

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 171A

Act 10 of 1996

PLANT PROTECTION ACT

[1st August, 1996]

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PART I – PRELIMINARY

1. This Act may be cited as the Plant Protection Act.

2. In this Act –

"authorised officer" means an authorised officer appointed under section 12(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, corn, 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 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.

3. This Act shall bind the Republic.

PART II - CONTROL OF IMPORT AND EXPORT

4. A person shall not import a pest.

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 shall packaging has been exported.

- (2) A person who imports a plant material, beneficial organism, soil or associated 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 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.

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

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 1 to be a pest for the purposes of this Part.

(2) For the purposes of this Part –

"pest" means a pest specified in Schedule 1 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.

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.

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 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.

(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 out 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).

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.

- 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.

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.

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.

- 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.

16. The Minister may make regulations for the better carrying out of 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 one required to be made under this Act.

17. (1) Notwithstanding the repeal of the Plant Pest Act by this 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 1

(section 2)

PESTS

PART 1

INSECTS AND MITES

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| 1. <i>Anacridium melanorhodon arabafrum</i> |
| 2. <i>Aphis gossipii</i> |
| 3. <i>Anastrepha</i> spp. |

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| 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 |

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| 21. <i>Dysmicoccus brevipes</i> |
| 22. <i>Frankliniella occidentalis</i> |
| 23. <i>Heliothis</i> spp. |
| 24. <i>Heliothrips haemorrhoidales</i> |
| 25. <i>Hoplochelus marginalis</i> |
| 26. <i>Leptinotarsa decemlineata</i> |
| 27. <i>Lyriomyza huidobrensis</i> |
| 28. <i>Lyriomyza sativae</i> |
| 29. <i>Locusta migratoria migratorioides</i> |
| 30. <i>Myzus</i> spp. |
| 31. <i>Oedaleus senegalensis</i> |
| 32. <i>Panonychus citri</i> |
| 33. <i>Pardalaspis quinaria</i> |
| 34. <i>Pieris</i> spp. |
| 35. <i>Polyphagotarsonemus latus</i> |
| 36. <i>Phyllocnistis citrella</i> |
| 37. <i>Phyllocoptruta oleivora</i> |

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| 38. <i>Quadraspidiotus perniciosus</i> |
| 39. <i>Selenothrips rubrocinctus</i> |
| 40. <i>Schistocerca gregaria</i> |
| 41. <i>Spodoptera</i> spp |
| 42. <i>Tetranychus urticae</i> |
| 43. <i>Thrips tabaci</i> |
| PART II NEMATODES |
| 44. <i>Ditylenchus</i> spp. |
| 45. <i>Meloidogyne</i> spp. |
| 46. <i>Pratylenchus</i> spp. |
| 47. <i>Radopholus similis</i> |
| 48. <i>Rotylenchus reniformis</i> |
| PART III MOLLUSCS |
| 49. <i>Achatina</i> spp. |
| 50. <i>Helix</i> spp. |
| 51. <i>Limax</i> spp. |

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| 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 f. sp. cubense |

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| 65. <i>Fusarium oxysporum</i> f. sp. <i>melonis</i> |
| 66. <i>Mycosphaerella fijiensis</i> |
| 67. <i>Mycosphaerella musicola</i> |
| 68. <i>Phytophthora colocasiae</i> |
| 69. <i>Verticillium</i> spp. |
| PART VI VIRUSES, MYCOPLASMAS, MLO AND RLO |
| 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 |

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| 81. Papaya Ringspot virus |
| 82. Pineapple Wilt virus |
| 83. Phytonomonas 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 |

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| 97. Borreria alata |
| 98. Commelina bengalensis |
| 99. Cuscuta spp. |
| 100. Cyperus spp. |
| 101. Elodea spp. |
| 102. Prosopis glandulosa |
| 103. Salvinia molesta |
| 104. Senna tora |
| 105. Sorghum halepense |
| 106. Striga spp. |
| 107. Xanthium spp. |

SCHEDULE 2

(section 6)

PHYTOSANITARY CERTIFICATE

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| 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 Organisation(s) of |
| | 5. Place of origin |

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| 6. Declared means of conveyance | REPUBLIC OF SEYCHELLES MINISTRY OF AGRICULTURE AND MARINE RESOURCES |
| 7. Declared point of entry | PLANT PROTECTION SECTION |
| 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 - have been inspected according - are considered to be free from from other injurious pests; and - are considered to conform with of the importing country | or plant products described above to appropriate procedures, and quarantine pests, and practically free that they the current phytosanitary regulations |
| 11. Additional declaration | |
| DISINFECTION AND/OR DISIN- FECTION TREATMENT | 18. Place of issue |
| 12. Treatment | Date |
| 13. Chemical 14. Duration and (active ingredient) temperature | |
| 15. Concentration 16. Date | Name of authorized Stamp of Officer Organization |
| 17. Additional Information | |

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| | Signature |
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Note : SUBSIDIARY LEGISLATION UNDER THE PLANT PESTS ACT (CAP 171 SUB. LEG.) CONTINUES IN FORCE UNDER THIS ACT.

LAWS OF SEYCHELLES

SI. 65 of 1995

PLANT PROTECTION ACT

CHAPTER 171A

SUBSIDIARY LEGISLATION

Sections 3 and 7 of Cap 171

***Plant Pests (Amendment of Schedule A and Infected Areas) Notice**

1. This Notice may be cited as the Plant Pests (Amendment of Schedule A and Infected Area) Notice.
2. Schedule A of the Plant Pests Act is hereby amended by inserting after item (6) the following item -

"(7) Haplographium Calophylli affecting the Takamaka Tree".
3. The islands of the Seychelles Archipelago, set out in Part 1 of Schedule 1 of the Constitution are hereby declared to be infected with the disease Haplographium Calophylli affecting the Takamaka Tree.

* Continued in force under section 17 of Cap 171A

Sections 16

Plant Protection (Verticillium Calophylli) Regulation

SI. 76 of 1997

1. These Regulations may be cited as the Plant Protection (Verticillium Calophylli) Regulations.
2. In these Regulations-

"Authorized Officer" means a person authorised by the Chief Agricultural Officer or by the Officer in charge of the Timber Control Unit, Forestry Division of the Ministry of Environment.

3. (1) No person shall transport any Takamaka wood or any untreated timber from one part of an island to another part, or from one island to another island without the written permission of an Authorised Officer.

(2) An Authorised Officer or a police officer may seize and detain any Takamaka wood that is being or has been transported in contravention of subregulation (1).

(3) Any Takamaka wood seized and detained under subregulation (2) may be disposed of in any manner the Officer in charge of the timber Control Unit, Forestry Division of the Ministry of Environment may direct.

4. (1) An Authorised Officer may, where the Officer has reasonable grounds to believe that any Takamaka tree on any land is affected by the disease *Verticillium Calophylli*, enter upon the land and take such measures as may be necessary for preventing the spread of the disease and may for that purpose exercise the powers conferred on the Chief Agricultural Officer under section 10 of the Act.

(2) Any Authorised Officer shall, if so requested by any person affected, produce the authority to act under these Regulations.

5. Any person who contravenes regulation 3(1) or obstructs an Authorised Officer in the performance of the functions of that Officer under regulation 4 is guilty of an offence and liable on conviction to a fine of R25000 and imprisonment for three years.

6. The Plant Pests (*Haploglyphium Calophylli*) Regulations, 1995 are hereby repealed.

SECTIONS 7 AND 8

SI. 14 of 2000

Plant Protection (Quarantine Pest and Infected Area) Notice

1. This Notice may be cited as the Plant Protection (Quarantine Pest and Infected Area) Notice.

2. The wood-boring pest that has affected certain Sandragon trees at Fairyland, Mahe is hereby declared to be a quarantine pest under section 7(3) of the Act.

3. The area consisting of Parcel No. C2913 and State Land at Fairyland, Mahe is declared under section 8 of the Act to be an infected area infected with the quarantine pest referred to in paragraph 2.

4. The owner of the Sandragon trees within the infected area shall -

(a) cut down the dead trees and burn them on the spot;

(b) cut down other trees which show symptoms of damage (red watery secretion oozing from freshly dug tiny holes and accumulation of dust typical of damage caused by wood-borers) and burn them on the spot.

5. No person shall transport or attempt to transport the whole or part of a chopped tree out of the infected area.

6. Any person having knowledge of a Sandragon tree infected or suspected to be infected by the pest in any other part of Seychelles shall forthwith report the matter to the Plant Protection Section of the Ministry of Agriculture and Marine Resources.

7. Any person contravening the provisions of this Notice shall be guilty of an offence under the Plant Protection Act.

Section 16

Plant Protection (*Aleurotrochelus atratus*) Regulation

SI. 17 of 2007

1. This Regulations may be cited as the Plant Protection (*Aleurotrochelus atratus*) Regulations.

2. In these Regulations-

“Authorised Officer” means a person authorised by the Chief Agricultural Officer or by the officer in charge of the Timber Control Unit, Forestry Division of the Ministry of Environment.

3. (1) No person shall transport any coconut or other palms or parts of such palms from one island to another island without written permission of an Authorised Officer.

(2) An Authorised Officer or a police officer may seize and detain any palm or part thereof that is being or has been transported in contravention of subregulation (1).

4. (1) An Authorised Officer may, where the Officer has reasonable grounds to believe that any palm tree on any land is affected by the pest *Aleurotrochelus atratus*, enter upon the land and take such measures as may be necessary for preventing the spread of the pest and may for that purpose exercise the powers conferred on the Chief Agricultural Officer under section 10 of the Act.

(2) An Authorised Officer shall, if so requested by any person affected, produce the authority to act under these Regulations.

5. Any person who contravenes regulation 3(1) obstructs an Authorised Officer in the discharge of his functions under regulation 4 is guilty of an offence and liable on conviction to a fine of SR25,000 and to imprisonment for a period of three years.