

CHAPTER 186

THE FUMIGATION OF PLANTS ACT

Arrangement of Sections

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FUMIGATION OF PLANTS

(31st May, 1905.)

511905.
1511961.
1811989.
S.I. 3911989.

1. This Act may be cited as the Fumigation of Plants Act. **Short title.**
2. In this Act— **Interpretation.**
- "Agricultural Authority" includes the Director of Agriculture and any person acting in his aid or under his direction;
- "Comptroller of Customs" includes any officer of the department of Customs, Excise and Port;
- "imported" means brought into Antigua and Barbuda by any channel whatsoever, including the "parcel 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 St. John's and any other port or place in Antigua and Barbuda appointed by the Minister for the importation of plants.
3. The Minister may by order appoint one or more **Port of entry.** places (besides the Port of St. John's) as ports of entry for the importation of plants.

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Fumigation of Plants

All imported plants may be fumigated.

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

All imported plants to be delivered to Comptroller of Customs.

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.

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 Minister for use at the Port of St. John's; and also at any other port of entry appointed by the Minister 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 Minister 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.

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

13. The Minister shall have power to make regulations for more effectually carrying out the provisions and intentions of this Act. **Regulations.**

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 Code of Procedure Act, and shall upon conviction be liable to pay a fine not exceeding three thousand dollars or to be imprisoned with or without hard labour for any term not exceeding six months. **Procedure and penalty. Cap. 255.**
