

DISEASES OF PLANTS REGULATIONS.⁽¹⁾

Regulations 1938, No. 3.

Short title.

1. These Regulations may be cited as the *Diseases of Plants Regulations*.⁽¹⁾

Definitions.

2. In these Regulations, unless the contrary intention appears—

“cultivated land” means land on which plants are being grown for economic purposes;

“destroy” means completely burn or destroy in such a manner that the thing to be destroyed cannot harbour any plant disease;

“economic purposes” includes sale, exchange, and barter, and the production of, or use as, food, seedlings, seeds, or seed-nuts, and the manufacture of commodities, and any other commercial purpose;

“harbour” includes be a breeding ground for or the means of causing the spread of or attacks by;

“notifiable disease” means any disease declared by the Administrator by notice⁽²⁾ to be a notifiable disease;

“order” in relation to a person other than a native means order in writing;

“plant disease” means any disease or pest, other than a weed pest, declared by the Administrator by proclamation⁽³⁾ under the *Diseases of Plants Ordinance* 1934 to be a disease affecting plants.

Duties of owner of cultivated land with regard to diseases.

3.—(1) The owner of any cultivated land shall—

(a) keep the land free of any heaps of rubbish or other matter which may harbour any plant disease;

(1) Particulars of these Regulations are as follows:—

Ordinance under which made.	Date on which made by Administrator in Council.	Date on which published in N.G. Gaz.	Date on which took effect and came into operation.
<i>Diseases of Plants Ordinance</i> 1934	21.4.1938	30.4.1938	9.5.1938 (N.G. Gaz. of 30.4.1938)

(2) Pursuant to Regulation 2, the Administrator, by notice dated 20.6.1938, published in *N.G. Gaz.* of 30.6.1938, and printed on p. 3982, declared the diseases set out in the notice to be notifiable diseases.

(3) See footnote (2) to the *Diseases of Plants Ordinance* 1934, printed on p. 3969, and the *Diseases of Plants Proclamation* No. 1, printed on p. 3978.

Diseases of Plants Regulations.

- (b) take such other measures for the reduction, eradication, or prevention of the spread, of any plant disease on the land as an Inspector notifies him in writing to take;
- (c) forthwith notify the Director or an Inspector or a District Officer or a Patrol Officer of the occurrence on the land of any notifiable disease; and
- (d) carry out any order of an Inspector lawfully given under these Regulations.

Penalty: Fifty pounds.

(2.) The provisions of the last preceding sub-regulation shall, with respect to land owned by him, apply to the owner of any land within 100 metres of any cultivated land as if it were cultivated land.

4.—(1.) A person shall not convey or cause to be conveyed from one District to another District any coconut palm or part or product of a coconut palm except—

Coconut palms,
coconuts, &c.

- (a) copra, desiccated coconut, or other manufactured product of the palm;
- (b) husked coconuts for the purpose of food or the manufacture of desiccated coconut or other commodity; or
- (c) seed-nuts without expanded leaves.

Penalty: Fifty pounds.

(2.) The owner of a coconut palm shall cause the coconuts to be collected before they have expanded leaves, and, if the coconuts are not used for economic purposes and are likely to harbour any plant disease, shall cause them to be destroyed before they have expanded leaves.

Penalty: Twenty-five pounds.

(3.) The occupier of any land shall cause all coconuts on his land which are not used for economic purposes and which are likely to harbour any plant disease to be destroyed before they have expanded leaves.

Penalty: Twenty-five pounds.

5.—(1.) For the purpose of preventing the spread of any plant disease which the Director in his discretion considers to be a disease easily communicable to other plants, the Director may order a plant which is not diseased to be destroyed:

Destruction of
plants to prevent
spread of disease.

Provided that, where any plant is destroyed under this sub-regulation, the Administrator may authorize the payment of such compensation as he thinks fit to the owner of the plant.

(2.) The Director may, where plants of a species which is grown for economic purposes are not cultivated or otherwise properly

PLANT DISEASES—

attended to for a period exceeding one year and are, in the opinion of the Director, harbouring any plant disease, order the owner to cultivate or otherwise properly attend to the plants within a period of not less than three months to be specified in the order.

(3.) Where an order under the last preceding sub-regulation has not been complied with, the Administrator in Council may, without prejudice to any prescribed penalty, direct or cause any plants specified in the order to be destroyed without compensation to the owner.

Isolation of areas.

6. For the purpose of preventing the spread of any disease, the Administrator may by notice⁽⁴⁾ declare any part of the Territory to be—

- (a) an infected area from which a person shall not remove any plant, or any plant of the species specified in the notice, or shall not remove any such plant except in accordance with conditions specified in the notice; or
- (b) an isolated area into which a person shall not take any plant, or any plant of the species specified in the notice, or shall not take any such plant except in accordance with conditions specified in the notice.

Offences.

7. A person shall not—

- (a) knowingly plant, sell, offer for sale, or give to any person, any diseased plant; or
- (b) knowingly introduce any disease into any cultivated land.

Penalty: Fifty pounds.

Powers of Inspector.

8. An Inspector may—

- (a) seize, detain, remove, and examine any plant which is being transported to a place inside or outside the Territory and any covering or container of any such plant and, if in his opinion the plant is diseased, order it and any such covering or container to be destroyed;
- (b) order the owner of a plant which is being grown for economic purposes and which, in the opinion of the Inspector, has ceased to bear and is likely to harbour any plant disease, or is so diseased that it cannot be brought to profit by remedial measures, to destroy the plant:

Provided that the Inspector may authorize the owner to use any portion of such plant for building or other purposes approved by the Inspector;

(4) No notice has been published in *N.G. Gaz.*

Diseases of Plants Regulations.

- (c) subject to the last preceding paragraph, order any diseased plant to be destroyed; or
- (d) order the owner of any cultivated land to take measures for the reduction, eradication, or prevention of the spread, of any disease on the land.

9.—(1.) Any person may, within fourteen days of the receipt by Appeals. him of any order or notice of an Inspector, hand to the Inspector or a District Officer or a Patrol Officer, or post to the Director, an appeal in writing to the Director against the order or notice accompanied by an appeal fee of Ten shillings and thereupon shall not be required to comply with the order or notice except in accordance with an order of the Director under sub-regulation (3.) of this regulation:

Provided that in the case of an appeal under this sub-regulation by a native no appeal fee shall be payable.

(2.) Notwithstanding the provisions of the last preceding sub-regulation, a native may appeal under that sub-regulation verbally to an Inspector or a District Officer or a Patrol Officer, who shall thereupon inform the Director and, in the case of an Inspector, a member of the Department of District Services and Native Affairs.

(3.) On receipt of an appeal under sub-regulation (1.) of this regulation, the Director may uphold, vary, or cancel the order or notice as to him seems fit and just and may, in his discretion, order the appeal fee or any part of it to be refunded to the appellant.

10. Any person who contravenes any provision of these Regulations Penalties. or fails to comply as required by these Regulations with any notice, order, or direction lawfully made or given under these Regulations shall be guilty of an offence, and shall, where no other penalty is provided, be liable to a fine of One hundred pounds or imprisonment for six months, and, where the offence is a continuing offence, to a fine not exceeding Five pounds for every day during which the offence continues.