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A **BILL** to prevent the entry and establishment of, and to control the spread of plant pests; to protect plant resources; to facilitate the movement of plants and plant products into and within Saint Christopher and Nevis; and to regulate other matters connected thereto.

BE IT ENACTED by the Kings Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

PART I

PRELIMINARY

1. Short title and commencement.

This Act may be cited as the Plant Protection Act and shall come into force upon publication except for **Part VI - TREATMENT OF GOODS IN FREE CIRCULATION IN THE ECONOMIC UNION AREA**, which shall come into force on a date that the Minister may by Order appoint.

2. Interpretation

In this Act, unless the context otherwise requires—

“**affected**” means infected or infested with a pest;

“**area**” means an officially defined whole or part of Saint Christopher and Nevis and includes a place or site of production;

“**area of low pest prevalence**” means an area, whether all of Saint Christopher and Nevis or part of Saint Christopher and Nevis, as prescribed, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;

“beneficial organism” means any organism (including fungi, bacteria, viruses, virus-like organisms and invertebrate or other animals) which is declared by the Minister by notice published in the Gazette to be beneficial to flora or agricultural production;

buffer zone” means an area surrounding or adjacent to an area officially delimited for phytosanitary purposes to minimise the probability of spread of the target pest into or out of the delimited area, and subject to phytosanitary or other control measures, if appropriate;

“CAHFSA” means the Caribbean Agricultural Health and Food Safety Agency established by Agreement among member states of the Caribbean Community in Dominica on March 12, 2010, as continued by the Revised CAHFSA Agreement signed on February 25, 2011;

“Chief Plant Quarantine Officer” or **“CPQO”**, means the Chief Plant Quarantine Officer referred to in section 5;

Competent Authority” means –

- (a) the National Plant Protection Organisation established under section 5; or
- (b) a public authority or public officer of any other country charged with the duty of administering the laws of that country with respect to the importation, exportation and quarantine of plants; or
- (c) for the treatment of goods in free circulation in the Economic Union Area under Part VII, any regional body designated by the Organisation of Eastern Caribbean States to regulate matters relating to the importation and movement of plants, plant products, and related items;

“confiscate” means to take a consignment into official custody for phytosanitary reasons, and **“confiscation”** shall have a corresponding meaning;

“consignment” means a quantity of plants, plant products or other regulated articles being moved to or from Saint Christopher and Nevis and covered, when required, by a single phytosanitary certificate;

“Constitution” means the Saint Christopher and Nevis Constitution Order as set out in the Fourth Schedule of the West Indies Act, Cap. 1.01 of the laws;

“contain” means to apply phytosanitary measures in and around an affected area to prevent the spread of a pest and containment shall have a corresponding meaning;

“container” means a box, bag, wrapper, covering or other receptacle in which any plant, plant products or other regulated articles has been or is being transported;

“contamination” means presence in a commodity, storage place, conveyance or container of pests or other regulated articles not constituting an infestation;

“control” means the suppression, containment or eradication of a pest population;

“court” means the Magistrates’ Court or the High Court;

“conveyance” means any vessel, aircraft, train, motor vehicle, cart, container, animal or other thing that can be used to transport a plant, plant product, pest, beneficial organism or other regulated article from one place to another;

“Customs Act” means the Customs Act, Cap. 20.04 of the laws;

“customs officer” means a person designated as such under the Customs Act;

“detain” means to keep a consignment in official custody or confinement for phytosanitary reasons, and “detention” shall have a corresponding meaning;

“Director of Audit” means the Director of Audit designated under section 82 of the Constitution;

“disinfect” means to sterilize, especially to destroy bacteria or fungus;

“disinfest” means physical or chemical process to destroy or remove small undesirable insects, rodents or other animal forms;

“dispatch” means the movement of goods from one part of the Economic Union Area to any other part of the Economic Union Area;

“Economic Union” means the Eastern Caribbean Economic Union established pursuant to Article 1 of the Protocol of the Eastern Caribbean Economic Union of the Revised Treaty of Basseterre;

“Economic Union Area” refers to the collective territorial jurisdictions of OECS Protocol Member States;

“Economic Union Protocol” means the Protocol to the Revised Treaty of Basseterre entitled the Protocol of Eastern Caribbean Economic Union;

“endangered area” means an area where ecological factors favour the establishment of a pest whose presence in the area will result in economically important loss;

“entry”—

(a) in relation to a pest, means the movement of a pest into an area where it is not yet present, or present but not widely distributed and being officially controlled;

(b) in relation to a consignment, means the movement of the consignment through a point of entry into an area;

“eradicate” means to apply phytosanitary measures to eliminate a pest from an area, and “eradication” shall have a corresponding meaning;

“establishment” means the perpetuation, for the foreseeable future, of a pest within an area after entry;

“export” means to take goods or cause goods to be taken outside Saint Christopher and Nevis, to a third party country;

“exporter” means any person who, whether as owner, consignor, consignee, agent or broker, is in possession of, or in any way entitled to the custody or control of any plant, plant product or regulated article exported from or to be exported from Saint Christopher and Nevis;

“free circulation” refers to the unhindered movement of goods within the Economic Union Area, after these goods have entered into the Economic Union Area and adhered to all applicable import formalities at the first point of entry of the Economic Union Area, and “circulate freely” shall have a corresponding meaning. Goods in free circulation may still be subjected to applicable internal taxes;

“germplasm” means a plant intended for use in breeding or conservation programmes;

“goods” includes any tangible property, including personal property, livestock, conveyances, stores, baggage, documents (including in electronic form), currency and mail and packets imported by post, and includes prohibited or restricted goods. Plants, plant products and other regulated articles shall also be considered as goods;

“import” means to bring goods or cause goods to be brought into Saint Christopher and Nevis from a third party country;

“import permit” means an import permit issued under section 16;

“importer” means anyone who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or in any way entitled to the custody of any plant, plant product, pest, beneficial organism or other regulated article landed or likely to be landed in Saint Christopher and Nevis or any other part of the Economic Union Area, from a third party country;

“infestation” means presence of a living pest and “infested” shall have a corresponding meaning;

“inspection” means official visual examination of a plant, plant product or other regulated article to determine if pests are present or to determine compliance with phytosanitary regulations;

“invasive alien species” means plants animals, pathogens and other organisms that are not native to an ecosystem and which may cause economic or environmental harm or adversely affect human, plant or animal health;

“IPPC” means the New Revised Text of the International Plant Protection Convention approved by the Food and Agricultural Organisation Conference at its 29th session in November 1997, and entered into force in October 2005, as may be amended from time to time;

“IPPC Secretariat” means the Secretariat of the Commission on Phytosanitary Measures established under the International Plant Protection Convention;

“ISO/IEC 17025” means the standard containing general requirements for the competence of testing and calibration laboratories issued by the International Organisation for Standardization;

“law enforcement officer” includes a police officer;

“Minister” means the Minister responsible for agriculture;

“Ministry” means the Ministry responsible for agriculture;

“National Plant Protection Organisation” or **“NPPO”** means the Government unit, department or office designated by the Minister under section 5, to discharge the functions specified in the IPPC;

“OECS Member State” refers to a State or territory that possesses Associate membership or full membership in the Organisation of Eastern Caribbean States as contained in Schedule 1(A);

“OECS Protocol Member State” refers to a State or territory that possesses membership in the Organisation of Eastern Caribbean States and is party to the Economic Union Protocol as contained in Schedule 1(B)

“occupier”, in relation to any land or building, means a person in actual occupation thereof;

“official” means established, authorized or performed by the NPPO or by the Minister;

“official control” means the enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests;

“outbreak” means an isolated pest population, detected and expected to survive for the immediate future;

“owner” in relation to anything, includes any person having for the time being the possession, custody or control thereof;

“packaging” means any material used to pack, contain or keep a plant, plant product or other regulated article;

“person” means a natural person or a body corporate;

“pest” means any species, strain or biotype of any plant, animal or pathogenic agent injurious to a plant or plant product and includes—

- (a) regulated quarantine pests;
- (b) regulated non-quarantine pests; and
- (c) non-regulated pests.

“pest free area” means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;

“pest free place of production” means a place of production in which a specific pest is absent as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained for a defined period;

“pest free production site” means a production site in which a specific pest is absent, as demonstrated by scientific evidence, and in which, where appropriate, this condition is being officially maintained for a defined period;

“pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

“phytosanitary action” means an official operation such as inspection, testing, surveillance or treatment, undertaken to implement phytosanitary measures;

“phytosanitary certificate” means an official paper document or its official electronic equivalent, consistent with the model certificate of the IPPC attesting that a consignment meets phytosanitary import requirements and issued under section 24 (2) (a);

“phytosanitary inspector” means a person appointed under section 8;

“phytosanitary measure” means any legislation, regulation or official procedure having the purpose of preventing the introduction or spread of quarantine pests, or limiting the economic impact of regulated non-quarantine pests;

“phytosanitary procedure” means any official method for implementing phytosanitary measures including the performance of inspections, tests, surveillance or treatments in connection with regulated pests;

“phytosanitary security” means the maintenance of the integrity of a consignment and prevention of its infestation and contamination by regulated pests, through the application of appropriate phytosanitary measures;

“place of production” means any premises or collection of fields operated as a single production or farming unit;

“plant” means any living plant and the parts thereof, including a seed or germplasm;

“plant product” means

(a) any un-manufactured material of plant origin, including grain; and

(b) a manufactured product which, by its nature or that of its processing, may create a risk for the introduction and spread of a pest;

“point of entry” means any port of entry designated as such under the Customs Act;

“pre-clearance” means phytosanitary certification or clearance in the country of origin, performed by or under the regular supervision of the NPPO of the country of destination;

“premises” means any land, building or other structure or conveyance, or any marine area;

“prescribed” means prescribed by this Act or any regulations made under this Act;

“production site” means a defined part of a place of production that is managed as a separate unit for phytosanitary purposes;

“quarantine” means official confinement of plants, plant products or other regulated articles, pests, beneficial organisms, for inspection, testing, treatment, surveillance, observation or research;

“quarantine area” means an area where a quarantine pest is present and is being officially controlled;

“quarantine pest” means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled, and declared as such by any Order of the Minister;

“quarantine station” means an official station for holding plants or plant products or other regulated articles, including beneficial organisms, in quarantine;

“re-export” means a consignment that has been imported into Saint Christopher and Nevis and from which it is then exported, and includes a case where the consignment may be stored, split up, combined with other consignments or have its packing changed;

“regular business hours” means the normal working hours of Government offices in Saint Christopher and Nevis;

“regulated article” means any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved, and includes a beneficial organism;

“regulated non-quarantine pest” means any pest which is not a quarantine pest and whose presence in a plant for planting affects the intended use of the plant with an economically unacceptable impact and which is therefore regulated in Saint Christopher and Nevis and declared as such by Order of the Minister;

“regulated pest” means a quarantine pest or a regulated non-quarantine pest;

“Revised Treaty of Basseterre” refers to the Revised Treaty of Basseterre establishing the Organisation of Eastern Caribbean Economic Union signed on June 18, 2010 in Gros Islet, Saint Lucia;

“risk analysis” means a process composed of hazard identification, risk assessment, risk management and risk communication in accordance with internationally accepted procedures and standards;

“risk assessment” means the processes of identifying and estimating the risks associated with the importation, exportation and dispatch of a commodity and evaluating the biological and economic consequences of those risks;

“seize” means to take official custody of a consignment for phytosanitary reasons and “seizure” shall have a corresponding meaning;

“sell” includes to offer, advertise, keep, store, display, transmit, consign, convey or deliver for sale, or to exchange or to dispose of to any person in any manner whether for a consideration or otherwise, and “sold”, “selling” and “sale” shall have corresponding meanings;

“soil” means material wholly or partly derived from the upper layer of the earth’s crust which is capable of sustaining plant life and which contains solid organic substances such as parts of a plant, humus, peat or bark, but excluding any medium which is sterile, composed entirely of unused peat or otherwise incapable of harbouring or transmitting pests;

“SPS Agreement” means the Agreement on the Application of Sanitary and Phytosanitary Measures entered into force with the establishment of the World Trade Organisation on January 1, 1995, as may be amended from time to time;

“**staff**” includes the Chief Plant Quarantine Officer of the NPPO;

“**suppression**” means the application of phytosanitary measures in an infested area to reduce a pest population;

“**surveillance**” means an official process which collects and records data on pest occurrence or absence by survey, monitoring or other procedures;

“**third party country**” means a country other than an OECS Protocol Member State;

“**this Act**” means this Act and any schedules, regulations, orders or notices made under it;

“**transhipment**” means the customs procedure under which imported goods are transferred under customs control from the importing means of conveyance to the exporting means of conveyance within one customs area office, which is the area of both importation and exportation and “tranship” shall have a corresponding meaning;

“**transit**” means the customs procedure under which imported goods are transferred under customs control from the point of entry to another port for exportation, and also refers to the action of transferring imported goods under customs control from the point of entry to another port for exportation;

“**treatment**” means an officially authorized procedure for the killing or removal of pests or rendering pests infertile or for devitalization.

“**unhindered movement of goods**” refers to the ability of goods to move within the Economic Union Area with no intervention by customs authorities;

“**un-manifested**” has the same meaning as in the Customs Act, Cap. 20.04;

3. Application of Act to plants, plant products and other regulated articles in free circulation

For the purpose of the dispatch of any plants, plant products and other regulated articles in free circulation from St. Christopher and Nevis to another OECS Protocol Member State, the provisions of this Act apply with the necessary modification to the plants, plant products and other regulated articles, as those provisions apply to the movement of any plants, plant products and other regulated articles from one part to another part of St. Christopher and Nevis.

PART II

ADMINISTRATION

4. Powers of the Minister

(1) The Minister shall have primary responsibility for the administration of this Act.

(2) The Minister may, in consultation with relevant public authorities —

(a) designate the Ministry, department, unit or office that will serve as the National Plant Protection Organization;

- (b) designate official laboratories and national reference laboratories and quarantine stations for the purposes of this Act;
- (c) declare a quarantine area and a pest free area;
- (d) liaise with other OECS Member States' Ministers, as necessary, to advance the implementation of the Eastern Caribbean Economic Union and the provisions of Part VI; and

5. Establishment and designation of the NPPO

(1) There is hereby established a National Plant Protection Organisation in the Ministry which shall be headed by the Chief Plant Quarantine Officer.

(2) The Chief Plant Quarantine Officer shall be a public officer appointed in accordance with the provisions of section 78 of the Constitution.

(2) The Minister shall designate a Government unit, department or office to serve as the National Plant Protection Organisation, and shall transmit the name of that unit, department or office to the IPPC Secretariat.

(3) The Public Service Commission may appoint individuals from time to time to serve as officers of the National Plant Protection Organisation.

6. Functions of the NPPO

(1) The functions of the National Plant Protection Organisation shall include—

- (a) preventing and controlling the entry and establishment of regulated pests and the spread of regulated pests, including invasive alien species of agricultural concern;
- (b) issuing import permits and phytosanitary certificates for export, re-export, transit, transshipment or dispatch and any other official documentation as required by this Act;
- (c) carrying out surveillance of any growing plant, including areas under cultivation and wild flora, and of any plant and plant product in storage or in transport, for the purpose of reporting the occurrence, outbreak and spread of pests, and of controlling those pests;
- (d) in collaboration with CAHFSA and the competent authorities for plant protection in OECS Protocol Member States, developing a list of regulated pests and a list of regulated articles;
- (e) inspecting and testing any consignment of a plant and plant product and, where appropriate, inspecting any other regulated article, for the purpose of preventing the introduction and spread of pests;
- (f) requiring phytosanitary action as conditions or prohibitions of import of plants and plant products and other regulated articles;
- (g) conducting pre-clearance inspections where requested;
- (h) disinfecting or disinfesting consignments of any plant, plant product and other regulated article;

- (i) protecting endangered areas, and designating, maintaining and surveying pest free areas, pest free places of production and pest free production sites, and areas or places of production of low pest prevalence;
- (j) conducting pest risks analyses and determining acceptable risk levels;
- (k) making determinations of quarantine areas, pest free areas and endangered areas and buffer zones;
- (l) developing pest diagnostics, investigative and analytical capabilities and establishing official laboratories for testing;
- (m) notifying phytosanitary measures to other countries in accordance with international obligations and providing information to other countries concerning phytosanitary measures applied, either through pest risk analysis or by reference to applicable international standards, and providing information regarding the phytosanitary status of an area or Saint Christopher and Nevis;
- (n) notifying trading partners of relevant instances of non-compliance with import requirements that may be prescribed;
- (o) ensuring the phytosanitary security of consignments after certification and before export;
- (p) establishing auditing and trace-back procedures for any plant, plant product and other regulated article for phytosanitary certification;
- (q) establishing minimum qualifications for and overseeing training and development of phytosanitary inspectors and other NPPO staff;
- (r) distributing information regarding regulated pests and the means of their prevention and control;
- (s) preparing, approving, reviewing and enforcing phytosanitary measures and legislation, and providing the same for public comment;
- (t) representing Saint Christopher and Nevis in bilateral, regional and international forums related to phytosanitary matters;
- (u) establishing and implementing certification programmes for planting material and plant products and plant-growing establishments;
- (v) establishing procedures for the approval of any quarantine station, official laboratory or any other person or institution from the public or private sector involved in the implementation of phytosanitary functions;
- (w) distributing information on procedures and processes to ensure appropriate levels of protection of plant, plant product and other regulated articles;
- (x) implementation of the provisions of the IPPC and SPS Agreement, where relevant for Saint Christopher and Nevis;

- (y) developing an alert system for notifying CAHFSA and the IPPC of the entry, establishment and spread of regulated pests and invasive alien species and of the NPPO's activities to combat the entry, establishment and spread;
 - (z) the enforcement of this Act, as well as of any other legislation relating to plant protection as the Minister may direct; and
- (aa) any other function that the Minister considers necessary for the purposes of this Act.

7. Delegation of functions of the NPPO

(1) Subject to subsection (4), the functions of the NPPO may be delegated in writing, to any duly qualified individual or public or private entity to perform any functions of the NPPO under this Act.

(2) The procedures for making a delegation under this section shall be prescribed by regulations.

(3) The written agreement between the Authority and the individual, private or public entity to which a function has been delegated under this section shall detail the terms and conditions of such delegation, including at least the following—

- (a) the scope of any delegated functions to be performed including the duration and the geographic area to be covered by such services;
- (b) remuneration arrangements, where the delegate is a private individual or private entity;
- (c) the means of supervision by the Authority;
- (d) the minimum qualifications required to perform the delegated function; and
- (e) the conditions of withdrawal of the delegation.

(4) The NPPO shall not delegate any of the following functions—

- (a) issuing of permits and certificates;
- (b) notifying phytosanitary measures to other countries and providing information to other countries concerning phytosanitary measures applied;
- (c) liaising with trading partners in relation to compliance issues;
- (d) implementing the provisions of the IPPC and SPS Agreement;
- (e) developing of an alert system;
- (f) the NPPO's enforcement duties under this Act;
- (g) advising of the Minister in the exercise of his powers under section 4 (2);
- (h) approval of phytosanitary measures or requirements; and
- (i) others functions as may be prescribed by regulations.

8. Appointment of phytosanitary inspectors

The Public Service Commission may appoint or designate any officer of the NPPO with the prescribed qualifications to carry out the duties assigned to a phytosanitary inspector under this Act.

9. Investigative powers of a phytosanitary inspector

(1) For the purposes of investigating any matter in the discharge of his or functions under this Act, a phytosanitary inspector may—

- (a) enter and inspect or search any area or premises for the purpose of examining any plants, plant products or regulated articles under cultivation, in storage, on display or in transport to report the presence of regulated pests, and for that purpose, may—
 - (i) demand any information or documentation regarding any plants, plant products or regulated articles from the owner or person in charge of such area or premises, including official documents;
 - (ii) take samples in the prescribed manner of any plant, plant product or other regulated article and submit it to an official laboratory for testing;
 - (iii) weigh, count, measure, mark, open, take photographs, read any values of any instruments and take samples in the prescribed manner of anything on the premises or in a conveyance and submit it to an official laboratory for analysis, or secure or prohibit access to the same;
 - (iv) inspect any operation, process or system used or carried out on such premises;
- (b) stop and search any conveyance, on land or at sea, in which plants, plant products or other regulated articles are being or are suspected of being transported, packed, packaged, stored or sold;
- (c) stop and search any person, where the phytosanitary inspector has reasonable grounds to believe an offence under this Act has been or is being committed;
- (d) conduct inquiries upon suspicion that the provisions of this Act have been or are being violated.

(2) A phytosanitary inspector may only exercise the powers in subsection (1) with the consent of the owner or person in charge of any area or premises, or in the absence of such consent, on the basis of a warrant issued by a magistrate.

(3) A phytosanitary inspector exercising his or her powers under this section—

- (a) shall identify himself or herself as a phytosanitary inspector by showing his or her identification card or other proof of his or her appointment or designation as a phytosanitary inspector;
- (b) may request the presence and assistance of a law enforcement officer as he or she considers necessary.

10. Designation of official and national reference laboratories

(1) For the purposes of this Act, the Minister shall designate any diagnostic, research or other laboratory to be an official laboratory or a national reference laboratory.

(2) A laboratory designated under subsection (1) (a) shall meet the requirements prescribed in ISO/IEC17025.

(3) The functions of a national reference laboratory shall be to—

- (a) serve as a reference laboratory for comparative testing in the case of conflicting laboratory test results or in the case of contested results and ensure an appropriate follow-up of such comparative testing;
- (b) collaborate with official laboratories in their area of competence;
- (c) ensure the dissemination to official laboratories of information relating to testing procedures in relation to food safety;
- (d) provide scientific and technical assistance to the NPPO for the implementation of this Act; and
- (e) carry out such other duties as may be set out in regulations under this Act.

11. Plant protection coordination mechanisms

The NPPO may establish ad-hoc or permanent committees to foster coordination among public entities or between public and private entities or for the purposes of scientific advice, as necessary, on phytosanitary matters.

12. Phytosanitary Emergency Fund

(1) There is established a Phytosanitary Emergency Fund (hereinafter the “Fund”) which shall be a special fund within the meaning of the Finance Administration Act.

(2) There shall be paid into the Fund—

- (a) all monies voted by the National Assembly for the purposes of dealing with phytosanitary emergency measures under this Act;
- (b) donations, grants, awards and endowments by regional and international bodies intended for the purpose of phytosanitary emergencies; and
- (c) any other donation which shall be pre-approved by the Minister.

(3) The resources of the Fund shall be made available to the NPPO on declaration of a phytosanitary emergency under section 34, in accordance with section 13 (4).

4) The NPPO shall keep record of all expenditure from resources made available to it under subsection (3) and, within three months of revocation of the status of phytosanitary emergency, present to the Phytosanitary Emergency Fund Committee, an account of all expenditure in relation to the phytosanitary emergency in question.

13. Phytosanitary Emergency Fund Committee

(1) There is established a Phytosanitary Emergency Fund Committee (hereinafter the “Committee”) which shall have responsibility for the administration of the Fund.

(2) The Committee shall comprise—

- (a) the Permanent Secretary in the Ministry responsible for agriculture, who shall be the chairperson;
- (b) the Senior Finance Officer in the Ministry responsible for finance;
- (c) National Disaster Coordinator;
- (d) The Director of Agriculture; and
- (e) Director of Disaster Management.

(3) The Committee shall convene—

- (a) immediately upon the declaration of a phytosanitary emergency under section 34;
- (b) at such other times as the Committee may consider appropriate, for matters relating to the administration of the Fund.

(4) The Committee shall authorise expenditure from the Fund under section 12(3) upon presentation to the Committee by the NPPO of—

- (a) an emergency response plan; and
- (b) a provisional budget detailing the quantum of funds required and how the funds are to be allocated.

(5) Except as provided in this section, the Committee shall regulate its own procedure.

14. Audit and reporting

(1) The Committee shall prepare and keep proper accounting records of all transactions in relation to the Fund.

(5) The Committee shall—

- (a) cause the Fund to be audited annually by the Director of Audit; and
- (b) as soon as possible after the end of each financial year, but not later than 4 months, submit to the Minister, a report containing—
 - (i) a detailed account of all transactions and activities in relation to the Fund during the financial year; and

- (ii) a statement of the audited accounts certified by the Director of Audit; and
- (iii) any further relevant information respecting the Fund and the results of any emergency operations financed from the Fund.

(6) The Minister shall cause a copy of the report in subsection (5) (b) to be laid before Parliament within 3 months of receipt of the report.

15. Principles for the approval and implementation of phytosanitary measures

The phytosanitary measures approved by the NPPO under this Act shall take into consideration the following principles—

- (a) harmonisation with international standards;
- (b) risk analysis or risk assessment and science-based actions; and
- (c) being least-trade restrictive, necessary and proportional to the risk.

PART III

IMPORTS

16. Import permit

(1) Any person intending to import a plant, plant product or other regulated article shall require an import permit issued by the NPPO.

(2) Where an import permit is required, an importer shall apply to the NPPO for an import permit in such manner as may be prescribed by regulations and accompanied by the prescribed fee.

(3) In evaluating an application for an import permit, the NPPO shall apply existing international standards, conduct a pest risk analysis or risk assessment, and shall—

- (a) approve the application where it meets prescribed requirements; and issue an import permit in the form set out in Schedule 2; or
- (b) deny the application where it fails to meet prescribed requirements

informing the applicant in writing of the decision.

(4) The NPPO may review, modify or revoke an import permit for a plant, plant product or other regulated article at any time by written notice in the following circumstances—

- (a) where the type or quantity of the plant, plant product or other regulated article has changed;
- (b) where there is a change in pest status of the country of export;

- (c) where the country of origin has changed; or
- (d) where the import permit has expired.

17. Restrictions on importation

- (1) A plant, plant product or other regulated article may be imported only at a point of entry.
- (2) A person shall not import a plant, plant product or other regulated article except—
 - (a) by virtue of an import permit where required, granted under section 16;
 - (b) where accompanied by:
 - (i) a phytosanitary certificate issued by the country of export and
 - (ii) any other documentation that may be prescribed; and for the purposes of this section, the phytosanitary certificate must be an original or certified copy or electronic copy in the prescribed format; and
 - (c) where all prescribed requirements are satisfied.
- (3) An import of a plant, plant product or other regulated article that does not comply with the phytosanitary requirements established by the NPPO shall be prohibited from entry into *Saint Christopher and Nevis*.
- (4) Phytosanitary requirements and phytosanitary measures issued by the NPPO shall be based on pest risk analysis or otherwise be based on existing international standards.
- (5) As conditions change or as new facts become available, where, in the view of the NPPO, the change in conditions or new facts warrant a change in circumstances, the NPPO shall, without undue delay, modify or revoke phytosanitary requirements and phytosanitary measures as well as prohibitions.
- (6) The NPPO may negotiate bilateral and multilateral agreements for the evaluation and possible acceptance of alternative phytosanitary measures proposed by an exporting country's Competent Authority as being equivalent to the phytosanitary measures required under this Act.
- (7) The NPPO shall communicate to the Minister, the phytosanitary requirements, measures and prohibitions under this Act for publication in the Gazette and at ports of entry.
- (8) Any person arriving in Saint Christopher and Nevis and bringing any plant, plant product or other regulated article shall declare the same to the customs officer upon arrival.
- (9) Any unclaimed or un-manifested plant, plant product or other regulated article shall be detained.

18. Inspection for importation

- (1) Any plant, plant product or other regulated article imported into Saint Christopher and Nevis, shall be subject to inspection by a phytosanitary inspector at the point of entry.

(2) Notwithstanding subsection (1), a plant, plant product or other regulated article may be inspected by a phytosanitary inspector—

- (a) at a quarantine station or other approved facility; or
- (b) at any other location—
 - (i) on application by an importer, and
 - (ii) if the container has been sealed and marked as prescribed.

(3) An inspection carried out under subsection (1) or (2) is subject to the payment of the prescribed fee.

(4) An inspection referred to in subsection (1) or (2) shall be carried out during regular business hours, except where the plant, plant product or other regulated article is in transit or extremely perishable or where its entry has otherwise been delayed, in which case, on application by the importer and on payment of the prescribed fee, the NPPO may agree to an inspection being carried out at another time.

(5) The NPPO may establish specific modalities as agreed through bilateral or other agreements, to carry out pre-shipment inspections in the country of origin.

19. Phytosanitary actions on imports

(1) On an inspection carried out in accordance with section 18, where the phytosanitary inspector determines that the imported plant, plant product or other regulated article—

- (a) is not accompanied by the prescribed documentation, or
- (b) presents any risk for the introduction or spread of pests,

the phytosanitary inspector shall inform the CPQO in a written report and detain the item and immediately issue a written notice to the importer that part or all of the imported plant, plant product or other regulated article may be subject, within the time period specified in the notice, to—

- (i) detention until the receipt of relevant documentation within a reasonable time;
- (ii) testing;
- (iii) phytosanitary treatment in order to remove the risk;
- (iv) removal to a quarantine station or other approved facility;
- (v) sorting or re-configuring;
- (vi) re-exportation;
- (vii) re-shipment to the country of origin;
- (viii) confiscation;
- (ix) destruction; or

(x) any other conditions prescribed by the Minister.

(2) The grounds for rejecting a phytosanitary certificate or for requesting additional information shall be as prescribed by regulation.

(3) The phytosanitary inspector may forego advance notice and carry out any of the actions listed under subsection (1) where in his or her opinion destruction of the imported plant, plant product or other regulated article is urgently required or the giving of notice is impracticable.

(4) The phytosanitary inspector shall provide reasons in writing to the NPPO and to the importer for any action taken in implementation of this section.

(5) Where, after its entry into Saint Christopher and Nevis or after treatment, any imported plant, plant product or other regulated article remains unclaimed for a period of time as may be prescribed, the NPPO may take action to destroy the imported plant, plant product or other regulated article.

(6) The costs and responsibility for any action taken under subsection (1), (3) or (5) shall be borne by the importer and legal proceedings may be instituted for that purpose.

(7) Where any action is taken under subsection (1), (3) or (5), the method used to calculate costs charged shall be in accordance with the prescribed procedure.

(8) The NPPO shall notify the IPPC or the Competent Authority in the country of export of instances of interception, emergency actions and non-compliance where required.

(9) The NPPO and its officers shall not be liable for the confiscation, destruction or disposal of any plant, plant product or other regulated article carried out in accordance with this section.

20. Release of imports

On an inspection carried out under section 18, where the phytosanitary inspector determines that the imported plant, plant product or other regulated article does not present any risk for the importation and spread of pests, and otherwise complies with the requirements of this Act, he or she shall immediately release the consignment for processing by the St. Kitts and Nevis Customs and Excise Department by written notice as set out in the prescribed form to be served on the importer.

21. Restriction of certain imports

In order to protect plant resources, human and animal health or the environment, the NPPO may—

- (a) allow the entry into Saint Christopher and Nevis of any plant, plant product or other regulated article for scientific or experimental purposes or in the case of a natural disaster for humanitarian purposes, subject to such terms and conditions that the NPPO, considers appropriate;
- (b) where temporary measures are necessary, prohibit or restrict the entry of any plant, plant products or other regulated article;
- (c) take any other necessary action to prevent the introduction or spread of a quarantine pest or a regulated non-quarantine pest.

22. Plant quarantine stations and other facilities

(1) The NPPO shall—

- (a) recommend to the Minister the designation of certain places as plant quarantine stations where a plant, plant product or other regulated article may be kept for phytosanitary observation, research, inspection, testing, treatment, detention or destruction;
- (b) require that imported material be kept or cultivated at a plant quarantine station, or at any other location identified by the NPPO, and kept under the NPPO's supervision for such time as the NPPO considers necessary;
- (c) recommend to the Minister the designation of certain places for the purpose of inspection and the approval of facilities owned and operated by public or private third parties to be used for inspections.

(2) Upon the recommendation of the NPPO pursuant to subsection (1), the Minister shall by Order, designate places as quarantine stations or places for the purposes of inspection, as the case may be.

23. Arrival Notification

(1) An employee of the St. Kitts and Nevis Postal Service or an official of the St. Kitts and Nevis Customs authority, St. Kitts and Nevis Air and Sea Ports Authority, the Royal Saint Christopher and Nevis Police Force, or St. Kitts and Nevis Defence Force, Coast Guard, or a public health inspector who has knowledge of the arrival or importation of any plant, plant product or other regulated article, shall, in the absence of a phytosanitary inspector—

- (a) as soon as practicable, notify the arrival or importation to the NPPO;
- (b) detain the plant, plant product or other regulated article for inspection by a phytosanitary inspector; and
- (c) not release or dispose of the plant, plant product or other regulated article unless so authorised by a phytosanitary inspector.

(2) A detention carried out under subsection (1) shall be deemed to be an action taken by or on delegation from the NPPO.

(3) The NPPO shall take custody of any item detained under subsection (1) within 3 business days of its detention.

PART IV

EXPORTS, RE-EXPORTS, TRANSHIPMENT AND CONSIGNMENTS IN TRANSIT

24. Export

(1) Where an importing country requires the issuance of a phytosanitary certificate, treatment or testing before authorising the import of a plant, plant product or other regulated article from Saint Christopher and Nevis, the exporter in Saint Christopher and Nevis shall—

- (a) apply to the NPPO for a phytosanitary certificate for a phytosanitary certificate on form 3 as set out in Schedule 3
 - (i) at least two days before; but
 - (ii) no more than 5 days in advanceof the intended day of exportation;
- (b) provide to the NPPO all documentation that is prescribed including the intended date of export;
- (c) make the consignment available for inspection; and
- (d) pay the prescribed fees.

(2) The NPPO shall, on application by an exporter under subsection (1), inspect the consignment without undue delay and shall—

- (a) issue a phytosanitary certificate, in the form prescribed in Schedule 3, where the consignment—
 - (i) meets the documentary and other phytosanitary import requirements of the country to which the consignment is to be exported; and
 - (ii) satisfies any other requirements for export specified by the NPPO or under any applicable enactment; or
- (b) deny the issue of a phytosanitary certificate where the requirements specified in paragraph (a) have not been met.

(3) The phytosanitary certificate referred to in subsection (1) shall be issued by the NPPO within 72 hours of the intended day of export.

(4) After the issuance of a phytosanitary certificate under subsection (2)(a), the exporter shall export the consignment in compliance with any conditions required by the NPPO in order to maintain the phytosanitary security and physical integrity of a consignment.

25. Re-export

(1) Where a consignment of plants, plant products or other regulated articles is imported and the exporter is desirous of re-exporting that consignment or any part of that consignment, the exporter shall—

- (a) apply to the NPPO for a re-export phytosanitary certificate
 - (i) at least two days before; but

(ii) no more than 5 days in advance

of the intended day of re-exportation;

(b) provide all prescribed documentation including the intended day of re-exportation;

(c) make the consignment available for phytosanitary inspection; and

(d) pay the prescribed fee.

(2) Upon receipt of an application by a re-exporter in subsection (1), the NPPO shall carry out a phytosanitary inspection of the consignment.

(3) Where the inspection reveals that the consignment is not infested and that the documents comply with the phytosanitary requirements of the country of destination, the NPPO shall issue a re-export phytosanitary certificate in the form prescribed in Schedule 4.

(4) A re-export phytosanitary certificate under subsection (3) shall be issued by the NPPO within 72 hours of the intended day of export.

(5) Notwithstanding the provisions of subsections (1) and (4), no applications for re-exportation shall be processed on the intended day of exportation.

(4) After the issuance of a re-export phytosanitary certificate under subsection (3), the exporter shall re-export the consignment in compliance with any conditions required by the NPPO for maintaining the phytosanitary security and physical integrity of the consignment.

(5) All original or certified copies of documentation and phytosanitary certificates from the country of origin shall accompany consignments to be re-exported under this section.

(6) Where a consignment for re-export has, in Saint Christopher and Nevis—

(a) been exposed to infestation or contamination;

(b) lost its phytosanitary security or physical integrity; or

(c) been processed to change its nature,

the NPPO shall issue a phytosanitary certificate which indicates the country of origin and includes the original documentation.

26. Transshipment and consignments in transit

(1) Any person wishing to transit or tranship a consignment of plants, plant products or other regulated articles through Saint Christopher and Nevis shall apply to the NPPO in the prescribed form accompanied by the prescribed fee for transit authorisation or transshipment authorisation, as the case may be.

(2) In evaluating an application for transit authorisation or transshipment authorisation, the NPPO shall apply the prescribed standards, conduct the relevant risk assessment, and shall—

(a) approve the application where it meets prescribed requirements and issue the authorisation; or

- (b) deny the application where it fails to meet prescribed requirements, informing the applicant in writing of the reasons for the decision.

(3) Phytosanitary requirements shall not apply to a consignment in transit or being transhipped through Saint Christopher and Nevis if—

- (a) the consignment has been packed so as not to permit any risk of the spread of regulated pests that might be present in the consignment;
- (b) the consignment and the accompanying documents comply with the phytosanitary requirements of the country of destination; and
- (c) the consignment is accompanied by the phytosanitary certificate of the country of origin.

(4) The Minister may make regulations prescribing procedures for transhipment and transit of plants, plant products or other regulated articles.

PART V

CONTROL OF PESTS

27. Phytosanitary control measures

(1) Any area or premises that is infested or suspected to be infested by a regulated pest, as well as any pest free area, pest free place of production, pest free production site, area of low pest prevalence or buffer zone may be subject to the following phytosanitary actions—

- (a) treatment or disposal of plants, plant products or other regulated articles, including the treatment of conveyances whether or not they have been found to be infested, in order to limit the spread of the quarantine pest, keep the area free from a specific pest or keep the level of a pest low, as the case may be;
- (b) mandatory pest control treatment;
- (c) prohibition or restriction of the movement of any plant, plant product or other regulated article within, from or to the area or zone;
- (d) prohibition of planting or replanting specific plants in a specified location; or
- (e) any other phytosanitary action which the NPPO deems necessary.

(2) In applying phytosanitary control measures under subsection (1) the NPPO shall be guided by IPPC protocols and apply any control measures proportionally, taking into account the following

- (a) nature of the site;
- (b) area or zone where the control measures are being applied; and
- (c) the severity of the threat posed by the pest present in the site, area or zone.

28. Declaration of regulated pests

(1) The Minister may, on the advice of the NPPO, by Order published in the Gazette, declare a pest to be a regulated pest, based on pest risk analysis.

(2) The NPPO shall maintain and periodically review and submit to the Minister for approval, the list of regulated pests and shall communicate the list of regulated pests and any subsequent amendments to the same, to the Minister for approval and to the IPPC Secretariat.

(3) The NPPO shall, upon request by international or regional organisations or other national plant protection organisations, provide the list of regulated pests.

29. Duty of occupier or owner to notify NPPO

(1) The occupier or owner of any premises, who has knowledge of or suspects the presence of a regulated pest thereon, shall immediately notify the NPPO or an extension officer.

(2) Where the notification in subsection (1) is given to an extension officer, the extension officer to whom notice is given, shall immediately convey the information to the NPPO.

30. Declaration of provisional quarantine

(1) Where a phytosanitary inspector reasonably believes that a quarantine pest may be present in any area or premises, he or she may—

- (a) enter into such area or premises in accordance with section 45;
- (b) inspect any plants, plant products or other regulated articles;
- (c) take such samples as he or she may consider necessary to verify the presence of the quarantine pest;
- (d) take any other action under section 45 as the phytosanitary inspector believes is required;
- (e) declare such area or premises to be under provisional quarantine.

(2) Upon a declaration made under subsection (1)(e), the NPPO—

- (a) may take emergency phytosanitary measures; and
- (b) shall within the prescribed period either—
 - (i) advise the Minister in accordance with section 31; or
 - (ii) revoke the declaration of provisional quarantine.

(3) A phytosanitary inspector exercising his or her powers under this section may request the presence and assistance of a police officer as he or she considers necessary.

31. Declaration of quarantine

(1) Upon confirmation of the presence of a quarantine pest under section 30, the Minister shall, on the advice of the NPPO and in consultation with the Ministers responsible for health and the environment —

- (a) declare any premises or area that is affected, or reasonably suspected of being affected with any quarantine pest to be under quarantine;
- (b) prescribe measures for the treatment or disposal of a plant, plant product or other regulated article, and the treatment of a conveyance whether or not it has been found to be infested, in order to limit the spread of any quarantine pest;
- (c) prescribe the period of quarantine;
- (d) declare a buffer zone in relation to the quarantine area; and
- (e) specify any conditions for subsequent renewals of the declaration.

32. Procedure when quarantine pest is on premises

(1) Where the NPPO reasonably suspects that a quarantine pest may be present on any premises, the NPPO may—

- (a) instruct a phytosanitary inspector to—
 - (i) enter the premises,
 - (ii) inspect any plant, plant product or other regulated article on the premises, and
 - (iii) take any sample as he or she may consider necessary; and
- (b) require, by notice in writing, the owner or occupier of the premises, and where the NPPO deems it appropriate, the owner or occupier of any premises in the vicinity, to take within a specified period such measures on his or her premises that the NPPO considers appropriate to eradicate, contain or restrict the spread of the pest.

(2) Where an owner or occupier of premises fails to comply with any term of a notice issued under subsection (1), the NPPO may direct a phytosanitary inspector or other authorised person to enter the premises in question in order to carry out the requirements of the notice and, where necessary, destroy the plant, plant product or other regulated article in order to eradicate, contain or restrict the spread of the pest.

(3) The owner of the plant, plant product or other regulated article shall be liable to pay the costs for any action taken under subsection (2).

(4) Notwithstanding subsection (3), Saint Christopher and Nevis shall pay the costs for actions taken under subsection (2), if the NPPO is satisfied that the actions qualify under any ground of food security or other public good as prescribed by regulations, without prejudice to the right of Saint Christopher and Nevis to recover the costs from the owner as a civil debt.

(5) Where the NPPO takes any action under subsection (2) the method used to calculate the costs shall be as prescribed.

(6) Saint Christopher and Nevis and the NPPO shall not be liable for the destruction or disposal of any plant, plant product or other regulated article carried out in accordance with this section.

(7) A phytosanitary inspector exercising his or her powers under this section may request the presence and assistance of a police officer as he or she considers necessary.

33. Duration of quarantine notice

(1) Any notice issued under section 32 (1) (b) shall remain in force until a phytosanitary inspector gives the owner or occupier of the premises a certificate in writing that the premises or area is free from pests.

(2) A person shall not remove, or allow or cause to be removed any plant, plant product or other regulated article from the premises or area under quarantine in the period for which a notice under section 32 (1) (b) is in force.

34. Declaration of phytosanitary emergency

(1) The Minister may, where there is a grave threat to plant resources or food security and on the advice of the NPPO, declare a phytosanitary emergency on the basis of risk analysis and upon evidence obtained from—

- (a) an inspection or surveillance carried out under this Act; or
- (b) an analysis of a sample taken under section 30(1) (c) or section 32(1)(a)(iii).

(2) A phytosanitary emergency declaration under this section shall—

- (a) enable the application of phytosanitary measures and responses by the NPPO in the manner specified in a phytosanitary emergency plan;
- (b) be time-bound and subject to periodic review and evaluation as shall be prescribed by regulation and in the phytosanitary emergency plan.

35. Lifting of quarantine

(1) The NPPO shall regularly review the situation in respect of any quarantine area and as soon as the NPPO determines that—

- (a) the relevant quarantine pest is no longer present; or
- (b) it is no longer appropriate for the quarantine to be maintained in respect of part or all of the area or premises;

the NPPO shall—

- (i) advise the Minister to revoke the declaration of quarantine; and
- (ii) upon revocation by the Minister, shall serve written notice on every owner or occupier of the area or premises of the revocation of the declaration of quarantine.

36. Declaration of pest free area or area of low pest prevalence

(1) The Minister may, on the recommendation of the NPPO declare a pest free area if the NPPO is satisfied that—

- (a) a pest is not present in the area;
 - (b) phytosanitary measures have been implemented to keep the area, place or site free of the pest; and
 - (c) a surveillance system has been instituted to verify that the area, place or site remains free of the pest;
- (2) The Minister may, on the recommendation of the NPPO declare an area of low pest prevalence where the NPPO is satisfied that—
- (a) a pest is present at low levels in the area;
 - (b) phytosanitary measures have been implemented to keep the pest levels low; and
 - (c) a surveillance system has been instituted to verify that the pest levels remain low.

37. Pest free places of production and pest free production sites

The NPPO may declare a place of production or production site pest free where the NPPO is satisfied that—

- (a) a pest is not present in the area;
- (b) phytosanitary measures have been implemented to keep the place or site free of the pests; and
- (c) a surveillance system has been instituted to verify that the place or site remains free of the pests.

38. Duty to report pests

(1) Public and private entities, researchers, universities, and other persons that identify the occurrence of a new pest or a regulated pest, shall immediately report this occurrence to the NPPO.

(2) An entity, researcher, university or other person in subsection (1), shall not publish, advertise or otherwise alert the public of the identification of a new pest or regulated pest, without first having obtained the written permission of the Chief Plant Protection Officer.

39. Emergency response plans

- (1) Subject to the provisions of the IPPC, the NPPO shall develop emergency and contingency plans.
- (2) Where the NPPO develops an emergency plan, the following considerations shall be taken into account and included as part of the plan
 - (a) the use and availability of different pest and disease control strategies;
 - (b) the implications of the use of different control strategies and the most appropriate strategy given different circumstances or pest and disease outbreak scenarios.

- (3) Where the NPPO develops a contingency plan, the following considerations shall be taken into account and included as part of the plan
- (a) the administrative and logistic organisation of the institutions and persons responsible for responding to pest and disease outbreaks;
 - (b) a clear command structure for response deployment; and
 - (c) the specific measures needed to address risks to human or plant health.
- (4) Where the NPPO develops a plan in accordance with the provisions of subsections (2) or (3), the development of those plans shall take into account at least the following—
- (a) the capacity for response of the NPPO;
 - (b) the geographical, ecological and epidemiological environments;
 - (c) production and marketing practices;
 - (d) other factors considered necessary to control, stop the spread of, or eradicate the plant pest and disease.
- (5) In the development of an emergency plan or a contingency plan, the NPPO shall collaborate with the following
- (a) the National Emergency Management Agency;
 - (b) the Ministry of Health;
 - (c) the Department of the Environment;
 - (d) the Ministry of Trade;
 - (e) law enforcement; and
 - (f) any other relevant public authorities, private sector entities and regional and international authorities with a role in emergency response.

PART VI

TREATMENT OF GOODS IN FREE CIRCULATION IN THE ECONOMIC UNION AREA

40. Treatment of plants, plant products or other regulated articles circulating within the Economic Union Area

- (1) Where plants, plant products or other regulated articles—
- (a) have been found compliant with all applicable import requirements under this Act and any other relevant enactments at the first point of entry in the Economic Union Area, including payment of any applicable customs duties or other charges having equivalent effect; and

(b) have not benefited from a partial or total drawback of such duties or other charges,

such plants, plant products or other regulated articles may circulate freely within the territory of first entry and the Economic Union Area.

(2) Where a plant, plant product or other regulated article is dispatched from an OECS Protocol Member State to Saint Christopher and Nevis, the plant, plant product or other regulated article may, on arrival in Saint Christopher and Nevis, be subject to inspection in accordance with the procedures under section 18, unless the plant, plant product or other regulated article is accompanied by a Phytosanitary (Economic Union) certificate from the competent authority of the OECS Protocol Member State of dispatch, issued within 7 days of its arrival in Saint Christopher and Nevis.

(3) Notwithstanding subsection 2, all plants, plant products and other regulated articles may be subject to inspection

41. Phytosanitary (Economic Union) certificate

(1) A person who intends to dispatch a plant, plant product or other regulated article from Saint Christopher and Nevis may submit the plant, plant product or other regulated article for examination by the NPPO.

(2) Where, upon examination, a phytosanitary inspector—

- (a) is satisfied that the plant, plant product or other regulated article is free of any risk for the spread of disease, the phytosanitary inspector shall issue a Phytosanitary (Economic Union) certificate in a form prescribed in regulations, upon payment of the prescribed fee;
- (b) is not satisfied that the plant, plant product or other regulated article is free of any risk for the spread of pest or other threat—
 - (i) subject the plant, plant product or other regulated article to appropriate phytosanitary treatment in order to remove the risk; or
 - (ii) deny issuance of the phytosanitary certificate, giving reasons in writing.

(3) For the purposes of issuing a Phytosanitary (Economic Union) certificate, the phytosanitary inspector may—

- (a) carry out inspection, approval and certification procedures;
- (b) carry out tests, or other phytosanitary procedures; and
- (c) send advance notice to the receiving OECS Protocol Member State.

42. Network of Agriculture Health and Food Safety competent authorities

(1) The NPPO shall liaise with the competent authorities for agriculture, health and food safety in Saint Christopher and Nevis and OECS Protocol Member States to form a network for the purpose of—

- (a) developing an agriculture, health and food safety risk management system for the Economic Union Area;
- (b) making recommendations for adoption by OECS Protocol Member States of agriculture, health and food safety regulations, standards, guidelines and protocols in keeping with international requirements;
- (c) promoting the harmonisation of sanitary and phytosanitary standards in the Economic Union Area;
- (d) making recommendations for the modernisation of the agriculture, health and food sectors in OECS Protocol Member States;
- (e) developing and maintaining a database in respect of key aspects of agriculture, health and food safety in the Economic Union Area;
- (f) sharing with Competent Authorities and other relevant agencies, statistics and other relevant information required under this Act, from the database in paragraph (e); and
- (g) ensuring that sanitary and phytosanitary measures are implemented in a transparent and non-discriminatory manner.

(3) Subject to the national mandate of Saint Christopher and Nevis in relation to plant protection, the NPPO, as part of the network of competent authorities in subsection (1) shall, in relation to phytosanitary matters

- (a) liaise with;
- (b) consider advice;
- (c) implement such recommendations from CAHFSA as it considers relevant and enforceable.

43. Application of Common Procedures, Principles and Risk Management System to facilitate the Free Circulation of Goods in the Economic Union Area

(1) The NPPO shall collaborate with CAHFSA for the purposes of developing and implementing a common Risk Management System, which shall include—

- (a) a common Risk Classification Matrix;
- (b) common Risk Procedures;
- (c) common Inspection Procedures;
- (d) common Import Requirements and Procedures in respect of certification, licensing and import permits;

- (e) a common Pest List;
- (f) a common List of Prohibited Products for Importation; and
- (g) a common List of Restricted Products for Importation.

(2) The Common Risk Management System shall be approved by the Minister before implementation.

44. Information Sharing

The NPPO may retrieve, update, and share relevant information required under this Act through —

- (a) the OECS Customs Information System; and
- (b) any alert system developed for use regionally or internationally that is accessible to OECS Protocol Member States.

45. Plants, plant products and other regulated articles not permitted to circulate freely in the Economic Union Area

The Minister may, in consultation with the NPPO and with relevant Ministers of the other OECS Protocol Member States, prescribe a list of plants, plant products and other regulated articles that are not permitted to circulate freely within the Economic Union area.

PART VII

ENFORCEMENT

46. Enforcement powers of a phytosanitary inspector

(1) Where a phytosanitary inspector, has exercised an investigative power under section 9, and has reasonable grounds to believe that a pest or other threat exists in an area or premises, including a dwelling house, or that this Act is being or has been contravened, the phytosanitary inspector may, without warrant or the consent of the owner or occupier—

- (a) enter the area or premises and—
 - (i) seize any plant, plant product, regulated article, object, book, statement or document which appears to provide proof of a contravention of any provision of this Act providing a signed receipt in the prescribed form which shall be countersigned immediately by the owner or person in charge;

- (ii) examine, make copies of or take extracts from any book, statement or other document found at such area or premises that the phytosanitary inspector reasonably believes contains any information relevant to this Act, and demand from the owner or any person in charge an explanation of any entry in it, and where such record or document is kept by means of computer to have access to it or any associated apparatus or material;
 - (iii) take phytosanitary action such as but not limited to treatment, disposal, reshipment, or confinement of plants, plant products or other regulated articles in such area or on such premises.
- (b) stop the distribution, sale or use of any plant, plant product or other regulated article, and seize the same, which he or she has reason to believe is being distributed, sold or used in contravention of this Act, for a prescribed period.
- (c) seize, destroy, detain, treat or otherwise dispose of any plants, plant products or other regulated articles, or order that any such action be taken, at the expense of the owner.
- (2) Any phytosanitary inspector who causes any plant or other regulated article to be seized, detained, treated, disposed of or destroyed under this Act shall immediately serve a written notice on the owner with a description of the action taken and the reasons for so doing.
- (3) A phytosanitary inspector exercising his or her powers under this section may request the presence and assistance of a law enforcement officer as he or she considers necessary.
- (4) A phytosanitary inspector may carry out an inspection in the territory of an exporting country as a pre-clearance inspection, at the invitation or with the agreement of the exporting country.
- (5) In carrying out any duty under this section, a phytosanitary inspector shall identify himself or herself as a phytosanitary inspector by showing his or her identification card or other proof of his or her appointment or designation as a phytosanitary inspector.

47. Storage or removal of affected items

Where a phytosanitary inspector has seized or detained a plant, plant product or other regulated article under this Act—

- (a) the phytosanitary inspector, or
 - (b) any other person designated by the Chief Plant Protection Officer
- may—
- (i) store, treat, quarantine or dispose of the plant, plant product or other regulated article at the place where it was seized or detained, or move it to any other place for storage, treatment, quarantine or disposal;
 - (ii) require the owner or the person in charge of the plant, plant product or other regulated article to store, treat, dispose of, export or move it to any other place within a specified time.

- (2) A phytosanitary inspector who seizes or detains a plant, plant product or other regulated article —
- (a) shall, as soon as is practicable, issue a written notice to the owner or person in charge of the plant, plant product or other regulated article, advising of the reasons for its seizure or detention; or
 - (b) may forego advising the owner or person in charge of the reasons for the seizure or detention if—
 - (i) it is impractical, at the time, to give the reasons for the seizure or detention; or
 - (ii) the situation requires emergency action in which case written notice shall be provided to the owner or person in charge within 14 calendar days after the action has been carried out.

48. Confiscation and disposal of plants, plant products and other regulated articles

- (1) A phytosanitary inspector may confiscate and dispose of in the prescribed manner—
- (a) any plant, plant product or other regulated article that—
 - (i) after its entry into Saint Christopher and Nevis, remains unclaimed for a prescribed time;
 - (ii) is imported un-manifested; or
 - (b) anything that the phytosanitary inspector reasonably believes contains or harbours a regulated pest.
- (2) A phytosanitary inspector who confiscates a plant, plant product or other regulated article —
- (a) shall, as soon as is practicable, issue a written notice to the owner or person in charge, advising of the reasons for its confiscation; or
 - (b) may forego advising the owner or person in charge of the plant, plant product or other regulated article or pest of the reasons for the confiscation if—
 - (i) it is impractical, at the time, to give the reasons for the confiscation; or
 - (ii) the situation requires emergency action in which case written notice shall be provided to the owner or person in charge within 14 calendar days after the action has been carried out.

49. Offences

- (1) A person commits an offence if he or she, either personally or indirectly through an employee or agent—
- (a) knowingly grows, sells, offers for sale, transports or distributes in any manner any plant, plant product or other regulated article that is infested by a quarantine pest;
 - (b) improperly influences or attempts to improperly influence a phytosanitary officer in the exercise of his or her official functions under this Act;

- (c) assaults, resists, intimidates, threatens, abuses in any manner whatsoever, or obstructs or interferes with a phytosanitary inspector in the execution of his or her duties;
- (d) tampers with any sample taken pursuant to this Act or breaks any seal or alters any markings made by a phytosanitary inspector without permission;
- (e) fails to provide access, samples or information to a phytosanitary inspector upon lawful request by the phytosanitary inspector;
- (f) fails to comply with any order or direction lawfully made or given under this Act;
- (g) imports any plant, plant product or other regulated article at a port that is not a point of entry;
- (h) imports any plant, plant product or other regulated article except in accordance with Part III and any other requirement that is prescribed by regulations;
- (i) intentionally permits, introduces or causes the introduction or spread of a quarantine pest;
- (j) exports any plant, plant product or other regulated article except in accordance with Part IV;
- (k) fails to safeguard the phytosanitary security of a consignment after the issuance of a phytosanitary certificate under section 24 or a re-export phytosanitary certificate under section 25;
- (l) fails to allow a search or inspection or the taking of any sample authorised under this Act;
- (m) breaks the seal on a sealed container containing a plant, plant product or other regulated article except in the presence of a phytosanitary inspector;
- (n) knowingly or recklessly provides information which is false, for the purpose of obtaining any document under this Act;
- (o) alters, forges, defaces or destroys any document issued under this Act;
- (p) subject to paragraph (t), submits any written material for publication referring to the occurrence of a quarantine pest in Saint Christopher and Nevis without prior communication of the existence of the pest to the NPPO;
- (q) impersonates a phytosanitary inspector;
- (r) removes, or allows or causes to be removed any plant, plant product or other regulated article from any premises or area under quarantine;
- (s) publishes, advertises or otherwise alerts the public of the identification of a new pest or regulated pest, without the written authorisation of the CPQO; or
- (t) fails to give to the NPPO any notification required under this Act.

(2) Where an offence under this Act has been committed by a body corporate or other entity and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the

part of, any director, manager, secretary or other similar officer of the body corporate or other entity, or any person who is purporting to act in any such capacity, such director, manager, secretary or other officer as well as the body corporate or other entity is guilty of that offence.

(3) A person who commits an offence by virtue of subsection (2) shall be liable to the same extent as a person who commits the offence under subsection (1).

50. Criminal penalties

- (1) A person who commits an offence under this Act is liable—
- (a) in the case of an individual
 - (i) in the case of a first offence, on summary conviction, to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment;
 - (ii) in the case of a second or a subsequent offence, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.
 - (b) in the case of a body corporate or other entity and subject to the provisions of section 49(2);
 - (i) on summary conviction, to a fine not exceeding fifty thousand dollars;
 - (ii) on indictment to a fine not exceeding two hundred and fifty thousand dollars ;
- (2) Notwithstanding the provisions of subsection (1), the Court may, in addition to any other penalty, take into account the nature and extent of the damage caused by a person who contravenes the provisions of this Act and the cost of rectifying any damages caused by that person.

51. Procedure for offences

Where the CPQO reasonably believes that a person has contravened any of the provisions of this Act, he or she shall report the matter to the Royal Saint Christopher and Nevis Police Force.

52. Revocation or suspension of permits and other authorisations

(1) The NPPO may suspend or revoke any permit, certificate or other authorization it has issued under this Act.

(2) Where the NPPO proposes to suspend or revoke a permit, certificate or other authorization under subsection (1) it shall issue a written notice to the holder of the permit, certificate or other authorisation, giving at least 7 business days' notice of —

- (a) its intention to do so;

(b) the terms of the suspension or revocation, as the case may be; and

(c) the grounds upon which the suspension or revocation is proposed to be made,

and before taking the action proposed, the NPPO shall consider any representations made by or on behalf of the holder of the permit, certificate or other authorisation before the expiration of the notice.

(3) Notwithstanding subsection (2), the NPPO shall take immediate action to suspend or revoke a permit, certificate or other authorisation, where there is a risk to public health, or of the spread of a regulated pest or other serious risk requiring immediate action.

53. Forfeiture

(1) Where a person is convicted of an offence under this Act, the court may, on its own motion or at the request of a party to the proceedings, in addition to any penalty imposed, order that any plant, plant product or other thing in respect of which the offence was committed or which was used in connection thereof, be forfeited to the Crown or otherwise disposed of as the Court may direct.

(2) Where the owner or person in charge of a plant, plant product or other thing is convicted of an offence under this Act and a fine is imposed, the plant, plant product or other thing —

(a) may be detained until the fine is paid; or

(b) may be sold in satisfaction of the fine.

(3) Where the court does not order the forfeiture of a plant, plant product or other thing, the plant, plant product, or other thing, or any proceeds realized from its disposal shall be returned to the owner or person in charge at the time of its seizure.

54. Fixed penalty offences

(1) The penalties listed in Schedule 5 are designated fixed penalty offences for the purposes of this Act.

(2) The Minister may make regulations prescribing the penalties for fixed penalty offences which shall in no case exceed 10% of the maximum penalty.

(3) Where on any occasion a phytosanitary inspector finds a person who the phytosanitary inspector has reason to believe is committing, or has committed, a fixed penalty offence, he or she may serve on that person a fixed penalty notice in the prescribed form.

(4) Where a phytosanitary inspector has served a fixed penalty notice upon a person, the phytosanitary inspector shall—

(a) inform the person that he or she has committed an offence under the Act; and

(b) notify the person that, if he or she does not wish to be prosecuted for the alleged offence in court, he or she may pay to the clerk of the Magistrate's Court in the district in which the offence was committed the fixed penalty prescribed for the offence in the fixed penalty notice within the time specified.

(5) A person upon whom a fixed penalty notice is served may decline to be dealt with under this section and where he or she fails to pay the fixed penalty within the time specified in the fixed penalty notice, or within such further time as may be allowed in a particular case, his or her conduct constitutes a declination to be dealt with under this section.

(6) A phytosanitary inspector shall serve a fixed penalty notice upon a person alleged to have committed a fixed penalty offence and shall send a duplicate of the fixed penalty notice to the Magistrate's Court of the district in which the offence is alleged to have been committed.

(7) Where the fixed penalty is not paid within the time specified in the fixed penalty notice, the duplicate sent to the Magistrate's Court under subsection (5) shall constitute a complaint laid before the Magistrate to institute proceedings in accordance with the provisions of the Magistrate's Code of Procedure Act, Cap. 3.17.

(8) A fixed penalty notice shall be signed by the phytosanitary inspector and shall specify the following—

(a) the date, time and place of service of the fixed penalty notice;

(b) the section of this Act creating the offence alleged, and such particulars of the offence as are required under this Act;

(c) the amount of the fixed penalty;

(d) the time within which the fixed penalty may be which shall in no case exceed 21 business days; and

(e) the clerk of the Magistrate's Court to whom, and the address at or to which, the fixed penalty may be paid or remitted.

(9) Where a fixed penalty is not paid within the time specified, proceedings in respect of the offence specified in the fixed penalty notice shall thereafter proceed in the manner prescribed by the Magistrate's Code of procedure Act.

(10) A person upon whom a fixed penalty notice is served may pay the fixed penalty in accordance with the fixed penalty notice.

(11) Where the fixed penalty is paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted for the offence for which the fixed penalty notice was served and the complaint laid before the Magistrate shall be null and void.

(12) In any proceedings for a fixed penalty offence, a certificate that payment of the fixed penalty was or was not made to the clerk of the Magistrate's Court by the date specified in the certificate shall, if the certificate purports to be signed by such clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

55. Evidence

(1) In any prosecution for an offence under this Act, a declaration, certificate, report or other document of the NPPO or a laboratory analyst, phytosanitary inspector or police officer, purporting to have been signed on behalf of the NPPO or the laboratory analyst, phytosanitary inspector or police officer, is, in the absence of evidence to the contrary, proof of the matters asserted in it.

(2) In any prosecution for an offence under this Act, a copy of an extract from any record or other document made by the NPPO, a laboratory analyst, a phytosanitary inspector or police officer under this Act, that is certified as a true copy or extract, is admissible in evidence.

56. Offences by officials and penalty

(1) A laboratory analyst, a phytosanitary inspector or other NPPO staff, and any employee or official under section 23 (1) who —

- (a) in connection with any official duty, directly or indirectly requests or accepts any payment, gratuity, reward or benefit that is not prescribed under this Act,
- (b) agrees to do, abstains from doing, permits, conceals or connives at any act or thing which is contrary to the proper execution of official duties under this Act, or other enactment;
- (c) discloses any information acquired in the performance of his or her official duties relating to any person, firm or business, except in accordance with this Act or when required to do so by his or her supervisor in the course of official duties, or where ordered to do so by any court; or
- (d) otherwise abuses his or her powers granted under this Act.

commits an offence and is liable on summary conviction to a fine not exceeding twenty five thousand dollars, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(2) Upon conviction for an offence under subsection (1) the person convicted shall be liable to dismissal and may be determined ineligible for reappointment and shall be subject to such other penalty applicable to public officers.

57. Good faith defence

No staff of the NPPO and no laboratory analyst, official or reference laboratory or any government employee, official or entity shall be liable to suit for damages or to prosecution in respect of anything done in good faith in the performance of official functions under this Act.

58. Compensation

(1) The Minister may, on the recommendation of the NPPO, out of money voted for that purpose by Parliament, order compensation to be paid in respect of—

- (a) the treatment required of premises for the purposes of this Act; or
- (b) the prohibition or restriction imposed under this Act on the use of premises.

(2) Compensation is not payable to a person who commits an offence under this Act and claims compensation in respect of any premises or thing by means of or in relation to which the offence was committed.

PART VIII
MISCELLANEOUS

59. Service of notice

A notice or other document to be served on a person under this Act may be served—

- (a) by leaving the notice or other document with that person;
- (b) by delivering it or sending it in a prepaid letter addressed to that person at his or her usual or last known place of abode or business;
- (c) in the case of a body corporate, by delivering it to their registered or principal office or by sending it in a prepaid letter addressed to that office; or
- (d) in the case of a document to be served on the owner or occupier of any premises, if the owner or occupier cannot be found, by affixing the document in a conspicuous place on the premises.

60. Documents

(1) A document required to be furnished to the Minister or a phytosanitary inspector under this Act or any regulation or order made thereunder may be furnished in electronic form.

(2) Where a document referred to in subsection (1) is furnished in electronic form, an original hard copy of the document must be furnished to the Minister or a phytosanitary inspector within a reasonable period after the document is furnished in electronic form.

61. Registration of Plant-Growing Establishments

(1) The NPPO shall register all plant-growing establishments, including

- (a) nurseries;
- (b) green houses;
- (c) screen houses;
- (d) hydroponic operations,
- (e) farms;
- (f) and any other establishment that grows plants

and maintain a database of such establishments.

(2) Pursuant to the provisions of subsection (1), every plant-growing establishment shall be inspected at least twice annually by a phytosanitary inspector, and at such other times as the NPPO may consider necessary.

62. Duty to Assist and Cooperate

For the purpose of aiding phytosanitary inspectors in the performance of their functions and exercise of their powers under this Act, the NPPO may request the following authorities and agencies or their officers to provide assistance as the occasion may arise

- (a) the Customs and Excise Department;
- (b) St. Christopher and Nevis Air and Sea Ports Authority;
- (c) the Nevis Air and Sea Ports Authority
- (d) the Post Office;
- (e) public health officers;
- (f) environmental officers;
- (g) members of the Royal St. Christopher and Nevis Police Force;
- (h) the St. Kitts and Nevis Defence Force;

63. Right of Appeal

(1) Any person aggrieved by an action or decision of a phytosanitary inspector or the NPPO may, within fourteen business days from the date of the action or decision, appeal in writing to the Minister.

(2) The Minister shall issue his or her decision in writing, within twenty eight business days of the receipt of an appeal under subsection (1).

(3) A person who is dissatisfied with the decision of the Minister may appeal to the High Court within 21 calendar days of receipt of service by the person of the decision of the Minister.

(4) An appeal under subsection (3) shall be in such form and manner as prescribed by the Court.

64. Presumptions

In any legal proceedings under this Act, any laboratory tests purporting to be signed by the director or head of an official laboratory or by a laboratory analyst shall be accepted as *prima facie* evidence of the facts stated therein, provided that—

- (a) the party against whom it is produced may require the attendance of the laboratory analyst who performed the laboratory tests, for purpose of cross-examination;
- (b) no such laboratory tests shall be admissible in evidence unless the party intending to produce it has, before the trial, given the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.

65. Consent of the NIA

Pursuant to the provisions of sections 37(1) and 37(2) of the Constitution, the Nevis Island Administration consents to the application of the provisions of this Act to the island of Nevis.

66. Regulations

(1) The Minister may, on the advice of the NPPO, make regulations, orders or notices which he or she considers appropriate to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of subsection (1), regulations, orders or notices made under subsection (1) may provide for the following—

- (a) the list of regulated pests;
- (b) procedures for implementation of phytosanitary measures and emergency phytosanitary measures, including procedures to be followed by a phytosanitary inspector in the exercise of his or her duties under this Act;
- (c) surveillance, inspection, sampling, testing, treatment, confinement at quarantine stations, transport, reshipment and destruction;
- (d) the declaration and implementation of provisional quarantine and quarantine;
- (e) the establishment, membership, mandate and operating procedures of any committees set up under this Act;
- (f) implementation of certification programmes;
- (g) registration of all plant-growing establishments, including nurseries, green houses, screen houses, hydroponic operations and farms and maintenance of a database of such establishments;
- (h) the procedure by which an area of low pest prevalence, pest free area, pest free place of production, or pest free production site, endangered area or buffer zone may be declared;
- (i) the qualifications of phytosanitary inspectors;
- (j) the level of fees and costs for inspection and analysis or any other official actions taken under this Act;
- (k) the forms to be used for the purposes of this Act, including applications, permits, certificates, authorisations, written notices and receipts for articles seized, confiscated and disposed of;
- (l) conditions for the import of any plant, plant product or other regulated article;
- (m) the designation of the ports of entry that are appropriate for the import and export of any plant, plant product and other regulated article;
- (n) the circumstances under which phytosanitary requirements for import may be modified based on pest risk analysis;
- (o) procedures and guidelines for pre-clearance inspections;

- (p) the manner and criteria for the issuance of permits and certificates and authorisations under this Act;
- (q) the procedures by which an importer may apply for inspection to take place at any location other than the point of entry, or outside of regular business hours, and pay any applicable fees;
- (r) the manner in which containers must be sealed, marked and transported if they are to be inspected at their final destination rather than at the point of entry;
- (s) the way in which any plant, plant product and other regulated article must be stored or transported;
- (t) the procedures to be adopted for the treatment of any plant, plant product or other regulated article;
- (u) the location, management and functioning of any plant quarantine station established under this Act;
- (v) the requirements for the control and care of any plant, plant product and other regulated article kept or maintained at a plant quarantine station;
- (w) the manner in which a phytosanitary inspector shall arrange for the destruction, removal, uprooting or treatment of any plant, plant product or other regulated article within an area or location declared as under quarantine;
- (x) regulating goods in transit;
- (y) regulating wood packaging materials;
- (z) the period within, and conditions under which, it shall not be lawful to plant or re-plant anything in all or part of an area declared as under quarantine;
- (aa) the manner in which any sample being transported or in storage must be taken, marked and retained under this Act;
- (bb) the operating procedures of any official laboratories designated under this Act;
- (cc) conditions and procedures for the export of any plant, plant product or other regulated article;
- (dd) operating procedures for the inspection of any plant, plant product or other regulated article, and any physical structure or premises containing such a product or article, for purposes of export;
- (ee) the offences subject to the fixed penalty procedure outlined in section 53 and the fixed penalties attached to such offences;
- (ff) determination or scale of fees to be charged;
- (gg) guidelines, policy directives or protocols promoting cooperation between relevant departments relating to plant protection;

- (hh) procedures for the seizure, confiscation, disposal and destruction of any plants, plant products and other regulated articles;
- (ii) reporting requirements for the emergency fund;
- (jj) additional measures to be taken for the purpose of preventing the introduction or spread of a pest.
- (kk) phytosanitary measures to be applied for specific areas, sites or zones where pests may be present or have been diagnosed;
- (ll) standards for transshipment and transshipping of plants, plant products and other regulated articles.

67. Repeal and Savings

(1) The Plant Protection Act Cap. 14.09 is hereby repealed.

(2) An order issued by the Minister may revoke or modify any permit, certificate or authorisation granted, by authority of the legislation referred to in subsection (1).

68. Act to bind Crown

This Act binds the Crown.

SCHEDULE 1A

OECS MEMBER STATES

(Section 2)

Anguilla
Antigua and Barbuda
British Virgin Islands
Commonwealth of Dominica
Grenada
Guadeloupe
Martinique
Montserrat
St. Christopher and Nevis
Saint Lucia
Saint Vincent and the Grenadines

SCHEDULE 1B

OECS PROTOCOL MEMBER STATES

(Section 2)

Antigua and Barbuda
Commonwealth of Dominica
Grenada
Montserrat
St. Christopher and Nevis
Saint Lucia
Saint Vincent and the Grenadines

SCHEDULE 2

Import permit

(Section 16)

Import Permit

Place of issue :

National Plant Protection Organisation of Saint Christopher and Nevis

IMPORT PERMIT COAT OF ARMS (Permit Number) ____/____/____ Date: DD
/ MM / YY

Under the provisions of the Plant Protection Act 2023, permission is hereby granted to

(Name of Importer)

(Address of Importer)

...to import into Saint Christopher and Nevis from

(Country of Origin)..... (Place of Production).....

the following commodities:

(Commodity-Common and Scientific name) (Quantity) (Commodity Code)

subject to the undermentioned conditions:

(i) The importation must be accompanied by a phytosanitary certificate issued by the National Plant Protection Organisation

Organization of the exporting country stating that the plant, plant product or regulated article is free from

quarantine pests specified by [] (Schedules 1 and 2).

(ii) The consignment may be subject to fumigation on landing.

(iii) The consignment shall be free of soil and weed seeds.

(iv) The consignment shall be liable to examination by a [Plant Quarantine Inspector] on arrival.

(v) Additional requirement(s):

.....
.....
.....
.....

(Stamp of Plant Protection The consignment is expected to arrive on _____/_____/_____

Organisation) D M Y

Given under my hand on theday of20.....

Authorized Officer

(Name) (Signature)

This permit is valid for sixty (60) days from the date of issue and covers one consignment only

SCHEDULE 3

Phytosanitary Certificate

(section 24)

(For Export)

ORIGINAL

National Plant Protection Organisation of Saint Christopher and Nevis
PHYTOSANITARY CERTIFICATE

To: National Plant Protection Organization(s) of

COAT OF ARMS

Place of Issue Date of Issue Date of Inspection

1. DESCRIPTION OF CONSIGNMENT

Name and Address of exporter

Name and Address of consignee

Declared means of conveyance

Declared point of entry

Place of Origin Total no. of packages Distinguishing marks

Article

Code Scientific name and common name of plants Quantity Description Weight (Kg)
Declared

This is to certify that the plants, plant products or regulated articles described herein have been inspected, treated and/or tested

according to official procedures and are considered free from quarantine pests specified by the importing country and to

conform with the current phytosanitary requirements of the importing country, including those for regulated non-quarantine

pests. They are deemed to be practically free from other pests.

II. ADDITIONAL DECLARATION

III. DISINFESTATION AND/OR DISINFECTION TREATMENT Authorized officer

Treatment

Chemical (active ingredient) Duration and temperature

Concentration Date of treatment

Additional Information

Name Signature Stamp of Plant Protection Service

Liability shall not attach with respect to this certificate against the National Plant Protection Organisation or any of its officers or representatives (Plant Protection Act 2023, Section.....)

SCHEDULE 4

Re-export Phytosanitary Certificate

(section 25)

Phytosanitary Certificate for Re-Export

National Plant Protection Organisation of [] PHYTOSANITARY CERTIFICATE

To National Plant Protection Organization(s) of COAT OF ARMS Place of Issue Date of Issue Date of Inspection

1.DESCRPTION OF CONSIGNMENT

Name and Address of exporter

Name and Address of consignee

Declared means of conveyance

Declared point of entry

Place of Origin Description Total no. of packages of Packages Distinguishing marks

Regulated

Article/Commodity

Code Regulated Article/[Commodity](name of produce ; scientific and common name of plants) Quantity Weight(kilogram) Declared

This is to certify that the plants, plant products or other regulated articles described above were imported into[]

from_____ covered by Phytosanitary Certificate

No._____ , original certified

true copy of which is attached to this certificate; that they are packed repacked in original new containers that based

on the original phytosanitary certificate and additional inspection they are considered to conform with the current

phytosanitary requirements of the importing country, and that during storage in [], the consignment has not been subjected to the

risk of infestation or infection

II.ADDITIONAL DECLARATION

III.DISINFESTATION AND/OR DISINFECTION TREATMENT Authorized officer

Treatment

Chemical (active ingredient) Duration and temperature

Concentration Date of treatment

Additional Information

Name Signature Stamp of Plant Protection Service

No liability with respect to this certificate shall attach to the Plant Protection Organisation or to any of its officers or

representatives (Plant Protection Act [20], Section.....)

SCHEDULE 5

Fixed penalty offences

(section 54)

Notice to Offender

Plant Protection [Act/Ordinance], 200[], No. []

NOTICE NUMBER:

TIME:

DATE:

DESCRIPTION OF IMPORT/ EXPORT COMMODITIES

PLACE:

NAME OF REGISTERED OWNER:

I, the undersigned Plant Protection Officer/Inspector, believe on reasonable grounds that

Name of person/importer /exporter]

has committed the following offence with the following fixed penalty:

No	Prescribed Offence	Section of Act	Fixed Penalty in Eastern Caribbean Dollars	Tick
1	[Growing, selling, offering for sale, transporting or distributing in any manner any plant, plant product or regulated article knowing that it is affected by a quarantine pest].	Section 48(1)(a)	\$2500.00	<input type="checkbox"/>
2	[Assaulting, resisting, intimidating, threatening, abusing in any manner whatsoever, or obstructing an inspector exercising lawful powers under the Act.]	Section 48(1)(c)	\$1000.00	<input type="checkbox"/>
3	Tampering with sample taken pursuant to the Act.	Section 48(1)(b)	\$1000.00	<input type="checkbox"/>
4	Failing to comply with any order or direction lawfully made or given under the Act.]	Section 48(1)(f)	\$500.00	<input type="checkbox"/>
5	Importing any plant, plant product or regulated article at a port of entry that is not prescribed.	Section 48(1)(g)	\$500.00	<input type="checkbox"/>
6	Importing any plant, plant product or regulated article without observing the prescribed requirements	Section 48(1)(h)	\$250.00	<input type="checkbox"/>
7	[Intentionally permitting, introducing or causing the introduction or spread of a quarantine pest.]	Section 48(1)(i)	\$1000.00	<input type="checkbox"/>

8	Exporting any plant, plant product or regulated article contrary to Part IV of the Act.	Section 48(1)(j)	\$550.00	<input type="checkbox"/>
9	Failing to safeguard the phytosanitary security of a consignment after the issuance of a phytosanitary certificate under section 25 (a) .	Section 48(1)(k)	\$550.00	<input type="checkbox"/>
10	Failing to allow a search or inspection or the taking of any sample authorized under the Act	Section 48(1)(m)	\$200.00	<input type="checkbox"/>
11	[Breaking the seal on a sealed container containing a plant, plant product or regulated article except in the presence of an inspector.]	Section 48(1)(n)	\$500.00	<input type="checkbox"/>
12	[Knowingly or recklessly providing information which is false, for the purpose of obtaining any document under the Act.]	Section 48(1)(n)	\$250.00	<input type="checkbox"/>
13	[Altering, forging, defacing or destroying any document issued under the Act.]	Section 48 (1)(o)	\$500.00	<input type="checkbox"/>
14	Submitting any written material for publication referring to the occurrence of a quarantine pest without prior or simultaneous communication of the existence of the pest to the NPPO.	Section 48(1)(p)	\$250.00	<input type="checkbox"/>
15	Contravention of the Act. <i>Insert description of offence:</i>	Section ...	\$250.00	<input type="checkbox"/>

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Lanein Blanchette
Speaker

Passed by the National Assembly this day of , 2023.

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Trevlyn Stapleton
Clerk of the National Assembly