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THE PLANTS (QUARANTINE) ACT

**THE PLANTS (IMPORTATION) CONTROL (AMENDMENT)
REGULATIONS, 2005**

In exercise of the power conferred upon the Minister by section 38 (1) of the Plants (Quarantine) Act and of every other power hereunto enabling, the following Regulations are hereby made:—

1. These Regulations may be cited as the Plants (Importation) Control (Amendment) Regulations, 2005 and shall be read and construed as one with the Plants (Importation) Control Regulations, 1997 (hereinafter referred to as the principal Regulations).
2. Regulation 2 of the principal Regulations is amended by—
 - (a) deleting the definition of “plant”; and

- (b) inserting therein the following definitions in the correct alphabetical sequence—

“inspection” means an official visual examination of plants, plant products or other regulated articles to determine if pests are present and determine compliance with phytosanitary regulations;

“regulated articles” means any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures particularly where international transportation is involved;”.

3. The principal Regulations are amended by—
- (a) renumbering regulations 3 to 13 as regulations 11 to 21; and
- (b) inserting the following as regulations 3 to 10—

PART I

Plants; Plants for Planting, etc.

3. In this Part—

“pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of the phytosanitary measures to be taken against it carried out in accordance with the International Plant Protection Convention, 1951 (IPPC) as amended from time to time and in force in Jamaica;

“plants for planting” means plants intended to remain planted, to be planted or replanted;

“plant products” means unmanufactured material of plant origin and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests

4.—(1) No plant, plant products or plants for planting shall be imported into the Island except in accordance with the provisions of these Regulations.

(2) The importation of plants, plant products or plants for planting or soil specified in Part III of the First Schedule is hereby prohibited.

Part III.
First
Schedule.

Part II.

5.—(1) Subject to regulation (2), no plant, plant products or plants for planting (other than those specified in Part II of the First Schedule)

shall be imported into the Island except in accordance with the terms of an import permit granted by the Chief Plant Quarantine Officer.

Part I. (2) The import permit for the importation of items listed in Part I of the First Schedule shall be either a single use permit or a multiple use permit.

6.—(1) Every plant, plant product or plant for planting entering the Island shall be subject to inspection by a Plant Quarantine Inspector who may—

- (a) refuse entry of any such plant, plant product, or plant for planting if—
 - (i) it contains pests;
 - (ii) any condition of the import permit has not been complied with; or
- (b) allow entry for any such plant, plant products or plants for planting unconditionally or subject to such conditions as may be deemed necessary.

(2) Every plant, plant product or plants for planting imported into the Island shall be accompanied by a valid phytosanitary certificate issued by the competent authority of the exporting country which, together with the import permit, shall be presented to the Plant Quarantine Inspector at the time of inspection.

7.—(1) Subject to the provisions of regulation 5, if so required by the Chief Plant Quarantine Officer, every plant, plant products or plants for planting, upon entry into the Island, shall be—

- (a) removed by such means, in such manner and subject to such conditions as the Chief Plant Quarantine Officer may direct to a post-entry quarantine facility approved by the Chief Plant Quarantine Officer for the purpose of quarantine; and
- (b) be kept in quarantine for such period as the Chief Plant Quarantine Officer may direct.

(2) The release from quarantine of any plant, plant product or plant for planting shall be subject to and dependent upon the result of reinspection and of any diagnostic examination and any tests which the Chief Plant Quarantine Officer may deem necessary to carry out for the detection and identification of pests.

(3) Notwithstanding the expiry of the period of quarantine directed by the Chief Plant Quarantine Officer under paragraph (1), no plant, plant product or plant for planting shall be removed from any

quarantine depot without the prior written permission of the Chief Plant Quarantine Officer and such permission may be either unconditional or subject to such conditions as may be specified.

8.—(1) The expenses incidental to the keeping in quarantine of a plant, plant product or plant for planting shall be borne by the importer.

(2) Every plant, plant product or plant for planting shall be kept in quarantine at the risk of the importer.

(3) Any plant, plant product or plant for planting, which, while in quarantine, develops or, in the opinion of the Chief Plant Quarantine Officer, shows symptoms of any pest, may be destroyed without payment of compensation.

9.—(1) Every person who desires to import plants, plant products or plants for planting shall apply in writing to the Chief Plant Quarantine Officer for an import permit.

(2) An application under paragraph (1) shall specify—

- (a) the name, address and telephone number of the importer;
- (b) the name (scientific and common) and quantity of each item to be imported;
- (c) the country from which the item is to be imported;
- (d) the type of permit required; and
- (e) the port of entry of the items to be imported.

Second
Schedule.

(3) Each application for an import permit shall be accompanied by the appropriate fee specified in the Second Schedule.

(4) The Chief Plant Quarantine Officer shall, in determining whether to grant an import permit, conduct a pest risk analysis to determine the specific conditions under which the item may be imported and shall not grant a permit for items that are deemed high risk based on the outcome of the pest risk analysis.

Third
Schedule.

(5) An import permit issued under these Regulations shall be in the form prescribed in the Third Schedule and shall, subject to paragraph (6), be valid for a period of four months from the date of issue thereof.

(6) The Chief Plant Quarantine Officer may revoke any permit at any time if there is a change in the pest status in the exporting country.

(7) No person shall be issued an import permit if the plants, plant products or plants for planting to be imported originate in a

country where there are pests which, if introduced into the Island, could adversely affect agriculture.

PART II

Genetically Modified Plants

10. In this Part—

“genetically modified plant” means a plant that has been genetically modified and imported into Jamaica for the purpose of experimentation under controlled conditions.”.

4. The principal Regulations are amended—

- (a) by deleting from regulation 14 as renumbered, the words “regulation 5” and substituting therefor the words “regulation 13”;
- (b) by deleting from regulation 20 as renumbered, the words “regulation 6” and substituting therefor the words “regulation 13”;
- (c) by inserting next after regulation 21 the following regulation and Schedule—

“22.—(1) A person who imports any plant, plant product or plant for planting into the Island without a valid phytosanitary certificate shall be guilty of an offence and shall on conviction be liable before a Resident Magistrate to a fine of ten thousand dollars.

(2) A person who imports any item prohibited under regulation 4 (2) commits an offence and shall be liable on conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars.

(3) A person who imports items without an import permit required under regulation 5 commits an offence and shall be liable on conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars.

FIRST SCHEDULE

(Regulation 5)

PART I

Items that require Import Permit

- 1. A. Fresh fruits and vegetables Citrus fruits, plants and budwood.
- B. Banana—fruits, suckers, plants or plant parts.
- C. Coconut/palm family—seeds
- D. Coffee—berries and plants.
- E. Anthurium plants—tissue cultured.

2. Other plants and plant for planting and plant parts.

All plants and plants for planting must be bare-rooted, in-rooted cuttings, tissue cultured or seedlings in liners or small trays (maximum two inches wide and two inches deep).

Bare-rooted plants and plants budded as grafted must be no more than twenty inches in height from root up to top of plant.

Plants and plants budded or grafted must not be more than twenty-four inches in height.

Flowers, foliage, ornamental branches and bulbs.

PART II

Items that do not require import permit

Frozen fruits and vegetables.

Shredded vegetables.

Canned fruits and vegetables.

Dried fruits and vegetables

Processed or otherwise manufactured plant products that by their nature or that of their processing do not create a risk for the introduction and spread of pests.

PART III

Items whose importation is prohibited

A. — Soil

B. — Plants in growing medium (soil or non-soil)

C. — Plants and plant products or plants for planting from countries or areas within countries where the following pests (or any other pests that may be deemed to be of high risk based on a pest risk analysis) are known to exist.

Insects

Mediterranean Fruit Fly	—	<i>Ceratitis capitata</i>
Guava Fruit Fly	—	<i>Anastrepha striata</i>
Sapodilla Fruit Fly	—	<i>Anastrepha serpentina</i>
Mexican Fruit Fly	—	<i>Anastrepha ludens</i>
South American Fruit Fly	—	<i>Anastrepha fraterculus</i>
Oriental Fruit Fly	—	<i>Bactrocera dorsalis</i>
Carambola Fruit Fly	—	<i>Bactrocera carambolae</i>
Mango Fruit Fly	—	<i>Ceratitis cosyra</i>
Papaya Fruit Fly	—	<i>Toxotrypana curvicauda</i>
Pink Hibiscus Mealybug	—	<i>Maconellicoccus hirsutus</i>
Papaya Mealybug	—	<i>Paracoccus marginatus</i>

Mango Seed Weevil	—	<i>Sternochetus mangiferae</i>
Avocado Seed Weevil	—	<i>Heilipus laurir</i>
Avocado Seed Moth	—	<i>Stenoma catenifer</i>
Codling Moth	—	<i>Cydia pomonella</i>
Thrips Palmii	—	<i>Thrips palmii</i>
Asian Long Horn Beetle	—	<i>Anoplophora glabripennis</i>
Pickle Worm	—	<i>Diaphania nitadalis</i>
Pineapple Mealybug	—	<i>Dysmicoccus brevipes</i>
Leaf Cutting Ant	—	<i>Atta cephalotes</i>
Stem Borer (hot pepper)	—	<i>Fautinus cubae</i>
Sweet Potato Moth Borer	—	<i>Megastus grandalis</i>
Banana Fruit Scarring Beetle	—	<i>Colaspis hypochlora</i>
Banana Scab Moth	—	<i>Nacoleia octasema</i>
Banana Silvering Thrips	—	<i>Hercinothris bicinctus</i>
Banana Stalk Borer	—	<i>Castiomeria humboldti</i>
Banana Flower Thrips	—	<i>Thrips florum</i>
Asian Citrus Psyllid	—	<i>Diaphorina citri</i>
South African Citrus Psyllid	—	<i>Trioza erythrae</i>
Palm Weevil	—	<i>Rhynchophorus palmarum</i> (Linnaeus)
Black Palm Weevil	—	<i>Rhynchophorus bilineatus</i> (Montrouzier)

Bacterial Diseases

Citrus Canker	—	<i>Xanthomonas axonopodis</i> pv. <i>citri</i>
Bacterial Blight	—	<i>Xanthomonas campestris</i> pv. <i>manihotis</i>
Citrus Greening (huanglongbing)	—	<i>Liberobacter asiaticum</i> (Asian strain)
	—	<i>Liberobacter africanum</i> (African strain)
Citrus Variegated Chlorosis Moko or Bacterial Wilt, Blood Disease	—	<i>Xylella fastidiosa</i>
Bugtok Disease	—	<i>Ralstonia solanacearum</i>
Bacterial Head Rot	—	<i>Erwinia chrysanthemi</i>
Pseudostem Wet Rot	—	<i>Pectobacterium Chrysanthemi</i>

Fungal Diseases

Citrus Black Spot	—	<i>Guignardia citricarpa</i>
Banana Freckle Disease	—	<i>Guignardia musae</i>
Panama Disease or Fusarium wilt	—	<i>Fusarium oxysporum</i> f. sp. <i>cubense</i> (E. F.) (Smith)

Black Sigatoka or		
Black Leaf Streak	—	<i>Mycosphaerella fijiensis morlet</i>
Septoria Leaf Spot	—	<i>Mycosphaerella sp.</i>
Lixa Grande	—	<i>Sphaerodothis acrocomiola</i>
Lixa Pequena	—	<i>Phyllachora torrendiella</i>
Ganoderma Butt Rot	—	<i>Ganoderma sp.</i>
American Leaf Spot	—	<i>Mycena citricolor/Omphalia falvida</i>
Thread Blight	—	<i>Corticium koleroga (Cooke)</i>
Witches Broom	—	<i>Crinipellis perniciosus</i>

Virus and Viroid Diseases

Citrus Tristeza virus (CTV, stem pitting strains)
Exocortis Viroid
Cachexia (citrus viroid)
Ringspot—Psorosis complex
Banana Bunchy Top Virus
Banana Bract Mosaic Virus
Banana Mosaic Virus
Banana Steak Virus
Banana Die-back Virus
Abaca Mosaic Virus
Enset Streak Virus
Cassava African Mosaic Virus
Cassava Brown Streak Virus
Coconut Cadang-Cadang (viroid)
Coconut Foliar Decay
Coconut Tinangaja (viroid)
Coconut Natuna Wilt

Nematodes

Golden Nematode	—	<i>Heterodera rostochiensis</i>
Red Ring Nematode	—	<i>Bursaphelenchus cocophilus</i>

Phytomonal Diseases

Coconut Palm Heart Rot	—	<i>Phytopomonas stahellii</i>
Cedros Wilt	—	<i>Phytopomonas stahellii</i>

Weeds

Witchweed	—	<i>Striga spp.</i>
Orobanche	—	<i>Orobanche sp.</i>
Benghal Dayflower	—	<i>Commelina benghalensis</i>
Tropical Soda Apple	—	<i>Solanum viarum</i>

Mollusca

Giant African Snail	—	<i>Achatina fulica</i>
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SECOND SCHEDULE

(Regulation 9)

Fees for import permits and inspection
of imported items

<u>Types of Permit</u>	<u>Fees</u>
1. Single use permit	\$750.00 where the weight of the import does not exceed 22,270 kilogrammes and \$1,000.00 where the weight of the import exceeds 22,270 kilogrammes
2. Multiple use import permit	\$1,000.00 where the weight of each import does not exceed 22,270 kilogrammes \$1,500.00 where the weight of each import exceeds 22,270 kilogrammes
3. Inspection of commercial imports	\$1,000 for each shipment

JAMAICA
MINISTRY OF AGRICULTURE

PERMIT No.

(Granted by the Ministry of Agriculture under the Customs (Importation) (Prohibition) (Fruit, Plant and Vegetable) Proclamation, 1949

ON _____ 20 _____

TO _____

OF _____

TO IMPORT

FROM _____

SUBJECT TO THE CONDITIONS SPECIFIED ON THE REVERSE OF THIS LABEL

N.B.—No liability shall attach to the Ministry of Agriculture or to any officer or representative of the Ministry with respect to this permit.

Packages of plant material arriving without a permit label attached will be considered dangerous and will be liable to destruction.

CONDITION OF PERMIT

- 1. Package to arrive in Jamaica with this label attached to relevant papers.
- 2. Entry to be in the Port _____

- 3. Package and contents to be inspected on arrival in Jamaica, and treated if necessary.
- 4. All plant material to be accompanied by a certificate of inspection and of freedom from injurious insects and diseases, such certificate to be given by an authorized official of the ministry or department of agriculture of the country of origin. The certificate should also state that the plants were grown in an area free from the Golden Nematode.
- 5. Package and contents to be free from soil, and packaging material to consist of _____

ADDITIONAL DECLARATION

PERMIT NOT VALID AFTER _____ ”.

Dated this 3rd day of October, 2005.

R. CLARKE
Minister of Agriculture.