



CHAPTER 9.04

FUMIGATION OF PLANTS ACT

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

FUMIGATION OF PLANTS ACT

Act 1 of 1906 .. in force 27 March 1906

Amended by Acts: 23 of 1961

7 of 1966

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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MONTSERRAT

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ARRANGEMENT OF SECTIONS

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CHAPTER 9.04

FUMIGATION OF PLANTS ACT

(Acts 1 of 1906, 23 of 1961, 7 of 1966 and 9 of 2011)

Commencement

[27 March 1906]

Short title

1. This Act may be cited as the Fumigation of Plants Act.

Interpretation

2. In this Act—

“**Agricultural Authority**” means the Director of Agriculture and any officer or officers of his Department so authorised by him in writing for the purpose of this Act;

“Comptroller of Customs” includes any officer of customs;

(Amended by Act 7 of 1966)

“imported” means brought into Montserrat by any channel whatsoever, including the **“parcels post”**;

“importer” includes the owner and his agents and servants;

“packages” includes boxes, coverings, wrappers or anything whatever in which plants are imported;

“plants” includes growing plants, cuttings, buds, and grafts, bulbs, roots and seeds, and also fruit and vegetables intended for propagation and not for consumption as food;

“port of entry” means the port of Plymouth and any other port or place in Montserrat appointed by the Governor for the importation of plants.

Port of entry

3. The Governor may by proclamation appoint one or more places (besides the port of Plymouth) as ports of entry for the importation of plants.

All imported plants to be fumigated

4. All plants imported into Montserrat, together with the packages in which they are contained shall, subject to the discretion of the Agricultural Authority, be fumigated.

By Agricultural Authority

5. All plants so imported shall be delivered up by the importer to the Comptroller of Customs who shall cause them to be conveyed to the place of fumigation there to be dealt with by the Agricultural Authority.

(Amended by Act 7 of 1966)

Place of landing

6. No imported plants shall be landed elsewhere than at a port of entry.

Fumigating apparatus

7. Suitable apparatus for the fumigation of plants shall be provided by the Government at such place or places as may from time to time be appointed by the Governor for use at the port of Plymouth, and also at any other port of entry appointed by the Governor for the importation of plants; and such apparatus shall be under the care, control and management of the Agricultural Authority.

Process of fumigation

8. The process of fumigation shall be carried out in such manner and under such conditions as the Agricultural Authority may consider adequate

for the destruction of any vegetable or insect pests which may possibly be on such plants, subject to any regulations made by the Governor in that behalf.

Removal of plants after fumigation

9. All plants shall be removed by the owner from the fumigation place after disinfection immediately upon his being required to do so by the Agricultural Authority.

Disposal of plants after fumigation

10. The Agricultural Authority may require the importer to keep him informed as to the disposal of any plants after fumigation, and may visit and examine them at any time, if necessary.

Expenses of removal

11. The expenses of removal to the place of fumigation (except it be in large quantities) and of the fumigation of plants shall be at the expense of the Government, but the Government shall incur no liability in respect of any risk attending fumigation.

Penalty of forfeiture

12. Any plants imported contrary to the provisions of this Act shall be forfeited.

Regulations

13. The Governor acting on the advice of Cabinet shall have power to make regulations for more effectually carrying out the provisions and intentions of this Act. (*Amended by Act 9 of 2011*)

Procedure and penalty

14. Any person accused of having committed any offence against the provisions of this Act may, notwithstanding any other law to the contrary, be prosecuted on complaint before a Magistrate in the manner prescribed by the Magistrate's Court Act, and shall upon conviction be liable to pay a fine not exceeding \$240 or to be imprisoned for any term not exceeding 6 months.

