

2013

**PLANT PROTECTION
AND QUARANTINE**

S.R.O. 10

COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDER NO. 10 OF 2013

ORDER

MADE by the Minister under section 8 of the Plant Protection and Quarantine Act, Chapter 58:40.

(Gazetted 25th April, 2013).

1. This Order may be cited as the –

Short title

**PLANT PROTECTION AND QUARANTINE
(BLACK SIGATOKA) ORDER, 2013.**

2. In this Order –

Interpretation.

“Act” means the Plant Protection and Quarantine Act;

Chap. 58:40

“affected area” means any land or nursery on which the black sigatoka is suspected or found;

“authorised officer” means an officer or a person authorised in writing by the Chief Plant Protection Officer;

“black sigatoka” means the black sigatoka (*mycosphaerella fijiensis*);

“officer” means a person employed with the Plant Protection and Quarantine Service; and

“restricted article” means the articles specified in the schedule or determined to be restricted articles under section 4(2).

Notifiable plant pest.

3. The black sigatoka is declared a notifiable plant pest.

Restricted article.

4. (1) Subject to subsection (2) and for the purposes of this Order the items specified in the schedule are restricted articles.

(2) An authorised officer may determine that any other article, product or means of conveyance is a restricted article if the authorised officer determines that the article, product or means of conveyance presents a risk of spreading black sigatoka.

(3) Where an authorised officer makes a determination under subsection (2) he shall notify the person in possession of the article, product or means of conveyance that it is subject to the restrictions of this Order.

Restriction on
movement of restricted
article.

5. A person shall not remove or dispatch a restricted article from or move a restricted article into, any area of Dominica without written permission from the Plant Protection Service.

Owner or occupier
responsibility.

6. (1) The owner or occupier of an affected area shall, in addition to advising the Plant Protection and Quarantine Service under section 14 of the Act, notify the agricultural office for the region in which he operates.

(2) A plant protection officer may, by request in writing, require further information from the owner or occupier of an area referred to in subsection (1).

(3) Where a request is made in accordance with subsection (2) the owner or occupier shall supply the information requested within the time specified in the request.

Restriction on
movement of restricted
article from affected area.

7. (1) A person shall not move a restricted article from an affected area to any place outside the affected area unless there has been issued in relation to the restricted article a certificate of inspection and a plant protection officer has given written permission to move the restricted article.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one thousand dollars and one month imprisonment.

8. A person shall not distribute any banana or plantain planting material without written permission from the Plant Protection Service.

Restriction on distribution.

9. A person shall not sell any restricted article without the written permission of the Plant Protection and Quarantine Service.

Restriction on selling.

10. The owner or occupier of land within an affected area shall, at his own expense, take the measures recommended by an authorised officer or required to prevent the further spread of, to control or eradicate black sigatoka.

Owner or occupier to assist.

11. (1) Subject to subsection (2), an authorised officer may enter any land or nursery within the quarantined area to destroy, remove, burn, dispose of, deleaf or treat restricted articles.

Authorised officer may enter land.

(2) An authorised officer shall, before taking action under subsection (1), give reasonable notice to the owner or occupier of the action intended under subsection (1).

SCHEDULE

Restricted Articles

Banana or plantain -

1. plant
2. leaf
3. trash

2013

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-
4. fruits
 5. plant related article
 6. plant related material

Made this 5th day of April, 2013.

MATTHEW WALTER
Minister for Agriculture