

PLANT PROTECTION ACT 1997

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ACT. NO.9 OF 1997

**I, ASSENT
DR. SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL
22nd June 1998**

**AN ACT TO MAKE PROVISIONS FOR PREVENTING THE
INTRODUCTION AND SPREAD OF THE PLANT PESTS AND
OTHER MATTERS CONNECTED THEREWITH.**

ENACTED by the House of Representatives of Zanzibar

Short title and
commencement

1. This Act may be cited as the Plant Protection Act 1997, and shall come into operation on such date as the Minister may, by order published in the official Gazette, appoint.

Interpretation

2. In this Act unless the context otherwise requires: “Beneficial organism” means any organism, including fungi bacteria, viruses, virus-like organisms or invertebrate animals utilized specifically For the control of a pest or weed, for pollination,. for the production of commercially valuable products, or for other purposes beneficial to agricultural production

“Conveyance” means any vessel, aircraft, truck, cart, cargo container, animal or other device whereby goods, soil or other things may moved From one place to another

“Infested” means harboring or contaminated by a pest

“Inspector” means harboring any inspector appointed under;

“International Phytosanitary certificate” Means a phytosanitary certificate substantially in the form of the Model Phytosanitary certificate annexed to the International Plant Protection convention of 1951 as amended in 1979, and issued by or under authority of technically qualified and duly authorized officer

“Minister” means the Minister for the time being responsible for Agriculture in Zanzibar.

“Nursery” means any place used for raising or growing of plant materials for sale

“Packaging” means any means by which plant material pests. Beneficial organisms, goods or soil may be enclosed encased covered. contained supported or packed

“Pest” means any form of plant or non domesticated animal life or any pathogenic agent other than a beneficial organism which can be injurious to plant material or to beneficial organism and includes any weed.

“Plant material” means any plant, plant part product which can be affected by or can harbor a pest: - roots, leaves, stems, seeds, flowers, etc.

“Point of entry” means any seaport, airport, post office, transport terminal or border post, where goods may enter legally into Zanzibar

“Post entry quarantine station” means a place for the holding of plant material or beneficial organisms in secure conditions, for observation inspection, treatment or research after they have been imported into Zanzibar,

“Prescribed” means prescribed by regulations made under this Act,

“Propagative material” means any living plant or part thereof (including seed, corn, cutting, bud or rhizome) used or intended for propagation;

“Quarantine” means a biologically secure state with respect to dispersal or dissemination of pests

“Quarantine station” a place for the inspection detention, treatment, reconsignment or destruction of plant material, pests, beneficial organisms, goods, or soil being imported into or exported from Zanzibar.

“Soil” means any medium (including earth, water, compost or clay) which is capable of supporting plant life, or of harboring or transmitting pests;

“Treatment” means any appropriate process (including the use of chemicals heat or low temperature) for ensuring the removal, sterilization or killing of a pest;

“Weed” means any plant potentially injurious to agriculture in Zanzibar which is declared by the Minister, by notice published in the official Gazette, to be a weed under this Act

“Plant Protection Division” means a government institution within the Ministry of Agriculture Zanzibar, legally mandated to be responsible of managing all pest control activities inspections, quality control of

agriculture produce and quarantine re managing all pest control activities inspections, s quality control of regulations;

“Head of Plant Protection Division” means any senior and qualified Agricultural office to be nominated by the Minister of Agriculture by notice published in the official Gazette

PART II IMPORTATION OF PLANTS, ETC

Declaration of point of entry and Quarantine stations

3. The Minister may, from time by time by notice published in the official Gazette.

(a) declare any points of entry to be the only points where plant material, pests, beneficial organisms or soil may be imported into Zanzibar and;

(b) declare any suitable premises to be quarantine stations, or post – entry Quarantine stations, for the detention and treatment of plant material pests, beneficial organisms or soil imported into Zanzibar.

Importations generally

4. (1) No person shall import any plant material, pests, beneficial organism or soil into Zanzibar except:

i) to the extent, if any, that is provided for by this Act;

ii) in accordance with the requirements of this Act, and the terms and conditions of any permit issued under this Act;

iii) through a point of entry declared under section 3 of this Act.

(2) Any material, pest beneficial organism or soil imported into Zanzibar must be clearly identified, and must be declared to an authorized inspector and be made available for inspection and any subsequent action required by this Act.

(3) Unless exempted under subsection (6) of this section, no plant material may be imported into Zanzibar without import permit and phytosanitary certificate (International model), stating that it is free from quarantine pests and practically free from other pests, and that it complied generally with the quarantine requirements of Zanzibar.

(4) Unless exempted under subsection (6) no plant material may be Imported into Zanzibar without import permit and phytosanitary certificate (International model), stating that it is free from quarantine pests and practically, free from other pests and practically, free from

other pests, and that it complies with the quarantine requirements of Zanzibar

(5) Except as provided for in subsection (6), no quarantine pest soil, Weed or prescribed plant material may be imported into Zanzibar.

(6) The Minister may, from time to time by notice published in the Official Gazette exempt from the requirement of subsection (3) and (4) any specified plant material or kind of plant material, provided that he is satisfied that its importation would not present a significant threat to the agriculture or natural environment of Zanzibar

(7) A permit issued under this section only authorizes the permit-holder to import:

- i) the item or items stated in the permit
- ii) upon the terms and conditions stated in permit;
- iii) within the period, if any, stated in the permit.

(8) Any plant material, culture or beneficial organism imported under a permit issue under this section must be held, grown and maintained in strict compliance with conditions stated in the permit, and must be made available for inspection by a inspector at all reasonable times.

(9) Unless exempted under subsection (6), no fresh fruits vegetables, flowers, flowering plants outside Zanzibar may be imported into Zanzibar without prescribed from the Ministry of Agriculture, Livestock and Natural Resources accompanied with phytosanitary certificate (International model) from the country or origin(except from Tanzania Mainland, where only permit is necessary). Upon the arrival at the entry points in Zanzibar the material has to pass through quarantine procedures as indicated in the subsection (5) of this section.

(10) Viable seeds of any plant species imported into Zanzibar shall require import permit to be issued prior to the importation (including probative materials). The seed shall be accompanied by phytosanitary certificate from the country of origin. This rule is herewith apply for seeds imported for the purpose of sowing by farmers or for research Exception may be considered by quarantine authorities, to those dry seeds in their original packing, where each packing contain only one species of plant seeds and originated from well recognized supplier

(11) All kinds of dry cereal grain legumes and pulses, to be imported commercially, shall require to be accompanied with phytosanitary certificates

(12) All kinds of unhusked grains like rice paddy or raw legumes etc, is prohibited except with import permit under specified conditions stated in the permit to be fulfilled by the importer

Importation for research purposes

5. –(1) Notwithstanding anything in this Act, but subject to subsection (2) and (3), the Minister may, for the purpose of essential scientific research or experiment permit the importation into Zanzibar of anything not otherwise eligible under this Act for importation

(2) The Minister shall not permit anything to be imported under subsection (1) unless he is satisfied that its importation will not present a significant threat to the agriculture or natural resources and environment of Zanzibar.

(3) An importation under this section shall be permitted subject to such safeguards and other terms and condition as the Minister thinks fit.

Conveyances

6. – (1)Any conveyance and its contents must, immediately upon its arrival in Zanzibar be made available for inspection, examination and treatment in accordance with this Act, and no person shall enter the conveyance or remove anything from it without the approval of an inspector, after such inspection and treatment has been completed.

(2) Any plant material or other things the subject of this Act arriving in Zanzibar in or on a conveyance but not being imported into Zanzibar must, request of and inspection and must be confined or otherwise or dealt with as the inspector direct until the conveyance s outside the jurisdiction of Zanzibar.

(3) If a conveyance is :-

(a) Found to have plant material or other things the subject of this Act in, on or adhering it, or.

(b) Found, or reasonably believed an inspector to be infested with a quarantine pest, it shall be subject to such treatment as an inspector may direct, and the conveyance shall not be released has been completed to the inspector's satisfaction.

(4) The master. of a conveyance shall:

(a) provide an inspector with such documents and other information in his possession or control concerning the conveyance and its contents as the inspector requests, or as may be prescribed;

(b) complete such a declaration concerning the conveyance and its contents as an inspector directs, or as may be prescribed, and.

(c) comply with any direction given inspector concerning the effective application and Maintenance of quarantine in accordance with this Act.

Packing material

7. No person shall introduce into Zanzibar as packing material, weeds of any species such as hay, straw, rice, husks, peat, chaff or other substance likely to harbor or support pests

Plants, etc, in transit.

8. –(1) For the purposes of this Act, any plant material or other thing to which this Act applies which is brought from any country into Zanzibar on transit to a third country shall, having been sealed and secured to the satisfaction of an inspector, be regarded, so far as may be, as if it were in quarantine under this Act while a waiting reshipment.

(2) If the state of quarantine referred to in subsection(1) is breached for any reason, the plant material or other thing concerned shall be regarded for purposes of this Act as having been imported into Zanzibar contrary to this Act.

Seizure of illegally imported plant, etc

9. (1) Subject to subsection (2), anything imported into Zanzibar contrary to this Act may be seized by an inspector, and at the importer's expense, be treated, destroyed or otherwise dealt with as the inspector thinks fit, or may be taken to a quarantine station for such further inspection, treatment and disposal as may be required.

(2) No inspector shall destroy anything under subsection (1) unless with the concurrence of a more senior inspector such as Head of Plant Protection Division, Commissioner for Research and or the Principal Secretary of the Ministry of Agriculture

Payment of inspection fees.

10. Unless the Minister announces in the Official Gazette, any changes of pay rates, the importers shall pay inspection of commercially imported commodities, permits and phytosanitary certificates at the costs Indicated in the Eleventh schedule of this Act

PART III CONTAINMENT AND ERADICATION OF PESTS

Declaration of quarantine pests.

11. The Minister may, from time to time, by notice published in the Official Gazette declare any pest which:

(a) presents, or is likely to present, a significant threat to the agriculture or natural environment of Zanzibar and

(b) either,

- (i) is not known to occur in Zanzibar; or
- (ii) is established in Zanzibar, and is the subject of active measures for its containment or eradication, as a quarantine pest

Control of quarantine pests.

12. –(1) The owner, occupier or person in charge of any land, premises or conveyance shall, at his own expense do whatever is directed by an inspector in respect of that land, premises or conveyance to eradicate any quarantine pest, or to contain the spread of any quarantine pests

(2) If the owner, occupier or person in charge fails to comply, to the satisfaction of the inspector, with any direction given under subsection (1) the inspector may carry out the measures directed at that person's expense.

(3) Subject to any rule made under section 24 of this Act, any inspector or his assistant may enter any land, building or other premises at all reasonable hour, for the purpose of discovering any suspected plant pests or ascertaining whether any order of inspector has been complied with

PART IV EXPORT OF PLANT, ETC

Pests in plant products for export

13. –(1) The Minister may, from time to time by notice published in the Official Gazette declare that any plant products carrying any pest in excess of an amount specified in the notice shall not be exported from Zanzibar.

(2) Certification that plant products are free from pests shall be as prescribed after the consignment to be exported has been inspected by produce inspectors, together with quality controller of Agricultural produce.

PART V MISCELLANEOUS PROVISIONS

Delegation

14. –(1) The Minister may be writing delegate any of his powers under this Act (except this power of delegation)

(2) Every delegation by the Minister shall be revocable in writing at his will, and no delegation shall prevent the exercise of any power by the Minister

Appointment of inspectors **15.** There shall be appointed from time to time under the public service Act such inspectors as may be necessary for the purposes of this Act

Powers of inspectors **16.** –(1) An inspector may, for the purposes of this Act, detain, open inspect, sample, submit for examination direct, removal to a quarantine station, remove for treatment and treat any plant material, pest, beneficial organism soil, packaging or other thing to which this Act applies, in manner as he thinks fit

(2) An inspector may, for the purposes of this Act, direct reshipment or otherwise dispose of any plant material, agricultural commodities, pest, beneficial organism, soil packaging or other thing to which this Act applies, or with the concurrence of a more senior inspector, order its destruction. be

(3) Any inspector may, for the purposes of this Act, inspect any store, warehouse, godown or other premises used for handling or storing plant material or agricultural commodities and if, such premises are found to excessively infested by any pest, they shall be subject to such treatment as the inspector may direct

(4) an inspector may, with the concurrence of a senior inspector, order the destruction of any plant material which he has reason the believe is infested by a quarantine pest.

(5) Inspectors shall have such other powers as are necessary or convenient for the performance of their functions under this Act, and as may be vested in them by regulations made under this, or any other Act

Duties of other officer **17.** – (1) Officers in the customs and postal services shall provide whatever assistance is necessary to inspectors for the performance of their functions and exercise of their powers under this Act, and in particular shall:

(i) notify to an inspector of the importation of anything to which this Act, applies, and

(ii) hand over to an inspector any such thing for inspection and subsequent action accordingly

(2) Harbor, airport, post office and other authorities at point of entry shall provided on their premises, for the purposes of this Act
:

- (i) a suitable area for office and inspection facilities;
 - (ii) suitable containers for holding garbage and conveying it for destruction; and
 - (iii) suitable and adequate space for display of public notice regarding the requirements of this Act.
- Rights of entry **18.** –(1) an inspector may, for the purposes of this Act, and on producing evidence of his appointment, enter at any time upon any land or into a conveyance
- (2) An inspector, for the purposes of this Act and on producing evidence that a magistrate upon being satisfied that the inspector has reasonable grounds for requiring entry to the dwelling house, authorizes such entry by a warrant
- 19.** An inspector shall not be liable for any loss or damage resulting from the reasonable exercise of powers conferred by this Act.
- Reporting receipt of imported plants, etc **20.** Any person who receives any plant material, pest, beneficial organism or soil from outside Zanzibar shall, on its receipt, immediately notify an inspector and shall carry out at his own expense and to the satisfaction of the inspector such directions as he may give as to its inspection, treatment, destruction or other disposal
- Offences **21.** –(1) Any person who, by himself, servant or agent, either directly or indirectly:
- (i) imports anything into Zanzibar otherwise than in accordance with this Act, or
 - (ii) possesses, keeps or distributes anything introduced to Zanzibar contrary this Act, or
 - (iii) possesses, keeps or distributes any quarantine pest any plant material, beneficial organism, soil, or other thing knowing it to be infested by quarantine pest; or
 - (iv) exports any plant product from Zanzibar contrary to a notice under section 13;
 - (v) fails to perform any duty or obligation imposed on him by this Act, or to comply with any order or direction given by an inspector under this Act or does any other Act in breach of this Act, or

(vi) knowingly makes a false statement to an inspector, or a false declaration under the requirements of this Act shall be guilty of an offence.

(2) Any person who is guilty of an offence under this Act shall be liable on conviction:

(i) in the case of body corporate, to a fine of two hundred thousand shillings or

(ii) in the case of a naturalized person or a foreigner, to a fine of fifty thousand shillings or term of imprisonment of six months of both.

Costs of treatment etc

22. If any person by failing to comply with this Act or acting contrary to this Act, caused and inspector or incur an expense that would not otherwise have been incurred, that person shall pay to the Government the full amount of that expense reasonable incurred, and that amount shall be recoverable from him as debt to the Government.

Losses and expenses

23. For the avoidance of doubt, it is hereby declared that :

(i) any removal, treatment reshipment or destruction of things which this Act applies in accordance with the requirements of this Act shall be carried out at the expense of the owner, importer, occupier or person in charge of the thing concerned, as the case may be; and

(ii) the Government shall not be liable for any costs or losses resulting directly or indirectly from actions taken under this Act.

Regulations

24. –(1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act, and in particulars may make regulations.

(a) to prohibit or restrict the importation Zanzibar of:

(i) any plant material likely to carry pests or;

(ii) any soil, packaging or other thing likely to carry pests, or

(iii) any pests;

(b) to prescribe conditions for the importation of plant material or beneficial organisms into Zanzibar including the manner application for, and the form and contents of, a permit under section 5 (3) of this Act;

- (c) to prescribe for the manner and form of declaration to be made by persons arriving in Zanzibar.
- (d) to provide for manner of giving notice of the arrival in Zanzibar of things to which this Act applies;
- (e) to provide for master of conveyances to give information and carry out precautions;
- (f) to provide for the manner of inspection, detention, treatment, destruction, reshipment or other disposal of any imported plant material, agricultural commodities, soil package or other thing found with pests.
- (g) to provide for the manner in which, and the conditions subject to which quarantines stations and post – entry quarantine stations shall be used;
- (h) to provide for the control of plant material kept or grown in insulation other than in a quarantine station or post-entry quarantine station;
- (i) to provide for the registration of persons importing propagative material.
- (j) to prescribe the manner of importation into Zanzibar of any thing for research purposes under section 6 of this Act;
- (k) to declare any part or parts of Zanzibar infested by a quarantine pest to be a quarantine area, and to provide for a buffer zone around such area;
- (l) to prohibit or restrict the movement of any plant material, conveyances, soil, tools, packaging or other things likely to carry pests from a quarantine area;
- (m) to prohibit or restrict the growing of specified plants;
- (n) to prescribe the treatment to be adopted in respect of any plant material which is infested by a quarantine pest;
- (o) to provide for the cleaning or other treatment of conveyances machinery, tools, equipment, clothing or other things which may have come into contact with a quarantine pest;

- (p) to provide for the manner in which plant material, soil and packaging shall be treated, cleared, destroyed or otherwise disposed of;
- (q) to provide for the registration of plant material for export;
- (r) to prescribe the treatment of plant material export;
- (s) to provide for the issue of phytosanitary certificate;
- (t) to provide for the appointment of advisory bodies;
- (u) to prescribe the matters for which fees shall be payable under this Act; the amount of those fees and the method of their payment and recovery;
- (v) to provide for the circumstance in which compensation may be paid for the destruction or other disposal any thing under the provisions of this Act; and for the manner of assessment of such compensation and the method of its payment;
- (w) to provide for the manner by which any notice to the public under this Act may be given;
- (x) to provide the making of rules and order under this Act;
- (y) to prescribe the manner whereby any legally registered fumigation companies in Zanzibar will be given permission to operate
provide that Plant Protection Divisions will then issue phytosanitary certificate after inspecting the fumigated premises or ship and be satisfied with the treatment done;
- (z) to provide the manner by which Plant Protection Division of Zanzibar will grant permission to any company, institution or an individual to import pesticide to Zanzibar
- (aa) to prescribe the manner by which pest risk analysis would be conducted by Plant Protection Division when necessary, to conform with International quarantine standard;
- (bb) to prescribe legal procedures for the establishment of private nurseries and seed production units for commercial purposes.

Repeal of Cap.
118 and saving
of rules, etc.

25. –(1) Subject to the provisions of subsection (2) of this Act Plant Protection Decree, Cap. 118 is hereby repealed.

(2) Any application rule, order notice made under the Plant Protection Decree 1937 and in force prior to the date upon which this Act comes into operation shall remain in force, so far as may be, as if they had been made as regulations or notices under this Act until such time as they are amended or revoked by regulations made under this Act.

Passed in the House of Representatives on the 2nd day of October, 1997

KHAMIS JUMA CHANDE
CLERK OF THE HOUSE
OF THE REPRESENTATIVES