

BILLS SUPPLEMENT

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Bill No. 3 *Plant Protection and Health Bill*

THE PLANT PROTECTION AND HEALTH BILL, 2010

MEMORANDUM.



1. Policy and principles

The Bill seeks to consolidate and reform the law relating to protection of plants against destructive diseases, pests and weeds, to prevent the introduction and spread of harmful organisms that may adversely affect Uganda's agriculture, the natural environment and to regulate the export and import of plants and plant products and to regulate the introduction of new plants in accordance with international commitments on plant protection so as to protect and enhance the international reputation of Ugandan agricultural imports and exports, to entrust all plant protection regulatory functions to the Government, and for other related matters.

2. Defects in the existing law.

There is need to move forward the legislation on plant protection in order to safe guard Uganda's agriculture against foreign pests and diseases and to ensure the quality and safety of Uganda's agricultural exports in order to enhance competitiveness in international markets.

3. Remedies proposed.

The new Bill seeks to establish the legal framework necessary for controlling the quality and safety of plant and plant products, agricultural chemicals and seeds in the export trade to promote the competitiveness of Uganda's agricultural exports in international markets, to ensure quality and therefore value for the money for plant and plant products and imports and to protect Uganda's agriculture and the environment against exotic pests and diseases of quarantine significance.

4. Objects of the Bill.

The object of the Bill is to consolidate and reform the law relating to protection of plants against destructive diseases, pests and weeds.

The Bill seeks to prevent the introduction and spread of harmful organisms that may adversely affect Uganda's agriculture, the natural environment and the livelihood of the people and other related matters.

The Bill also seeks to provide for the enforcement of phytosanitary standards relating to international trade.

5. Provisions of the Bill

The Bill comprises of six Parts. It seeks to repeal and replace the existing Plant Protection Act, Cap 96 and deals with plant protection as described in the following paragraphs—

PART I—PRELIMINARY

Part I of the Bill provides for preliminary matters including commencement and interpretation.

PART II—ADMINISTRATION, OFFICERS AND DUTIES

Clause 3 of the Bill provides for phytosanitary and inspection service in the department of crop protection

Clause 4 provides for the duties of the Commissioner for crop protection

Clause 5 provides for the appointment of officers.

Clause 6 provides for the Minister to prescribe schedules specifying functions under this Act that may be delegated to any specified individual or institution including designation of laboratories and competent scientists as official identifiers of biological specimen.

Clause 7 provides for the Minister to appoint a Plant Protection and Health Technical Committee to advise him or her on all technicalities arising from the administration of this Act and on any other related issues.

Clause 8 provides for the functions and procedures of the committee.

PART III—PREVENTION AND CONTROL OF PESTS, WEEDS AND DISEASES.

Clause 9 provides for the Minister by statutory instrument to make rules for the purpose of preventing and controlling attacks by or spread by harmful organisms or diseases in Uganda.

Clause 10 provides for the duties of occupiers of land.

Clause 11 provides for the right of entry and destruction of any land or building for the purpose of discovering harmful organisms or diseases in any plant or products and of ascertaining that any order of an Inspector has been complied with.

PART IV—IMPORT AND EXPORT

Clause 14 provides for the National Plant Protection Health measures and plant import control. No plant or plant products, harmful organism, beneficial organism or soil may be imported into Uganda except in accordance with the provisions of this Act.

Clause 15 provides for the importation for research purposes. The Minister on the recommendation of the Plant Protection and Health Technical Committee may for the purposes of essential scientific research or experiment, permit the importation into Uganda, anything not otherwise eligible for the importation under this Act.

Clause 16 provides for conveyance. Any conveyance and its contents shall be declared and made available for inspection, examination and where necessary treatment in accordance with this Act.

Clause 18 provides for plants, plant products etc in transit.

Clause 19 provides for seizure of illegally imported materials. Any imported material into Uganda contrary to this Act which is brought into Uganda must have proper documentation, and shall be brought to the attention of an Inspector, be made available for inspection and shall be confined or otherwise dealt with as the commissioner directs until the conveyance is outside the jurisdiction of Uganda.

Clause 20 provides for the declaration of points of entry, quarantine stations and quarantine pests.

Clause 21 provides for export of plants, plant products, etc.

Clause 22 provides for pre-export examination. Any person intending to export a consignment of plants or plant products to another country which requires such plants or plant materials to be accompanied by a phytosanitary certificate on importation shall submit the consignment for examination by an Inspector.

Clause 23 provides for the power of Inspectors and clause 24 provides for the duties of other officials.

Clause 25 provides for the duty of the public to report imported plants, plant products etc.

Clause 26 provides for charges for administrative expenses. The Minister shall by statutory instrument prescribe the services for which fees shall be charged and their corresponding charge rates.

PART V—OFFENCES AND PENALTIES

Clause 27 provides for obstruction and penalties. A person who wilfully obstructs an inspector in the exercise of his or her powers or refuses to furnish any information, to produce any documents or to furnish any means of inspection, when required or tampers, alters, defaces or forges a certificate or any other document commits an offence.

Clause 28 provides for criminal liability of corporate entities and their officers.

Clause 29 provides for liabilities.

PART VI—MISCELLANEOUS PROVISIONS

Clause 30 provides for general regulations. It shall not be necessary to publish in the Gazette any order made under the powers conferred by this Act where such order is not intended to be of general application but is made in regard to the importation or exportation of any specified consignment of plants, animals, insects, fungi, bacteria, viruses, articles, or other matter in respect of which an order may lawfully be made under this Act; and in such case the order of the Commissioner shall be signified in writing.

Clause 31 provides for savings. Any applicable regulations, rules, orders or notices made under the Plant Protection Act and any other related instrument in force, shall to the extent that they are consistent with the provisions of this Act continue in force until revoked or amended under this Act.

Clause 32 provides for the repeal of the Plant Protection Act.

HOPE R. MWESIGYE (MP),
Minister of Agriculture, Animal Industry and Fisheries.

THE PLANT PROTECTION AND HEALTH BILL, 2010

ARRANGEMENT OF CLAUSES.

PART I—PRELIMINARY

Clause

1. Commencement
2. Interpretation

PART II—ADMINISTRATION, OFFICERS AND DUTIES

3. Phytosanitary and Inspection Service
4. Duties of the Commissioner for Crop Protection
5. Appointment for officers
6. Delegation of powers
7. Plant Protection and Health Technical Committee
8. Functions and Procedures of the Committee

PART III—PREVENTION AND CONTROL OF PESTS,
WEEDS AND DISEASES

9. Powers to make rules for prevention of spread of pests, weeds and diseases
10. Duties of occupiers of land
11. Right of entry and destruction of infectious articles
12. Compensation
13. Contingency measures for the containment of outbreak of pests

PART IV—IMPORT AND EXPORT CONTROL

14. National plant health measures, plant import control
15. Importation for research purposes
16. Conveyance
17. Packaging material
18. Plants, plant products etc in transit
19. Seizure of illegally imported materials
20. Declaration of points of entry, quarantine stations and quarantine pests
21. Export of plants, plants products etc

Clause

22. Pre-export examination
23. Powers of Inspectors
24. Duties of other officials
25. Duty of public to report imported plants, plant products etc
26. Charges for administrative expenses

PART V—OFFENCES AND PENALTIES

27. Obstruction and penalties
28. Criminal liability of corporate entities and their officers
29. Liabilities

PART VI—MISCELLANEOUS PROVISIONS

30. General regulations
31. Savings
32. Repeal

A Bill for an Act

Entitled

THE PLANT PROTECTION AND HEALTH ACT, 2010

AN ACT to consolidate and reform the law relating to protection of plants against destructive diseases, pests and weeds, to prevent the introduction and spread of harmful organisms that may adversely affect Uganda's agriculture, the natural environment and livelihood of the people, to ensure sustainable plant and environmental protection, to regulate the export and import of plants and plant products and introduction of new plants in accordance with international commitments on plant protection so as to protect and enhance the international reputation of Ugandan agricultural imports and exports, to entrust all plant protection regulatory functions to the Government, and for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement

This Act shall come into force on the date appointed by the Minister by Statutory Instrument.

2. Interpretation

In this Act, unless the context otherwise requires—

“animal organism” means any animal organism, in whatever stage of existence the organism may be;

“beneficial organism” means any organism, including fungi, bacteria, viruses, virus like organisms, and insects, mites and other animal organisms, utilized specifically for the control of harmful organisms, pollination, or for other purposes beneficial to agricultural production and environmental protection;

“Committee” means the plant protection and health committee established under section 7;

“commissioner” means the Commissioner for Crop Protection or any other Commissioner assigned by law to administer this Act;

“contamination” means presence of harmful organisms on plants, plant products, growing substrates, packaging materials and other similar items;

“conveyance” means any vessel, aircraft, train, motor vehicle or part of them, cart, cargo container, animal or other device which can convey plant material, plant pests, beneficial organisms, soil or other things from one place to another;

“currency point” has the value assigned to it in the Schedule;

“disease” means any abnormal condition of a plant communicable or believed to be communicable by the transfer of a causative agent or by the propagation of the affected plant, which the Minister may declare, by statutory instrument, to be a disease for the purposes of this Act;

“harmful organism” means an animal, plant or micro-organism in whatever form, which is injurious or potentially injurious to plants or plant products and the environment, and which the Minister may declare, by statutory instrument, to be a harmful organism;

“importer” includes anyone who whether as an owner, consignee, consignee, agent, broker or otherwise, is in possession of or in any way entitled to the custody of any plant material, plant pest, beneficial organism, soil or packaging landed or intended to be landed in Uganda from another country;

“import permit” means the permit issued by the phytosanitary service giving an individual, organization, or company permission to import plants, plant products, cultures of organisms, growing substrates and other agricultural products according to specified conditions;

“infested or infected” means containing, harbouring or contaminated by harmful organisms;

“infested area or infected area” means any area or place in which a harmful organism, pest or disease exists and which the Minister may declare, by statutory instrument, to be an infested or infected area for the purposes of this Act;

“inspection” means the examination of plants, plant products and other material, conveyances and facilities by a person authorised under this Act for the purpose of detecting the presence of quarantine objects and other harmful organisms;

“inspector” means a person authorized for the purposes of this Act to carry out phytosanitary and plant quarantine inspection;

“Minister” means the Minister responsible for agriculture;

“natural environment” includes the environment’s components such as soil, water, air, species of flora and fauna as well as interaction between them;

“organism” means an animal, plant or micro-organism in whatever form or stage of existence;

“outbreak pests” means organisms harmful to plants or plant products occurring in large numbers over large tracts of land, and in such magnitude that an individual or group of individual owners or occupiers cannot control or contain them, or whose distribution is restricted to an area from where their spread can be contained or delayed, and whose delayed control due to the use of normal procedures or means can cause danger to the health of plants, man, animal and the environment, and, which the Minister, may declare by statutory instrument, to be outbreak pests for the purposes of this Act;

“owner” in relation to land, premises or plant materials includes the joint owner, part owner, lessee or occupier or the agent of an owner, joint owner, part owner, lessee or occupier;

“packaging material” means any material used to pack, cover, contain or keep plant material or any other items during transport or storage which can be affected by or can harbour a pest or disease organism; and the term “packaging” shall be construed accordingly;

“pest” means any form of plant or animal life or any pathogenic agent and weed, other than a beneficial organism, capable of directly or indirectly injuring any plant material, beneficial organism and the environment;

“phytosanitary” means the disease, infection or pest infestation status of plants or plant products;

“phytosanitary certificate” means a certificate substantially in the form of the Model Phytosanitary Certificate annexed to the International Plant Protection Convention of 1951 as amended in 1979 issued by a technically qualified and duly authorized officer to certify the phytosanitary condition of a consignment of plants or plant products;

“plant” means any living plant or plant parts, whether severed or not, including seeds, fruits, vegetables and callus;

“plant health” means freedom from destructive, injurious or harmful organisms capable of causing injury on plant parts or products;

“plant material” includes any plant, propagative material or plant product which can be affected by or harbour a plant pest or disease;

“plant product” means any non-manufactured material of plant origin and those manufactured products which by their nature or that of their processing may create a risk of spread of plant pests or diseases;

“plant protection” the institution of measures to prevent or minimise destruction, harm or qualitative damage caused to crop plants, plant products or the environment by harmful organisms;

“point of entry” means any border post, seaport, airport, river or lake station, landing site, railway station, post office, transport terminal or inland port and bonded warehouses serving or gazetted as customs entry point, through which goods may enter Uganda and which may be declared by statutory instrument to be a point of entry under section 19;

“post entry quarantine station” means a secured place designated under section 19 for the holding of plants, plant products or beneficial organisms, and observation, inspection, treatment or research after having been imported into Uganda;

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

“prohibition” means prohibition by regulations made under this Act;

“propagative material” means any living plant or part of the plant, including seed, corm, cutting, bud, rhizome or callus, used or intended for propagation;

“quarantine” means the official confinement of plants and plant products, organisms harmful to plants, beneficial organisms, goods or soil being imported into or exported from Uganda, subject to phytosanitary regulations, for observation and research, for further inspection and or testing;

“quarantine pest” means a pest of potential national economic importance to the country endangered by such pest, and not yet present there, or present but not widely distributed and being actively controlled;

“quarantine station” means a place for the inspection, detention, treatment, re-consignment or destruction of plants or plant products, harmful organisms to plants, beneficial organisms, goods or soil being imported into or exported from Uganda;

“soil” means any medium capable of sustaining plant life or conveying harmful organisms, including earth, water, compost or clay;

“treatment” means any appropriate process including the use of chemicals, heat, cold or low pressure for ensuring the sterilization, removal, or killing of organisms harmful to plants; and

“weed” means any plant potentially injurious to agriculture and the environment which is declared by statutory instrument to be a weed for the purpose of this Act.

PART II—ADMINISTRATION, OFFICERS AND DUTIES

3. Phytosanitation and Inspection Service

The Phytosanitary and Inspection Service in the Department responsible for Crop Protection shall be responsible for the protection of the agricultural resources of Uganda from harmful organisms that exist in the country or could be introduced into the country.

4. Duties of the Commissioner for Crop Protection

(1) The Commissioner shall be responsible for the due administration of this Act, and every inspector shall, in the performance of his or her duties under this Act, act in accordance with any instructions, not being inconsistent with this Act, which the Commissioner may from time to time issue for the purpose of such administration.

(2) The Commissioner shall advise the Minister on any matters with which this Act is concerned nationally, regionally and internationally, including—

- (a) the exercise of the Minister’s powers under this Act;
- (b) the formulation of regulations under this Act and matters arising from the application of any such regulations;
- (c) the declaration of any pest as a quarantine pest under section 19;
- (d) the phytosanitary implications of importing any plant material, plant products, plant pests, beneficial organisms or soil;
- (e) the management, operation and requirements of the plant health service;
- (f) the fees to be charged or otherwise revenue to be generated from the services rendered under this Act or any regulation made under this Act;
- (g) the promotion of public awareness relating to plant diseases, pests and weeds and the means of their prevention, eradication and control;
- (h) the examination of complaints and objections lodged in respect of decisions and measures taken by Inspectors in the manner prescribed under this Act;

- (i) the liaison with competent authorities in neighbouring countries and internationally in plant health matters;
- (j) the withdrawal, revocation or suspension of a plant import authorisation; and
- (k) on any other matter as the Minister may from time to time require.

5. Appointment of officers

(1) The Minister shall, from time to time, appoint by notice in a Gazette officers of the Department of Crop Protection or other competent persons to be Inspectors, pest identifiers or any other officers as necessary for the purposes of this Act.

(2) The Inspectors shall—

- (a) inspect areas under cultivation and plant material under cultivation, in storage or transit and make a report on them to the Commissioner;
- (b) inspect consignments of plant material moving in international traffic and, where appropriate, inspect consignments of other articles and commodities moving in international traffic under conditions in which they may act incidentally as carriers of plant pests;
- (c) inspect and supervise storage and transport facilities of plants and plant products for international trade, particularly with the object of preventing the dissemination across national boundaries of plant pests;
- (d) ensure disinfection or disinfection of consignments of plants and plant products moving in international traffic and their containers, packaging materials, storage places and conveyances;

- (e) conduct pest surveillance and pest risk analysis for the purposes of quarantine, documentation and provision of information;
- (f) develop and test quick phytosanitary pest and disease diagnostic procedures;
- (g) participate in the evaluation and screening of newly introduced plant germplasm in post-entry quarantine stations in accordance with guidelines of the International Plant Protection Convention (IPPC) and the World Trade Agreement on Sanitary and Phytosanitary Measures (SPS);
- (h) periodically update and disseminate lists of plant materials, weeds, plant pests and diseases and beneficial organisms, of which their importation into Uganda is prohibited or restricted;
- (i) cause the prosecution of offenders under this Act;
- (j) attend to such other matters as the Commissioner may prescribe.

6. Delegation of powers

(1) The Minister may assign or delegate any or all of his or her powers under this Act.

(2) The Minister may, by statutory instrument prescribe schedules specifying functions under this Act that may be delegated to any specified individual or institution, including designation of laboratories and competent scientists as official identifiers of biological specimens.

(3) In exercising the powers of delegation, assignment or appointment, the Minister may prescribe the manner and conditions for the appointing, assigning and delegation, and may enter into contracts with competent individuals or institutions on such conditions as may be deemed fit and agreed between the parties.

7. Plant Protection and Health Technical Committee

(1) The Minister shall appoint a Plant Protection and Health Technical Committee to advise him or her on all technicalities arising from the administration of this Act and on any other related issues.

(2) The Committee shall consist of the following members—

- (a) the Commissioner for Crop Protection;
- (b) the Principal Inspector who shall be the Secretary;
- (c) an Entomologist;
- (d) a Plant Pathologist;
- (e) a Forest Officer;
- (f) one person to represent the Farmers' Associations;
- (g) one person to represent the Agricultural Exporters or Importers Organisations;
- (h) one scientist to represent the National Environment Management Authority;
- (i) one scientist to represent the Uganda National Council for Science and Technology;
- (j) one scientist to represent the Agricultural Research Organisation;
- (k) one officer to represent the Uganda Revenue Authority;
- (l) one officer to represent the Uganda National Bureau of Standards;
- (m) one member of the Uganda Consumer Protection Association;
- (n) a representative of the Ministry responsible for Trade and Industry;
- (o) a representative of the Attorney General; and
- (p) a representative of the agricultural extension service.

(3) The Minister shall appoint a Chairperson of the Committee from among the members of the Committee.

(4) The Committee may co-opt to it, for such period as it thinks fit, such persons whose technical assistance or advice it may require.

(5) The members of the Committee shall hold office for three years but are eligible for reappointment.

(6) A person shall cease to be a member of the Committee—

- (a) if that person ceases to be an official of the institution that he or she was appointed to represent on the Committee;
- (b) if he or she resigns in writing under his or her hand addressed to the Chairman;
- (c) if he or she is absent without reasonable cause from three consecutive regular meetings of the Committee;
- (d) if in the opinion of the Minister becomes physically or otherwise incapable of discharging his or her duties as a member, and remains so for a period of one hundred and twenty consecutive days; or
- (e) if his or her term expires.

(7) The terms and conditions of service of the members shall be determined by the Minister.

8. Functions and procedures of the Committee

(1) The functions of the Committee shall be—

- (a) to provide scientific guidance on the conduct of pest risk analysis, pest surveillance, and evaluation of germplasm;
- (b) to guide the formulation of regulations made under this Act;

- (c) to advise the Commissioner on all matters relating to and connected with the enforcement of the provisions of this Act and any regulations made under this Act;

(2) In exercising its functions, the Committee shall regulate its own procedure.

PART III—PREVENTION AND CONTROL OF PESTS, WEEDS AND DISEASES

9. Powers to make rules for prevention of spread of pests, weeds and diseases

The Minister may, by statutory instrument make rules for the purpose of preventing and controlling attacks by or spread of harmful organisms or diseases in Uganda and, in particular and without prejudice to the generality of the power, on all or any of the following matters—

- (a) the reporting to relevant Government officials and publication of any occurrence, suspected occurrence or threat of introduction of specific harmful organisms, and any pertinent facts concerning the threat of occurrence, occurrence, or control of harmful organisms;
- (b) requiring any holder of a right of disposal and any owner to monitor or investigate affected objects, land, buildings or premises for the occurrence of organisms harmful to plants or plant products and environment, or to cause such investigations to be made;
- (c) requiring any holder of a right of disposal and any owner to combat specified harmful organisms or to cause them to be combated as well as to prescribe or prohibit the use of specified plant protection substances, plant protection equipment or processes for this purpose;
- (d) the monitoring of plants and environment for the occurrence of specified harmful organisms and combat specified harmful organisms;

- (e) the destruction or, disinfection of affected objects, soil, culture substrate, buildings or premises, as well as prescribing or prohibiting the use of specified means, equipment or processes for this purpose;
- (f) prescribing or prohibiting the introduction and use of specific plants, other organisms and culture substances;
- (g) prohibiting or limiting the use of land affected, suspected of being affected, or in danger of being affected, and to issue rules concerning prohibition of entry upon such land;
- (h) prohibiting or limiting the exportation from or importation and cultivation in Uganda of specific plant species and other organisms;
- (i) with regard to the marketing of nursery planting materials or other plants or plant products which are intended for propagation or grafting—
- (i) to prohibit or limit such marketing if the material is infested or suspected of being infested with specific harmful organisms;
- (ii) to make such marketing contingent upon the results of an examination of the material to determine any infestation with or resistance to specific harmful organisms or to make such marketing subject to the obtaining of a prescribed permit.
- (j) establishing pest-free buffer zones to protect land in danger of being affected by specific harmful organisms and use of the land of, and the clearing of land already affected, or suspected of being affected, or the maintenance of such land clear of such organisms;
- (k) prohibiting or limiting the transporting and marketing of specified harmful organisms and affected objects, or such transporting and marketing subject to obtaining a prescribed permit or notification requirements;

- (l) prohibiting or limiting the breeding and keeping of specified harmful organisms and any operation entailing the use of the specified harmful organisms, or to make such breeding; keeping or operations subject to the obtaining of prescribed permit or to notification requirements;
- (m) ordering the disinfection and or clearing of land, buildings, premises, containers or any conveyance used for the storage of plants or plant products and prescribing or prohibiting the use of specific means, equipment or processes for that purpose;
- (n) the use of animals, plants or micro-organisms for combating specified harmful organisms;
- (o) providing for measures to be taken, including provision for the requisitioning upon payment of plant protection substances, labour and other means, to secure the control or containment of outbreak of pests;
- (p) providing for the payment of compensation for damages occasioned to any animals, equipment, machinery, implements or vehicles requisitioned;
- (q) prohibiting or restricting the importation into Uganda of any plant or plant product, any soil, packaging, organism, or any other material to which this Act applies, which are likely to be harmful or carry harmful organisms;
- (r) prescribing the conditions and manner of application for the importation of plant material or beneficial organisms into Uganda including those for research purposes;
- (s) providing for the manner in which and the conditions subject to which, quarantine stations shall be used;
- (t) provide for the control of plant material kept or grown in isolation other than in a quarantine station or post entry quarantine station;

- (u) prescribing the treatment plant or plant products before export, and subsequent issuance of phytosanitary certificate;
- (v) prescribing declaration forms and documents required for purposes of inspecting a conveyance, and any other forms to be used for any purpose under this Act; and
- (w) prescribing anything that may be prescribed under this Act.

10. Duties of occupiers of land

(1) Every occupier or, in the absence of the occupier, every owner of land, shall take all such measures as may be required by any rules made under section 9, and in addition, such other measures as are reasonably necessary for the eradication, reduction or prevention of the spread of any harmful organisms to plants which an Inspector may by notice in writing order the occupier or owner to take, including the destruction of plants or plant products, whether infected or infested with harmful organisms or reasonably suspected to be so, or considered to facilitate the spread of such harmful organisms.

(2) An order shall not be made under this section for the destruction by an Inspector without prior approval of the Commissioner for Crop Protection.

(3) In the case of two or more joint occupiers or joint owners, each of them shall be deemed to be an occupier or owner for the purposes of this section.

(4) Where any such occupier or owner fails to take any of the measures which he or she is required to take under subsection (1), the Inspector may, on giving not less than seven days' notice in writing of his or her intention so to do, cause such measures to be taken; and after the occupier or owner shall, without prejudice to any penalty which he or she has incurred through that failure, be liable to pay all the costs of such undertaking, which shall be recoverable as a debt due to Government.

11. Right of entry and destruction of infectious articles

Subject to any rules made under section 9, any Inspector may enter any land or building, including a private house, at all reasonable hours for the purpose of discovering harmful organisms or diseases in any plant or products and of ascertaining that any order of an Inspector or any rule under section 9 has been complied with, and causing measures to be taken under section 9.

12. Compensation

The Minister may, if he or she deems fit, order compensation to be paid out of public funds to any person whose plants or other articles are destroyed under this Act.

13. Contingency measures for the containment of outbreak of pests

(1) Where there is sufficient evidence that field crops in any part of Uganda are in danger of serious damage by outbreak of pests, the Minister may, by statutory declaration bring into force in such areas all rules made under section 9, and any other measures stipulated under this Act, to contain the outbreak of pests.

(2) For the avoidance of doubt, no compensation shall be payable in respect of damage occasioned to soil or to agricultural crops by any measures lawfully taken for the destruction of outbreak of pests under this Act.

PART IV—IMPORT AND EXPORT CONTROL

14. National plant health measures, plant import control

(1) Except as provided for under this Act, the Seed and Plant Act and any other relevant laws, no plant or plant products, harmful organism, beneficial organism or soil may be imported into Uganda, except—

- (a) in accordance with the terms and conditions of a prescribed permit issued under this Act; and
- (b) through a point of entry declared under section 20.

(2) Any plant or plant product, harmful organism, beneficial organism, or soil imported into Uganda shall be clearly identified, declared to an Inspector, and be made available for an inspection or any subsequent action prescribed under this Act.

(3) Unless exempted under sub-section (6), no plants including the living cultures of genetically modified organism, any fungus, bacterium, or any other microorganism, plant products, beneficial organisms or any other material or substance specified under this Act may be imported into Uganda without a prescribed permit.

(4) Unless exempted under sub-section (6), no plant or plant products may be imported into Uganda without a phytosanitary certificate.

(5) Except as provided for in sub-section (6), no harmful organism, soil, weed or prescribed plant or plant products may be imported into Uganda.

(6) The Minister may, from time to time, by statutory instrument, exempt from the requirements of subsections (3) and (4) any specified plant or plant products, or such a kind of plant or plant product as he or she may satisfy that its importation would not present significant threat to the agriculture or natural environment of Uganda.

(7) A person who holds an import permit issued under this section to import the item or items in quantities, shall only do so upon such conditions and for such a period as may be stated in the permit.

(8) Any plant or plant products, culture or beneficial organism imported under a prescribed permit issued under this section shall be held, grown and maintained in strict compliance with the conditions stated in the prescribed permit, and shall be made available to the Inspector for examination at all reasonable times.

15. Importation for research purposes

(1) Subject to sub-sections (2) and (3), the Minister, on the recommendation of the Plant Protection and Health Technical Committee, may for the purposes of essential scientific research or experiment, permit the importation into Uganda of anything not otherwise eligible for importation under this Act.

(2) The Minister shall not permit anything to be imported under sub-section (1) unless he or she is satisfied that its importation will not present significant threat to the agriculture or natural environment of Uganda.

(3) An importation under this section shall be permitted subject to such safeguards and other terms and conditions as may be imposed by the Minister on the advice of the Plant Protection and Health Technical Committee.

16. Conveyance

(1) Any conveyance and its contents shall, immediately upon its arrival in Uganda, be declared and made available for inspection, examination and where necessary treatment in accordance with this Act, and a person shall not enter the conveyance or remove anything from it without the approval of an Inspector and until such inspection, examination and treatment has been completed.

(2) If a conveyance is—

- (a) found to have plant products or other things being the subject of this Act in, on or adhering to it;
- (b) found, or reasonably believed to be contaminated by harmful organisms;

the Commissioner may direct such treatment as he or she may deem necessary, and the conveyance shall not be released until such treatment has been completed to the satisfaction of the Inspector.

(3) The owner of a conveyance shall—

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

- (b) complete such a declaration concerning the conveyance and its contents as the Inspector may require, or as may be prescribed; and
- (c) comply with any requirement given by an Inspector concerning the effective application and maintenance of phytosanitation in accordance with this Act.

17. Packaging material

A person shall not introduce into Uganda as packing material any hay, straw, rice husks, peat, chaff, or other substance likely to harbour or support harmful organisms.

18. Plants, plant products etc in transit

(1) Any plant or plant products or other material, being the subject of this Act, which is brought from any country into Uganda in transit to a third country must have proper documentation, and shall be brought to the attention of an Inspector, be made available for inspection and shall be confined or otherwise dealt with as the Commissioner directs until the conveyance is outside the jurisdiction of Uganda.

(2) For the purposes of this Act, any plant or plant products or other things to which this Act applies, having been sealed and secured to the satisfaction of an Inspector, be regarded, so far as may be, as if it were in quarantine under this Act.

(3) If the state of quarantine referred to in sub-section (2) is breached for any reason, the plant or plant products or other things concerned shall be regarded for the purposes of this Act as having been imported into Uganda contrary to this Act.

19. Seizure of illegally imported materials

(1) Subject to subsection (2), any material imported into Uganda contrary to this Act shall be seized by an Inspector and, at the importer's expense, be treated, destroyed or otherwise dealt with as the law provides, or may be taken to a post-entry quarantine station for such further inspection, treatment and disposal as may be required.

(2) An Inspector shall not destroy any material under sub-section (1) without the prior consent in writing of the Commissioner.

(3) Where the consent of the Commissioner cannot be obtained, an Inspector may destroy any material under sub-section (1) with the written consent of the importer and thereafter send a report to the Commissioner on the reasons for destruction and the procedures used.

20. Declaration of points of entry, quarantine stations, and quarantine pests

The Minister may from time to time, by statutory instrument—

- (a) declare any points of entry to be the only points where plants and plant products, harmful organisms, beneficial organisms, soil or any other materials provided under this Act, may be imported into Uganda;
- (b) declare any suitable premises to be quarantine stations, or post entry quarantine stations;
- (c) declare any plant pest to be a quarantine pest if it presents, or is likely to present, a threat to the production of or trade in plant materials or to the natural environment, and if it is either not known to be established in Uganda or is established in Uganda but is the subject of measures for its eradication or containment; and
- (d) declare from time to time prohibited imports.

21. Export of plants, plant products etc.

The Minister may from time to time, by statutory instrument, declare that any propagative material of a wild plant of potential genetic and economic importance, or crop plant and plant products carrying any harmful organism in excess of an amount specified in the notice shall not be exported from Uganda.

22. Pre-export examination

(1) A person intending to export a consignment of plants or plant products to another country which requires such plants or plant materials to be accompanied by a phytosanitary certificate on importation shall submit the consignment for examination by an Inspector.

(2) Any material submitted under subsection (1) shall be examined within fourteen days of the date of export or in accordance with the requirements of the country of destination, and if—

- (a) the Inspector is satisfied that the requirements for the issue of a phytosanitary certificate have been met, he or she shall issue a phytosanitary certificate in accordance with this Act;
- (b) the material to be exported presents any risk for the exportation and spread of plant pests, or does not otherwise satisfy the provisions of this Act it shall, at the expense of the exporter, be subject to appropriate treatment in order to remove the risk or otherwise be denied a phytosanitary certificate.

23. Powers of Inspectors

(1) An Inspector may for the purposes of this Act and at all reasonable times and on production, if required, of his or her identification document—

- (a) hold, open, inspect, sample, submit for examination, direct removal to a quarantine station, remove for treatment and treat any plants or plant products, harmful organism, beneficial organism, soil, packaging or other items as prescribed by this Act;
- (b) direct shipment or otherwise dispose of any plant or plant products, harmful organism, beneficial organism, soil, packaging or other things to which this Act applies, or, with the prior written consent of the Commissioner, order its destruction;

- (c) inspect any-land, store, warehouse, go-down or other premises used for handling or storing plants or plant products, and if those premises are found to be infested by any harmful organism, to subject them to such treatment as may be required under this Act;
- (d) with the prior written consent of the Commissioner, order the destruction of any plant or plant products which he or she has reason to believe is infected or infested by a quarantine pest;
- (e) require any person in occupation of the premises or any agent or servant of any such person, or any person in-charge of the vessel, vehicle or aircraft or any conveyance, to furnish all such information, to produce for inspection all such books, records or other documents, and to furnish all such means of inspection as he or she may reasonably require for those purposes;

(2) An Inspector shall take such steps as are reasonably practical to afford the owner of any plants or plant products, harmful organisms, beneficial organisms, soil, premises, vehicle, vessel or aircraft or the person in-charge of it, as the case may be, an opportunity to be present while an inspection under this Act is being carried out.

(3) At any time when any item is seized under this Act, the person in custody or possession of that item shall be given a seizure notice.

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

24. Duties of other officials

(1) Authorities responsible for customs, postal services and other relevant agencies shall provide whatever assistance as may be necessary to inspectors for the performance of their functions and the exercise of their powers under this Act, and in particular shall—

- (a) notify an inspector of the importation of any material to which this Act applies; and
- (b) hand over to an inspector any such material for inspection and subsequent action in accordance with this Act.

(2) Harbours, airports, post offices and other authorities at points of entry shall provide on their premises, for the purposes of this Act—

- (a) a suitable area for office, inspection and destruction facilities;
- (b) suitable area and containers for holding prohibited materials and conveying for destruction; and
- (c) suitable and adequate space for display of public notices regarding the requirements of this Act.

25. Duty of public to report imported plants, plant products etc.

A person who receives any plant, plant product, beneficial organism, harmful organism, soil or any other material or substance to which this Act applies from outside Uganda shall, on receipt, notify an Inspector, and shall undertake at his or her own expense and to the satisfaction of the Inspector such directions as the Commissioner may give as to its inspection, treatment, destruction or any other means of disposal.

26. Charges for administrative expenses

The Minister shall by statutory instrument prescribe the services for which fees shall be charged and their corresponding charge rates.

PART V—OFFENCES AND PENALTIES

27. Obstruction and penalties

- (1) A person who—
 - (a) willfully delays or obstructs an Inspector in the exercise of his or her powers under this Act; or

- (b) refuses to furnish any information, to produce any documents or to furnish any means of inspection when required to do so under this Act;
- (c) tampers, alters, defaces or forges a certificate or any other document related to this Act.

commits an offence.

(2) Subject to this Act, if an Inspector applies to obtain reasonable sample of any plant, or plant product, beneficial organism, harmful organism or soil which an Inspector is empowered to take as sample, and a seller, consignor or any person having for the time being the charge of such material refuses to allow the Inspector to take the quantity which he or she requires, the person who refuses shall, for the purposes of subsection (1), be deemed to have willfully obstructed the Inspector.

28. Criminal liability of corporate entities and their officers

(1) A person who, by himself or herself, his or her servant or agent, either directly or indirectly—

- (a) imports anything into Uganda other than in accordance with this Act; or
- (b) possesses, keeps, or distributes or introduces any quarantine pest or plant material, beneficial organism, soil, packaging or other material knowing it to be infested by a quarantine pest; or
- (c) exports any plant or plant product from Uganda contrary to this Act; or
- (d) fails to perform any duty or obligation imposed on him or her by this Act or to comply with any order or direction given by the Minister, his or her delegate or an Inspector, or does any other act in breach of this Act; or

- (e) hinders, threatens, or assaults any authorised person or Inspector in the performance of his or her duty under this Act; or
- (f) knowingly makes a false statement to an Inspector or a false declaration under the requirements of this Act;

commits an offence.

(2) Any person who commits an offence under this Act is liable on conviction—

- (a) in the case of a body corporate, to a fine not exceeding two hundred fifty currency points; or
- (b) in the case of an individual, to a fine not exceeding twenty four currency points, or imprisonment not exceeding one year or both;

in the case of a second or subsequent conviction, whether a body corporate or an individual, the court may order, in addition to penalties provided under paragraphs (a) and (b), the withdrawal of any license, certificate, prescribed permit, registration, or any other right held by the offender under this Act.

(3) Where an offence under this Act has been committed by a body corporate is proved to be committed with the consent or connivance or, to be attributable to any neglect on the part of any director, manager, corporate secretary, or other similar officer or any other person purporting to act in such capacity, both the person and the body corporate shall be liable to be proceeded against and punished according to this section.

29. Liabilities

For the avoidance of doubt, it is declared that—

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

- (b) the Government, including persons acting on its behalf, in the implementation of this Act, is not liable for any costs or losses resulting directly or indirectly from actions taken under this Act.

PART VI—MISCELLANEOUS PROVISIONS

30. General regulations

Notwithstanding the provisions of the Interpretation Act, it shall not be necessary to publish in the Gazette any order made under the powers conferred by this Act where such order is not intended to be of general application but is made in regard to the importation or exportation of any specified consignment of plants, animals, insects, fungi, bacteria, viruses, articles, or other matter in respect of which an order may lawfully be made under this Act; and in such a case the order of the Commissioner shall be signified in writing.

31. Savings

Any applicable regulations, rule, order or notice made under the Plant Protection Act and any other related instrument in force, shall to the extent that they are consistent with the provisions of this Act continue in force until revoked or amended under this Act.

32. Repeal

The Plant Protection Act is repealed.

SCHEDULE

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.