

THE PLANTS (QUARANTINE) ACT

The Plants (Quarantine)(Frosty Pod Rot of Cocoa, Moniliophthora Roreri) Order, 2017

In exercise of the powers conferred upon the Minister by section 3 of the Plants (Quarantine) Act, and of every other power hereunto enabling, the following order is hereby made:-

1. This Order may be cited as the Plants (Quarantine) (Frosty Pod Rot of Cocoa, *Moniliophthora Roreri*) Order, 2017.

2. In this Order ó

õBodles Research Stationö means the research station situated in the parish of Saint Catherine of the Research and Development Division in the Ministry with responsibility for agriculture;

õCocoa Industry Boardö means the Board established under section 3 of the *Cocoa Industry Board Act*;

õinfected parishö means a parish specified in paragraph 3(3);

õRural Agricultural Development Authorityö means the Authority established under section 3 of the *Rural Agricultural Development Authority Act*.

3. ó (1) The areas described in subparagraph (3) are declared to be infected with the plant pest Frosty Pod Rot of Cocoa, *Moniliophthora roreri* (hereinafter referred to as õFrosty Pod Rotö) or suspected of being so infected.

(2) The Frosty Pod Rot is declared to be a notifiable plant pest and the measures prescribed in this Order shall be taken for its eradication and control.

(3) The areas declared infected with Frosty Pod Rot are the following parishes ó

- (a) Clarendon;
- (b) Saint Andrew;
- (c) Saint Catherine; and
- (d) Saint Mary.

4. Unless the Chief Plant Quarantine Officer has given a person written permission to do so, a person shall not remove or dispatch from an infected parish, or move into a parish that is not an infected parish, any cocoa ó

- (a) pod;
- (b) plant;
- (c) seedling;
- (d) cutting;
- (e) plant product;
- (f) plant related material; or
- (g) plant related article.

5. Unless the Chief Plant Quarantine Officer has given that person written permission to do so, a person who operates a cocoa orchard shall not move or sell any cocoa pods outside of the parish in which that orchard is situate.

6. A person who visits any land that is infected with the Frosty Pod Rot, or suspected of being so infected, shall not visit any other land without changing the clothing or disinfecting the shoes worn in the land that is infected with the Frosty Pod Rot, or suspected of being so infected.

7. ó (1) Every owner or occupier and every person having charge or management of land who knows of or suspects the existence of Frosty Pod Rot on the land shall forthwith give notice, in writing, to the Chief Plant Quarantine Officer, of the Plant Quarantine Branch at 193 Old Hope Road in the parish of Saint Andrew, of that fact and of all such information as may be available to that owner, occupier or person as to the extent and nature of the

pest.

(2) The owner or occupier and person having charge or management of land shall, in addition to the notice required under subparagraph (1) also give the notice, in writing, to ó

- (a) the Parish Agricultural Manager of the Rural Agricultural Development Authority (RADA) for the parish in which the land is situate;
- (b) the Principal Research Director of the Bodles Research Station, situate in Old Harbour in the parish of Saint Catherine; or
- (c) the Cocoa Industry Board at East Avenue in the parish of Kingston, or its successor.

(3) In accordance with section 7(2) of the Act, the notice referred to in subparagraph (1) shall be served personally on the person to whom it is addressed or shall be sent to him by registered post.

(4) The Chief Plant Quarantine Officer may, by notice in writing, require the owner or occupier and person having charge or management of land to furnish such additional information, and within such period, as the Chief Plant Quarantine Officer may specify in the notice; and the owner or occupier or person shall comply with the request for additional information.

8. ó (1) The Chief Plant Quarantine Officer, or any person authorized by him in writing, may, for the purpose specified in subparagraph (2), enter any land that is infected with the Frosty Pod Rot, or suspected of being so infected, whether or not the owner or occupier and every person having charge or management of the land has given notice in relation to that land in compliance with section 7 of the Act.

(2) Upon entering land in accordance with subparagraph (1), the Chief Plant Quarantine Officer, or any person authorized by him in writing, may in their absolute discretion and for the eradication or control of Frosty Pod Rot,

destroy, remove, uproot, dispose of, prune or treat any item specified in paragraph 3 or carry out any other treatment in accordance with the Act.

(3) If any such item was not infected, that fact alone shall not render unlawful the taking of any action in relation thereto, including any action authorized by subparagraph (2).

(4) Before acting in accordance with subparagraph (1) in relation to any land, the Chief Plant Quarantine Officer, or any person authorized by him in writing, shall ensure that reasonable notice is given to the owner or occupier and person having charge or management of the land.

9. Where a notice is to be served on the owner or occupier and person having charge or management of the land under this Order, the Chief Plant Quarantine Officer shall cause the notice to be served personally on the person to whom it is addressed or in such other manner as the Chief Plant Quarantine Officer determines appropriate in the circumstances, including affixing the notice in a conspicuous place on the land.

Dated this day of , 2017.

Minister of Industry, Commerce,
Agriculture and Fisheries