

PLANT PROTECTION ACT

CHAPTER 63:56

Act
13 of 1975
Amended by
2 of 2001

Current Authorised Pages

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LAWS OF TRINIDAD AND TOBAGO

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PLANT PROTECTION ACT

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CHAPTER 63:56

PLANT PROTECTION ACT

13 of 1975. **An Act to make better provision for the control of diseases and pests injurious to plants.**

Commencement. [189/1997]. [10TH SEPTEMBER 1997]

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

Interpretation. [2 of 2001]. **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;

“land” includes plantation and nursery;

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

“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;

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

“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;

“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 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;

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

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

“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; and

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

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.

Permit required for importation of a restricted article. [2 of 2001].

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

Penalty for importing without a permit.

(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.

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Applications for
and restrictions
on grant of
permits.
[2 of 2001].

4. (1) Applications for permits shall be made to the Chief Technical Officer through the Plant Quarantine Service in the manner prescribed.

(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.

(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) 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.

Power to
make Order.
[2 of 2001].

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.

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.

Occupier to give notice of notifiable disease or pest. [2 of 2001].

(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.

Minister may prohibit or regulate importation of restricted article. [2 of 2001].

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 authorise the seizure or disposal of the restricted article, the importation of which is prohibited or does not satisfy the conditions specified in the Order.

(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.

Minister may by Order take steps to prevent the spread of plant disease or plant pests. [2 of 2001].

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

(2) Without prejudice to the generality of subsection (1), the Minister may by such Order—

- (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).

7. The Minister on the recommendation of the Chief Technical Officer may in writing designate suitable employees of the Ministry of Agriculture or any other competent individuals for the purpose of enforcing the provisions of this Act.

Minister may designate employees. [2 of 2001].

8. A Plant Quarantine Officer 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—

Power of Plant Quarantine Officer. [2 of 2001].

- (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.

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.

Procedure for eradication of diseases and pests. [2 of 2001]. Schedule.

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.

Quarantine of land. [2 of 2001].

(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. [2 of 2001].

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.

Comptroller of Customs to notify an officer of the Plant Quarantine Service of entry of restricted article. [2 of 2001].

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 an officer of the Plant Quarantine Service of such entry and shall not release or dispose of the article unless authorised so to do by an officer of the Plant Quarantine Service.

In transit 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) in transit in Trinidad and Tobago shall be subject to such Regulations as the Minister may prescribe.

Establishment of Plant Quarantine Service. [2 of 2001].

11. There is hereby established for the purposes of this Act a Plant Quarantine Service which shall comprise Plant Quarantine Officers. 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.

Power 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.

Establishment, composition, powers and duties of Board. [2 of 2001].

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

(2) The Board shall manage the affairs of the Plant Quarantine Service, and do such other things as may be designated by the Minister or 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 Director in charge of Plant Quarantine Service;
- (b) a Senior Entomologist and a Senior Pathologist attached to the Research Division of the Ministry of Agriculture;

- (c) the Officer-in-Charge of the Plant Quarantine Service;
- (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
- (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 reappointment; 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 Director in charge of Plant Quarantine Service 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.

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. Meetings and procedure.

(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. [2 of 2001].

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;
- (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
- (c) the detention of any carrier.

Defect not to invalidate proceedings. [2 of 2001].

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.

Offences and penalties. [2 of 2001].

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.

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.
[2 of 2001].

- (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 and treatment of plants grown or offered for 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, sale, distribution, movement and cultivation of restricted articles;
- (i) providing for the inspection and certification of restricted articles for exportation;
- (j) prescribing what fees are to be paid where treatment or quarantine action was given or taken.

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Plant Protection

(Section 8A).

SCHEDULE

Plant Protection Act, Ch. 63:56

To:

Name

Land

Situated at

In pursuance of the powers vested in me by section 8A of the Plant Protection Act, Ch. 63:56, 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)

SUBSIDIARY LEGISLATION

PLANT PROTECTION REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Examination restricted articles.
4. Importation by or for the Ministry of Agriculture.
5. Ports of entry and export.
6. Overtime fees.
7. Planting materials.
8. Fruit and vegetables.
9. Plant pests.
10. Beneficial organisms.
11. Soil.
12. Importation by mail.
13. Rules on packaging materials.
14. Safeguard requirements.
15. Export regulations.
16. Applications to import.
17. Issue of import permit.
18. Control of movement of fruit, vegetables and plant material in
Trinidad and Tobago.
19. No compensation payable.

FIRST SCHEDULE.

SECOND SCHEDULE.

[Subsidiary]

194/1997.
[4 / 2004].**PLANT PROTECTION REGULATIONS***made under section 17*

Citation. **1.** These Regulations may be cited as the Plant Protection Regulations.

Interpretation. **2.** In these Regulations—

“beneficial organism” means any stage of an insect, nematode, mite, protozoan or other invertebrate or vertebrate animal, bacterium, virus, fungus, or a reproductive part thereof, and includes any agent or genetically engineered variant of the foregoing, intended to be used for promoting agricultural, industrial or other useful activity;

“designated employee” means a person appointed under section 7 of the Act;

“fruit and vegetables” includes all edible portions of food plants in the raw or unprocessed state;

“Ministry” means the agency of Government to which responsibility for the subject matter of agriculture is assigned;

“non-plant articles” means items that are not of plant origin but represent a plant quarantine risk;

“pest” means any parasitical, epiphytal or other animal or vegetable 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;

“plant pest” means any 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 agent or genetically-engineered variant of the foregoing, capable of having a deleterious effect on a plant or plant product;

“Plants Import Schedule” refers to a list of economic crops held by the Plant Quarantine Service indicating which crops

might be imported and the conditions and restrictions applicable to the importations;

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

“Plant Quarantine Officer” means any person or persons assigned to the Plant Quarantine Service;

“Plant Quarantine Service” means the Service established by section 11 of the Act;

“restricted article” means—

- (a) any plant pest or other organism;
- (b) fruit and vegetables, planting materials, plant products or soil;
- (c) non-plant articles prescribed by the Minister in accordance with section 17(a);

“soil” means the loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

3. (1) The entry in Trinidad and Tobago of all restricted articles, which may present a pest risk to the agriculture of Trinidad and Tobago, shall be subject to examination upon arrival by a Plant Quarantine Officer or a designated employee, and if necessary, to treatment, destruction or re-export, as the case may warrant.

Examination
restricted
articles.

(2) All treatment, destruction or re-export shall be the responsibility of a Plant Quarantine Officer or a designated employee and shall be performed at the sole risk and expense of the importer or his agent to the satisfaction of a Plant Quarantine Officer or designated employee.

(3) For the purpose of examination, a Plant Quarantine Officer or a designated employee may detain any consignment or part of a consignment of restricted articles being offered for entry or export, and take samples of such articles for such testing as may be considered necessary.

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Plant Protection

[Subsidiary]

Plant Protection Regulations

(4) A shipment of restricted articles arriving at the designated ports of entry without an import permit, shall not be off-loaded without the permission of a Plant Quarantine Officer or a designated employee.

Importation by or for the Ministry of Agriculture.

4. Notwithstanding anything in these Regulations, importation by or for the Ministry or of specific material for *bona fide* purposes may be allowed subject to such measures as are prescribed by the Plant Quarantine Service, to prevent pest entry and dissemination, including routine compliance with documentary requirements.

Ports of entry and export.

5. The following ports are designated ports of entry and export for plant quarantine purposes and plant inspection services shall be provided at these ports during normal working hours:

Port-of-Spain Wharves	The Port of Pt. Lisas
Piarco International Airport	Scarborough Wharves
Crown Point International Airport	

Overtime fees.

6. (1) Agricultural Assistants engaged in plant quarantine duties at ports of entry and Plant Quarantine Guards shall be paid overtime duty at the rates set out in the First Schedule.

First Schedule.

(2) There shall be paid to the Comptroller of Customs and Excise for overtime duties performed at ports of entry by Agricultural Assistants engaged in plant quarantine duties and Plant Quarantine Guards, fees at the rates set out in the Second Schedule.

Second Schedule.

Planting materials.

7. (1) All planting material is subject to such inspection and treatment as may be necessary, as a condition of entry into Trinidad and Tobago.

(2) The entry of plants, cuttings, scions, stocks, tubers, roots, seeds, etc., for planting purposes shall be limited to the smallest possible propagative unit consistent with good horticultural practices.

(3) The importation of planting material namely, plants, rooted-cuttings, or any other plant part shall be limited to soil-free

plants and plant parts and an approved packaging material may be used around the roots of plants after the soil has been removed.

(4) Plants, rooted-cuttings, seedlings and any other propagative units or plant parts are not admissible if established in a growing medium other than agar-based media, without specific approval.

(5) In the case of forest trees, entry shall be restricted to seed or plantlets in agar.

8. (1) A permit to import fruit and vegetables may be issued by the Plant Quarantine Service upon submission of a completed application for an import permit. Fruit and vegetables.

(2) The entry status of the fruit or vegetables shall be determined according to the pests present in the exporting country.

(3) The importation of soft, fleshy fruit and vegetables shall be prohibited from all countries where the Hawaiian, Mexican, Mediterranean and other dangerous fruit flies are known to occur, unless approved treatments can be effectively performed.

(4) Fruit and vegetables arriving in passenger baggage or personal effects without the necessary permit shall be confiscated and destroyed.

(5) Dried, frozen, preserved or candied fruit and vegetables that have been prepared in such a manner as to make them innocuous as pest carriers and are not otherwise prohibited in the Plant Import Schedule are enterable, subject to verification of their condition and freedom from pests.

9. (1) The entry of plant pests shall not be authorised unless a permit has been issued to a recognised scientific and research institution, where the plant pests are destined for use by that institution. Plant pests.

(2) The importations of plant pests shall be subject to safeguard measures as specified on the permit.

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Plant Protection

[Subsidiary]

Plant Protection Regulations

Beneficial organisms.

10. The entry of beneficial organisms shall not be authorised unless a permit is issued to the person importing such organisms.

Soil.

11. (1) A person shall not import soil into Trinidad and Tobago unless such importation is done by or on behalf of a recognised scientific and research laboratory to which a permit has been issued.

(2) The importation of soil shall be subject to specific safeguard measures as enumerated on the permit.

(3) In general, the following rules shall apply:

(a) only small quantities may be imported at any one time;

(b) the soil shall be shipped in sturdy tightly-sealed containers;

(c) the soil may be used only in the laboratory of the permit holder; and

(d) the soil shall be incinerated or otherwise sterilised in the manner approved by the Plant Quarantine Service at the conclusion of the test.

(4) The entry of any plant or plant products, machinery, equipment or conveyance of any kind carrying or contaminated with soil is prohibited and entry shall be permitted only where they are free from soil to the extent approved by the Plant Quarantine Service.

Importation by mail.

12. Restricted articles imported by mail, shall be subject to the requirements of these Regulations which shall be enforced through co-operative arrangements of the Postal and Plant Quarantine Services and the Customs and Excise Department.

Rules on packaging materials.

13. Packaging material shall be subject to the following Regulations:

(a) any plant or plant part prohibited entry in accordance with the Plant Import Schedule shall not be entered as packing material;

- (b) the following shall also be specifically prohibited entry as packing material:
- (i) banana plants and plant parts;
 - (ii) citrus plants and plant parts;
 - (iii) coconut or other palm material;
 - (iv) coffee plants and plant parts;
 - (v) cotton plants, plant parts and unprocessed cotton products;
 - (vi) forest litter;
 - (vii) grass plants and plant parts;
 - (viii) leaves and stems of plants in general;
 - (ix) rice straw and hulls;
 - (x) sugar cane plants and plant parts; and
 - (xi) soil;
- (c) the following may be entered as packaging material:
- (i) sterilised peat or sphagnum moss;
 - (ii) excelsior or wood's wool;
 - (iii) vermiculite;
 - (iv) ground cork;
 - (v) shredded paper; and
 - (vi) perlite.

14. (1) Articles subject to permit requirements shall also be subject to the safeguards directed by the Plant Quarantine Service and may also be subject to safeguards in accordance with the following provisions:

Safeguard requirements.

- (a) the procedures employed shall be those that impose a minimum of inconvenience to the shipper or carrier but shall be consistent with proper precautions against pest entry or dissemination and articles which are not in compliance with the requirements may be seized, destroyed or otherwise disposed of;

- (b) inspections of articles subject to these Regulations shall be performed within twenty-four (24) hours or as soon after arrival as practical and the conditions necessary to prevent pest dissemination will be specified at that time if prior arrangements have not already been made and the Comptroller of Customs and Excise shall not release any article in custody until such requirements have been met and approved by a Plant Quarantine Officer or a designated employee;
- (c) any treatment, destruction or safeguard requirements deemed necessary under this regulation shall be made at the owner's or other responsible person's risk and expense;
- (d) plant material refused entry shall be subject to these safeguards until re-exported or destroyed;
- (e) restricted articles that are in transit shall not be opened, landed or re-packaged without the permission of the Plant Quarantine Service and transshipment of restricted articles shall require prior written permission;
- (f) restricted articles referred to in paragraph (e), shall not be removed from a port without written permission from the Plant Quarantine Service;
- (g) where permission is given to remove a restricted article from the port to a specified place pending inspection, a plant quarantine seal may be placed on the article and any unauthorised person who breaks a seal referred to in subregulation (1)(g) commits an offence and any person found guilty of such an offence shall on summary conviction be liable to a fine of two thousand dollars; such articles shall not be opened unless a Plant Quarantine Officer or a designated employee is present;

- (h) garbage or refuse entering the territorial waters or temporarily in the ports of Trinidad and Tobago shall be subject to such safeguards as specified by the Plant Quarantine Service, in co-operation with other governmental agencies including the departments responsible for public health and animal health;
- (i) the landing of garbage is prohibited except in unusual circumstances and in these instances, prior approval shall be obtained from the appropriate agency and the Plant Quarantine Service;
- (j) garbage retained onboard in transit vessels and aircraft shall be enclosed in tightly sealed, insect-proof containers to prevent insect escape and in the case of ships in port, shall be inside the ship's rail.

15. (1) The Plant Quarantine Service shall issue phytosanitary certificates based on inspections performed at the request of exporters to aid them in meeting the entry requirements for Trinidad and Tobago. Export regulations.

(2) A certificate shall be issued only for products grown or produced in Trinidad and Tobago, otherwise, a re-export certificate may be issued.

(3) The issuance of a Phytosanitary Certificate shall not release the exporter from compliance with any export regulations of the Government of Trinidad and Tobago.

(4) In this regulation a Phytosanitary Certificate is the certificate that is based on the model of that adopted by the International Plant Protection Convention of 1951.

16. The application for a permit to import any item authorised by these Regulations, should be made in writing four weeks in Applications to import.

advance on the prescribed form, addressed to the Plant Quarantine Service and should include the following information:

- (a) full name, residence and postal address of the applicant;
- (b) name and address of the exporter or person from whom the material will be obtained;
- (c) the quantity and botanical names of all material it is proposed to import;
- (d) the country of origin (including specific locality within the country) of material to be imported;
- (e) the exact location in Trinidad and Tobago where material will be grown or utilised;
- (f) the port/point of entry and approximate date of arrival of the shipment;
- (g) any other relevant information.

Issue of import permit.

17. An import permit shall be issued only to residents of Trinidad and Tobago.

Control of movement of fruit, vegetables and plant material in Trinidad and Tobago.

18. (1) No fruit, vegetable or plant material which is the subject of an Order made by the Minister, shall be carried to Tobago from Trinidad, or to Trinidad from Tobago, unless the fruit, vegetable or plant material is accompanied by a Phytosanitary Certificate.

(2) A Plant Quarantine Officer or a designated employee may seize, treat and destroy or direct or authorise the treatment or destruction of any fruit, vegetable or plant material referred to in subregulation (1) which is found to be infested with any pest.

(3) For the purposes of this regulation, a Plant Quarantine Officer or designated employee may, with or without the assistance of a police officer, stop and search any vehicle on a public road which is being used to transport any plant material.

No compensation payable.

19. No compensation shall be payable in respect of the seizure, destruction of or damage to any fruit, vegetable or plant material or thing, including packaging as a result of the exercise of the powers conferred by these Regulations.

FIRST SCHEDULE

[Regulation
 (6)(a)].
 [4/2004].

OVERTIME RATES PAYABLE

	1992– 1995	1996	1997	1998	1999	2000	2001
(a) For each hour or any part thereof for the first 8 hours on week days, Saturdays, Sundays and Public Holidays:							
Plant Quarantine Guards	\$17.52	\$20.31	\$20.71	\$21.34	\$22.20	\$22.63	\$24.00
Agricultural Assistants engaged in plant quarantine duties at ports of entry	\$33.34	\$36.13	\$36.85	\$37.95	\$39.15	\$39.93	\$42.33
(b) For each hour or any part thereof after 8 hours:							
Plant Quarantine Guards	\$23.36	\$27.08	\$27.62	\$28.45	\$29.60	\$30.18	\$32.00
Agricultural Assistants engaged in plant quarantine duties at ports of entry	\$44.45	\$48.17	\$49.31	\$50.60	\$52.20	\$53.24	\$56.44

SECOND SCHEDULE

[Regulation
 (6)(b)].
 [4/2004].

**OVERTIME FEES PAYABLE BY MEMBERS OF THE
 PUBLIC FOR PLANT QUARANTINE SERVICES**

(a) For each hour or any part thereof for the first 8 hours on week days, Saturdays, Sundays and Public Holidays:	
Plant Quarantine Guards	\$26.40
Agricultural Assistants engaged in plant quarantine duties at ports of entry	\$46.56
(b) For each hour or any part thereof after 8 hours:	
Plant Quarantine Guards	\$35.20
Agricultural Assistants engaged in plant quarantine duties at ports of entry	\$62.08

LAWS OF TRINIDAD AND TOBAGO

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Chap. 63:56

Plant Protection

[Subsidiary]

268/2004.

PLANT PROTECTION (DECLARATION OF NOTIFIABLE DISEASE) ORDER

made under section 4A(a) and (d)

Citation.

1. This Order may be cited as the Plant Protection (Declaration of Notifiable Disease) Order.

Declaration of disease.

2. The *Mycosphaerella fijiensis* (Black Sigatoka) disease is hereby declared a notifiable disease.

Boundaries of infected area.

3. The boundaries of the area infected with the Black Sigatoka disease are described in the Schedule hereunder.

SCHEDULE

That area of land in the Ward of Cedros in the County of St. Patrick in the island of Trinidad and bounded on the North by the Gulf of Paria, on the South by the Columbus Channel, on the East by Chatham Road and on the West by the Serpent's Mouth (sea).

**PLANT PROTECTION (CONTROL OF BLACK
SIGATOKA DISEASE) (TOBAGO) ORDER**

93/2006.

made under section 4A

WHEREAS by the Plant Protection (Declaration of Notifiable Disease) Order, 2004, *Mycosphaerella fijiensis* (Black Sigatoka) disease was declared a notifiable disease: 268/2004.

And whereas it is necessary to take certain precautions to prevent the spread of that disease to Tobago:

Now, therefore, the Minister in exercise of the powers conferred on him by section 4A(b), (e) and (g) of the Act, hereby orders as follows:

1. This Order may be cited as the Plant Protection (Control of Black Sigatoka Disease) (Tobago) Order, 2006. Citation.

2. For the purpose of controlling the spread of the Black Sigatoka Disease to Tobago, the Minister hereby— Prohibitions and precautions.

(a) prohibits, controls or restricts the transportation of any part of the *Musa* plant, with the exception of treated fruits and planting material, outside of the boundaries as defined in the Schedule (hereinafter called the “declared boundaries”); and Schedule.

(b) directs that the following precautions be taken in cases where fruits and planting material are to be transported to Tobago:

- (i) the leaves of bananas and plantain plants shall not be used as packing material;
- (ii) leaves and leaf material shall not be transported outside the declared boundaries;
- (iii) all planting material of banana and plantain plants, which is being moved between Trinidad and Tobago, shall be free of leaves;

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Plant Protection

[Subsidiary]

Plant Protection (Control of Black Sigatoka Disease) (Tobago) Order

- (iv) all planting material, which is being moved between Trinidad and Tobago, shall be treated in the manner advised by the Plant Pathologist; and
- (v) fruits which are to be transported outside of the declared boundaries shall be dipped in a 0.5 sodium hypochlorite solution for three minutes.

Application of Order.

3. (1) This Order applies only to plants of the banana and plantain family (*Musa* species) and includes the “moko” variety.

(2) This Order does not apply to ornamental types of the banana and plantain family.

SCHEDULE

That area of land in the Ward of Cedros in the County of St. Patrick in the island of Trinidad and bounded on the North by the Gulf of Paria, on the South by the Columbus Channel, on the East by Chatham Road and on the West by the Serpent’s Mouth (sea).