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EXTRAORDINARY

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### Government Notifications

#### THE PLANT PROTECTION ORDINANCE

REGULATION made by the Minister of Agricultural Development and Research by virtue of the powers vested in him by section 9 of the Plant Protection Ordinance (Chapter 447)

E. L. Senanayake,

Minister of Agricultural Development and Research.

Colombo, 28th October, 1981.

#### Regulation

The regulations set out in the Schedule to the Plant Protection Ordinance (Chapter 447) are hereby amended, by the substitution for Part I thereof, of the following new Part:-

#### Part I

1. Subject to the Provisions of the Plant Protection Ordinance, no plant shall be imported into Sri Lanka, except under the authority and in accordance with the conditions, of a Plant Importation Permit previously issued by the Director of Agriculture or by an officer of the Department of Agriculture authorised in writing by the Director for that purpose.

2. The import into Sri Lanka of the following Plants is prohibited or restricted except if imported under Regulation 14 or Regulation 15:-

- (i) any plant capable of further growth or propagation, and originating in the American tropics or in any country in which South American Leaf Blight (*Microcyclus ulei*) occurs;
- (ii) Vegetative planting material of the family Musaceae, including banana, plantain and abaca;
- (iii) *Artocarpus* (Breadfruit and jak) from areas where "Pingalapæ" disease is known to occur;
- (iv) *Theobroma* (Cocoa);
- (v) *Anacardium* (Cashew);
- (vi) *Citrus* (Citrus);
- (vii) *Eugenia* (Clove and related plants);
- (viii) *Cocos* (Coconut and related plants);
- (ix) *Coffee* (Coffee);
- (x) *Gossypium* (Cotton and related Plants) with the exception of seed or baled cotton. If originating from the western hemisphere, such seed or baled cotton shall be fumigated by a method approved by the Director of Agriculture as being effective against the Mexican Boll Weevil (*Anthonomus grandis*);

- (xi) planting material of any species of forest trees, except the seed that is free of extraneous material, treated with a fungicide and fumigated;
- (xii) fruit and vegetables for consumption, from countries where fruit flies (family: Tephritidae) not recorded in Sri Lanka are known to occur, unless the fruit and vegetables are certified by the exporting country to have been grown in an area where fruit flies are not known to exist, or that the fruit and vegetables have been treated in a manner approved by the Director of Agriculture to kill all fruitfly larvae;
- (xiii) planting material of *Arachis* (Groundnut);
- (xiv) planting material of *Lactuca* (Lettuce), unless the seed has been certified by the exporting country to be free of lettuce mosaic virus;
- (xv) planting material of *Zea mays* (Maize) except seed, from countries where *Ervinia stewarti* does not occur;
- (xvi) *Elaeis* (Oil palm);
- (xvii) vegetative propagating material of *Piper nigrum* (Pepper);
- (xviii) vegetative propagating material of *Ananas* (Pineapple);
- (xix) seed tubers of *Solanum* (Potato) unless-
  - (a) from countries where black wart (*Synchytrium endobioticum*), ring rot (*Corynebacterium sepedonicum*), and potato nematode (*Heterodera rostochiensis* and *H. Pallida*) do not occur, or unless certified by the phytosanitary service of the exporting country to have been produced in areas within that country where black wart (*Synchytrium endobioticum*), ring rot (*Corynebacterium sepedonicum*) and potato nematode (*Heterodera rostochiensis* and *H. Pallida*) have not been known to occur and which areas are separated from areas infested by these diseases by a radial distance of not less than two kilometres; and
  - (b) the seed has been certified to have been obtained from crops free of viruses other than virus X.
- (xx) *Oryza* (Rice), except processed rice for consumption;
- (xxi) *Hevea* (Rubber);
- (xxii) planting material of *Glycine max* (Soyabean);
- (xxiii) vegetative propagating material of *Saccharum* (Sugar cane);
- (xxiv) vegetative propagating material of *Helianthus* (Sunflower and related plants);
- (xxv) planting material of *Ipomoea* (Sweet Potato);
- (xxvi) planting material belonging to the family Araceae (taro and related plants);
- (xxvii) planting material of *Camellia* (Tea and related plants);
- (xxviii) planting material of *Nicotiana* (Tobacco), except where the seed is imported under a Plant Importation Permit and accompanied by a phytosanitary certificate and certificate of field inspection, and also treated by immersion for 15 minutes in a 0.1 M solution of silver nitrate;
- (xxix) planting material of *Lycopersicum* (Tomato), unless the seed has been acid extracted or otherwise treated to prevent transmission of seed-borne diseases;
- (xxx) *Spartina* (Rice Grass);
- (xxxi) *Rubus* (Blackberry);
- (xxxii) *Homeria* (Cape Tulips);
- (xxxiii) planting material of *Manihot* (Cassava);
- (xxxiv) any aquatic plant;
- (xxxv) vegetative planting material of fruit trees belonging to the family Rosaceae (including Apples and Pears);
- (xxxvi) planting material of the family Vitaceae (including Grapes);
- (xxxvii) vegetative planting material of *Fragaria* (Strawberry);
- (xxxviii) vegetative planting material of *Mangifera* (Mango).

3. Any importation not conforming to the requirement of regulation 2 may be destroyed or returned to the sender.

4. Notwithstanding the provisions of regulation 1, small quantities of plants which are not specifically prohibited by regulation 2, may be imported without a Plant Importation Permit and without restriction, except that such material is liable to inspection by the Director of Agriculture or by an Inspector or Sub-Inspector and to treatment or destruction in the event of it being found infected, contaminated or infested with any dangerous pest, weed or disease.

5. All packing materials as well as accompanying or adhering media shall be subject to the provisions of the Plant Protection ordinance and regulations made thereunder as if they themselves were plants.

Provided that no packing material or accompanying or adhering media contain any soil.

6. No plants shall be imported into Sri Lanka except through one of the following ports or places of entry:-

- (a) the port of Colombo
- (b) the port of Trincomalee
- (c) the port of Talaimannar
- (d) the port of Galle
- (e) the port of Kankasanturai
- (f) the airport of Katunayake
- (g) the airport of Palaly

7. An application for a plant importation Permit, shall state-

- (a) the full name and address of the applicant;
- (b) the name and address of the person, firm or organization, from whom the plants are to be obtained;
- (c) the scientific names and quantities of the plants to be imported;
- (d) the means of importation (e. g., air-freight, sea-freight, air mail, surface mail);
- (e) the port of entry; and
- (f) the approximate date or dates of entry into Sri Lanka.

8. All plants imported into Sri Lanka, shall be examined by an Inspector or Sub-Inspector;

Provided that, where the Inspector is satisfied that such plants are being imported for consumption, processing, manufacture or for any purpose other than propagation and the material is not one that is prohibited or restricted under regulation 2 hereto he may dispense with such inspection.

9. It shall be lawful for the Director of Agriculture or an Inspector or Sub-Inspector, to enter at all reasonable hours into any building or conveyance (including ships, boats, aeroplanes and motor vehicles) where any plant disease, pest or weed may reasonably be suspected to exist, to inspect and examine that building or conveyance, or any goods, stores, furnishings or cargo within that building or conveyance, for the purpose of determining if any such plant disease, pest or weed exists, therein or thereon.

10. An Inspector or Sub-Inspector may, if he is satisfied that any plant or planting or vegetative material being imported may be infested or infected or in any way carrying a disease, pest or weed, and whether or not such or not such plant, or planting or vegetative material, has been imported in conformity with the Plant Protection Ordinance and regulations made thereunder-

- (a) authorize or carry out its disinfection or treatment;
- (b) authorize or carry out its immediate destruction;
- (c) direct it to be taken out of the country within a specified period; or
- (d) direct it to be detained in quarantine or in any other place approved by the Director of Agriculture, for a period not exceeding twenty four months;

11. (a) Any package or parcel containing any plant, or planting or vegetative material, shall be delivered to an Inspector or Sub-Inspector to be returned to the Collector of Customs or the Postmaster-General, as the case may be.

(b) After an examination and treatment, as provided in regulation 10, the package or parcel containing the plant, or planting or vegetative material shall (except where such parcel and its contents has been refused entry under the instruction of an Inspector or Sub-Inspector) be returned to the Collector of Customs or the Postmaster - General, as the case may be.

12. (1) Plants, or planting or vegetative materials, which are prohibited, or whose importation is restricted under the provisions of the Plant Protection Ordinance or regulations made thereunder, if temporarily brought into Sri Lanka or its territorial waters, shall be subject to such inspection, treatment or other disposition as may be deemed necessary by the Director of Agriculture or an Inspector or Sub-Inspector.

(2) The provisions of paragraph (1) shall also apply to carriers including ships and air-crafts, their stores, furnishings, dunnage etc., while such carriers are in Sri Lanka or in the territorial waters of Sri Lanka.

13. No person shall import into Sri Lanka any living insects, birds or other animals in any stage of their development, or any virus, bacteria or fungus cultures, except under the authority of an import permit issued by the Director of Agriculture and in accordance with the conditions laid down in that permit:

Provided that this regulation shall not apply to animals generally covered by animal quarantine rules.

14. Nothing in the Plant Protection Ordinance or in any regulation made thereunder shall prevent the Government, with notice in writing to the Director of Agriculture, from importing into Sri Lanka for scientific purposes and under adequate safeguards specified in writing by the Director of Agriculture, small quantities of plants the entry of which is prohibited or restricted under such Ordinance or Regulations.

15. (a) Where any plants of the genus *Hevea* are imported into Sri Lanka under regulation 14, such plants shall, if so imported-

(i) from outside the Region, have been disinfected and freed of any soil in the country of origin in a manner acceptable to the Director of Agriculture and also free from pest and diseases, and each consignment of such plants shall be accompanied by a certificate to the effect that the afore mentioned requirements have been fulfilled and signed by an appropriate authority of the country of origin and each such consignment shall be addressed to and received by the Director of Agriculture; or

(ii) from the American tropics or from any other country in which South American Leaf Blight is present and so as to be capable of further growth or propagation (excluding the seed), in addition to the requirements of paragraph (i), be grown for a period considered adequate by the Director of Agriculture at a plant quarantine station for *Hevea* at a place approved by such Director and situated outside the Region, the American tropics and any other country in which South American Leaf Blight is present. Each consignment of such plants shall be accompanied by a certificate signed by the officer-in-charge of such quarantine station to the effect that the above requirements have been fulfilled and that the plant or plants are free from pests and diseases; or

(iii) in the form of seed and from the American tropics or from any other country in which South American Leaf Blight is present, in addition to the requirements of paragraph (i), have been examined and again disinfected at a place approved by the Director of Agriculture, and situated outside the Region, the American tropics, and any other country in which South American Leaf Blight is present, and the packing has been replaced with new packing materials placed in new containers.

Each consignment of such seed shall be accompanied by a certificate signed by the officer-in-charge of such examination and disinfecting to the effect that the above requirements have been fulfilled; or

(iv) so as to be incapable of further growth or propagation, in addition to the requirements of paragraph (i) have been sterilized in the country of origin by a method approved by the Director of Agriculture.

(b) The Director of Agriculture shall ensure that any plants of the genus *Hevea*, imported into Sri Lanka for further growth or propagation, are grown under his supervision for a period considered by such Director to be adequate to enable him to determine whether such plants are free from all pests and diseases before they are released.

16. Any person importing any plants under these regulations shall pay the costs of treatment (including detention) under regulation 10, regulation 11 or regulation 12, at the following rates:-

<i>Service</i>	<i>Charge</i>
1. Fumigation or other treatment of packages less than 0.5 cubic metre in volume	Rs. 10 per package.
2. Fumigation or other treatment of packages more than 0.5 cubic metre in volume	Rs. 25 per cubic metre of total consignment.
3. Holding of plants in post-entry quarantine	Rs. 1 per plant per month held in post entry quarantine.
4. Issue of phyto-sanitary certificate for goods for export	Rs. 10 per certificate.

17. No compensation shall be payable in respect of any package, parcel plant or any planting or vegetative material destroyed or damaged in any inspection or treatment carried out under the Plant Protection Ordinance, or any regulation made thereunder.

18. (1) On a request made by an exporter, the Director of Agriculture shall issue a phytosanitary certificate in respect of a consignment of plants intended for export to a foreign country and offered for inspection:

Provided that the Director or any officer authorized in writing by him in that behalf is satisfied that the consignment is substantially free from pests and diseases and also that it conforms to the plant quarantine laws of the importing country:

Provided further, that where the Director is not so satisfied, he may refuse to issue a phytosanitary certificate or may require any treatment to be carried out as a pre-requisite for the issue of such certificate.

18. (2) The importer shall pay the costs of inspection, treatment and issue of a phytosanitary certificate at the rate set out in regulation 16.

19. In these regulations, unless the context otherwise requires-

"Inspector" or "Sub-Inspector" means an officer appointed as such under the Plant Protection Ordinance;

"Region" means the South-East Asia and Pacific Region as defined in the Plant Protection Agreement for South-East Asia and the Pacific Region; and

"South American Leaf Blight" means, the plant disease caused by the fungus *Mycrocyclus ulmi*.