

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

I assent

F. A. René

President

31st May, 1996

AN ACT

"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 material, pests, beneficial organisms, soils or

material, beneficial organism, soil and associated packaging;

- (c) produce the plant material, beneficial

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 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 both treatment and disposal of a plant material, soil or associated packaging, whether 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 or suspected of having been affected by a quarantine pest;

(b) prohibit, restrict or otherwise specify measures controlling the removal of

section fails to comply with the requirement of the Act, 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 purpose 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 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 phytosanitary certificate, inspect, examine, analyse or take sample for the purpose of carrying out the 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.

- (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

damage caused to the agricultural or forest 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 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 brevipēs*
22. *Frankliniella occidentalis*
23. *Heliothis* spp.
24. *Heliothrips 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

17. Additional information

18. Place of issues

Date

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