

Seychelles

## Plant Pests Act

Act 12 of 1925

Legislation as at 30 June 2012

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# Seychelles

## Plant Pests Act

### Act 12 of 1925

Commenced on 19 June 1925

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 12 of 1925; Act [13 of 1936](#); Act [4 of 1956](#); Act [5 of 1958](#); Act [34 of 1967](#); SI. 95 of 1975; SI. 104 of 1975; Act [23 of 1976](#); Dec. 31 of 1979]

#### 1. Short title

This Act may be cited as the Plant Pests Act.

#### 2. Interpretation of terms

In this Act, unless the context otherwise requires—

"**Agricultural Appeals Tribunal**" means the Agricultural Appeals Tribunal constituted and acting in accordance with section 9 of the Agriculture Act, and the regulations (if any) made thereunder, which section and regulations shall, subject to the provisions of this Act and of any regulations made thereunder, apply *mutatis mutandis* to an appeal under this Act;

"**disinfection**" includes fumigation and such other process as may be ordered by the Chief Agricultural Officer;

"**imported**" means brought into Seychelles by any channel whatsoever including the Post Office;

"**importer**" includes the owner and his agent;

"**occupier**" means the person in actual charge or occupation of any land, or in the case of unoccupied land the person entitled to the possession thereof, or his agent in Seychelles.

"**owner**" includes the proprietor, lessee or other person having any interest in any plant or in the land upon which any plant is grown or found or the agent in Seychelles of any such person;

"**package**" includes box, covering, wrapper, earth, soil or anything whatsoever in which plants are or have been imported, kept or conveyed;

"**pest**" includes such insects, parasitic organisms whether vegetable or animal, epiphytic plants, and fungi, as well as such diseases appertaining to plants, as are specified in Schedule A or which may be added to such schedule as hereinafter provided; but in sections [4](#) and [5](#) the term includes any pest or disease whether the same is or is not specified in Schedule A;

"**plant**" includes all members of the vegetable kingdom whether living or dead and any part thereof (including the fruit or other product thereof) whether such part be attached to or severed from the original plant, but shall not include such fruit and vegetables as the Minister may from time to time by order published in the *Gazette* prescribe.

#### 3. Pests and diseases to be notified

The Minister may by notice published in the *Gazette* add to Schedule A any pest or disease for the purpose of this Act or remove from the said schedule any pest or disease included therein or added thereto.

#### 4. Prohibiting importation of plants

The Minister may by notice published in the *Gazette* prohibit, entirely or from specified countries, or subject to such conditions as shall be specified, the importation of any or all plants, or any packages or other articles, which in the opinion of the Minister may be a means of introducing any pest or disease into Seychelles.

#### 5. Restriction on importation of plants

- (1) No plants whatsoever nor the packages thereof shall be imported into Seychelles except with a plant import permit and in strict compliance with the terms and conditions of such permit.
- (2) All plants and packages thereof imported into Seychelles shall be landed as the Customs House at Victoria, Mahe, unless written permission be obtained from the Chief Agricultural Officer to land the same at any other place or island.
- (3) All plants and packages landed at the Customs House as required by subsection (2) shall not be removed therefrom until the Chief Agricultural Officer or any person delegated by him in that behalf, is satisfied that such plants or packages are imported in compliance with the provisions of this Act and with the terms and conditions of the relevant plant import permit.
- (4) The Chief Agricultural Officer or any person delegated by him in that behalf may—
  - (i) issue, refuse to issue or cancel a plant import permit;
  - (ii) lay down in such permit such terms and conditions as he may deem fit, and at any time whether before or after importation of the plants or packages into Seychelles, vary or add to the terms or conditions of such permit;
  - (iii) issue a general import permit covering any plant or classes of plants or any packages or classes of packages and applying to all importers of such plants and packages;
  - (iv) issue a plant import permit with respect to a specific importation or with respect to importations during a period of time specified in the permit;
  - (v) inspect, examine or analyse plants and packages imported into Seychelles, whether such plants or packages are covered or not by a plant import permit, and give orders for such inspection, examination or analysis;
  - (vi) give such orders for the disinfection or treatment of plants and packages imported into Seychelles, whether such plants and packages are covered or not by a plant import permit, as he may consider adequate for the destruction of any pest or disease which may possibly be on or amongst such plants or packages.
- (5) Where in the opinion of the Chief Agricultural Officer or any person delegated by him in that behalf, in the case of plants or packages imported into Seychelles, whether such plants or packages are covered or not by a plant import permit, disinfection or treatment is not sufficient to destroy any pest or disease on or amongst any such plants or packages or where he suspects that such plants or packages may introduce any pest or disease into Seychelles, he may require such plant to be grown in such place and under such conditions and subject to such supervision as he may specify; or he may either on first importation or at any time subsequently cause such plants and packages to be destroyed.
- (6) No liability shall attach to the Government or to the Chief Agricultural Officer or to any person delegated by him, in respect of any damage or loss occasioned by such inspection, examination, analysis, disinfection, treatment or destruction, or by the refusal or cancellation of a plant import permit or by any change on or addition to the terms and conditions of a plant import permit.
- (7) The expenses of treating and disinfecting any plant or package, of conveying such plant or package for treatment or disinfection and the removal thereof after treatment or disinfection as well as any

expenses necessarily incurred in keeping the plants by the Chief Agricultural Officer, shall be borne by the importer, and the Government may recover from him any such expenses incurred.

## 6. Offences and forfeiture

- (1) Any person who—
- (a) lands or attempts to land in any place in Seychelles any plants or packages in respect of which a plant import permit has not been issued or is not in force; or
  - (b) lands or attempts to land any plants or packages in contravention of the provisions of subsection (2) of [section 5](#);
  - (c) removes or attempts to remove any plants or packages in contravention of the provisions of subsection (3) of [section 5](#),

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding two years or to both such fine and imprisonment.

- (2) All plants or packages imported into Seychelles in contravention of any provisions of this Act or of any notice issued or regulations made thereunder may be seized without warrant by any police or customs officer or by any officer of the Department of Agriculture, and may be destroyed or otherwise dealt with as the Chief Agricultural Officer shall direct. No liability shall attach to the Government or to any person in respect of any damage or loss occasioned by any lawful act performed under the powers given by this subsection.

## 7. Notification of infected area. Notification of freedom from infection

- (1) The Minister may from time to time by notice published in the *Gazette* declare any Island or part of an Island in Seychelles to be infected or suspected of being infected with any specified pest or disease. Such island or part thereof (hereinafter referred to as an infected area) shall be subject to such regulations as may be made under the provisions of this Act.
- (2) The Minister may from time to time in like manner declare, subject to such conditions as he may think fit, any area or place within any area, to be no longer infected or suspected of being infected with pest or disease; and thereupon, save as otherwise by such declaration provided, any general or special order or regulation that may have been made under the provisions of this Act shall, so far as it affected any such area or place, cease to have effect.

## 8. Regulations to be made by Minister

The Minister may make regulations for the following purposes:—

- (a) for securing the effective treatment of plants affected with pest or disease and specifying the measures to be carried out with reference to any particular pest or disease either for the purpose of eradicating such pest or disease, or its spreading or infection from any one part of Seychelles to another;
- (b) for prescribing or regulating the destruction, uprooting, removal, disposal or treatment of plants affected with pest or disease;
- (c) for prescribing and regulating the cleansing and disinfecting of infected areas or parts thereof, including the destruction, uprooting, and disposal of any plant or vegetable product within such area, whether or not such plant or product be affected with pest or disease;
- (d) for prescribing the period within which it shall not be lawful to plant or replant with any plant, the whole or any portion of an infected area;
- (e) for prohibiting, restricting, and controlling the removal and transportation of any plant, earth, or other article from any infected area to any other part of Seychelles, and controlling the movement of persons and animals out of such area;

- (f) for regulating the duties of the officers of the Department of Agriculture charged with the execution of any of the provisions of this Act or of any regulations;
- (g) and generally for preventing the introduction into Seychelles or the spreading therein of any pest or disease.

## 9. Treatment and eradication of pests and diseases

- (1) Whenever the Chief Agricultural Officer is satisfied that there is any pest or disease affecting any plant in any land or that any land is being cultivated in the manner calculated to harbour or propagate any pest or disease, he may serve a notice in writing upon the owner or occupier of the land ordering him within a period to be specified in such notice to perform such treatment and carry out such measures as the Chief Agricultural Officer may deem necessary for the eradication of or for the prevention of the spread of the pest or disease, including in such measure the total destruction of any plants whether or not they are affected with pest or disease:

Provided that the requirements of such notice shall not be contrary to the provisions of any regulations which may be made under this Act.

- (2) Any owner or occupier on whom such notice has been served and who considers any order of the Chief Agricultural Officer unnecessary or excessive or contrary to regulations, may, within seven days from the date of the service of the notice, appeal to the Agricultural Appeals Tribunal which may confirm, disallow, or modify the order of the Chief Agricultural Officer.
- (3) The owner or occupier shall immediately after the expiration of seven days from the date of the service of the notice under subsection (1), when he makes no appeal, or in case of an appeal and the orders of the Chief Agricultural Officer are confirmed, or modified by the Agricultural Appeals Tribunal, then immediately after the expiration of seven days from his being notified of such confirmation, or modification, commence the execution of the treatment and other measures ordered, and complete such treatment and other measures within the time specified in the original notice or as further directed by the Agricultural Appeals Tribunal as the case may be.
- (4) Should the owner or occupier fail to comply in any particular with the requirements of the notice or amended notice as the case may be, it shall be lawful for the Chief Agricultural Officer to enter upon the land in question with or without assistants and proceed with the treatment and take such measures as may be necessary for properly and effectively carrying out the requirements of the notice or amended notice.

## 10. Owner liable for expenses of treatment

- (1) The expenses incurred by the Chief Agricultural Officer in carrying out the requirements of the notice, or amended notice as the case may be, under [section 9](#), shall be paid by the owner or occupier in default and shall be recoverable from him as a debt due to the Republic before the Supreme Court.
- (2) The memorandum of the judgment ordering the owner or occupier of land to pay the amount of such expenses shall contain *inter alia* a description of the land in question; and upon registration and transcription of such judgment claim, and until paid, the judgment claim shall be deemed equivalent to a loan made to the owner or occupier of such land under the provisions of the Agricultural Loan (Crop Privilege) Act, 1923, and the provisions of sections 12, 13, 18, 19, 20, 24, 25 and 26 of the said Act, shall apply *mutatis mutandis* in the same manner as if the amount of such judgment claim had been advanced to the judgment debtor under the provisions of the said Act and was due and demandable.
- (3) The amount of the judgment claim upon registration shall further be a first charge in favour of the Republic on the land affected by the notice, and the Republic may cause the land affected to be seized and sold by process of court in order to satisfy the amount of the judgment and all costs incurred.

- (4) Any liability incurred for any expenses under this section shall be in addition to any liability to a fine on conviction for an offence against this Act.

## **11. Compensation for plants destroyed**

It shall be lawful for the Minister, out of moneys voted by the People's Assembly for the purpose, to make grants, in such amounts as he shall think fit, by way of compensation or partial compensation to owners or occupiers of land, according to their respective interests in respect of healthy plants destroyed in order to prevent the spread of any pest or diseases to adjacent land belonging to a different owner or occupier.

## **12. Notice of existence of plant disease to be given by owner of land**

Every owner or occupier of any land on which there may be plants that may reasonably be suspected of being affected with pest or disease shall with all practicable speed, give notice of the fact to the Chief Agricultural Officer and if without lawful excuse (proof whereof shall lie on him) he fails to do so he shall be guilty of an offence against this Act.

## **13. Right of entry on land**

- (1) The Chief Agricultural Officer or any inspector of the Agricultural Department may with or without assistants at any time between 6 a.m. and 6 p.m. enter upon any land and make an inspection for the purpose of ascertaining if any disease or pest exists thereon or if the land is being kept in a sufficiently clean condition, and may remain thereon as long as may be reasonably necessary for such purpose.
- (2) Before entering on any land for inspection the Chief Agricultural Officer or inspector shall notify the owner or occupier of his intention so to do and of the time of entry, by written notice or orally at time of entry, but it shall not be necessary to obtain the permission of such owner or occupier in order to enable such inspection to be made.

## **14. Protection of officers, etc.**

- (1) No person authorised under the provisions of this Act shall be deemed a trespasser by reason of any entry, or destruction, or action taken or thing done under this Act, or be liable for any damages occasioned by the carrying out of any of the provisions of this Act unless the same were occasioned maliciously and without reasonable and probable cause.
- (2) The provisions of sections 3 and 5 of the Public Officers (Protection) Act, shall apply to such person.

## **15. Chief Agricultural Officer may authorise agent to act**

In the performance of any duty under this Act required to be performed by the Chief Agricultural Officer, he may act personally or through any agent authorised by him in writing either generally or for any particular purpose in that behalf.

## **16. Entry on premises**

- (1) In case any officer or constable of police shall have cause to suspect that an offence against any provision of this Act is being or is about to be committed in any house, premises or place where such officer or constable of police is not empowered to enter, it shall be lawful for a judge or magistrate, or for any Justice of the Peace within the limits of his district or division, upon declaration on oath or affirmation made before him setting forth a good ground of suspicion, to issue a warrant authorising such officer or constable of police to enter and search and examine such house, premises or place with one or more other constable of police and if the person whose premises are to be searched on exhibition to him of such warrant refuse to admit the officer or constable exhibiting it, or to allow him and the constables with him to search the house, premises or place mentioned in it, such person shall be guilty of an offence under this Act without prejudice

to any other penalty to which he may be liable under the Penal Code or any other law in force in Seychelles.

- (2) If on any search made under this section there be found any plants which there is reasonable ground for supposing were kept at the place searched in contravention of the provisions of this Act, such plants shall be seized and removed by the officer or constable making the search and dealt with as the Minister shall direct.

## 17. Offences and penalties

Every person who shall do or omit to do anything which, by this Act or by any regulation or notice made or issued under this Act, is forbidden or required to be done, shall be guilty of an offence against this Act and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding two years or to both such fine and imprisonment.

## 18. Prosecution of offences

All offences under this Act or under any regulations made or notices issued under this Act may be prosecuted before the competent court by any member of the police force or by the Chief Agricultural Officer.

## Schedule A

### Pests and diseases

[3/4/1956; G.N.10/1926]

- (1) *Oryctes Rhinoceros*. - The Insect locally known as "*Boeuf Banane*".
- (2) *Melitoma Insulare*. - The Insect locally known as "*Petit Moutouc*".
- (3) The Stem bleeding disease of coconuts and other palms.
- (4) The Budrot disease of coconuts and other palms.
- (5) The Little Leaf disease of coconuts and other palms.
- (6) Scale Insects attacking coconuts and other palms.

## Schedule B

### Notice issued under section 9 of the Plant Pests Act

To <sup>(1)</sup>

Owner <sup>(2)</sup>

Of <sup>(3)</sup>

(1)

Insect commonly known name.

(2)

Or occupier as case may be.

(3)

Describe land affected with pest or disease.



Take notice that I do hereby require you, to perform the treatment and carry out the measures set out on the back of this notice on the land above described which I deem necessary for the eradication and for prevention of the spread of the following pests and disease, viz., <sup>(4)</sup>

You are required to commence the execution of such treatment and measures immediately after the expiration of 7 days from the date of the service of this notice on you and to complete such treatment and other measures within a further period of \_\_\_\_\_ days.

And take notice that if you fail to comply in any particular with the requirements of this notice you will be liable to a penalty under the Act, and you will in addition be liable to pay the expenses I may cause to be incurred in carrying out the requirements of this notice.

You are further informed that you have the right to appeal to the Agricultural Appeals Tribunal within 7 days from the date of the service of this notice on you.

Dated at Victoria, Mahe, Seychelles this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_ Chief Agricultural Officer.

Duplicate of this notice was served by me the undersigned on the said \_\_\_\_\_ by delivering such duplicate to him in person <sup>(5)</sup> \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_ Signature of Serving Officer.

### Endorsement of notice

The treatment to be performed and measures to be carried out are the following—

\_\_\_\_\_ Chief Agricultural Officer.

(4)

Describe same as in Schedule A.

(5)

(Or as the case may be).