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THE PAKISTAN PLANT QUARANTINE ACT, 1976.

'Act No. LXXV of 1976

[1st December, 1976]

An Act to give effect in Pakistan to the International Plant Protection Convention, 1951.

WHEREAS it is expedient to give effect in Pakistan to the International Plant Protection Convention, 1951 and to provide for matters connected therewith;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Pakistan Plant Quarantine Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or

context,—

(a)

(b)

(d)

(e)

(f)

“Convention” means the International Plant Protection Convention, 1951;

“crop” includes all agricultural or horticultural crops and all trees, bushes, grass or plants;

“import” means the bringing or taking by sea, land or air across any customs frontier as defined by the Federal Government and includes transportation by any means from one Province to another or from one place to another within a Province;

“infection” means infection by any insect, fungus, or other pest injurious to a crop or plant;

“pest” means any living stage of any or all insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, fungi, bacteria, or other parasitic plants or reproductive parts thereof, virus or any organism, or any infectious substance which may directly or indirectly injure or cause disease to any crop or plant; and

“plant” means all species of plants or parts thereof whether living or dead including stems, branches, tubers, bulbs, corms, stocks, budwood, cuttings, layers, slips, suckers, roots, green-scum on stagnant pools, leaves, flowers, fruits and seeds.

'For Statement of Objects and Reasons, see Gaz. of P., 1976. Ext., Pt., III, p. 692.

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3. Power to prohibit or regulate import of certain articles—(1) The Federal Government may, by notification in the official Gazette, prohibit, restrict or otherwise regulate, subject to such conditions as it may think fit to impose, import of any article or class of articles likely to cause infection to any crop or plant, or of any pest generally or any class of pests.

(2) A notification under this section may specify any article or class of articles or any pest or class of pests either generally or in any particular manner, whether with reference to the country of origin, or the route by which imported or otherwise.

(3) Any condition imposed under a notification under this section may require—

(a) compliance with the provisions of the Convention;

(b) examination by authorised persons of goods articles of plant origin and pests brought in or to be taken out;

(c) obtaining of certificate of non-infection; and

(d) treatment or detention, confiscation and destruction of infected goods or articles of plant origin.

4. Operation of notification under section 3. A notification under section 3 shall operate as if it has been issued under section 16 of the Customs Act, 1969 (IV of 1969); and the officers of customs shall have the same powers in respect of any goods, articles of plant origin or pests in respect of which such a notification has been issued as they have for the time being in respect of any article the importation of which is prohibited or restricted under the said Act, and all the provisions of that Act shall have effect accordingly.

5. Goods and articles import or transportation of which prohibited not to be carried.

When a notification has been issued under section 3 then, notwithstanding anything contained in any other law for the time being in force, the person responsible for the booking of goods or parcels at any port, railway station, airport or other place,—

(i) where the notification prohibits import, shall refuse to receive for carriage at, or to forward, or knowingly allow to be carried by sea, air, land, rail or other carrier from that port, station, airport or place anything of which the import has been prohibited; and

(ii) where the notification imposes any conditions upon import, shall so refuse unless the prescribed documents showing that the conditions have been fulfilled are produced.

6. Penalty. Whoever contravenes or attempts to contravene any of the provisions of this Act, or of any rules made or notification issued thereunder, shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1969 (IV of 1969) as applied by section 4, be punishable with fine which may extend to five hundred rupees and, upon any subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

7. Cognizance of offence. No Court shall take cognizance of any offence under this Act except upon complaint in writing made by any officer authorised by the Federal Government in this behalf.

8. Indemnity. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

9. Delegation of powers. The Federal Government may delegate to a Provincial Government, or to any officer or authority of such Government, any of its powers under this Act in so far as it relates to the prohibition or restriction of bringing or taking into or out of any place from or to another place within a Province or to the transportation from one place to another within a Province or to the sale of goods or articles of plant origin imported in contravention of any of the provisions of this Act.

10. Power to make rules.—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the method and manner of examination and treatment of goods and articles of plant origin likely to cause infection to any crop or plant;

(b) the form of certificate of non-infection;

(c) the documents to be produced before goods or articles of plant origin are accepted for carriage; and

(d) the fees to be levied under this Act.

11. [Repeal.] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Sen., II.