp.
- 47. *Radopholus similis*
- 48. *Rotylenchus reniformis*

PART III

MOLLUSCS

- 49. *Achatina* spp.
- 50. *Helix* spp.
- 51. *Limax* spp.
- 52. *Milax* spp.

PART IV

BACTERIA

- 53. *Agrobacterium tumefaciens*
- 54. *Clavibacter michiganensis* spp. *michiganensis*
- 55. *Curtobacterium* (*Corynebacterium*) *flaccumfaciens*
- 56. *Erwinia* spp.
- 57. *Pseudomonas solanacearum* Race II
- 58. *Pseudomonas syringae* pv. *syringae*
- 59. *Pseudomonas syringae* pv. *tabaci*
- 60. *Xanthomonas campestris* pv. *vascularum*
- 61. *Xanthomonas citri*

PART V

FUNGI

- 62. *Cercospora musicola*
- 63. *Fusarium moniliforme* var. *subglutinans*
- 64. *Fusarium oxysporum* sp. *cubense*
- 65. *Fusarium oxysporum* sp. *melonis*

66. *Mycosphaerella* *fijensis*
67. *Mycosphaerella* *musicola*
68. *Phytophthora* *colocasiae*
69. *Verticillium* spp.

PART VI

VIRUSES MYCOPLASMAS

70. Banana Bunchy Top Virus
71. Banana Streak Virus
72. Bean Common Mosaic Virus
73. Bean Yellow Mosaic Virus
74. Casava Common Mosaic Virus
75. Citrus Exocortis Viriod
76. Coconut Kaincope disease (MLO)
77. Citrus Tristeza Virus
78. Lettuce Mosaic Virus
79. Lethal Yellowing MLO
80. Papaya Mosaic virus
81. Papaya Ringspot virus
82. Pineapple Wilt virus
83. *Phytomonas* sp.
84. *Spiroplasma citri* + Stolbur disease (MLO)
85. Squash Mosaic virus
86. Sweet Potato Mosaic virus
87. Sweet Potato Mild Mottle Virus
88. Tobacco Ringspot Virus

89. Tobacco Streak Virus
90. Tomato Aspermy Virus
91. Tomato Bunchy Top Virus
92. Tomato Yellow Leaf Curl Virus
93. Tomato Spotted Wilt Virus
94. Watermelon Mosaic Virus
95. Watermelon Silver Mottle Virus

PART VII

SERIOUS WEEDS AND PARASITIC PLANTS

96. *Alternanthera phylloxeroides*
97. *Borreria alata*
98. *Commelina bengalensis*
99. *Cuscuta* spp.
100. *Cyperus* spp.
101. *Elodea* spp.
102. *Prosopis glandulosa*
103. *Salvinia molesta*
104. *Sennatoria*
105. *Sorghumhalepense*
106. *Striga* spp.
107. *Xanthium* spp.

SCHEDULE 2

PHYTOSANITARY CERTIFICATE

1. Name and address of exporter
2. PHYTOSANITARY CERTIFICATE No.
3. Declared name and address of consignee
4. Plant protection Organization of SEYCHELLES to
Plant Protection Organization(s) of
5. Place of Origin
6. Declared means of conveyance

REPUBLIC OF SEYCHELLES

MINISTRY OF AGRICULTURE AND MARINE RESOURCES

PLANT PROTECTION SECTION

7. Declared point of entry
8. Distinguishing marks; number and description of packages; name of produce; botanical name of plants
9. Quantity
10. This is to certify that the plants or plant products described above
 - have been inspected according to appropriate procedures, and
 - are considered to be free from quarantine pests, and practically free from other injurious pests; and that they
 - are considered to conform with the current phytosanitary regulations of the importing country

11. Additional declaration

DISINFECTION AND/OR DISINFECTION TREATMENT

12. Treatment

13. Chemical (active ingredient)

14. Duration and temperature

15. Concentration

16. Date

17. Additional information

18. Place of issues

Date

Name of authorized Officer

Stamp of

Organisation

.....

Signature

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 21 st May, 1996.

Sheila Gemmell
Clerk to the National Assembly