

CHAPTER 266A

PLANT PEST AND DISEASE (ERADICATION) 1983-6

This Act came into operation on 25th November, 1985.

Amended by:

1983-41

1985/182

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 266A

PLANT PEST AND DISEASE (ERADICATION) 1983-6

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SCHEDULE

**BARBADOS**

PLANT PEST AND DISEASE (ERADICATION)

1983-6

An Act to provide for the eradication of plant pests and diseases and related matters.

[Commencement: 25th November, 1985]

Short title

1. This Act may be cited as the *Plant Pest and Disease (Eradication) Act*.

Interpretation

2. In this Act,

“alternate host plant” means a plant, whether or not an economic crop plant, on which a plant pest can feed and carry out all or part of its life cycle;

“disease” is a disorder of an economic crop plant caused by a plant pest;

“host plant” means an economic crop plant that is subject to attack by a plant pest;

“parasitic organism” means an organism that lives all or part of its life on or in another living organism of a different kind taxonomically and obtains all or part of its food from the living organism;

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

“plant pest” means any living stage of any insect, mite, nematode, slug, snail, protozoa, virus, bacterium, fungus, mycoplasma, parasitic plant or reproductive part thereof, and any other parasitic organism that is capable of producing significant losses in production of a host plant, and has been declared a plant pest by the Minister under section 4;

“premises” includes any land, whether or not covered by buildings;
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“resistant variety” means a host plant variety that is resistant or potentially resistant to attack by a plant pest or disease;

“susceptible variety” means a host plant variety that is susceptible to or potentially susceptible to attack by a plant pest or disease.

Power of Minister

3.(1) For the purposes of this Act, the Minister may, on the advice of the Chief Agricultural Officer, by order, declare

- (a) the plant pest and diseases that are to be eradicated, and their host plants and where applicable
 - (i) alternate host plants, and
 - (ii) the official inspection periods for the plant pests and diseases; and
- (b) subject to subsection (3), the areas infected with a specified plant pest or disease; and

- (c) the areas in which any economic crop plant that is susceptible to a specified plant pest or disease are not to be planted or grown during the periods of the year specified in the order.
- (2) The Minister may, on the advice of the Chief Agricultural Officer designate, in writing certain public officers to be inspectors of plant pests and diseases.
- (3) An order made under subsection (1)(b) expires 1 year from the commencement of the order.

Control measures

4. The Chief Agricultural Officer must issue to owners or occupiers of any farm, plantation or other premises on which any host plant is susceptible to attack by a plant pest or disease, the following:
- (a) outlines of recommended measures for the control or eradication of each plant pest or disease; and
 - (b) whenever necessary, lists of recommended resistant and susceptible alternate host plants for a plant pest or disease.

Inspection and eradication

5. When an inspection period is prescribed by the Minister for any plant pest or disease, the owner or occupier of every farm, plantation or other premises on which the host plant or alternate host plant of the plant pest or disease is growing shall
- (a) during the inspection period, inspect all susceptible varieties of host plants or alternate host plants;
 - (b) treat the host plants and alternate host plants that show any sign, symptoms or trace of the plant pest or disease in the manner specified by the Chief Agricultural Officer; and

- (c) if a plant pest or disease is found, forward a statement in the prescribed form giving full particulars as to the results of the inspection to the Chief Agricultural Officer, within 2 weeks of the inspection.

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Powers of entry

6. The Chief Agricultural Officer or an inspector may for the purpose of preventing or detecting the commission of an offence under section 12

- (a) enter at any time any farm, plantation or other premises, or any building other than a dwelling house; and
- (b) remain there for as long as is necessary.

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Eradication directions

7.(1) For the purposes of controlling or eradicating a plant pest or disease, the Chief Agricultural Officer may give directions in writing to the owner or occupier of any farm, plantation or other premises on which the plant pest or disease occurs, directing him to take all such measures as are necessary for the control or eradication of the plant pest or disease within 10 days of the service upon the owner or the occupier of the directions.

(2) Where in the opinion of the Chief Agricultural Officer any plant pest or disease requires urgent attention, he may give directions in writing to the owner or occupier of any farm, plantation, or other premises on which the plant pest or disease occurs, requiring the owner or occupier to take immediately all such measures as are necessary for the eradication or control of the plant pest or disease and the owner or occupier of a farm, plantation or other premises who receives

directions from the Chief Agricultural Officer under this section shall comply with the directions.

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Execution of eradication directions

8.(1) Where the owner or occupier of a farm, plantation, or other premises fails to comply with the directions of the Chief Agricultural Officer, an inspector may

- (a) enter upon the farm, plantation or other premises; and
- (b) take such measures as are necessary for properly and effectively carrying out the requirements of the directions.

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(2) The expenses incurred by an inspector in giving effect to any directions of the Chief Agricultural Officer may be recovered by the inspector from the owner or occupier, as a debt due to the Crown in civil proceedings before a magistrate for District "A", notwithstanding that the amount may exceed the normal monetary limit of the jurisdiction of the magistrate.

(3) The Minister may waive the payment of any expenses incurred under subsection (2).

Infected areas

9.(1) Where the Minister declares an area to be infected with a specified plant pest or disease no person shall plant, sell, remove or distribute planting material taken from the area unless

- (a) the economic crop plant in the area
 - (i) is of a variety approved by the Chief Agricultural Officer, and
 - (ii) is inspected by an inspector, and is stated to be free from the plant pest or disease,

and

(b) the person obtains the written permission of the Chief Agricultural Officer to plant, sell, remove or distribute the planting material.

(2) No person shall cultivate host plants or alternate host plants of a declared plant pest or disease in an infected area unless he applies to the Chief Agricultural Officer in the prescribed form and is issued with a certificate by the Chief Agricultural Officer, in the prescribed form.

Susceptible areas

10. Where the Minister declares an area to be one in which an economic crop plant is susceptible to a specified plant pest or disease, no person shall, during the period specified in the order under section 3(1) (c), plant or grow in any area specified in the order, any host plant or alternate host plant that is prohibited by the order to be planted or grown in the area.

Regulations

11. The Minister may make regulations giving effect to the provisions of this Act.

Offences

12. Any person who

- (a) makes or furnishes any statement required to be made or furnished by this Act, that he knows or has reasonable cause to believe to be false in any material particular;
- (b) wilfully obstructs or impedes any person in the exercise of any of the powers, or in the performance of any of the duties conferred or imposed upon him by this Act;

- (c) knowingly introduces any plant pest or disease or any substance infected with a plant pest or disease onto any farm, plantation, or other premises or into any building; or
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- (d) fails to comply with directions given by the Chief Agricultural Officer under section 7 or any of the requirements of this Act,

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months.

Exemption from liability

13. Nothing done by any person authorised under this Act subjects that person to any action, liability, claim or demand, if the thing was done *bona fide* for carrying out any of the provisions of this Act.

Limitation

14. No proceedings may be brought against any person performing any of the functions conferred upon him by this Act unless the proceedings are commenced within 6 months of the date when the act complained of was committed.

Expenses

15. Subject to section 8(2) all expenses incurred in the administration of this Act are to be defrayed out of monies voted by Parliament for the purpose.

Crown

16. This Act binds the Crown.

Exemption

17. This Act does not apply to any plant attacked by a plant pest or disease and grown for scientific purposes by the Chief Agricultural Officer or by any Scientific Research Institution approved by the Chief Agricultural Officer.

SCHEDULE*(s.18)*

<i>Enactments</i>	<i>Extent of Repeal</i>
Cotton Diseases Act, Cap. 257	Whole Act
Love Vine and Wild Native Cotton (Eradication) Act, Cap. 264	Whole Act
Plant Pest and Disease (Importation) Act, Cap. 266	Whole Act
Sugar Cane Mosaic Disease (Eradication) Act, Cap. 269	Whole Act