



Tuvalu

PLANTS (PREVENTION OF DISEASE AND PESTS) REGULATIONS

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Tuvalu

PLANTS (PREVENTION OF DISEASE AND PESTS) REGULATIONS

Arrangement of Regulations

Regulation

1	Citation.....	5
2	Interpretation.....	5
3	Insects pests and plants diseases	6
4	Declaration of infected areas	6
5	Importation etc. of insect pests and plant diseases into clean area without permission an offence	6
6	Movement of earth.....	6
7	Instructions of inspector.....	6
8	Duties of occupiers of land upon which there is any insect pest or plant disease	6
9	Powers of inspector.....	7
10	Inspector may board and inspect vessels in certain areas	7
11	Vessel voyaging from infected area to a clean area	7
12	Power to board vessels.....	8
13	Inspection points	8
14	Inspection.....	9
15	Export of plants from an infected area.....	9
16	Obstruction of inspector.....	9
17	Saving	9

SCHEDULE 1 **10**

INSECT PESTS 10

SCHEDULE 2 **10**

PLANT DISEASES 10

SCHEDULE 3 **11**

FORM OF CERTIFICATE PERMITTING VOYAGE 11

Supporting Documents

ENDNOTES **12**



Tuvalu

PLANTS (PREVENTION OF DISEASE AND PESTS) REGULATIONS

MADE UNDER THE PLANTS ACT¹

1 Citation

These Regulations may be cited as the Plants (Prevention of Disease and Pests) Regulations.

2 Interpretation

In these Regulations, unless the context otherwise requires —

“**coconut palm**” includes the trunk, stem or other part of such palm;

“**clean area**” means an area which is not an infected area;

“**earth**” includes soil, loam, sand, compost, humus, ashes and similar material;

“**infected area**” means an area declared an infected area under regulation 4;

“**insect**” includes the egg, larva, nymph, and pupa of any insect;

“**insect pest**” means any insect specified in Schedule 1;

“**inspector**” means a person for the time being appointed by the Minister to be an inspector for purposes of these Regulations;

“**plant disease**” means any plant disease specified in Schedule 2.

3 Insects pests and plants diseases

- (1) Any insect specified in Schedule 1 is hereby declared an insect pest for purposes of these Regulations.
- (2) Any plant disease specified in Schedule 2 is hereby declared a plant disease for purposes of these Regulations.
- (3) The Minister may by notice from time to time add or delete any insect pest to or from Schedule 1 or add or delete any plant disease to or from Schedule 2.

4 Declaration of infected areas

The Minister may declare by notice any area within Tuvalu to be an infected area for the purposes of these Regulations.²

5 Importation etc. of insect pests and plant diseases into clean area without permission an offence

Any person who, without the written permission of the Minister, shall take into any clean area in Tuvalu any insect pest or plant disease shall commit an offence.

6 Movement of earth

Any person who, without the written permission of the Minister, shall move any earth from an infected area to any place outside such area shall commit an offence.

7 Instructions of inspector

- (1) An inspector may serve on the occupier of any land in an infected area or, if such land is unoccupied, on the owner thereof, written instructions in the vernacular for the destruction of any insect pest or plant infected with plant disease, or for the clearing from all or such parts of such land as the inspector may consider necessary of all weeds, grass, undergrowth or dead coconut palms.
- (2) Any owner or occupier, as the case may be, who without lawful excuse, the proof whereof shall lie on him, fails to carry out any instructions given to him under paragraph (1) with all reasonable diligence shall commit an offence.

8 Duties of occupiers of land upon which there is any insect pest or plant disease

- (1) Any person who occupies any land upon which there is any insect pest or plant disease shall forthwith notify the Minister and shall use his best endeavours to kill or otherwise eradicate the insect pest or plant disease.

- (2) Failure to comply with the provisions of this regulation shall constitute an offence.
- (3) It shall be a defence to any charge under this regulation (the proof whereof shall lie upon the person charged) that he did not know, nor, in all the circumstances of the case was it reasonable to expect that he should have known, that such insect pest or plant disease was on his land.

9 Powers of inspector

- (1) It shall be lawful for any inspector to enter upon any land or premises (other than any dwelling - house) in any part of Tuvalu for the purpose of searching for any insect pest or plant disease and for him to do all things reasonably necessary for the purposes of such search.
- (2) Any inspector may carry out on any land or premises (other than a dwelling - house) in any infected area, such measures as he may consider reasonable and necessary for the destruction of any plant disease or insect pest, or the breeding places or potential breeding places of such pest.
- (3) For the purpose of carrying out measures under powers conferred by paragraph (2), an inspector may bring or send on to the land or premises in question such persons as he considers necessary for that purpose.
- (4) The cost of measures carried out under the powers conferred by paragraph (2) may be recovered from the occupier, or where there is no occupier, the owner as a debt due to the Crown.

10 Inspector may board and inspect vessels in certain areas

- (1) An inspector shall be entitled to board any vessel in an infected area or in territorial waters fronting such infected area for the purpose of inspecting such vessel for the presence of insect pest or plant disease and may do all things which he reasonably considers necessary for the purpose of such inspection and for the destruction of any insect pest or plant disease found on such vessel.
- (2) The master of a vessel in an infected area or in territorial waters fronting such infected area, shall give the inspector all reasonable facilities for the proper exercise of his powers under this regulation.

11 Vessel voyaging from infected area to a clean area

- (1) On each occasion when a vessel voyages from an infected area to a clean area, the master of such vessel shall be in possession of a certificate in the form contained in Schedule 3, signed by an inspector.

- (2) The master of a vessel who intends to voyage from an infected area to any part of a clean area, shall inform an inspector at such infected area, at least 1 hour before the departure of such vessel of the time and if necessary, the date, of his departure on such voyage.
- (3) A certificate signed by an inspector shall be of no effect unless the master departs upon the voyage in respect of which it is granted, forthwith upon the issue of such certificate.
- (4) A certificate shall cease to have effect when the vessel, having departed from an infected area on voyage to a clean area, arrives at any part of such area.
- (5) No inspector shall issue a certificate unless immediately prior to the issue thereof, he has satisfied himself that the vessel has on board no insect pest or plant disease.

12 Power to board vessels

- (1) An inspector shall be entitled to board any vessel which —
 - (a) is about to depart on a voyage; or
 - (b) is in the course of a voyage; or
 - (c) has within the previous 48 hours completed a voyage;and may inspect such vessel for the presence of insect pests and plant disease and may do all things which he reasonably considers necessary for the purpose of such inspection and for the destruction of any insect pest or plant disease found thereon.
- (2) The master of such vessel shall give the inspector all reasonable facilities for the proper exercise of his powers under this regulation.
- (3) The master of such vessel shall upon demand by an inspector at any time during the course of a voyage or within 48 hours of the completion thereof produce for inspection the relevant certificate issued under regulation 11.
- (4) For the purpose of this regulation “voyage” means a voyage for which a certificate is required under the provisions of regulation 11.

13 Inspection points

- (1) The Minister may set up inspection points on any road in or near an infected area. The setting up of any such point shall be declared by notice.
- (2) Every driver of a vehicle shall on reaching an inspection point stop the vehicle and shall not leave such point until the vehicle has been inspected for the presence of insect pests or plant disease by an inspector:

Provided that the Minister may by notice provide for exemption from this requirement under circumstances set out in such notice.

- (3) An inspector shall be entitled to inspect for the presence of insect pests or plant disease any vehicle which comes to the inspection point and any baggage or load in such vehicle and may do all things which he reasonably considers necessary for the purpose of carrying out such inspection and for destruction of any insect pests or plant disease found.
- (4) The driver of any vehicle which comes to an inspection point shall give all reasonable facilities to an inspector to enable the inspection to be carried out.

14 Inspection

- (1) The inspector shall be entitled to inspect for the presence of insect pests or plant disease any basket, mat or agricultural produce carried or conveyed by any person in an infected area and may do all things which he reasonably considers necessary for the purpose of carrying out such inspection and for the destruction of any insect pest or plant disease found.
- (2) Any person carrying or conveying a basket, mat or agricultural produce in an infected area shall upon request by an inspector grant all reasonable facilities to enable the inspection of such basket, mat or agricultural produce to be carried out.

15 Export of plants from an infected area

- (1) Any person who, except with the permission in writing of the Minister, exports or causes to be exported from an infected area any plant, or package or wrapping or earth which may have contained or come in contact with any plant, for the purpose of importing such plant or causing such plant to be imported into any clean area in Tuvalu shall commit an offence.
- (2) An inspector shall be entitled to board any vessel which he has reason to believe is about to leave an infected area for any clean area in Tuvalu and to search the vessel and any cargo or baggage therein and may seize any plant, or package or wrapping or earth which may have contained or come in contact with any plant, unless he is satisfied that it is not intended to export such plant, package, wrapping or earth in contravention of the provisions of this regulation.

16 Obstruction of inspector

Any person who obstructs an inspector in the exercise of any powers conferred upon him by these Regulations shall be guilty of an offence.

17 Saving

The provisions of these Regulations shall be in addition to and not in derogation of the provisions of the Plants (Shipping) Regulations.

SCHEDULE 1*(Regulation 3)***INSECT PESTS**

Scientific name	Common name
<i>Oryctes Rhinoceros</i>	Rhinoceros beetle
<i>Icerya Aegyptiaca</i>	Mealy bug

SCHEDULE 2*(Regulation 3)***PLANT DISEASES**

<i>Aphelenchus cocophilus</i>	Red ring
Bread-fruit decline known as	Pingelap disease.

SCHEDULE 3*(Regulation 11)***FORM OF CERTIFICATE PERMITTING VOYAGE***Tuvalu**Plants Act***PLANTS (PREVENTION OF DISEASE AND PESTS) REGULATIONS****PERMIT FOR VOYAGE**

It is hereby certified that the vessel has on board

(Name of ship)

immediately prior to the time of the issuing of this certificate by me no insect pest or plant
disease and may clear from the infected area at
.....

(Place of infected area)

by o'clock in fore/afternoon on the
(Time by which vessel must clear)

day of, 20....., sailing for

.....
Date: Signature of Inspector

ENDNOTES

¹ LN 33/1965, LN 12/1966

² By LN 7/1996 The Minister declared the Island of Nanumaga to be an infected area and subject to these regulations