
CHAPTER 156**PLANT QUARANTINE**

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Act No. 4 of 1982

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO
PLANTS AND PLANT DISEASES

[1 December 1982]

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Plant Quarantine Act.

Interpretation

2. In this Act, unless the context otherwise requires—
 - “contamination” means infestation or infection by plant pests, or association with infected plant materials or soil so as to be in a dangerous state or injurious to the health of human beings, animals or plants;
 - “conveyance” means any ship, aircraft, vehicle, or other means of transport, or any shipping container;
 - “first port of entry”, in relation to any conveyance or article, means the port or airport in Fiji which the conveyance or article first enters;
 - “garbage” means mixed refuse, waste material derived in whole or in part from plants, fruits, vegetables, meat or other plant or animal material, or other refuse of any character whatsoever that has been associated with any fruits, vegetables, meats or other plant or animal material;
 - “infected” means the harmful condition caused by plant disease pathogens;
 - “infested” means the presence of plant pests other than plant pathogens;
 - “inspection”, in relation to plants, plant material, regulated material, conveyances, containers, or other articles, areas of land, buildings or spaces, means the examination thereof for the purpose of detecting contamination or plant pests;
 - “inspector” means an inspector appointed under section 3, or a temporary inspector or an assistant inspector so appointed;
 - “Ministry” means the Ministry responsible for agriculture;
 - “noxious weed” means any plant which either directly or indirectly causes injury to the health of human beings, animals or plants or which is, or is likely to become, a nuisance to the owner, occupier or user of any land or water or of anything thereon;

“permit” means a written authorization issued by the Minister for the movement into or through Fiji of plants, plant material, plant pests, regulated material or conveyances;

“phytosanitary certificate”, in relation to any plant or plant material, means an official certificate issued by an officer of a plant protection authority of the country of origin of the plant or plant material, substantially in the format of the Model Certificate of the International Plant Protection Convention, certifying that the plant or plant material to which it refers has been inspected and found free from agricultural pests, and substantially free from other injurious pests;

“plants” means all species, varieties and types of live plants or parts thereof including stems, branches, tubers, bulbs, corms, stocks, budwood, cuttings, layers, slips, suckers, roots, leaves, flowers, fruits, seeds, botanical specimens (whether dead or alive) and any other plant growth other than items manufactured wholly or in part from a plant or its parts;

“plant material” includes timber and other items manufactured wholly or in part from plants;

“plant pest” means an organism of plant or animal origin which can directly or indirectly cause injury or damage to plants, including any living stage of insect, mite, nematode, snail, slug, or other invertebrate animal, bacteria, fungi, virus or similar organism;

“quarantine station” includes a temporary quarantine station, a quarantine check-point, a post-entry quarantine station and all facilities and services related to a quarantine station or check-point;

“re-ship”, in relation to any imported plant, plant material, or regulated material, means to send it out of Fiji, either by the ship or aircraft in which it was imported, or by any other ship or aircraft;

“regulated material” means garbage, soil, plant pests, and other materials, substances or articles (not being plants or plant material) the importation or movement of which is prohibited or regulated under the provisions of this Act or of any regulations or orders made thereunder;

“soil” means loose earth material including rock, disintegrated rock with an admixture of organic material and soluble salts, gravel, compost and clay;

“timber” includes logs, branchwood, firewood and bark, and all wood which has been split, hewn, sawn or dressed but not otherwise manufactured, and prefabricated building units, poles and the like, crossarms, shakes and shingles;

“to treat” means to take measures to ensure removal of injurious materials or the elimination, sterilization or killing of any plant pests for the avoidance of contamination, including, among other measures, the cleaning, incineration, disinfection and disinfestation of plants, plant material and regulated material, or the re-shipment thereof, and the destruction of plant pests.

Inspectors

3.—(1) The Public Service Commission shall appoint such inspectors as may be necessary for the proper carrying out of the provisions of this Act.

(2) Without prejudice to subsection (1), the Minister may, by instrument in writing, appoint any officer in the Ministry to be a temporary inspector or an assistant inspector and any officer so appointed shall perform such duties, not inconsistent with the provisions of this Act, as may be specified by the Minister in the instrument of appointment.

Quarantine stations

4.—(1) The Minister may, by notification in the Gazette, appoint any land under the control of the Crown to be a quarantine station for the purposes of this Act.

(2) The Minister may give directions on the regulation, management and control of quarantine stations and the disposal, treatment or destruction of plants, plant material and regulated material while in a quarantine station or in transit to and from a quarantine station, and may, by any such direction, specify the time during which any plant, plant material or regulated material intended to be introduced into Fiji shall remain in a quarantine station.

PART II—POWERS OF INSPECTORS

Powers of entry

5.—(1) In the exercise of his powers, an inspector may, at any reasonable time, enter any conveyance, land, or building, other than a dwelling house, for the purpose of inspection of plants, plant material or regulated material.

(2) Before acting under the provisions of this section, the inspector shall, if requested to do so by the person in charge of the conveyance or in occupation of the land or building, produce documentary evidence of his appointment and identity, signed by the Minister.

Examination of documents

6. An inspector may, in carrying out his functions under this Act, or under any regulations or orders made thereunder, examine any log, manifest, cargo stowage plan, passenger list or crew list or other document in any ship or aircraft.

Search

7. An inspector may, in carrying out his functions under this Act, or under any regulations or orders made thereunder, at any reasonable time, examine cargo, mail, baggage, conveyances, containers or areas for the purpose of inspecting plants, plant material, or regulated material.

Opening of containers, etc.

8. An inspector may require the importer of any box, case, receptacle or container to open it or cause it to be opened at the importer's expense, for inspection.

Phyosanitary certificates for export

9. An inspector may, at the request of an exporter, sample and inspect any shipment of plants or plant material and issue phytosanitary certificates in respect of those which have been found to be free from agricultural pests and substantially free from other injurious pests.

Obstructing inspectors

10. Any person who directly or indirectly obstructs, hinders, interrupts, threatens or assaults an inspector in the performance of his functions under this Act

shall be guilty of an offence and shall be liable to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years, or to both such fine and imprisonment.

Restriction on importation of plants

11. No person shall import or offer for importation any plant (including any noxious weed) except by a permit issued by the Minister and in accordance with such conditions as he may specify in the permit, including conditions that any plant so imported shall be grown under post-entry quarantine by, or under the supervision of, the Minister for such period as he may require for the purpose of determining whether the plant is infested or infected with plant pests, and that such remedial measures be taken as the Minister may consider necessary to prevent the spread of such infestation or plant pests.

Restriction on importation of plant material

12.—(1) Subject to subsection (2), no person shall import or offer for importation any plant material except by a permit issued by the Minister and in accordance with such conditions as he may specify in the permit.

(2) The provisions of subsection (1) shall not apply to plant material other than timber if, after examination, an inspector is satisfied that such plant material is free from diseases and pests.

Restriction on importation of cultures, etc.

13. No person shall import or offer for importation any living culture or organisms including parasites, predators, arachnids, insects, nematodes, fungi, bacteria, viruses, mycoplasma, plant parasitic organisms or other invertebrate animals except by a permit issued by the Minister and in accordance with such conditions as he may specify in the permit.

Prohibition of importation of plants, plant material, etc., by order

14. Notwithstanding sections 11, 12 and 13, the Minister may, by order, prohibit the importation of any plant, plant material or regulated material either generally or from any specified place and either absolutely or subject to such conditions or restrictions as he may specify in the order.

Notification of imports

15.—(1) Every importer of plants, plant material or regulated material shall notify the Minister of the intended date of arrival thereof and shall furnish the Minister with such additional information as he may require.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Inspection on arrival

16. On the arrival from any place outside Fiji of any ship or aircraft, an inspector may inspect—

(a) any plants, plant material or regulated material intended for importation; and

(b) any plants, plant material or regulated material which has been landed from such ship or aircraft,

and, if found to be contaminated, the inspector may require that it be denied entry, disposed of or treated in such a manner as to eliminate the contamination prior to its release from the control of Customs.

Inspection on intransit shipments

17.—(1) When a ship or aircraft carrying plants, plant material or regulated material from any place outside Fiji arrives at its first port of entry, the importer thereof shall land all or any such part thereof as the inspector may direct for inspection and treatment if required, and such plants, plant material or regulated material shall not be removed, transhipped or diverted for inspection, treatment or discharge at a second destination or port of entry except in the manner directed by the inspector.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Importation for research

18. Any plant, plant material or regulated material the importation of which may be prohibited from any country or place under the provisions of this Act or any regulations or orders made thereunder may be imported for scientific research purposes by the Minister, or any organisation approved by him, upon such conditions as he may determine.

Inspection and treatment

19. On the arrival of a conveyance in Fiji, if an inspector has reason to believe the conveyance is contaminated or otherwise infected, he may enter and inspect the conveyance and apply seals, treatment or other measures commensurate with any risk of the presence or spread of plant pests.

Ports of entry

20.—(1) No plant, plant material or regulated material may be imported except through the ports or airports prescribed for the entry of plants, plant material or regulated material.

(2) Plants, plant material or regulated material requiring treatment as a condition of entry may be imported only through those ports or airports specified for entry thereof in the permit for the importation thereof.

(3) Plants, plant material or regulated material arriving at the first port of entry may be permitted by an inspector to be diverted under Customs control to an alternate port or airport, subject to such conditions as the inspector may direct, for treatment and disposition in accordance with paragraph (b) subsection (4).

(4) When a conveyance carrying plants, plant material or regulated material arrives in Fiji, the following provisions shall be observed:—

(a) plants, plant material or regulated material intended to be conveyed to ports or airports other than the first port of entry may be allowed to proceed to the ports or airports of destination if treatment facilities are available at such ports or airports;

(b) plants, plant material or regulated material intended to be conveyed to ports or airports where treatment facilities are not available shall be landed for inspection, and treatment if required, or shall be diverted to a port or airport where treatment facilities are available, there to be landed, inspected and treated, if necessary, and transhipped under Customs control;

(c) an inspector shall issue a release, in writing, when he is satisfied that the shipment of plants, plant material or regulated material complies with the requirements of this Act.

(5) Any person who contravenes subsection (1) or subsection (2) or who takes from the control of Customs any plant, plant material or regulated material before an inspector has issued a release in respect thereof in terms of paragraph (c) of subsection (4) shall be guilty of an offence and shall be liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years, or to both such fine and imprisonment.

Destruction for non-compliance

21. Where any plant, plant material or regulated material is in the control of Customs or the Posts and Telecommunications Department and the importer, after receiving notice from an inspector that its importation or removal from such control, as the case may be, is prohibited, or prohibited until such measures as the inspector specifies have been taken, does not within such time as the inspector specifies re-ship such plant, plant material or regulated material, or take the measures specified, the Minister may, if satisfied that it is contaminated, cause it to be destroyed at the expense of the importer and no proceedings shall lie in respect of such destruction:

Provided that an inspector may take such immediate action or require the importer to take such immediate action as he may consider necessary to prevent the spread of any contamination present in any plant, plant material or regulated material and such action may include immediate destruction thereof if, in the opinion of the inspector, no other action is likely to prevent the spread of such contamination.

Seizure and quarantine

22.—(1) Any plant, plant material or regulated material imported in contravention of the provisions of this Act or of any regulations or orders made thereunder may, together with anything cultivated therefrom and any other thing which may thereby be infected, be seized by an inspector and may be disinfected, or be required to be taken to a quarantine station or be placed in isolation or under quarantine conditions for further inspection and treatment as may be required.

(2) Whenever the Minister considers it necessary to do so, he may direct that anything seized pursuant to subsection (1) be destroyed or otherwise disposed of and no proceedings shall lie in respect of such destruction or disposal.

Noxious weeds

23.—(1) No person shall import into or move within Fiji any noxious weed except by a permit issued by the Minister and in accordance with such conditions as he may specify in the permit.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 1 year, or to both such fine and imprisonment.

Identification of packages

24. Boxes, cases, crates, packages, bales or other containers in which imported plants, plant material or regulated material are packaged shall be identified in the prescribed manner and display, by the prescribed means, the general nature of the contents, country and locality of origin, name and address of the shipper and the consignee and any other prescribed information.

Declaration by passengers

25. Persons arriving in Fiji shall declare, in writing on the Declaration form used for customs purposes, or in such other manner as may be prescribed, their intention to import plants, plant material or regulated material and it shall be the duty of the Customs officers, at the time of importation thereof, to obtain such declaration from each person arriving from overseas.

Discharge of garbage

26.—(1) No person shall, without the permission of an inspector and subject to such terms and conditions as he may impose, discharge any garbage into the territorial seas of Fiji, or cause it to be so discharged or to be landed from an aircraft or ship.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Plants suspected to have been illegally imported

27.—(1) An inspector may require any person possessing any plant or plant material which has been imported to furnish proof that the importation thereof was effected in accordance with the provisions of this Act.

(2) If proof under subsection (1) is not furnished to the satisfaction of the inspector, the plant or plant material may be seized and may be dealt with in terms of section 22.

Unlawful importation or removal

28. Any person who—

- (a) imports any plant, plant material or regulated material contrary to the provisions of this Act;
- (b) removes from the control of Customs or of the Posts and Telecommunications Department, as the case may be, any plant, plant material or regulated material the removal of which from such control has been prohibited by an inspector;
- (c) without having taken the specified measures, removes from the control of Customs or of the Posts and Telecommunications Department, as the case may be, any plant, plant material or regulated material the removal of which from such control has been prohibited unless specified measures have been taken,

shall be guilty of an offence and liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years, or to both such fine and imprisonment.

PART III—DOMESTIC QUARANTINE CONTROL*Eradication of plant pests*

29.—(1) Whenever it shall be determined by an inspector that any land, place, conveyance, article or substance is infected or infested, written notice thereof shall be given by him to the person in possession thereof or, if there is no person in possession, the owner thereof, who shall forthwith control, eradicate and prevent dissemination of all plant pests therefrom, and shall remove, cut, destroy or treat any infested or infected plant, plant material, conveyance, article or substance which the inspector declares in the notice to be infected or infested within the time and manner specified in the notice.

(2) Whenever the owner cannot be found or he or the person in possession fails, neglects, or refuses to comply with the requirements so specified by the inspector within the time specified, the inspector may carry out those requirements or cause them to be carried out at the expense of the owner or person in possession, as the case may be.

Emergency regulations

30.—(1) Without prejudice to any other provisions of this Act, if it appears to the Minister that contamination of plants exists or is threatened in any part of Fiji to such an extent or in such manner or by such means, as by the spread thereof, to become dangerous or injurious to the health of human beings, animals or plants in any other part of Fiji, or the whole of Fiji, the Minister may make regulations for eradicating and preventing the spread of such contamination, and, without prejudice to the generality of the foregoing, such regulations—

(a) may authorise an inspector—

- (i) to enter any property (except a dwelling house) and to destroy or cause to be destroyed by any appropriate means, including burning, any vegetation, plants or animals which are in a dangerous state or are injurious to the health of human beings, animals or plants;
- (ii) to carry out at such ports, airports or other places as may be prescribed in such regulations the inspection of vessels, aircraft, vehicles or articles;
- (iii) to cause any vessel, aircraft, vehicle or article, and any animal, article or thing thereon or therein, to undergo such treatment as may be specified by an inspector; and

(b) may impose restrictions on the movement of any plants, plant material, regulated material, conveyance, animal or other article within any area specified in the regulations as an infected area, or from such an infected area to any other area.

(2) Without prejudice to the power of the Minister to revoke, at any time, regulations made under subsection (1), such regulations shall lapse at the expiration of 6 months from the date of their coming into force, unless, in the meantime, they have been approved by a resolution of each House of Parliament, in which case they shall remain in force for a further period of 6 months from the passing of the later of such resolutions.

PART IV—GENERAL

Protection against claims

31. No proceedings shall lie against the Crown, an inspector or any public officer in respect of anything done or omitted to be done in the discharge or purported discharge of any function under this Act or any regulations or orders made thereunder in good faith and without negligence.

Fees and charges

32. The prescribed fees or other charges may be imposed on importers or other persons for permits, phytosanitary certificates, or for the services of an inspector, or for space used in quarantine stations or facilities or for application of treatment required under this Act.

Enforcement of conditions imposed

33. Any person who contravenes any condition or requirement specified in, or imposed by, any permit, notice or other instrument issued under any provision of this Act, or of any regulations or orders made thereunder, shall be deemed to have contravened the provision under which such permit notice or instrument was issued.

Penalties

34. Any person who is guilty of an offence under this Act or of any regulations or orders made thereunder for which no penalty is otherwise expressly provided shall be liable to a fine not exceeding \$2,000 and, in the case of a continuing offence, to a further fine of \$100 for every day on which the offence is continued or to imprisonment for a term not exceeding 2 years, or to both such fine and imprisonment.

Destruction of plants

35. Whenever a person is convicted of an offence punishable under this Act or any regulations or orders made thereunder, the court before which he is convicted may order the destruction of the plant, plant material, regulated material or other item, if any, in respect of which the offence has been committed.

General regulations

36. The Minister may make regulations for the better carrying out of the purposes of this Act and for preventing the introduction or spread of any plant pest or disease to which plants and plant material are liable, and the eradication and spread of noxious weeds, and, in particular, but without prejudice to the generality of the foregoing, for all or any of the following purposes:—

- (a) for declaring quarantine areas, and for prescribing the measures which may be taken therein to prevent the introduction and spread of weeds, pests and diseases of plants;
- (b) for declaring any plant to be a noxious weed throughout Fiji or in any part or parts thereof;
- (c) for the inspection of cargo and passengers' baggage prior to importation;
- (d) for the disinfection of ships and aircraft, whether arriving from outside Fiji or proceeding from one place to another within Fiji, and of cargo, baggage and clothing and personal effects of passengers;
- (e) for the disinfection of plants, plant material and regulated material;
- (f) for requiring vessels to remain at prescribed distances from shore;
- (g) for the licensing and inspection of nurseries or other places in which plants are reared for the purpose of sale or other method of disposal;
- (h) for the designation of specific areas for the planting of particular plants;
- (i) for the prohibition of planting of particular plants in specified areas;
- (j) for prescribing the fees or charges to be paid in respect of any permits or certificates or for inspections or treatment carried out under this Act;
- (k) for prescribing forms for the convenient and efficient carrying out of the provisions of this Act;
- (l) for any other matter to be prescribed under this Act or any other purpose for which, under this Act, regulations may be made.

Power of exemption, etc.

37.—(1) The Minister may, by order, subject to such conditions as he may see fit to impose, exempt any person or conveyance or any class of person or conveyance from all or any of the provisions of this Act or of any regulations or orders made thereunder.

(2) Subject to such limitations as he may think fit, the Minister may authorise the Permanent Secretary responsible for agriculture to perform or exercise any of the functions of the Minister under this Act, other than any power to make regulations or orders.

Repeal and saving

38.—(1) The Noxious Weeds, Pests and Diseases of Plants Act* is repealed.

(2) Notwithstanding the repeal of the Noxious Weeds, Pests and Diseases of Plants Act, any regulations made thereunder, and any appointment, permit or permission made or issued thereunder, or under any such regulations, if in force at the commencement of this Act, shall continue in force until revoked, cancelled, superseded, or otherwise terminated, and so far as they could have been made or issued under this Act shall have effect as if so made or issued, and the provisions of this Act shall apply in relation to such regulations, appointments, permits or permissions, which may accordingly be revoked, cancelled, rescinded or varied under the provisions of this Act.

Controlled by Ministry of Primary Industries

*Chapter 133, 1967 Edition (Ordinance No. 30 of 1964, as amended).

CHAPTER 156

PLANT QUARANTINE

SECTION 3—APPOINTMENT OF INSPECTORS

Legal Notice No. 114 of 1976

The following inspectors have been appointed:—

1. For the purposes of Parts II and III of the Noxious Weeds, Pests and Diseases of Plants Regulations:

Officers of the Ministry of Primary Industries for the time being holding the under-mentioned offices—

Permanent Secretary for Primary Industries
Assistant Director of Agriculture
Principal Agricultural Officer
Senior Agricultural Officer
Principal Entomologist
Senior Entomologist
Entomologist
Agricultural Officer
Produce Inspector
Technical Officer
Senior Field Assistants posted to Nadi and Nausori Airports and sea ports
for quarantine duties
Principal Veterinary Officer
Veterinary Officer
Field Assistant.

2. For the purposes of Part IV of the Noxious Weeds, Pests and Diseases of Plants Regulations:

Officers of the Ministry of Primary Industries for the time being holding the under-mentioned appointments—

Permanent Secretary for Primary Industries
Assistant Director for Agriculture
Principal Agricultural Officer
Senior Agricultural Officer
Agricultural Officer
Weed Control Officer
Technical Officer
Senior Field Assistant

3. For the purposes of Part V of the Noxious Weeds, Pests and Diseases of Plants Regulations:

(1) Officers of the Ministry of Primary Industries for the time being holding the under-mentioned appointments—

Permanent Secretary for Primary Industries
Assistant Director of Agriculture
Principal Agricultural Officer
Senior Agricultural Officer
Principal Entomologist
Senior Entomologist
Entomologist
Agricultural Officer
Produce Inspector
Technical Officer

(2) * * * * * (*Revoked on repeal of Coconut Pests and Diseases Ordinance, No. 4 of 1953, by Act No. 28 of 1976.*)

4. For the purposes of the inspection of timber under the provisions of Parts II and VI of the Noxious Weeds, Pests and Diseases of Plant Regulations:

Officers of the Ministry of Forests for the time being holding the under-mentioned appointments—

Conservator of Forests
Deputy Conservator of Forests
Principal Assistant Conservator of Forests
Senior Assistant Conservator of Forests
Assistant Conservator of Forests
Produce Inspector
Forest Ranger
Technical Officer
Forester
Senior Field Assistant
Forest Guard.

5. The Notice published at page 5465 of Volume IX of the Laws of Fiji, 1967 Revised Edition, is hereby revoked.

SECTION 14—PLANT QUARANTINE (PROHIBITED IMPORTS) ORDER

TABLE OF PROVISIONS

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2. Imports prohibited absolutely
3. Imports prohibited unless imported by, or with the authorisation of, the Permanent Secretary for Primary Industries or the Conservator of Forests
4. Imports prohibited unless accompanied by phytosanitary certificate and permit
5. Importation of soil, sand, clay or earth

Proclamation No. 18 of 1965, Legal Notices Nos. 98 of 1970, 123 of 1970, 47 of 1973, 107 of 1974

Short title

1. This Order may be cited as the Plant Quarantine (Prohibited Imports) Order.

Imports prohibited absolutely

2. The importation of the following is prohibited absolutely:—
 - (a) coconuts and other members of the family *Palmae* from the Caribbean, Florida, Ghana, Togo, the Philippines, Guyana, South India, Guam or any other area where the undermentioned or similar serious diseases of unknown cause are known or suspected to occur—
red ring, lethal yellowing, kaincope, cadang-cadang, bronze leaf wilt, root wilt, Guam coconut disease;
 - (b) * * * * *;
 - (c) all plants, unless the containers, wrapping and packing used therewith are clean and new and have not been used for any other purpose;
 - (d) bark or timber to which bark is attached other than bark treated for pests and diseases and bark of plants permitted to be imported under the provisions of paragraphs 3 and 4;
 - (e) hay, straw, chaff, leaves or forest litter;
 - (f) rubber, unless in accordance with the provisions of Appendix B to the Plant Protection Agreement for the South East Asia and Pacific Region, such Appendix B being set out in the First Schedule;
 - (g) ships' dunnage, excluding clean dunnage which expression (i.e. "clean dunnage") shall mean such dunnage as has been inspected on board ship and has received a written clearance certificate from a Timber Inspector that it is free of bark and all insect or fungal attack.

Imports prohibited unless imported by, or with the authorisation of, the Permanent Secretary for Primary Industries or the Conservator of Forests

3. Except in the case of the Permanent Secretary for Primary Industries, or the Conservator of Forests in respect of the items specified in sub-paragraph (e) or a person authorised in writing by the Permanent Secretary for Primary Industries or the Conservator of Forests, the importation of any of the following plants or organisms is prohibited:

Provided that the Permanent Secretary for Primary Industries or the Conservator of Forests, as the case may be, may import any of such plants or organisms solely for scientific or experimental purposes:—

- (a) banana, breadfruit, cacao, cassava, citrus of all species (excluding citrus fruit intended for human consumption), coconuts and all other members of the family *Palmae* except as specified in paragraph 2, cotton, dalo, maize, Manilla hemp, pineapple, rubber, sugar cane, sweet potato, tobacco, yam, yaqona;
- (b) cabbage, cauliflower, Brussels sprouts and other leafy species of the family *Cruciferae* except root crops for human consumption imported from Australia, New Zealand, Canada and the United States of America, and seeds as specified in sub-paragraph (a) of paragraph 4;
- (c) fresh fruits, vegetables and seeds bearing pulp, which are susceptible to attack by pest species of fruit flies (family *Trypetidae*) from any area where injurious exotic fruit flies occur;
- (d) plants grown in countries where the cattle tick (*Boophilus microplus*) or soil-borne diseases of animals occur or are suspected to occur, if the Permanent Secretary considers that the importation of such plants would involve the likelihood of introducing cattle tick or soil-borne diseases of animals;
- (e) plants of the family *Meliaceae* or the group *Coniferae*;
- (f) any form of living fungus, bacterium or virus, or any living stage of any invertebrate animal which may directly or indirectly be capable of injuring or causing an unhealthy condition in any plant and which is not already established throughout Fiji;
- (g) plants deemed by the Permanent Secretary or the Conservator in relation to sub-paragraph (e), to be capable of contaminating any of the plants or organisms set out in this paragraph.

Imports prohibited unless accompanied by phytosanitary certificate and permit

4. Except such as may be imported under the provisions of paragraph 3, the importation of any plant into Fiji is prohibited unless a phytosanitary certificate is produced and a permit in the form set out in the Second Schedule is first obtained from the Permanent Secretary for Primary Industries:

Provided that a permit shall not be required in the case of the following:—

- (a) seeds of garden vegetables and flowers imported from the United Kingdom, Australia, Canada, New Zealand or the United States of America in sealed packets or in bulk, bearing the label of a commercial seedsman, grains, pulses, seeds, herbs and spices imported for human or animal consumption, excepting unhusked rice and any variety of maize (*Zea Mays*):

- (b) fresh vegetables and fruit for human consumption imported from New Zealand, Canada and the United States of America excluding Hawaii, with the exception of cabbages, cauliflower, Brussels sprouts and any other member of the family *Cruciferae*;
- (c) potatoes and onions for human consumption imported from Australia, New Zealand, Canada and the United States of America;
- (d) cut flowers carried by a landing or transient passenger:
Provided that it shall not be necessary for such passenger to produce a phytosanitary certificate;
- (e) seeds of trees imported by the Conservator of Forests for forestry purposes.

Importation of soil, sand, clay or earth

5. The importation is prohibited of any soil, sand, clay or earth except—
- (a) soil, sand, clay or earth intended specifically for experimental, scientific, manufacturing or industrial purposes imported with the written approval of the Permanent Secretary for Primary Industries;
 - (b) soil, sand, clay or earth subjected to a manufacturing process.

FIRST SCHEDULE
(Paragraph 2)

PLANT PROTECTION AGREEMENT FOR THE SOUTH EAST ASIA AND
PACIFIC REGION

APPENDIX B

1. In the Appendix—

“the American tropics” means those parts of the continent of America, including adjacent islands, which are bounded by the Tropic of Capricorn (latitude $23\frac{1}{2}^{\circ}$ South) and the Tropic of Cancer (latitude $23\frac{1}{2}^{\circ}$ North) and the meridians of longitude 30° West and 120° West, and includes the part of Mexico north of the Tropic of Cancer.

“Competent Authority” means the officer or Government Department or other agency, which each Contracting Government recognizes as its authority for the purpose of this Appendix;

“the Region” comprises the territories in South East Asia east of the western border of Pakistan and south of the Himalayas, the southern border of China and the northern border of the Philippines, and all those territories in the Pacific Ocean, the South China Sea and the Indian Ocean situated wholly or partly in the area bounded by longitudes 100° East and 165° West and latitudes 15° North and 20° South but excluding Australia.

2. Each Contracting Government shall prohibit by law the importation into its territory or territories of any plant or plants of the genus *Hevea* from outside the Region, unless—

- (a) the importation is made for scientific purposes; and
- (b) written permission has been granted for each consignment of plant or plants by the Competent Authority of the importing territory or

territories and the importation is in accordance with such special conditions as may be imposed by the Competent Authority in granting such permission; and

(c) the plant or plants have been disinfected and freed of any original soil in the country of origin in a manner acceptable to the Competent Authority of the importing territory and are free from pests and diseases, and each consignment of plant or plants is accompanied or covered by a certificate to the effect that the above requirements have been fulfilled and signed by an appropriate authority in the country of origin; and

(d) each consignment is addressed to and is received by the Competent Authority of the importing territory.

3. Each Contracting Government shall prohibit by law the importation into its territory or territories of any plant or plants of the genus *Hevea* capable of further growth or propagation (excluding seed) from the American tropics or from any other country in which South American leaf blight (*Dothidella ulei*) is present, unless, in addition to the requirements of paragraph 2 of this Appendix, at a place approved by the Competent Authority of the importing territory and situated outside the Region and outside the American tropics and any other country in which South American leaf blight (*Dothidella ulei*) is present, such plant or plants have been grown for an adequate period at a plant quarantine station for *Hevea* and each consignment of such plant or plants is accompanied or covered by a certificate to the effect that the above requirements have been fulfilled, and signed by the officer in charge of such quarantine station.

4. Each Contracting Government shall prohibit by law the importation into its territory or territories of any seed of any plant of the genus *Hevea* from the American tropics or from any other country in which South American leaf blight (*Dothidella ulei*) is present, unless in addition to the requirements of paragraph 2 of this Appendix, such seed, having been examined and again disinfected at a place approved by the Competent Authority of the importing territory and situated outside the Region and outside the American tropics and any other country in which South American leaf blight (*Dothidella ulei*) is present, has been repacked with new packing materials in new containers, and unless each consignment of such seed is accompanied or covered by a certificate to the effect that the above requirements have been fulfilled, and signed by the officer in charge of these operations.

5. Each Contracting Government shall prohibit by law the importation into its territory or territories of any plant or plants of the genus *Hevea* not capable of further growth or propagation (such as fresh or dried herbarium specimens), unless, in addition to the requirement of sub-paragraphs (a), (b) and (d) of paragraph 2 of this Appendix, the Competent Authority of the importing country is satisfied that such plant or plants are required for a legitimate special purpose and that such plant or plants have been sterilized in the country of origin by a method satisfactory to the said Competent Authority.

6. Each Contracting Government shall prohibit by law the importation into its territory or territories of any plant or plants other than the genus *Hevea*, capable of further growth or propagation and originating in the American tropics or in any other country in which South American leaf blight (*Dothidella ulei*) is present, unless written permission has been granted for each consignment of such plant or plants by the Competent Authority of the importing territory or territories and the

importation is in accordance with such special conditions as may be imposed by the Competent Authority in granting such permission.

7. The Competent Authority of any territory or territories into which any plant or plants of the genus *Hevea*, are imported for further growth or propagation shall ensure that such plant or plants are grown under control for such period as will ensure that such plant or plants are free from all pests and diseases before they are released.

SECOND SCHEDULE
(Paragraph 4)

PLANT QUARANTINE ACT

PERMIT TO IMPORT PLANT MATTER

To the Inspector of Plants,

.....No.
of.....
is/are hereby permitted to import the following plant matter from the country of origin stated and *Subject to the Conditions Stated on the Back hereof*:-

Particulars	Country in which plants were grown

This Permit to be forwarded to the Supplier.

Date
for the Permanent Secretary for Primary Industries

SECTION 30—PLANT QUARANTINE
(TARO BEETLE) EMERGENCY REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Interpretation
3. Restriction of Movement of plants, etc. and planting

4. Removal of taro beetle
5. Powers of inspectors to search property, etc.
6. Powers of inspectors to stop and inspect vessels, aircraft, vehicles, etc.
7. Restriction on vessels, aircraft and vehicles leaving infested area
8. Powers of inspectors to inspect vessels
9. Powers of inspectors to carry out general inspection
10. Power of inspectors to request production of host plants in dwelling houses
11. Seizure, quarantine and destruction
12. Obstruction, etc. of inspectors, etc.
13. Penalty

Schedule 1—Infested area

Schedule 2—Inspection points

Legal Notice 85 of 1984

Short title

1. These Emergency Regulations may be cited as the Plant Quarantine (Taro Beetle) Emergency Regulations.

Interpretation

2. In these Emergency Regulations, unless the contrary intention appears—
 - “host plant” means plants belonging to the order, arales, zingiberales, bromeliales, pandanales and solanales;
 - “infested area” means the area specified in Schedule 1;
 - “taro beetle” means the beetle *Papuana huebneri* at any stage in its life cycle.

Restriction of Movement of plants, etc. and planting

3. A person shall not without the written approval of the Director of Agriculture—
 - (a) remove fresh vegetable material, soil or compost from the infested area;
 - (b) plant any host plant within the infested area.

Removal of taro beetle

4. Live taro beetle shall not be removed from the infested area.

Powers of inspectors to search property, etc.

- 5.—(1) An inspector may, during daylight hours, enter any property (except a dwelling house) for purposes in connection with the eradication or prevention of the spread of taro beetle.
 - (2) Where an inspector enters any property under subregulation (1) he may—
 - (a) search for any host plant or taro beetle he reasonably suspects to be on the property; and
 - (b) destroy or cause to be destroyed, by such means as he considers appropriate, any host plant and taro beetle he may find on the property.
 - (3) In the course of a search under subregulation (2) an inspector may do anything he considers appropriate for the purpose of carrying out such search.

(4) In the course of a search under subregulation (2) an inspector may do anything he considers appropriate for the purpose of—

- (a) destroying host plants;
- (b) eradicating taro beetle; and
- (c) preventing the spread of host plants or taro beetle.

(5) An inspector may give directions to the owner or occupier of any property to take such measures on that property as the inspector considers appropriate to destroy host plants, eradicate taro beetle and prevent the spread of taro beetle.

Powers of inspectors to stop and inspect vessels, aircraft, vehicles, etc.

6.—(1) For the purpose of searching for taro beetle an inspector may stop a vessel, aircraft or vehicle at a place specified in Schedule 2.

(2) An inspector may inspect a vessel, aircraft or vehicle stopped under subregulation (1) and any article carried or conveyed through a place specified in Schedule 2 whether or not carried or conveyed in a vessel, aircraft or vehicle.

(3) The person in charge of a vessel, aircraft or vehicle stopped under subregulation (1) shall not move that vessel, aircraft or vehicle unless and until permitted to do so by an inspector.

(4) In the course of an inspection under subregulation (2) an inspector may do anything he considers reasonably necessary for the purpose of—

- (a) carrying out the inspection; and
- (b) destroying taro beetle he knows or reasonably suspects to be present in the vessel, aircraft, vehicle or article.

(5) An inspector may direct the owner of a vessel, aircraft or vehicle inspected under subregulation (2) to cause the vessel, aircraft or vehicle to undergo such treatment as the inspector may specify for the purpose of eradicating or preventing the spread of taro beetle.

Restriction on vessels, aircraft and vehicles leaving infested area

7.—(1) A person shall not remove a vessel, aircraft or vehicle from the infested area without the approval of an inspector.

(2) In the case of a vessel—

- (a) the master of the vessel shall give an inspector at least one hour's notice of the intended departure of the vessel from the infested area; and
- (b) the approval under subregulation (1) shall be in writing.

Powers of inspectors to inspect vessels

8.—(1) An inspector may board and inspect a vessel—

- (a) that he reasonably suspects to be about to depart on a voyage from the infested area;
- (b) that he reasonably suspects to be in the course of a voyage from the infested area to another place; or
- (c) that he reasonably suspects to have within the previous 48 hours completed a voyage from the infested area.

(2) In the course of an inspection under subregulation (1) an inspector may do anything he considers reasonably necessary for the purpose of—

- (a) carrying out the inspection; and
- (b) destroying taro beetle he knows or reasonably suspects to be on the vessel.

(3) When requested to do so by an inspector the master or person in charge of a vessel referred to in subregulation (1) shall produce to the inspector any approval granted under regulation 7 in respect of the vessel's voyage or intended voyage.

(4) An inspector may direct the master or person in charge of a vessel inspected under subregulation (1) to cause the vessel to undergo such treatment as the inspector may specify for the purpose of eradicating or preventing the spread of taro beetle.

Powers of inspectors to carry out general inspection

9.—(1) For the purpose of searching for taro beetle an inspector may inspect any basket, bag or other container, any mat or any agricultural produce or other article carried or conveyed by any person or in the possession of any person.

(2) In the course of an inspection under subregulation (1) an inspector may do anything he considers reasonably necessary for the purpose of—

- (a) carrying out the inspection; and
- (b) destroying taro beetle he knows or reasonably suspects to be present.

Power of inspectors to request production of host plants in dwelling houses

10. A person in charge of a dwelling house within the infested area shall, when requested to do so by an inspector, produce to that inspector any host plant kept or stored in or about the dwelling house.

Seizure, quarantine, and destruction

11.—(1) A plant, plant material or other matter contaminated or reasonably suspected by an inspector to be contaminated by taro beetle may be seized by an inspector and may be disinfected or placed under quarantine conditions for further inspection and treatment.

(2) Where an inspector considers it necessary to do so he may destroy or otherwise dispose of anything seized under subregulation (1) but in any other case shall return it to the person from whom it was seized.

Obstruction, etc. of inspectors etc.

12.—(1) A person shall not obstruct or hinder an inspector carrying out his powers and duties under these Emergency Regulations.

(2) A person shall not obstruct or hinder a person acting for or under instructions given by an inspector under these Emergency Regulations.

(3) A person shall comply with any directions given to him by an inspector acting in accordance with these Emergency Regulations.

(4) A person shall, when requested to do so by an inspector, give to that inspector such help and assistance as he may reasonably require to enable him to carry out his powers and duties under these Emergency Regulations.

Penalty

13. A person who fails to comply with these Emergency Regulations is guilty of an offence and liable on conviction to—

- (a) a fine not exceeding \$2000; or
 - (b) imprisonment for a term not exceeding 2 years,
- or to both such fine and imprisonment, and in the case of a continuing offence to a further fine of \$100 for every day on which the offence is continued.

SCHEDULE 1

(Regulation 2)

Infested area

The area stretching 5 miles inland from the coast between Tamavua River and Deuba River, and the sea area for 1 mile immediately off that strip of coast all as more particularly shown on the plan annexed* to these Emergency Regulations.

SCHEDULE 2

(Subregulation 6(1))

Inspection points

1. Any point affording entry to or exit from the infested area.
2. Naitonitoni, Navua Town (for boats leaving Beqa, Vatulele and Yanuca).
3. Deuba Airstrip.
4. Deuba Hotel Jetty.

SECTION 32—PLANT QUARANTINE (FEES) REGULATION

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Interpretation
3. Fees for service of inspectors
4. Exemption
5. Application form
6. Repeal

Schedule—Application for Attendance of Inspector

Legal Notice 26 of 1984

Short title, etc.

1. These Regulations may be cited as the Plant Quarantine (Fees) Regulations, and shall come into operation on 1 April 1984.

Interpretation

2. In these Regulations, unless the context otherwise requires—
“normal attendance”, in respect of an inspector, means attendance by that inspector for the purpose of carrying out a routine inspection of goods, cargo, premises, or conveyances in the normal course of his duties under the Act;
“normal time” means any time between—
(a) 8.00 a.m. and 4.30 p.m. on a Monday, Tuesday, Wednesday or Thursday; or

* See Legal Notice 85 of 1984.

- (b) 8.00 a.m. and 4.00 p.m. on a Friday, which is not a public holiday;
- “normal overtime” means any time that is not—
- (a) normal time; or
- (b) special overtime;
- “special attendance” in respect of an inspector, means attendance by that inspector which is not normal attendance;
- “special overtime” means any time on a Saturday, Sunday or public holiday.

Fees for services of inspectors

3.—(1) Subject to these Regulations, the fee payable by a person for the service of an inspector shall be calculated in accordance with the following Table:

TABLE

<i>Type and time of service</i>	<i>Fee</i>	
	For any period of less than 3 hours	For each hour or part of an hour in excess of 3 hours
	\$	\$
Normal attendance—		
during normal time.....	Free	Free
during overtime.....	18	6
during special overtime	24	8
Special attendance—		
during normal time.....	12	4
during overtime.....	24	8
during special overtime	36	12

- (2) Where, to provide a service, an inspector is required to leave his normal place of employment the fee payable by the person receiving that service is—
- (a) any fee payable in accordance with subregulation (1) calculated for the period during which the inspector is necessarily absent from his normal place of employment; and
- (b) an amount equal to the cost incurred by the Government during that period in respect of—
- (i) travel costs of the inspector; and
- (ii) the allowances and out of pocket expenses paid to the inspector, necessarily incurred in carrying out that service.

Exemption

4. The fees prescribed by these Regulations do not apply to the attendance of an inspector in respect of an aircraft or vessel within the armed service of Fiji or any other country.

Application form

5. An application for the attendance of an inspector shall be made in the form set out in the Schedule.

Repeal

6. Paragraph (4) of regulation 7 of the Noxious Weeds, Pests and Diseases of Plants Regulations is repealed.

SCHEDULE
(Regulation 5)

APPLICATION FOR ATTENDANCE OF INSPECTOR

To: The Director of Agriculture

I hereby apply for the attendance of an inspector at.....
on.....from.....to.....for the
following purposes:

Signed:
(Applicant)

Date

Address.....

**SECTION 36—NOXIOUS WEEDS, PESTS AND DISEASES OF
PLANTS REGULATIONS****TABLE OF PROVISIONS****PART I—PRELIMINARY****REGULATION**

1. Short title
2. Interpretation

PART II—IMPORTATION OF PLANTS

3. Disposal of illegally imported plants or material
4. Permanent Secretary may order plants to be grown in specified places
5. Prohibition on growing certain plants
6. Procedure on arrival of vessels or aircraft
7. Fumigation, etc.

PART III—INSPECTION OF PLANTATIONS

8. Power of entry
9. Duty of Inspector
10. Prevention of spread of diseases
11. Plants not to be removed from declared area
12. Spraying and other treatment
13. Inspector may order treatment
14. Plants to be kept under proper cultivation
15. Destruction of plants
16. Notification of plants affected by declared diseases

PART IV—CONTROL AND ERADICATION OF NOXIOUS WEEDS

17. Importation of noxious weeds prohibited
18. Inspector's power to enter land
19. Declaration of noxious weeds
20. Eradication of weeds
21. Permanent Secretary may issue instructions
22. Convicted person not to be relieved of obligations

PART V—CONTROL OF RHINOCEROS BEETLES

23. Importation prohibited
24. Movement of soil, etc.
25. Destruction of dead palms
26. Clearing of land
27. Duty to destroy beetle
28. Duty to report
29. Power of entry
30. Instructions by inspector

- 30A. Quarantine Areas
- 31. Inspector may board and inspect vessels in certain areas
- 32. Voyaging from infected area to clean area
- 33. Power to board vessels
- 34. Inspection points
- 35. Inspection
- 36. Export of plants from an infected area
- 37. Obstruction of inspector
- 38. Defence

PART VI—CONTROL OF IMPORT OF TIMBER

- 39. Importation of timber
 - 40. Application for inspection
 - 41. Clearance certificate
 - 42. Documents may be required
 - 43. Power of Conservator to have timber fumigated, etc.
- | | | |
|---------------------|---|---|
| First Schedule | — | Inspector's Certificate |
| Second Schedule | — | Declared Noxious Weeds and Areas to be Kept Free from Noxious Weeds |
| Third Schedule | — | Areas in which Measures Must Be Taken in Accordance with Notice to Owners and Occupiers |
| Fourth Schedule | — | Notice to Occupier |
| Fifth Schedule | — | (Revoked) |
| Sixth Schedule | — | (Revoked) |
| Seventh Schedule | — | Permit to Import Timber |
| Eighth Schedule | — | Application for Inspection of Timber |
| Ninth Schedule | — | Clearance Certificate for Timber to be Imported |
| Tenth Schedule | — | (Revoked) |
| Eleventh Schedule | — | (Revoked) |
| Twelfth Schedule | — | (Revoked) |
| Thirteenth Schedule | — | Areas Infected with the Pest Known as Rhinoceros Beetle |

Regulations 31 May 1965, 8 November 1965, Legal Notices Nos. 25 of 1967, 36 of 1967, 30 of 1968, 160 of 1968, 7 of 1969, 20 of 1969, 32 of 1969, 82 of 1969, 136 of 1969, 146 of 1969, 165 of 1969, 13 of 1970, 107 of 1970, 112 of 1970, 44 of 1971, 78 of 1971, 126 of 1971, 146 of 1971, 44 of 1972, 100 of 1972, 110 of 1972, 41 of 1973, 9 of 1977, 84 of 1979, 26 of 1984

PART I—PRELIMINARY

Short title

1. These Regulations may be cited as the Noxious Weeds, Pests and Diseases of Plants Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—
“clean area” means an area specified in the Fifth Schedule;

- "coconut palm" includes any stump or part of the stump of a coconut palm;
- "infected area" means an area specified in the Thirteenth Schedule as an area infected with the pest known as the rhinoceros beetle and includes all waters within 800 m of the high water mark on the coast of any island so specified;
- "master of a vessel" means the person in charge of any vessel and the commander of an aircraft, or if there be no commander, the pilot thereof;
- "Permanent Secretary" means the Permanent Secretary for Primary Industries;
- "quarantine area" means an area specified in the Eleventh Schedule;
- "rhinoceros beetle" means the rhinoceros beetle (*Oryctes rhinoceros* L.) and includes any egg, pupa and larva of the rhinoceros beetle;
- "timber" means logs, poles, branchwood, firewood and all wood which has been split, hewn, sawn or dressed but not otherwise manufactured but includes prefabricated housing units;
- "timber inspector" means an inspector appointed under section 3 of the Act to perform duties relating to timber under the provisions of Parts II and VI;
- "vessel" includes any aircraft and anything made or used for the conveyance by water or human beings of property.
- (Amended by Legal Notice 25 of 1967; 107 of 1970; 112 of 1970.)

PART II—IMPORTATION OF PLANTS

Disposal of illegally imported plants or material

- 3.—(1) Hay, straw, chaff, leaves or forest litter used as fodder, packing material or litter or ship's dunnage illegally imported or contaminated shall be incinerated, disinfected or otherwise disposed of by an inspector.
- (2) Plants, together with their wrapping or packing material or containers, found to be contaminated or illegally imported may be incinerated or disinfected: Provided that an inspector may, at his discretion, order illegal importations to be removed from Fiji or, if there is no contamination, release them to the importer.
- (3) Illegally imported soil, clay, sand or earth, together with the containers thereof, shall be incinerated or dumped at sea under the supervision of an inspector.
- (4) Illegally imported living fungi, bacteria, viruses or invertebrate animals shall be incinerated.

Permanent Secretary may order plants to be grown in specified places

4. The Permanent Secretary may, in his discretion, order that any plant imported into Fiji for the purpose of propagation shall be grown in a place indicated by him and under such conditions as he may specify, during a period not exceeding 12 months from the date of planting.

Prohibition on growing certain plants

- 5.—(1) The growing of any plant of the family *Palmae* is prohibited on the Wharf Reclamation, Suva, and an inspector may condemn and remove any such plant in the event of an occupier of any land on the said Reclamation failing to remove any such plants.

(2) Bananas, breadfruit, cacao, citrus of all species, coffee, cotton, ground nut, Manilla hemp, palms, pineapple, rubber, sugarcane, tobacco, cereals, pulses, edible tubers and root crops (except European potatoes), tomato or other plants bearing succulent fruit and any other plants which may, from time to time be specified by the Permanent Secretary shall not be grown within a radius of 800 m from the terminal building at Nadi International Airport without prior written permission from the Permanent Secretary. (*Amended by Legal Notice 84 of 1979.*)

Procedure on arrival of vessels or aircraft

6. Upon the arrival in Fiji of a vessel from a place outside Fiji—
- (a) an inspector may subject such vessel and its cargo to examination and to disinfection in such a manner as may be prescribed by the Permanent Secretary;
 - (b) garbage from such vessel shall not be landed except in a tightly closed container for incineration under the supervision of an inspector;
 - (c) the baggage and personal effects of passengers landing from such vessel shall, on demand, be submitted for examination by an inspector who may, at his discretion, fumigate such baggage and personal effects; and, without the permission of an inspector, such baggage or personal effects shall not be released by the Customs;
 - (d) if the vessel, prior to its arrival in Fiji has called within the preceding 20 days at any port where, in the opinion of the Permanent Secretary, it may have become contaminated, the Permanent Secretary may require—
 - (i) that the vessel shall first enter the port of Suva;
 - (ii) that holds which have been opened at ports infested by the rhinoceros beetle shall be kept closed from 1 hour before sunset until 1 hour after sunrise, when the vessel is within 800 m of any land within Fiji;
 - (e) if the vessel, prior to its arrival in Fiji, has called within the preceding 20 days at any port infested with the rhinoceros beetle, or after its arrival in Fiji has called at a port infested with the said beetle, before proceeding to a port in a clean area the inspector may require that—
 - (i) while the vessel remains at such port in a clean area it shall be stationed at least 800 m from the nearest point of land during a period from 1 hour before sunset until 1 hour after sunrise;
 - (ii) no loading or unloading shall take place until an inspector has boarded the vessel;
 - (iii) no loading or unloading shall take place except in the presence of such inspector;
 - (iv) all loading and unloading of cargo shall take place during the hours of daylight, and into barges, at a distance of not less than 800 m from the shore, and all costs and charges incurred by the inspector in proceeding to and returning from the port in the clean area for the purpose of inspection of the vessel, and of accommodation at such port, shall be payable by the owners or agents of the vessel.

(*Amended by Legal Notice 84 of 1979.*)

Fumigation, etc.

7.—(1) All plant material or general cargo which, in the opinion of an inspector, is required to undergo fumigation or other treatment shall be transported by the importer at his own expense to such place as may be directed by the inspector and under such conditions as may be imposed:

Provided that no such plant material or general cargo shall be removed from a Customs area without the permission of the proper officer of Customs who may attach to such permission such conditions as may be necessary to secure the payment of any duty on such plant material or general cargo.

(2) The importer shall provide all necessary labour for the handling of the plant material or general cargo for the purpose of inspection, fumigation or other treatment thereof, and also for the return of the said plant material or general cargo after inspection, fumigation or other treatment to the custody of the Customs.

(3) For fumigation, dipping or spraying such fees as may be determined from time to time by the Permanent Secretary shall be charged.

(Amended by Legal Notice 26 of 1984.)

PART III—INSPECTION OF PLANTATIONS

Power of entry

8.—(1) An inspector shall have the power to enter on any land for the purpose of carrying out the inspection of plants thereon as provided in these Regulations.

(2) It shall be the duty of every occupier of land to conduct the inspector on request, over such land.

Duty of Inspector

9. An inspector may inspect plants which are attacked or likely to be attacked by disease, and it shall be lawful for such inspector to remove plants or any portion thereof for the purpose of this inspection or for transmission to the Permanent Secretary.

Prevention of spread of diseases

10. Upon an area being specified in the Thirteenth Schedule as an infected area, it shall be the duty of every occupier of land within the area or areas so specified in writing, to call the attention of an inspector to the presence of any disease on his land which resembles the disease mentioned in that Schedule, and to submit specimens if called upon to do so:

Provided that, in the case of native lands, the notice shall be sent through the buli or other responsible officer of the area.

Plants not to be removed from declared area

11. No plant or part of a plant attacked by, or subject to the attack of, a disease mentioned in the Thirteenth Schedule shall, except as provided for in regulation 10, be removed from land within an infected area, save and except as may be permitted by the Permanent Secretary from time to time by notice published in the Gazette.

Spraying and other treatment

12. The Permanent Secretary may, by notice in the Gazette, prescribe the steps to be taken to control or eradicate any disease, the material with which plants

attacked by disease shall be treated, and the manner in which such material shall be applied, and it shall be the duty of the occupier of land within the infected area, to cause plants on that land attacked by disease to be treated in the manner and with the material so prescribed.

Inspector may order treatment

13. If, on a visit by an inspector to an infected area, disease is found to be present, the inspector may order steps to be taken to control or eradicate such disease.

Plants to be kept under proper cultivation

14. Plants attacked or liable to be attacked by disease, growing in or on land within an infected area shall, if the Permanent Secretary so directs, be kept in a condition of cultivation to the satisfaction of the Permanent Secretary or an inspector:

Provided that, when it becomes necessary or desirable to cease cultivation on any such land, all such plants on the said land shall, unless the Permanent Secretary otherwise directs, be destroyed in a manner approved by him.

Destruction of plants

15. Notwithstanding anything contained in this Part, the Permanent Secretary may, if he shall think fit, order any plants which, in the opinion of an inspector, are infected or are in danger of becoming infected with any disease to be destroyed or disposed of or treated in such manner as such inspector shall order and, if such directions are not immediately carried out by the owner of such plants, they may be destroyed or disposed of or treated in such manner as such inspector shall order, at the expense of the owner.

Notification of plants affected by declared diseases

16. Every occupier of land within an infected area having plants attacked by or subject to the attacks of disease shall notify the Permanent Secretary in writing of the approximate area of cultivation of such plants and of the situation of the same:

Provided that, in the case of Fijian cultivation, the notification shall be sent by the buli through the District Officer of the area where such cultivation is situated.

PART IV—CONTROL AND ERADICATION OF NOXIOUS WEEDS

Importation of noxious weeds prohibited

17. Except with the written consent of the Permanent Secretary no person shall import into Fiji any noxious weed or shall propagate, sow, sell or distribute, or cause to be propagated, sown, sold or distributed, any such weed.

Inspector's power to enter land

18. An inspector appointed under the provisions of section 3 of the Act, for the purpose of carrying out his functions under this Part, may, between sunrise and sunset, enter any land other than a building and inspect it for the presence of declared noxious weeds or to ascertain whether there has been compliance with the requirements of these Regulations.

(Amended by Legal Notice 112 of 1970.)

Declaration of noxious weeds

19.—(1) The plants particulars of which are set out in the Part I of the Second Schedule are declared to be noxious weeds throughout Fiji.

(2) The occupier of land in any of the areas shown in column 1 of Part II of the Second Schedule shall keep such land entirely free from the noxious weed shown against that area in column 2 of that Schedule.

Eradication of weeds

20. The occupier of land in any of the areas shown in column 1 of the Third Schedule shall, with respect to the noxious weed shown against such area in column 2 of that Schedule, take such measures to eradicate or control such weed as the Permanent Secretary may, by notice in writing in the form set out in the Fourth Schedule, direct the occupier.

Permanent Secretary may issue instructions

21. The Permanent Secretary may, by notice in the Gazette, issue directions as to the measures to be taken in order to eradicate or control any weed, and every occupier of land in the area or areas specified in such notice shall carry out such directions.

A convicted person not to be relieved of obligations

22. Any person failing to comply with the provisions of this Part shall be guilty of an offence and shall not be relieved, on conviction of such offence, of the obligation to comply with such provisions or with the requirements of any notice made under the provisions of these Regulations.

PART V—CONTROL OF RHINOCEROS BEETLES

Importation prohibited

23. No person shall, except with the permission in writing of the Minister, import or bring into any island in Fiji any live rhinoceros beetle.

Movement of soil, etc.

24. No person shall, except with the permission in writing of the Permanent Secretary, move soil or compost material from any place in an infected area or quarantine area to a place outside such area.

(Amended by Legal Notice 25 of 1967.)

Destruction of dead palms

25. The occupier of any land in an infected area or quarantine area, shall deal with all dead coconut palms on such land, whether standing or lying, in 1 or other of the following ways:—

- (a) by destruction by fire;
- (b) by throwing such coconut palm into the sea or other body of water;
- (c) by splitting the coconut palm and by stacking the split pieces in such manner that air may circulate freely around each split piece.

(Amended by Legal Notice 20 of 1969.)

Clearing of land

26. The occupier of any land in an infected area or quarantine area shall forthwith clear and keep clear the weeds, grass and undergrowth on the land around the base of each coconut palm growing on such land to a distance of 5 m from such base.

(Amended by Legal Notice 20 of 1969; 84 of 1979.)

Duty to destroy beetle

27. Where any rhinoceros beetle is on any land in an infected area, the occupier of such land shall use his utmost endeavours to destroy such beetle.

Duty to report

28. Where any rhinoceros beetle is on any land in a clean area, the occupier of such land shall forthwith report that fact to the Permanent Secretary or to an inspector.

Power of entry

29. An inspector shall be entitled to enter upon any land in an infected area or upon any land or premises not being a dwelling-house within 800 m of any jetty, wharf or landing place in any other area, for the purpose of inspecting for the presence of rhinoceros beetle, and such inspector may do all things which he reasonably considers necessary for the purpose of carrying out such inspection and for the destruction of any rhinoceros beetle found thereon.

(Amended by Legal Notice 84 of 1979.)

Instructions by inspector

30.—(1) An inspector may give to the occupier of any land in an infected area, or any land or premises within 800 m of any jetty, wharf or landing place in any other area, such written instructions for the destruction of rhinoceros beetle and for the destruction or clearing of breeding places and potential breeding places of rhinoceros beetle on such land or premises as the inspector reasonably considers necessary.

(2) The occupier shall carry out any instructions given under the provisions of this regulation.

(3) An inspector may carry out on any land in an infected area or on any land or premises, not being a dwelling-house, within 800 m of any jetty, wharf or landing place in any other area upon which rhinoceros beetle has been found, any measures which he reasonably considers necessary for the destruction of the beetle or for the destruction or cleaning of breeding places or potential breeding places of the beetle on such land or premises. *(Amended by Legal Notice 84 of 1979.)*

(4) For the purposes of carrying out measures under the powers conferred by this regulation, an inspector may bring or send on to such land or premises such persons as he may consider necessary for that purpose.

(5) The cost of measures carried out under the powers conferred by this regulation, may be recoverable from the occupier as a debt due to the Crown.

Quarantine Areas

30A. The areas specified in the Eleventh Schedule are hereby declared to be quarantine areas.

(Inserted by Legal Notice 20 of 1969.)

Inspector may board and inspect vessels in certain areas

31.—(1) An inspector, with such assistants as he may require, shall be entitled to board any vessel in an infected area or quarantine area or in territorial waters surrounding such infected area or quarantine area, for the purpose of inspecting such vessel for the presence of rhinoceros beetle and do all such things which he may reasonably consider necessary for the purpose of such inspection and for the destruction of any rhinoceros beetle found on such vessel.

(2) The master of a vessel in an infected area or quarantine area or in territorial waters surrounding such infected area or quarantine area shall give the inspector all reasonable facilities for the proper exercise of his powers under the provisions of this regulation. (*Amended by Legal Notice 25 of 1967.*)

Voyaging from infected area to clean area

32.—(1) No vessel shall voyage from an infected area or quarantine area to a clean area or quarantine area unless—

(a) the vessel leaves such infected area or quarantine area from a port specified in the Tenth Schedule (such ports being hereinafter referred to in this regulation as "declared ports");

(b) the master of such vessel is in possession of a certificate in the form prescribed in the Sixth Schedule, signed by an inspector.

(*Amended by Legal Notice 25 of 1967.*)

(2) The master of a vessel who intends to voyage from a declared port to any part of a clean area or quarantine area shall inform an inspector at such port, at least one hour before the departure of such vessel, of the date and, if necessary, of the time of his departure on such voyage and shall further state the port of destination of such vessel and any intermediate ports of call. (*Amended by Legal Notice 25 of 1967; 20 of 1969.*)

(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.

(3A) A certificate issued by an inspector at one of the particular ports specified in the Twelfth Schedule shall be valid only for a voyage to such port as shall be specified in such certificate. (*Inserted by Legal Notice 20 of 1969.*)

(4) A certificate shall cease to have effect when the vessel, having departed from a declared port on a voyage to a clean area or quarantine area, arrives at any port of such area:

Provided that, where a certificate specifies a port of destination in a quarantine area, such certificate shall be valid only for a voyage to such port and shall cease to have effect when the vessel arrives thereat. (*Amended by Legal Notice 20 of 1969.*)

(5) No inspector shall issue a certificate unless, immediately prior to the issue thereof, he has satisfied himself that the vessel is free from rhinoceros beetle.

Power to board vessels

33.—(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 rhinoceros beetle and may do all such things which he may reasonably consider necessary for the purpose of such inspection and for the destruction of any rhinoceros beetle found therein.

(2) The master of such vessel shall give the inspector all reasonable facilities for the proper exercise of his powers under the provisions of 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 the provisions of regulation 32.

(4) For the purpose of this regulation, "voyage" means the voyage for which a certificate is required under the provisions of regulation 32.

Inspection points

34.—(1) The Permanent Secretary may set up inspection points on any road in or near an infected area or quarantine area, and the setting up of any such point shall be notified in the Gazette. (*Amended by Legal Notice 25 of 1967.*)

(2) Every driver of a vehicle shall, upon reaching an inspection point, stop the vehicle and shall not leave such point until the vehicle has been inspected for the presence of rhinoceros beetle by an inspector:

Provided that the Permanent Secretary may, by notice in the Gazette, provide for exemption from this requirement under such conditions as may be set out in such notice.

(3) An inspector shall be entitled to inspect for the presence of rhinoceros beetle any vehicle which goes to the inspection point and any baggage or load in such vehicle, and may do all such things which he may reasonably consider to be necessary for the purpose of carrying out such inspection and for the destruction of any rhinoceros beetle found.

(4) The driver of any vehicle, upon reaching an inspection point, shall give all reasonable facilities to an inspector to enable the inspection to be carried out.

Inspection

35.—(1) An inspector shall be entitled to inspect for the presence of rhinoceros beetle any basket, mat or any agricultural produce carried or conveyed by any person in an infected area or quarantine area and may do all things which he may reasonably consider to be necessary for the purpose of carrying out such inspection and for the destruction of any rhinoceros beetle found.

(2) Any person carrying or conveying a basket, mat or any agricultural produce in an infected area or quarantine area shall, upon request by an inspector, grant all reasonable facilities to enable the inspector to carry out an inspection of such basket, mat or agricultural produce.

(*Amended by Legal Notice 25 of 1967.*)

Export of plants from an infected area or quarantine area

36.—(1) No person shall, without the permission in writing of the Permanent Secretary, export or cause to be exported from an infected area or quarantine area any plant other than any vegetable imported into Fiji for human consumption or any seed for the purpose of importing such plant or causing such plant to be imported into a clean area.

(2) An inspector shall be entitled to board any vessel which he has reason to believe is about to depart from an infected area for a clean area or quarantine area and to search the vessel and any cargo or baggage therein, and may seize any plant other than any imported vegetable imported into Fiji for human consumption, or any seed, unless he is satisfied that it is not intended to export such plant in contravention of the provisions of this regulation.

(*Amended by Legal Notice 25 of 1967.*)

Obstruction of Inspector

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

Defence

38. An occupier charged with an offence under the provisions of regulation 27 or 28 shall not be convicted if he shall satisfy the court that he was unaware of the presence on his land of the rhinoceros beetle and that, in all the circumstances of the case, it was reasonable that he should not have had such knowledge.

PART VI—CONTROL OF IMPORT OF TIMBER

Importation of timber

39. Subject as hereinafter mentioned, no timber may be imported into Fiji unless a permit in the form prescribed in the Seventh Schedule is first obtained from the Minister:

Provided that a permit shall not be required in the case of sawn or dressed timber if all such timber is covered by a phytosanitary certificate or is supported by documentary evidence to show that the timber or, in the case of prefabricated housing units, the timber used in the fabrication of the units, has been either—

- (a) graded according to rules recognized internationally by the timber trade; or
- (b) treated with preservatives according to specifications approved by the appropriate authority in the country of origin.

Application for inspection

40. Notwithstanding the provisions of regulation 39, in all cases when it is required to import timber into Fiji, an application for inspection in the form prescribed in the Eighth Schedule shall be forwarded to the Minister or to such other officer as the Minister may direct who shall arrange for an inspection to take place.

Clearance certificate

41. No imported timber shall be removed from the custody of the Customs Department at the port of entry until a clearance certificate in the form prescribed in the Ninth Schedule, signed by a timber inspector, has been received by the Customs Officer concerned.

Documents may be required

42. An importer of timber may be called upon by a timber inspector to produce documents as evidence of phytosanitary inspection or grading or preservative treatment in the country of origin as may be required in accordance with the provisions of regulation 39 before a clearance certificate in respect of the timber is issued.

Power of Conservator to have timber fumigated, etc.

43. In the event of timber being imported contrary to the provisions of regulation 39, or if any imported timber is found by an inspector to be contaminated, the importer may be ordered by the Minister to have the timber fumigated or otherwise treated or, if necessary, disposed of in accordance with the provisions of regulation 7.

FIRST SCHEDULE

PLANT QUARANTINE ACT

INSPECTOR'S CERTIFICATE

This is to certify that the importation of plants as follows:—

Marks	No. of Packages	Contents
.....
.....
.....
.....
.....

Imported by
 by vessel/

From aircraft

has been examined by me and that the importation has been dealt with as provided in the Plant Quarantine Act and the Regulations thereunder.

Fees payable: \$

(Signature).....
 (Official designation).....
 (Date).....

This is to certify that the above charges have been paid.

(Signature).....
 (Date).....

SECOND SCHEDULE

(Regulation 19)

(Amended by Regulations 8 November 1965; Legal Notice 41 of 1973.)

PART I—DECLARED NOXIOUS WEEDS

Acacia farnesiana Willd.....	Ellington Curse or Prickly Acacia.
Clidemia hirta Don.	Koster's Curse.
Eichhornia crassipes Solms.....	Water Hyacinth.
Elephantopus mollis H.B.K.	False Tobacco Weed.
Elephantopus spicatus Aubl.....	Yasawa Tobacco Weed.
Hyptis pectinata (L.) Poit.	Mint Weed.
Ischaemum rugosum Salisb.	Muraina grass.
Mimosa invisa Mart.	Giant Sensitive Plant.
Opuntia (all species).....	Prickly Pear.
Sida acuta Burm. f.	Broom Weed.
Solanum torvum Sw.	Prickly Solanum Weed.

<i>Sorghum halepense</i> (L.)	Johnson grass.
<i>Pers. and S. halepense</i> (L.) <i>Pers</i> <i>forma muticum</i> C. E. Hubbard.	
<i>Urena lobata</i> L.	Hibiscus burr.
<i>Xanthium pungens</i> Wallr.	Noogoora burr.
<i>Cyperus aromaticus</i> (Ridl.) Mattf. and <i>Kukenth.</i>	Navua sedge.
<i>Lantana camara</i> L.	Lantana.
<i>Derris elliptica</i> Berth.....	Derris.
<i>Derris trifoliata</i> Laur.	Derris.

PART II—AREAS TO BE KEPT FREE FROM NOXIOUS WEEDS

Areas

The whole of Fiji except the tikina of Raviravi, Rakiraki and Navolau of Ra Province, Viti Levu.

The whole of Fiji except the Provinces of Serua, Namosi, Rewa, Naitasiri of Viti Levu and Cakaudrove of Vanua Levu.

The whole of Fiji except the Provinces of Serua, Rewa and the tikina of Naitasiri and Bau in the Province of Tailevu.

Province of Ba in Viti Levu, Vanua Levu (except the Province of Bua), Kadavu

The whole of Fiji.

The whole of Fiji.

The whole of Fiji except the Province of Ba, Viti Levu.

The whole of Fiji except the Province of Ba and tikina of Labasa, Vanua Levu.

The whole of Fiji except Viti Levu

The whole of Fiji excluding the Provinces of Nadroga and Navosa, Ra and Ba of Viti Levu.

The whole of Fiji except the islands of Waya and Naviti in the Yasawa Group.

The whole of Fiji

Noxious Weeds

Acacia farnesiana (Linn) Willd. Ellington curse.

Cyperus aromaticus (Ridley) Mattf and Kukenth Navua sedge.

Eichhornia crassipes (Solms) Water hyacinth.

Elephantopus mollis T.B.K. Tobacco weed.

Mimosa invisa (Mart) Giant sensitive plant.

Opuntia vulgaris Mill Prickly pear.

Sida acuta Burm f: Broom weed.

Sorghum halepense (L) Pers and *sorghum halepense* (L) Pers *forma muticum* C.E.H. Hubbard Johnson grass.

Solanum torvum Sw. Prickly solanum.

Xanthium pungens Wallr Noogoora burr.

Elephantopus spicatus Yasawa tobacco weed.

Derris elliptica Benth *Derris trifoliata*, Laur.

THIRD SCHEDULE

(Regulation 20)

(Amended by Regulations 8 November 1965; Legal Notice 41 of 1973.)

AREAS IN WHICH MEASURES MUST BE TAKEN IN ACCORDANCE
WITH NOTICE TO OWNERS AND OCCUPIERS GIVEN BY THE PERMA-
NENT SECRETARY OF AGRICULTURE AND FISHERIES

Areas	Noxious Weeds
Tikina of Raviravi, Rakiraki, Navolau and Naroko in Ra Province, Viti Levu. The whole of Fiji.	<i>Acacia farnesiana</i> (Linn) Willd. <i>Clidemia hirta</i> (Linn) Don. Koster's curse.
Provinces of Serua, Namosi, Rewa, Naitasiri in Viti Levu, Cakaudrove in Vanua Levu.	<i>Cyperus aromaticus</i> (Ridly) Matf and Kukenth Navua sedge.
Provinces of Serua, Rewa and the tikina of Naitasiri and Bau.	<i>Eichhornia crassipes</i> (Solms) Water hyacinth.
Provinces of Tailevu, Naitasiri, Rewa, Serua and Nadroga and Navosa and Ra in Viti Levu, Province of Bua in Vanua Levu. The whole of Fiji. The whole of Fiji.	<i>Elephantopus mollis</i> H.B.K. False tobacco weed. <i>Hyptis pectinata</i> (Linn) Poit. Mint weed. <i>Ischaemum rugosum</i> Salisb. Muraina grass.
The whole of Fiji. Province of Ba in Viti Levu. Province of Ba in Viti Levu, tikina of Labasa in Vanua Levu.	<i>Lantana camara</i> Linn. Lantana. <i>Sida acuta</i> Burm f: Broomweed. <i>Sorghum halepense</i> (L) Pers and <i>sorghum halepense</i> (L) Pers <i>forma muticum</i> C.E. Hubbard Johnson grass.
Viti Levu. The whole of Fiji. The whole of Fiji.	<i>Solanum torvum</i> Sw. Prickly solanum. <i>Urena lobata</i> (Linn) Hibiscus burr. <i>Elephantopus spicatus</i> Yasawa tobacco weed.

FOURTH SCHEDULE

(Regulation 20)

NOXIOUS WEEDS, PESTS AND DISEASES OF PLANTS REGULATIONS

To: (Address and occupation).
TAKE NOTICE that, in respect of land owned or occupied by you and hereunder described, you are hereby required to comply with the requirements mentioned below; and I hereby call on you to commence the necessary work within

days from the date of this notice, and thereafter to continue the work until the said requirements are effectively complied with, being not later than theday of, 19..... .

Name of land Area

Noxious Weeds

Control measures:

Dated this.....day of....., 19..... .

.....
Inspector

FIFTH SCHEDULE

* * * * *

(Revoked by Legal Notice 9 of 1977)

SIXTH SCHEDULE

* * * * *

(Revoked by Legal Notice 9 of 1977)

SEVENTH SCHEDULE

(Regulation 39)

NOXIOUS WEEDS, PESTS AND DISEASES OF PLANTS REGULATIONS

PERMIT TO IMPORT TIMBER

Permit No.

1. Name of importer:
2. Address:
3. Country of origin of timber to be imported:
4. Port at which timber will be unloaded in Fiji:
5. DESCRIPTION OF TIMBER TO BE IMPORTED:
 - (a) Species or trade name:
 - (b) Size (cross-section):
 - (c) Quantity (super feet):
 - (d) Other particulars:

The above-named importer is hereby permitted to import timber as described

above from the country of origin as stated, subject to the conditions stated on the back hereof.

Signed:.....
Minister for Primary Industries

Date:.....

NOTE. This permit is valid for a period of 6 months only from date of issue.

EIGHTH SCHEDULE
(Regulation 40)

NOXIOUS WEEDS, PESTS AND DISEASES OF PLANTS REGULATIONS

APPLICATION FOR INSPECTION OF TIMBER

To: The Minister for Primary Industries

I hereby apply for the inspection of timber, as described below, to be imported into Fiji, in accordance with the requirements of the Noxious Weeds, Pests and Diseases of Plant Regulations.

Signed:.....
(Importer)

Date:..... Address:.....

1. DESCRIPTION OF TIMBER TO BE IMPORTED:

- (a) Species or trade name:
- (b) Size (cross-section):
- (c) Quantity (super feet):
- (d) other particulars:

2. SHIPPING PARTICULARS:

- (a) Name of ship:
- (b) Port of loading:
- (c) Discharging at:
- (d) Expected date of arrival:

3. Reference No. of Permit to Import Timber (if any)

NINTH SCHEDULE
(Regulation 41)

NOXIOUS WEEDS, PESTS AND DISEASES OF PLANTS REGULATIONS

CLEARANCE CERTIFICATE FOR TIMBER TO BE IMPORTED

To: The Customs Officer,
.....

I hereby certify that the timber described hereunder has been inspected by me

in accordance with the requirements of the Noxious Weeds, Pests and Diseases of Plants Regulations, and is passed as fit for import into Fiji.

Signed:.....
Timber Inspector

Date:.....

DESCRIPTION OF TIMBER INSPECTED:

- (a) Discharged from (name of ship):
- (b) Species of trade name:
- (c) Size (cross-section):
- (d) Quantity (super feet):
- (e) Brand or marks (if any):
- (f) Other particulars:

TENTH SCHEDULE

* * * * *

(Revoked by Legal Notice 9 of 1977)

ELEVENTH SCHEDULE

* * * * *

(Inserted by Legal Notice 25 of 1967; revoked by Legal Notice 9 of 1977)

TWELFTH SCHEDULE

* * * * *

(Inserted by Legal Notice 20 of 1969; revoked by Legal Notice 100 of 1972)

THIRTEENTH SCHEDULE

(Regulation 2)

AREAS INFECTED WITH THE PEST KNOWN AS RHINOCEROS BEETLE*

1. The island of Vanua Levu and all islands within 5 miles of the high water mark on the coast surrounding such island.
2. The island of Viti Levu and all islands within 5 miles of the high water mark on the coast surrounding such island.
3. The islands of Vomo, Kadavulailai, Waya and Naviti in the tikina of Vuda in the province of Ba and all islands within 5 miles of the high water mark on the coast surrounding such islands.

* These areas were originally declared under section 10 of the Noxious Weeds, Pests and Diseases of Plants Ordinance, 1964 (Chapter 133, 1967 Edition).

4. All islands of the Yasawa group in the province of Ba, except the island of Viwa in the tikina of Naviti.
5. The island of Viwa in the tikina of Naviti in the province of Ba.
6. The islands of Yadua and Namena in the province of Bua.
7. The island of Laucala in the tikina of Wainikeli in the province of Cakaudrove.
8. The island of Qamea in the tikina of Wainikeli in the province of Cakaudrove.
9. The island of Matagi in the tikina of Wainikeli in the province of Cakaudrove.
10. The islands of Taveuni, Viubani and Korolevu in the province of Cakaudrove.
11. The island of Rabi in the province of Cakaudrove.
12. The islands of Kioa and Vanada in the province of Cakaudrove.
13. All islands in the tikina of Ono, except Vatoa, in the province of Lau.
14. The island of Moala in the province of Lau.
15. The island of Ovalau in the province of Lomaiviti and all islands within 5 miles of the high water mark on the coast surrounding such island.
16. The island of Batiki in the province of Lomaiviti and all islands within 5 miles of the high water mark on the coast surrounding such island.
17. The islands of Makogai and Makodraga in the province of Lomaiviti.
18. The island of Gau in the province of Lomaiviti and all islands within 5 miles of the high water mark on the coast surrounding such island.
19. The island of Nairai in the province of Lomaiviti and all islands within 5 miles of the high water mark on the coast surrounding such island.
20. The island of Wakaya in the province of Lomaiviti.
21. The island of Kia in the province of Macuatā.
22. The island of Vatulele in the tikina of Vatulele in the province of Nadroga and Navosa and all islands within 5 miles of the high water mark on the coast surrounding such island.
23. All islands in the Mamanuca and Malolo groups in the tikina of Malolo in the province of Nadroga and Navosa.
24. The island of Beqa in the province of Rewa and all islands within 5 miles of the high water mark on the coast surrounding such island.
25. The island of Yanuca in the province of Serua and all islands within 5 miles of the high water mark on the coast surrounding such island.

NOTE:—References to the original delarations are as follows:—

- | | |
|-----------------------------------|-----------------------------------|
| 1. Legal Notice No. 105 of 1972. | 14. Legal Notice No. 107 of 1972. |
| 2. Proclamation No. 22 of 1966. | 15. Proclamation No. 22 of 1966. |
| 3. Proclamation No. 22 of 1966. | 16. Proclamation No. 22 of 1966. |
| 4. Legal Notice No. 29 of 1968. | 17. Proclamation No. 22 of 1966. |
| 5. Legal Notice No. 196 of 1968. | 18. Legal Notice No. 159 of 1968. |
| 6. Legal Notice No. 105 of 1972. | 19. Legal Notice No. 164 of 1969. |
| 7. Legal Notice No. 196 of 1968. | 20. Legal Notice No. 80 of 1971. |
| 8. Legal Notice No. 205 of 1968. | 21. Legal Notice No. 105 of 1972. |
| 9. Legal Notice No. 11 of 1969. | 22. Legal Notice No. 105 of 1972. |
| 10. Legal Notice No. 137 of 1969. | 23. Proclamation No. 22 of 1966. |
| 11. Legal Notice No. 80 of 1971. | 24. Proclamation No. 22 of 1966. |
| 12. Legal Notice No. 45 of 1972. | 25. Proclamation No. 22 of 1966. |
| 13. Legal Notice No. 106 of 1970. | |

SECTION 36—NOXIOUS WEEDS, PESTS AND DISEASES OF PLANTS
(CITRUS CANKER) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Interpretation
3. Quarantine area for citrus
4. Inspectors' powers
5. Offences

Schedule—Quarantine Area

Legal Notice No. 61 of 1968

Short title

1. These Regulations may be cited as the Noxious Weeds, Pests and Diseases of Plants (Citrus Canker) Regulations.

Interpretation

2. In these Regulations—
 - (a) "citrus canker" means the disease known as *xanthomonas citri*;
 - (b) "citrus plant" and "citrus fruit" mean citrus plant and citrus fruit grown or produced in Fiji;
 - (c) "vessel" includes aircraft and "master of a vessel" includes the commander of an aircraft or, if there is no commander, the pilot thereof;
 - (d) "quarantine area" means the area specified in the Schedule.

Quarantine area for citrus

3. No person shall, except with the permission in writing of the Permanent Secretary for Primary Industries or an inspector, bring or attempt to bring into the quarantine area any citrus plant or citrus fruit from any other part of Fiji.

Inspectors' powers

- 4.—(1) An inspector, with such assistants as he may require, shall be entitled to board, at any place—
 - (a) any vessel voyaging or intending to voyage to the quarantine area from any other part of Fiji; or
 - (b) any such vessel arriving at any place in the quarantine area or in the territorial waters surrounding such area,in order to ascertain if any citrus plant or citrus fruit is being carried in such vessel.
 - (2) The master of any such vessel shall give the inspector all reasonable facilities for the proper exercise of his powers under the provisions of this regulation.

(3) Any citrus plant or citrus fruit found on any such vessel may be seized by the inspector and destroyed or disposed of in such other manner as the inspector may consider appropriate.

(4) No compensation shall be payable in respect of any citrus plant or citrus fruit destroyed or disposed of under the provisions of this regulation.

Offences

5. Any person who contravenes the provisions of regulation 3 and the master of any vessel who, without reasonable cause, fails to comply with the provisions of paragraph (2) of regulation 4 shall be guilty of an offence.

SCHEDULE
(Regulation 2)

QUARANTINE AREA

Rotuma and the islands of Vanua Levu, Taveuni, Yadua, Yaqaqa, Galoa, Cikobia, Kia, Mali, Macuata-i-wai, Druadrua, Toto, Rabi, Kioa, Yanuca, Yavu, Cobia, Matagi, Laucala, Qamea, Maqewa and Qelelevu.

SECTION 37—DELEGATION OF FUNCTIONS

Legal Notice No. 119 of 1982

The Minister for Primary Industries has delegated to the Permanent Secretary for Primary Industries such of his functions under the Act as are set out in the Schedule.

SCHEDULE

<i>Section</i>	<i>Function</i>
3(2)	Power to appoint temporary inspectors.
4(2)	Power to give directions on the regulation, management and control of quarantine stations, and the disposal, treatment or destruction of plants, plant material and regulated material while in a quarantine station or in transit to and from a quarantine station.
11.....	Power to issue permits to import plants.
12(1).....	Power to issue permits to import plant material.
13.....	Power to issue permits to import living cultures and organisms.
15.....	Power to receive notification of intended date of arrival of plants, plant material and regulated material.
18.....	Power to import, or to authorise an organisation to import, prohibited plants, plant material and regulated material for purposes of scientific research.
21.....	Power to order destruction of contaminated plants, plant material and regulated material.
22(2).....	Power to direct destruction of seized plants, plant material and regulated material.
23(1).....	Power to issue permits to import noxious weeds.

Controlled by Ministry of Primary Industries