

ACT 307
PREVENTION AND CONTROL OF PESTS AND DISEASES OF
PLANTS ACT, 1965

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ACT 307
PREVENTION AND CONTROL OF PESTS AND DISEASES OF PLANTS ACT, 1965(1)

AN ACT to consolidate with amendments the law relating to the prevention and treatment of pests and diseases of plants and plant quarantine.

Prevention and Treatment of Pests and Diseases of Plants

1. Prohibition against dealing in diseased plants

A person shall not keep, sell or offer for sale or barter or in any other way distribute or cause to be distributed a plant or an infected plant with a prescribed pest or disease.

2. Restriction on removal of plants

A person shall not remove from a plant infested or infected with a pest or disease prescribed under section 1, except

- (a) for the investigation of the pest or disease by an inspector;
- (b) for the purpose of destroying the plant; or
- (c) for the purpose of preserving the produce of the plant in a sound, clean and mature condition for subsequent manufacture for sale or for seed purposes.

3. Remedial and preventive measures

(1) Regulations may prescribe the treatment to be applied to a plant infested or infected with pests or diseases or the measures to be adopted for the extermination and prevention of pests and diseases of plants.

(2) Regulations prescribing the treatment and prevention of pests and diseases of plants may

- (a) prohibit or restrict the transport of a plant, soil or rotting medium to or from a specified area;
- (b) prescribe plants which may or may not be grown in a specified area;
- (c) require the owner or occupier within a specified area to apply or adopt any treatment or measures prescribed under this section.

4. Power to make order restricting use of land

The Minister may by an executive instrument declare an area infested with or in danger of infection with pests or diseases of plants as an infested area and may order all or any plants in that area to be removed, and prohibit the use of that area for a purpose connected with agriculture.

5. Inspection of land

(1) Regulations may designate persons to act as inspectors for the purpose of this Act.

(2) Subject to the provisions of this section, an inspector shall have power to enter at a reasonable time a land, other than a dwelling house, for the purpose of ascertaining

whether there are on the land any pests or diseases of plants, or whether conditions or circumstances exist which in the opinion of the inspector are conducive to or will contribute to the infection of plants with pests or diseases.

(3) Before entering a land in exercise of powers conferred by this section, the inspector shall inform the occupier, if present.

(4) A person shall not obstruct a person in exercise of powers conferred by this section, or fail to

comply with a direction or requirement made by the inspector in exercise of those powers.

6. Inspector to keep a register

An inspector shall keep a register in which shall be entered the following items in respect of a land inspected by the inspector:

- (a) the identity of the occupier;
- (b) the name of the occupier;
- (c) the pests and diseases found on the land;
- (d) the treatment or measures directed to be applied;
- (e) the date of inspection; and
- (f) any other particulars as may be prescribed.

7. Duties of occupier after inspection

Where an inspector, after inspecting a land is satisfied that

- (a) a plant on it
 - (i) shows signs of disease, or
 - (ii) is being attacked by any pest, or
- (b) conditions or circumstances exist on the land which in the inspector's opinion are conducive to, or will contribute to the spreading of pests and diseases,

the inspector may serve on the occupier of the land a notice in writing directing the occupier to apply, within a time specified in the notice, the treatment or measures that may be prescribed.

8. Treatment by inspectors

(1) An inspector may

- (a) where an occupier of a land has failed to comply with a direction given under section 7 within the specified time, or
- (b) where a pest or disease is found on a land permitted to go out of cultivation,

apply the treatment or adopt the measures that the inspector thinks necessary for the purpose of preventing, exterminating or restricting, any pests or diseases.

(2) The expenses incurred by an inspector as a result of any treatment or measures undertaken in respect of a land under subsection (1) shall be paid by the occupier to the officer as may be prescribed within thirty days after notification by the inspector of the amount due and, if not so paid, the officer may sue for or authorise any person on the inspector's behalf to sue for and recover it.

(3) In an action for the recovery of an amount due under subsection (2), a certificate signed personally by the inspector indicating that the expenses have been incurred shall be prima facie evidence of the same.

9. Restriction on importing plants

(1) A person shall not import any plants, plant products, plant disease or pest, soil, manure, grass and other parking materials or any other material liable to harbour dangerous diseases or pests of plants except under a permit issued in accordance with this section and Regulations made under it.

(2) Regulations may prescribe the conditions for the grant of a permit for the importation of any of the items mentioned in subsection (1), and the places to which the items may be imported otherwise by post.

(3) Regulations prescribing the condition for the importation of the items may provide for the examination of any of the items imported into the Republic, and may authorise the destruction or treatment, as the case may require, if any of them is found to be infested or infected with pests or diseases of plants.

(4) Regulations made under this section may prohibit or restrict the importation of any of the items mentioned in subsection (1).

10. Powers of inspectors to examine luggage

For the purpose of enforcing the provisions of section 9 and a provision of the Regulations, the Regulations may authorise an inspector appointed under section 5.

- (a) to examine a luggage or container imported which is about to be imported into Ghana;
- (b) enter a conveyance for the purpose of examining or inspecting any of the items mentioned in subsection (1) of section 9 which is about to be imported into Ghana.

11. Forfeiture of prohibited imported plants

(1) Without prejudice to section 13, an inspector examining or inspecting a luggage or conveyance under section 10 shall seize any of the items referred to in subsection (1) of section 9 which is being imported in contravention of section 9 or a provision of the Regulations and the item shall be forfeited.

(2) Regulations may provide for the disposal of the items forfeited under this section.

12. Regulations relating to plants imported from foreign countries

Regulations made under this Act in relation to importation of plants may be limited in its application to any of the items referred to in section 9 coming from particular countries specified in the Regulations.

Miscellaneous

13. Punishment of offence

A person who contravenes a direction, requirement, conditions or prohibition imposed by or under this Act commits an offence and is liable on conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding three months.

14. Compensation

(1) Regulations may

- (a) provide in exceptional cases for the payment to occupiers of land or to an importer, a

proportion of the cost of any treatment or measures prescribed;

- (b) provide for the payment of compensation to an occupier of land or to an importer who has sustained pecuniary loss by reason of the measures taken under this Act.

(2) A provision of this section does not entitle a person as of right to receive compensation in respect of measures taken under this Act.

15. Power to make regulations

The Minister may, by legislative instrument, make Regulations

- (a) providing for a matter which under this Act is to be provided for by Regulations;
- (b) prescribing the fees and charges to be paid in respect of an act or a thing done under a provision of the Regulations; and
- (c) generally for giving full effect to the provisions of this Act.

16. Interpretation

In this Act, unless the context otherwise requires,

“**container**” includes any box, basket, pot, package, case or any other receptacle or covering;

“**conveyance**” includes automobiles, lorries, animal drawn vehicles, aircraft, boats and other means of transportation;

“**covering**” means covering of a plant or of a container;

“**disease**” includes a disease caused by fungus, bacteria, virus or any other organisms which may be injurious to agriculture or horticultural crops and the abnormal conditions of cocoa trees known as “drought dieback” and “swollen shoot”;

“**inspector**” means a person designated as such by section 5;

“**Minister**” means the Minister responsible for Agriculture;

“**occupier of land**” includes the owner, tenant or any person in charge of the land;

“**pest**” means an organism of an animal or vegetable nature which attacks a plant or which may be injurious to agricultural or horticultural crops;

“**plants and plant products**” includes trees, shrubs, vines, cuttings, grafts, scions, suckers, buds, fruit pits, and other seeds, roots, tubers, bulbs, rhizomes, shoots, leaves, flowers and fruits; and products from these items whether in a natural, dried or manufactured state;

“**prescribed**” means prescribed by Regulations made under section 15.

17. Repeals and savings

(1) The following enactments are hereby repealed:

- (a) the Importation of Plants Regulation Ordinance (Cap. 159);
- (b) the Plants Pests and Diseases Ordinance (Cap. 160).

(2) A statutory instrument made under any of the enactments repealed by this Act and in force immediately before the commencement of this Act shall continue in force as if made under the provisions

of this Act.



Endnotes

1 (Popup - Footnote)

1. This Act was assented to on the 22nd October 1965.