

CHAPTER 276

PLANT PROTECTION

Ordinance
No. 10 of 1924,
Acts
Nos. 6 of 1950,
22 of 1955,
50 of 1957.

AN ORDINANCE TO MAKE BETTER PROVISION AGAINST THE INTRODUCTION INTO SRI LANKA AND AGAINST THE SPREAD THEREIN OF WEEDS, AND OF PESTS, AND DISEASES INJURIOUS TO, OR DESTRUCTIVE OF, PLANTS, AND FOR THE SANITATION OF PLANTS IN SRI LANKA.

[27 th June, 1924.]

Short title.	1. This Ordinance may be cited as the Plant Protection Ordinance.	3. There may be appointed, for the purposes of this Ordinance, such officers and servants as may be necessary for carrying out or giving effect to the provisions of this Ordinance.	Appointment of officers and servants. [§ 3, 50 of 1957.]
Interpretation.	2. In this Ordinance and any regulations made thereunder, unless the context otherwise requires—	3A. The powers or duties of the Director may be exercised or performed by any public officer either generally or specially authorized in writing in that behalf by the Director.	Director may delegate powers and duties. [§ 4, 50 of 1957.]
[§ 2, 50 of 1957.]	" Director" means the Director of Agriculture and includes any Deputy Director of Agriculture or any Assistant Director of Agriculture;	4. It shall be lawful for the Director, with or without assistants, to enter, at all reasonable times, upon any land for the purpose of inspecting and examining whether plant pests, diseases, or weeds exist thereon, and the owner or occupier of such land shall afford all reasonable facilities for such inspection and examination.	Entry on land for purposes of inspection. [§ 5, 50 of 1957.]
	" disease" shall include any fungus or other agent which shall injure, destroy, or be parasitic upon any plant;	5. The Director, or any person assisting the Director, or any public officer, shall not be deemed to be a trespasser by reason of any entry or destruction or action taken or thing done under this Ordinance or any regulation made thereunder, and shall not be liable for any damage occasioned by carrying out any of the provisions of this Ordinance or of any regulation made thereunder, unless the same was occasioned maliciously and without reasonable and probable cause.	Director or person assisting him or public officer not to be deemed trespasser by reason of entry, &c. [§ 6, 50 of 1957.]
	" owner " or " occupier " shall include the proprietor, lessee, superintendent, or other person in actual charge of any cultivated or uncultivated land ;	*6. If any person, without lawful authority or excuse (proof whereof shall lie on him), contravenes any regulation made under this Ordinance, or does or omits to do anything which under the provisions of	Penalty for contravention of Ordinance or regulation thereunder.
	" pest " shall include any insect or animal which shall in any stage of its development eat, destroy, or otherwise injure any plant;		
	" plant " shall include all members of the vegetable kingdom, whether living or dead, or any part or parts of such, but shall not include canned or preserved fruits or canned or preserved vegetables;		
	" weed " shall include any plant which is declared by the Minister to be a weed for the purposes of this Ordinance.		

* Primary Court has exclusive jurisdiction under section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979.07.02.

this Ordinance or of any regulations made thereunder he ought not to do or omit, or if he molests, obstructs, or impedes, or assists in molesting, obstructing, or impeding, the Director, or any public officer, in the execution of any provisions of this Ordinance or any regulation made thereunder, he shall be guilty of an offence against this Ordinance.

[§ 7, 50 of 1957.]

Punishment for offences.

7. If any person is guilty of an offence against this Ordinance or any regulation made thereunder, he shall be liable on conviction before a Magistrate to imprisonment of either description to a term not exceeding three months, or to a fine not exceeding five hundred rupees, or to both.

Penalty on person guilty of unnecessary violence or annoyance.

8. Every person who shall, under pretence of performing any act under the authority of this Ordinance or of any regulation made thereunder, be guilty of any unnecessary violence or cause any unnecessary annoyance to any person, shall be guilty of an offence against this Ordinance.

Power of Director to carry out measures or execute work and recover the expenses thereof.
[§ 8, 50 of 1957.]

8A. (1) Where any person is required or directed under this Ordinance to carry out any measures or to execute any work in or upon any land, the Director may, if such person fails to comply with such requirement or direction, cause such measures to be carried out or such work to be executed; and any person or persons acting under the authority of the Director may enter such land and do all such acts as may be necessary for the purpose of carrying out such measures or executing such work.

(2) All expenses incurred by the Director for the purpose of carrying out any measures or executing any work in or upon any land under subsection (1) shall be payable by the person who was required or directed under this Ordinance to carry out such measures or execute such work, and shall be recoverable from that person in the manner hereafter provided.

(3) Any expenses payable by any person under subsection (2) may be recovered, upon application made by the Director to the Magistrate's Court having jurisdiction in the place where such person is resident, in

like manner as a fine imposed by the court, notwithstanding that the amount of such expenses may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

Regulations.

9. (1) The regulations set forth in the Schedule* shall have effect as if the same were contained in this Ordinance, but may be added to, amended, or revoked in the manner, and subject to the conditions, provided for the making of regulations in this section.

(2) The Minister may make regulations for the purpose of preventing the introduction into Sri Lanka and for the purpose of eradicating, or preventing the spreading therein of weeds, or of pests and diseases injurious to, or destructive of, plants.

(3) Such regulations may provide, but without detracting from the generality of the powers hereinbefore conferred—

- (a) for prohibiting the importation into Sri Lanka from places beyond sea of any plants, invertebrate animals and insects, and for restricting the sea and air ports at which plants may be landed;
- (b) for prohibiting the landing of plants from vessels or boats or aircraft either absolutely or conditionally;
- (c) for providing for the importation of plants under special licence and conditions;
- (d) for inspecting plants at, before 01 after the time of landing;
- (e) for cleansing, fumigating, 01 disinfecting, at the expense of the consignee, and, if expedient, destroying at, before or after landing and without compensation all plants, or the packages, cases pots, or covering in which they may be packed, which shall be found 01 suspected to be infected with an pest or disease, and for the recover) of prescribed fees from th(consignee;

* Schedule omitted.—See List of Enactments omitted from the Revised Edition.

- (f) for requiring the quarantine of imported plants in special areas, and for fixing the conditions of such quarantine and the fees to be charged therefor;
- (g) for preventing the outbreak or dissemination of any pest, disease, or weed within Sri Lanka;
- (h) for declaring any area to be an infested area, and for the proper quarantine of any area declared as being infested with any pest, disease, or weed;
- (i) for the spraying or other treatment of any weed or of any plants within Sri Lanka affected with any pest or disease;
- (j) for the destruction and proper disposal of any weed or of any plants within Sri Lanka affected or likely to be affected with any pest or disease;
- (k) for regulating the transfer of plants from one locality to another;
- (l) for prescribing the officers who are to carry out regulations under this

Ordinance, and the powers conferred, and duties imposed, upon them for the purpose aforesaid;

- (m) for the constitution of committees to advise the Director and officers appointed for the purposes of this Ordinance, and to take such other action as may be necessary to ensure its effective administration. [§ 9, 50 of 1957.]

(4) All regulations made under this Ordinance shall be published in the Gazette, and shall, subject to the provisions of the next following subsection, from the date of such publication have the same force as if they had been enacted in this Ordinance.

(5) All regulations published as aforesaid shall be laid as soon as conveniently may be before Parliament, and may at any time within forty days after the date of their being so laid before Parliament, or at any of the three meetings of Parliament succeeding such date, by resolution of Parliament be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.