



(Internet Version)

**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

PLANT PROTECTION ACT, No. 35 OF 1999

[Certified on 7th October, 1999]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of October 08, 1999.

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 1

Price : Rs. 9.00

Postage : Rs. 3.50

premises suspected to harbour a pest or pests for the purpose of inspecting and examining whether a pest or pests exist therein, and the importer of such pest or pests or the owner or the occupier of such premises, as the case may be, shall afford all reasonable facilities for such inspection and examination. The identity of the authorised officer shall be shown to the owner or occupier of the premises, before entry into the premises.

(2) After inspection and examination referred to in subsection (1), if the Director-General or the authorised officer is satisfied that a pest or pests exist in any premises, and having regard to the nature of the pest or pests and the likelihood of its of their spread, the Director-General or the authorised officer shall communicate his decision, in writing with the reasons therefor, to the importer of such pest or pests or owner or occupier such premises directing such importer or owner or occupier of such premises, as the case may be, to carry out such measures or execute such work for the prevention of spreading of such pest or pests, as may be specified in such direction.

(3) It shall be the duty of the importer of such pest or pests, owner or occupier of such premises, as the case may be, to comply with any direction made by Director-General or the authorised officer under sub section (2), unless such importer, owner or occupier prefers an appeal against such direction under section 9.

Director-General
or authorised
officer or person
assisting them not
to be deemed
trespasser by
reason of entry
&c.

5. Neither the Director- General, nor any authorised officer, or any person assisting them, shall be deemed a trespasser by reason of any entry into any premises or destruction of plant and plant products or action taken or thing done under this Act or any regulation made thereunder, or be liable to any damages or prosecution by reason of anything done or omitted to be done in carrying out any of the provisions of this Act or of any regulation made thereunder, unless the same was done or omitted to be done *malafide* and without reasonable and probable cause.

6. (1) Where any importer of any pest or pests, or owner or occupier of any premises is required or directed under section 4, to carry out any measures or to execute any work in or upon any premises and if such person fails, neglects, or refuses to comply with such requirement or direction, the Director-General or an authorised officer with or without assistants may enter such premises for the purpose of carrying out such measures or executing such work.

Power of the Director-General or authorised officer to carry out measures or execute work and recover the expenses thereof.

(2) The Director-General or and authorised officer entering any premises under sub-section (1), may take with him such equipment, machinery and vehicles as is or are necessary for the purpose of facilitating the exercise of his powers under sub-section (1).

(3) All reasonable expenses incurred by the Director-General or any authorised officer for the purpose of carrying out any measures or executing any work in or upon any premises under sub section (1), and any expenses incurred by the State shall be payable by the person who was required or directed under section 4 to carry out such measures or execute such work, and may be recovered from that person in the manner hereafter provided.

(4) Any reasonable expenses payable by any person under sub-section (3) may be recovered, upon application made, by the Director-General or any authorised officer authorised in that behalf by the Director-General to the Magistrate's Court within whose jurisdiction such person is resident or the measures were carried out or the work was executed, in like manner as a fine imposed by that court, notwithstanding that the amount of such expenses referred to in sub-section (3) may exceed the amount of the fine which such court may in the exercise of its ordinary jurisdiction impose.

(5) The imposition of a fine under sub-section (4) shall not relieve such person from any prosecution for any offence to which he may be liable by reason of his failure, neglect or refusal to comply with the requirement or the direction made under section 4.

PART III
QUARANTINE PESTS

Quarantine
pests.

7. (1) The Minister may, from time to time by Notification in the Gazette, declare the quarantine pests which shall not be imported into Sri Lanka as themselves or as infestations on any plant or plant product unless imported under the provisions of sub-section (6) of this section.

(2) If any persons has proof of the presence of a quarantine pest or pests declared by the Minister under sub-section (1) of this section, within any area in Sri Lanka he shall forthwith inform in writing the presence of such pest or pests to the Director-General.

(3) No person shall knowingly keep, sell, plant, release, deliver, or otherwise dispose of, or knowingly cause or permit to be kept, sold, planted, released, delivered, or otherwise disposed of, any plant or plant product infested with any quarantine pest declared by the Minister under sub-section (1) of this section, unless such person has specific written instructions from the Director -General to do so.

(4) Nothing in sub-section (3), of this section shall prohibit the destruction, or the delivery to the Director-General or to an authorised officer, of any plant or plant product referred to in sub-section (3) of this section.

(5) If the Director-General receives any information regarding the presence of any quarantine pest or pests in any area within Sri Lanka, he shall forthwith take such action as may be deemed necessary to control such pest or pests.

(6) Notwithstanding the provisions of this Act, any quarantine pest or pests declared by the Minister under sub-section (1), or any plant or plant product infested by such pest or pests may be imported into Sri Lanka strictly for scientific studies by the Government of Sri Lanka after giving notice to the Director-General, under the authority of an imports

Permit issued by the Director-General, and in accordance with such conditions including conditions as to the facilities and trained personnel for the proper quarantine of the material imported, as may be specified by the Director-General.

(7) The importation of quarantine pest or pests, or plant or plants or plant products infested by such pests under sub-section (6) shall be done only for the use of a government department or a public corporation engaged in scientific research and only if proper facilities including the trained personnel specified by the Director-General are available in such department or corporation for the containment and quarantine of such pest or pests or such plants or such plant products.

PART IV

APPEALS

8. (1) There shall be established an Appeals Panel for the purposes of this Act.

Constitution
of the Appeals
Panel.

(2) The Appeals Panel shall consist of three members appointed from a panel of fifteen persons consisting of scientists who are qualified in the fields of Entomology, Plant Pathology, Microbiology, Mycology, Virology or Nematology who shall be appointed by the Secretary.

(3) The Secretary shall appoint one of the appointed members to be the Chairman of such Appeals Panel.

9. (1) Any person who is aggrieved by the decision of the Director-General or an authorised officer under sub-section (2) of section 4, may within seventy-two hours of the communication of such decision to him, appeal in writing against such decision to the Secretary giving grounds for such appeal.

Appeals.

(2) The appeal shall be accompanied by a monetary deposit of such sum as may be specified by the Secretary in the form of a bank draft or money order in favour of the Director-General. The deposit shall be refunded only if the

appeal overrules the decision of the Director-General or authorised officer as the case may be.

(3) The Appeals Panel established under section 8, shall be appointed within two days and shall deliver its decision within seven days after the receipt of the appeal by the Secretary. The decision of the Appeal Panel shall be final and conclusive and shall be communicated immediately by the Secretary to the appellant and the Director-General or the authorised officer.

(4) The members of the Appeals Panel may be paid such remuneration as the Minister may determine in consultation with the Minister in charge of the subject of Finance.

PART V

OFFENCES AND PENALTIES

Offences.

10. (1) Every person who, without lawful authority or excuse contravenes any provision of this Act or any regulation made thereunder, or does or omits to do anything which under the provisions of this Act or of any regulation made thereunder he ought not to do, or omit, to do or if he resists or obstructs, or assists in resisting or obstructing, or if he incites any person to resist or obstruct, the Director-General or any authorised officer, or any person assisting them, in the implementation of any provisions of this Act or any regulation made thereunder, shall be guilty of an offence under this Act.

(2) Any person who is guilty of an offence under this Act shall be liable on conviction before a Magistrate to imprisonment of either description to a term not less than one month and not exceeding six months, or to a fine not less than ten thousand rupees and not exceeding one hundred thousand rupees, or to both such fine and imprisonment.

(3) It shall be lawful for a Magistrate to summarily try any offence against this Act or any regulation made thereunder, notwithstanding that the punishment specified for such offence is in excess of the ordinary Jurisdiction of such Magistrate.

(4) Any vehicle or carrier or other instrument, contrivance, appliance, or thing used in, or in connection with the commission of any offence against this Act shall by reason of that conviction be forfeited to the State.

(5) Every person who, under pretence of performing any act under the authority of this Act or of any regulation made thereunder commits any unnecessary violence or causes, any unnecessary loss or unnecessary annoyance to any person shall be guilty of an offence under this Act.

11. Where an offence against this Act has been committed by a body of person then-

Offences committed by a body of persons.

(a) if that body of persons is a body corporate, every director, manager, secretary, or officer of that body corporate; or

(b) if that body is a firm, every partner and every manager of that firm,

shall be guilty of that offence unless he proves that the offence was committed without his consent or concurrence and that he exercised all due diligence to prevent the commission of such offence.

PART VI

GENERAL

12. (1) The Minister may make regulations with respect to any matter required by this Act, to be prescribed or in respect of which regulations are required or authorised to be made.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations:

(a) for the prevention of introduction into Sri Lanka, or for the eradication, or for the prevention of spreading therein of, pests, and for the export of plants, plant products or organisms from Sri Lanka;

- (b)* for restricting or prohibiting the importation into Sri Lanka of any plants, plants products and organisms and for restricting or prohibiting the entry points at which they may be landed;
- (c)* for restricting or prohibiting the landing in Sri Lanka of plants, plant products and organisms, either absolutely or conditionally;
- (d)* for providing for the importation of organisms under special licence and conditions;
- (e)* for inspecting and or testing plants, plant products and organisms at, before, or after, the time of landing;
- (f)* for testing, cleaning, fumigating, or disinfecting, at the expense of the importer and or the owner and if expedient, destroying at, before, or after, landing and without compensation, all plants, plant products and organisms, or the packages, cases, pots, or coverings in which they may be packed, and which are found to be infected with any pest or pests and for the recovery of prescribed fees for such destruction from the importer and or owner;
- (g)* for requiring the quarantine of plants, plant products and organisms imported or to be imported, in special areas, and for fixing the conditions of such quarantine and the fees to be charged therefor;
- (h)* for preventing the outbreak or dissemination of any pest within Sri Lanka;
- (i)* for declaring any area to be an infested area, and for the proper quarantine of an specified area declared as being infested with any pest;
- (i)* for testing, treatment, destruction and proper disposal, of plants or plant products affected or likely to be affected with any pest;

- (k) for restricting or prohibiting the cultivation of any plant or plants for a specified period or periods within any specified area or areas in Sri Lanka;
- (l) for regulating the transfer of plants, plant products or organisms from one locality in Sri Lanka to another;
- (m) for the constitution of committees to advise the Director-General and the authorised officers, and to take such other action as may be necessary to ensure the effective administration of the provisions of this Act;
- (n) for ensuring the phytosanitary status of the plants, plant products or organisms exported from Sri Lanka; and
- (o) for charging fees for implementing the provisions of this Act and the regulations made thereunder.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of publication or on such later date, as may be specified in the regulation.

(4) Every regulation made under this Act shall have the same force and effect as if they were contained in this Act.

(5) Every regulation made by the Minister shall as soon as convenient after its publication in the Gazette be brought before Parliament for approval. Any such regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval, but without prejudice to anything previously done thereunder.

(6) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the Gazette.

13. (1) The Plant Protection Ordinance (Chapter 447) is hereby repealed.

Repeal of
Chapter 447
and savings.

(2) Notwithstanding the repeal of the aforesaid Ordinance every regulation made under the repealed Ordinance as is in force on the date of commencement of this Act shall in so far as it is not inconsistent with the provisions of this Act be deemed to be a regulation made under this Act and may be amended or rescinded by regulation made under this Act.

Sinhala text to prevail in case of inconsistency.

14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

PART VII

INTERPRETATION

Interpretation.

15. (1) In this Act unless the context otherwise requires-

“genetically modified” means an organism derived from any activity which has involved or resulted in the formation or derivation of new combinations of heritable material by the insertion of nucleic acid molecules, produced by whatever means outside the cell, into any virus, bacterial plasmid, or other vector system so as to allow their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;

“Importer” means-

(a) any person who, whether as consignor, consignee, agent, broker, or otherwise, is in possession of, or in any way entitled to, the custody or control of any plant, plant product or organism;

(b) any person by whose act any plant, plant product or organism has been landed in or entered into Sri Lanka;

“living modified” means an organism derived or produced by altering or modifying the genetic material of an organism through the use of biological techniques such as recombinant DNA technology, molecular biology, cell or tissue culture, cell fusion, artificial mutagenesis, or through the use of a vector system such as virus, phage, plasmid but not through the ways that occur naturally by mating, mutation or recombination processes;

“Minister” means the minister in charge of the subject of Agriculture;

“Occupier” in relation to any premises includes the proprietor, lessee, superintendent, manager, captain of a ship or vessel or other person in actual charge of such premises;

“Organism” included any active, infective, or dormant stage of life form of an entity characterised as living, including plants, bacteria, algae, fungi, phytoplasma, mycoplasmas, mycoplasma-like entities, protozoa, vertebrate and invertebrate animals, as well as entities such as viruses, viroids, plasmids, phages or any living entity, related thereto, whether natural, genetically modified, living modified, or otherwise;

“Owner” means the holder or possessor of any plant, plant product or organism;

“pest” means any biotic agent capable of causing injury or damage or loss to plants or plant products and shall include weeds;

“plant” means all members of the plant Kingdom, whether living or dead, or any part or parts thereof and includes seeds;

“plant product” means all unprocessed material of plant origin including grain and include those processed products of plant origin that by their nature or by reason of their processing, may create a risk for the spread of pests;

“premises” includes any land, water reservoir, building, establishment, stores, freight, container, vehicle, vessel, aircraft, or conveyance wholly or partly used for keeping, storing, transporting, or growing plants or for keeping, storing, or transporting plant products;

“quarantine pest” means a pest of potential economic or environmental importance to any area within Sri Lanka and not yet present there, or present but not widely distributed and being officially controlled;

“Secretary” means the Secretary of the Ministry of the Minister in charge of the subject of Agriculture; and

“weed” means a plant which is competitive, persistent, pernicious and interfering with man and his activities.

(2) Any reference in this Act or regulations made thereunder to a scientific name of any organism shall be construed as a reference to all synonyms used for that particular organism.

(3) Any reference in this Act and regulations made thereunder to a particular pest shall be construed as a reference to that pest in any stage of its existence.

APPLICATION FOR A PERMIT TO IMPORT PLANTING MATERIAL SEEDS & PLANT PRODUCTS INTO SRI LANKA

(Please address to Director, Seed Certification & Plant Protection Center, P. O. Box 74, Gannoruwa, Peradeniya) Tel: No. 081 – 2388044/2384226 Fax No. 081-2388077

Please read GUIDELINES FOR IMPORTERS given overleaf before filling.

1. Name and Address of the importer: -

Telephone No:

2. Description of the material to be imported: -

<u>Material</u>	<u>Scientific name</u>	<u>Quantity</u>
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3. Purpose of importation: As mother stock for establishment and subsequent propagation and sale in Sri Lanka and export, for Cut flower production, for ornamental purposes, for processing: -

4. Name and Address of Supplier: -

5. Country and locality where plants/mother plants were grown: -

6. Means of importation: Airfreight/Sea freight/Airmail/Accompanied baggage:-

7. Port of Entry:-

8. Approximate date(s) of entry into Sri Lanka:-

9. Facilities available for post- entry quarantine screening of plants at the premises of the importer:-

10. Location/Address of place of propagation of the material:-

11. Any other information (esp. on certification and treatment):-

VERY IMPORTANT:- Phytosanitary certificate and treatment certificate whenever necessary as an ENTRY REQUIREMENTS should be submitted with the consignment .

Signature of Importer:-

Date:-

For Office use:

Permit No:-

Other Remarks:-

Date Received:-

GUIDELINES FOR IMPORTERS:

1. Plan your imports well in advance and make your application 02 months ahead giving the required information on an application form (overleaf) which can be obtained from The Director, SCPPC, P.O. Box. 74, Gannoruwa, Peradeniya.
2. The applicant must be aware of the list of prohibited plants given in the Plant the Protection Act, a copy of which can be obtained from The Director, SCPPC. They should not apply for prohibited plant material.
3. Most tissue cultured products are permitted provided that they arrive as *in vitro* plants in sealed vessels containing clear growth media.
4. Certain plants are not permitted but their seeds are allowed provided the supplier can forward and International Seed Testing Association Certificate that gives their source and the health status. Plants or seedlings of all palms are not allowed.
5. Importer should give the botanical name of the plant he wishes to import. Botanical name is the scientific name in Latin, that gives the exact description of the plant species. It has two components;
 - (1) Generic Name – The first name starting with capitals and
 - (2) Species Name – The name of the species starting with a simple initial letter .Botanical name is usually written in italics or underlined.
E.g. Zea mays is the botanical name for maize or corn.

The name of a "Horticultural sport", "Variety", 'Hybrid' or 'Cultivar' if known may be written within single/double quotation marks with a capital initial letter after the species name or after the generic name, if the species name is not known.

e.g. Dracaena fragrans "Massangeana"
Dracaena " Massangeana"

but, should never be referred to as "Massageana" in the permit application.

6. Specify the quantities required and the probable dates of import in the appropriate places in the application.
7. Indicate the source of supply giving the name and address of supplier. Imports from tropical America are prohibited.
8. Indicate clearly the type of material you wish to import, seeds/seedlings plants cuttings, unrooted cuttings, rhizomes, bulbs, corms *in vitro* cultures/ tissue cultured plants without medium (ex-agar) etc.
9. All duly filled applications are processed within one week of receipt. The applicants are advised that they should keep a minimum of three weeks from the date of application to receive the permits by post.

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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 165/2—1981 නොවැම්බර් 02 වැනි සඳුදා — 1981.11.02

No. 165/2—MONDAY, NOVEMBER 02, 1981

(Published by Authority)

PART I: SECTION (I)—GENERAL

Government Notifications

THE PLANT PROTECTION ORDINANCE

REGULATION made by the Minister of Agricultural Development and Research by virtue of the powers vested in him by section 9 of the Plant Protection Ordinance (Chapter 447)

Colombo, 28th October, 1981.

E. L. SENANAYAKE,
Minister of Agricultural Development and
Research.

Regulation

The regulations set out in the Schedule to the Plant Protection Ordinance (Chapter 447) are hereby amended, by the substitution for Part I thereof, of the following new Part :—

PART I

1. Subject to the Provisions of the Plant Protection Ordinance, no plant shall be imported into Sri Lanka, except under the authority and in accordance with the conditions, of a Plant Importation Permit previously issued by the Director of Agriculture or by an officer of the Department of Agriculture authorised in writing by the Director for that purpose.

2. The import into Sri Lanka of the following Plants is prohibited or restricted except if imported under Regulation 14 or Regulation 15 :—

- (i) any plant capable of further growth or propagation, and originating in the American tropics or in any country in which South American Leaf Blight (*Microcyclus ulei*) occurs;
- (ii) Vegetative planting material of the family Mucaceae, including banana, plantain and abaca;
- (iii) *Atrocarpus* (Breadfruit) from areas where "Pingalap" disease is known to occur;
- (iv) *Theobroma* (Cocoa);
- (v) *Anacardium* (Cashew);
- (vi) *Citrus* (Citrus);
- (vii) *Eugenia* (Clove and related plants);
- (viii) *Cocos* (Coconut and related plants);
- (ix) *Coffea* (Coffee);
- (x) *Gossypium* (Cotton and related Plants) with the exception of seed or baled cotton. If originating from the western hemisphere, such seed or baled cotton shall be fumigated by a method approved by the Director of Agriculture as being effective against the Mexican Boll Weevil (*Anthonomus grandis*);
- (xi) planting material of any species of forest trees, except the seed that is free of extraneous material, treated with a fungicide and fumigated;
- (xii) fruit and vegetables for consumption, from countries where fruit flies (family *Tephritidae*) not recorded in Sri Lanka are known to occur, unless the fruit and vegetables are certified by the exporting country to have been grown in an area where fruit flies are not known to exist, or that the fruit and vegetables have been treated in a manner approved by the Director of Agriculture to kill all fruitfly larvae;
- (xiii) planting material of *Arachis* (Groundnut);

- (xiv) planting material of *Lactuca* (Lettuce), unless the seed has been certified by the exporting country to be free of lettuce mosaic virus ;
- (xv) planting material of *Zea mays* (Maize) except seed, from countries where *Erwinia stewarti* does not occur ;
- (xvi) *Elaeis* (Oil palm) ;
- (xvii) vegetative propagating material of *Piper nigrum* (Pepper) ;
- (xviii) vegetative propagating material of *Ananas* (Pineapple) ;
- (xix) seed tubers of *Solanum* (Potato) unless—
 - (a) from countries where black wart (*Synchytrium endobioticum*), ring rot (*Corynebacterium sepedonicum*), and potato nematode (*Heterodera rostochiensis* and *H. Pallida*) do not occur, or unless certified by the phytosanitary service of the exporting country to have been produced in areas within that country where black wart (*Synchytrium endobioticum*), ring rot (*Corynebacterium sepedonicum*) and potato nematode (*Heterodera rostochiensis* and *H. Pallida*) have not been known to occur and which areas are separated from areas infested by these diseases by a radial distance of not less than two kilometers ; and
 - (b) the seed has been certified to have been obtained from crops free of viruses other than virus X.
- (xx) *Oryza* (Rice), except processed rice for consumption ;
- (xxi) *Hevea* (Rubber) ;
- (xxii) planting material of *Glycine max.* (Soyabean) ;
- (xxiii) vegetative propagating material of *Saccharum* (Sugar cane) ;
- (xxiv) vegetative propagating material of *Helianthus* (Sunflower and related plants) ;
- (xxv) planting material of *Ipomea* (Sweet Potato) ;
- (xxvi) planting material belonging to the family (tare and related plants) ;
- (xxvii) planting material of *Camellia* (Tea and related plants) ;
- (xxviii) plants material of *Nicotiana* (Tobacco), except where the seed is imported under a Plant Importation Permit and accompanied by a phytosanitary certificate and certificate of field inspection, and also treated by immersion for 15 minutes in a 0.1 solution of silver nitrate ;
- (xxix) planting material of *Lycopersicum* (Tomato), unless the seed has been acid extracted or otherwise treated to prevent transmission of seed-borne diseases ;
- (xxx) *Spartina* (Rice Grass) ;
- (xxxi) *Robus* (Blackberry) ;
- (xxxii) *Homeria* (Cape Tulips) ;
- (xxxiii) planting material of *Manihot* (Cassava) ;
- (xxxiv) any aquatic plant ;
- (xxxv) Vegetative planting material of fruit trees belonging to the family Rosaceae (including Apples and Pears) ;
- (xxxvi) planting material of the family *Vitaceae* (including Grapes) ;
- (xxxvii) Vegetative planting material of *Fragaria* (Strawberry) ;
- (xxxviii) Vegetative planting material of *Mangifera* (Mango).

3. Any importation not conforming to the requirements of regulation 2 may be destroyed or returned to the sender.

4. Notwithstanding the provisions of regulation 1, small quantities of plants which are not specifically prohibited by regulation 2, may be imported without a Plant Importation Permit, and without restriction, except that such material is liable to inspection by the Director of Agriculture or by an Inspector or Sub-Inspector and to treatment or destruction in the event of it being found infected, contaminated or infested with any dangerous pest, weed or disease.

5. All packing materials as well as accompanying or adhering media shall be subject to the provisions of the Plant Protection Ordinance and regulations made thereunder as if they themselves were plants ;

Provided that no packing material or accompanying or adhering media shall contain any soil.

6. No plants shall be imported into Sri Lanka except through one of the following ports or places of entry :—

- (a) the port of Colombo ;
- (b) the port of Trincomalee ;
- (c) the port of Talaimannar ;
- (d) the port of Galle ;
- (e) the port of Kankasanturai ;
- (f) the air-port of Katunayake ;
- (g) the air-port of Palaly.

7. An application for a Plant Importation Permit, shall state—

- (a) the full name and address of the applicant ;
- (b) the name and address of the person, firm or organization, from whom the plants are to be obtained ;
- (c) the scientific names and quantities of the plants to be imported ;
- (d) the means of importation (e. g., air-freight, sea-freight, air mail, surface mail) ;
- (e) the port of entry ; and
- (f) the approximate date or dates of entry into Sri Lanka.

8. All plants imported into Sri Lanka, shall be examined by an Inspector or Sub-Inspector ;

Provided that, where the Inspector is satisfied that such plants are being imported for consumption, processing, manufacture or for any purpose other than propagation and the material is not one that is prohibited or restricted under regulation 2 hereto he may dispense with such inspection.

9. It shall be lawful for the Director of Agriculture or an Inspector or Sub-Inspector, to enter at all reasonable hours into any building or conveyance (including) ships, boats, aeroplanes and motor vehicles) where any plant disease, pest or weed may reasonably be suspected to exist, to inspect and examine that building or conveyance, or any goods, stores, furnishings or cargo within that building or conveyance, for the purpose of determining if any such plant disease, pest or weed exists, therein or thereon.

10. An Inspector or Sub-Inspector may, if he is satisfied that any plant or planting or vegetative material being imported may be infested or infected or in any way carrying a disease, pest or weed, and whether or not such plant, or planting or vegetative material, has been imported in conformity with the Plant Protection Ordinance and regulations made thereunder—

- (a) authorize or carry out its disinfection or treatment ;
- (b) authorize or carry out its immediate destruction ;
- (c) direct it to be taken out of the country within a specified period ; or
- (d) direct it to be detained in quarantine or in any other place approved by the Director of Agriculture, for a period not exceeding twenty-four months ;

11. (a) Any package or parcel containing any plant, or planting or vegetative material, shall be delivered to an Inspector or sub-inspector by the Principal Collector of Customs or by the Postmaster-General, as the case may be.

(b) After an examination and treatment, as provided in regulation 10, the package or parcel containing the plant, or planting or vegetative material shall (except where such parcel and its contents has been refused entry under the instruction of an Inspector or sub-inspector) be returned to the Collector of Customs or the Postmaster-General, as the case may be.

12. (1) Plants, or planting or vegetative materials which are prohibited, or whose importation is restricted under the provisions of the Plant Protection Ordinance or regulations made thereunder, if temporarily brought into Sri Lanka or its territorial waters, shall be subject to such inspection, treatment or other disposition as may be deemed necessary by the Director of Agriculture or an Inspector or Sub-Inspector.

(2) The provisions of paragraph (1) shall also apply to carriers including ships and air-crafts, their stores, furnishings, dunnage etc., while such carriers are in Sri Lanka or in the territorial waters of Sri Lanka.

13. No person shall import into Sri Lanka any living insects, birds or other animals in any stage of their development, or any virus, bacteria or fungus cultures, except under the authority of an import permit issued by the Director of Agriculture and in accordance with the conditions laid down in that permit :

Provided that this regulation shall not apply to animals generally covered by animal quarantine rules.

14. Nothing in the Plant Protection Ordinance or in any regulation made thereunder shall prevent the Government, with notice in writing to the Director of Agriculture, from importing into Sri Lanka for scientific purposes and under adequate safeguards specified in writing by the Director of Agriculture, small quantities of plants the entry of which is prohibited or restricted under such Ordinance or Regulations.

15. (a) Where any plants of the genus *Hevea* are imported into Sri Lanka under regulation 14, such plants shall, if so imported—

(i) from outside the Region, have been disinfected and freed of any soil in the country of origin in a manner acceptable to the Director of Agriculture and also freed from pests and diseases, and each consignment of such plants shall be accompanied by a certificate to the effect that the afore mentioned requirements have been fulfilled and signed by an appropriate authority of the country of origin and each such consignment shall be addressed to and received by the Director of Agriculture ; or

(ii) from the American tropics or from any other country in which South American Leaf Blight is present and so as to be capable of further growth or propagation (excluding the seed), in addition to the requirements of paragraph (i), be grown for a period considered adequate by the Director of Agriculture at a plant quarantine station for *Hevea* at a place approved by such Director and situated outside the Region, the American tropics and any other country in which South American Leaf Blight is present. Each consignment of such plants shall be accompanied by a certificate signed by the officer-in-charge of such quarantine station to the effect that the above requirements have been fulfilled and that the plant or plants are free from pests and diseases ; or

(iii) in the form of seed and from the American tropics or from any other country in which South American Leaf Blight is present, in addition to the requirements of paragraph (i), have been examined and again disinfected at a place approved by the Director of Agriculture, and situated outside the Region, the American tropics, and any other country in which South American Leaf Blight is present, and the packing has been replaced with new packing materials placed in new containers.

Each consignment of such seed shall be accompanied by a certificate signed by the officer-in-charge of such examination and disinfecting to the effect that the above requirements have been fulfilled ; or

(iv) so as to be incapable of further growth or propagation, in addition to the requirements of paragraph (i), have been sterilized in the country of origin by a method approved by the Director of Agriculture.

(b) The Director of Agriculture shall ensure that any plants of the genus *Hevea*, imported into Sri Lanka for further growth or propagation, are grown under his supervision for a period considered by such Director to be adequate to enable him to determine whether such plants are free from all pests and diseases before they are released.

16. Any person importing any plants under these regulations shall pay the costs of treatment (including detention) under regulation 10, regulation 11 or regulation 12, at the following rates :—

Service	Charge
1. Fumigation or other treatment of packages less than 0.5 cubic metre in volume	Rs. 10 package.
2. Fumigation or other treatment of packages more than 0.5 cubic metre in volume	Re. 25 per cubic metre of total consignment.
3. Holding of plants in post-entry quarantine	.. Rs. 1 per plant per month held in post-entry quarantine.
4. Issue of phyto-sanitary certificate for goods for export	.. Rs. 10 per certificate.

17. No compensation shall be payable in respect of any package, parcel plant or any planting or vegetative material destroyed or damaged in any inspection or treatment carried out under the Plant Protection Ordinance, or any regulation made thereunder.

18. (1) On a request made by an exporter, the Director of Agriculture shall issue a phyto-sanitary certificate in respect of a consignment of plants intended for export to a foreign country and offered for inspection :

Provided that the Director or any officer authorized in writing by him in that behalf is satisfied that the consignment is substantially free from pests and diseases and also that it conforms to the plant quarantine laws of the importing country ;

Provided further, that where the Director is not so satisfied, he may refuse to issue a phyto-sanitary certificate or may require any treatment to be carried out as a pre-requisite for the issue of such certificate.

(2) The importer shall pay the costs of inspection, treatment and issue of a phyto-sanitary certificate at the rate set out in regulation 16.

19. In these regulations, unless the context otherwise requires—

“Inspector” or “Sub-Inspector” means an officer appointed as such under the Plant Protection Ordinance ;

“Region” means the South-East Asia and Pacific Region as defined in the Plant Protection Agreement for South-East Asia and the Pacific Region ; and

“South American Leaf Blight” means, the plant disease caused by the fungus *Mycrocyclus ulsi*.