REPRINT

AGRICULTURAL QUARANTINE ACT (CAP. 34)

As in force at: 1 March 1996

STATUS:	**HISTORICAL & REPEALED**
	This version is that published in the Revised Edition of the Laws in force in Solomon Islands on 1st March 1996 [LN 24/96]. It does not include amendments made since that date.
	Repealed by the Biosecurity Act 2013 (No. 3 of 2013) from 25 March 2015

AN ACT TO PROVIDE FOR PREVENTING THE INTRODUCTION OF DISEASE INTO SOLOMON ISLANDS THROUGH THE IMPORTATION OR LANDING OF ANIMALS, PLANTS AND OTHER THINGS AND PREVENTING THE INTRODUCTION OF PESTS AND UNDESIRABLE PLANTS; FOR REQUIRING VESSELS AND AIRCRAFTS TO GIVE NOTICE OF THEIR ARRIVAL IN SOLOMON ISLANDS; AND FOR CONNECTED PURPOSES.

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AGRICULTURAL QUARANTINE ACT (CAP. 34)

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AGRICULTURAL QUARANTINE ACT (Cap. 34)

As in force at: 1 March 1996

1 Short title and interpretation

(1) This Act may be cited as the *Agricultural Quarantine Act*.

(2) Schedule 2 contains a glossary of terms; and in this Act, unless the context otherwise requires, any expression for which there is an entry in the first column of the Schedule:

(a) has the meaning given against it in the second column; or

(b) is to be construed in accordance with directions given against it in the second column.

2 Power to prevent introduction of diseases, pests, etc., by order

(1) The purposes of this Act are:

(a) to prevent the introduction of diseases into Solomon Islands or any part of Solomon Islands through the importation or landing of any of the things referred to in subsection (2), and

(b) to prevent the introduction into Solomon Islands or any part of Solomon Islands of pests and of any plant which, in the opinion of the Minister, is undesirable,

and for those purposes the Minister may be order make such provision as he thinks fit.

(2) For those purposes, the order may make provision prohibiting or regulating the importation or landing of:

(a) animals and animal products;

(b) plants;

(c) earth; and

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(d) other things (whether animate or inanimate) by or by means of which it appears to the Minister that any disease or pest might be introduced.

(3) For those purposes, the order may:

(a) make provision not only with respect to imports (including vessels, aircraft and vehicles of other descriptions) but also with respect to persons, animals, plants, earth and other things which have been or may have been in contact with imports;

(b) make different provision for different cases; and

(c) make provision in relation to any of the matters specified in Schedule 1.

(4) Subsections (2) and (3) do not limit the generality of the powers conferred by subsection (1).

(5) The order may provide that, in such circumstances as may be specified in it, any of the things mentioned in subsection (2) which:

(a) are brought into Solomon Islands, but are not brought from a country outside Solomon Islands; and

(b) while outside Solomon Islands have been or may have been in contact with any of those things,

shall be treated for the purposes of this section and Schedule 1 as being imported at the time when they are brought into Solomon Islands.

3 Appointment of inspectors

The Minister may assign to any public officer the functions and powers conferred by this Act on inspectors.

4 Powers to inspect vessels, premises, etc.

(1) For the purposes of finding out whether the provisions of any order under section 2, or the conditions of any licence issued in accordance with such an order, are being complied with, an inspector may at any time:

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(a) enter any vessel, aircraft or vehicle of any other description;

(b) open, and inspect or sample the contents of, anything,

if he has reasonable grounds for supposing that it has recently been brought into Solomon Islands.

(2) An inspector may at any time enter:

(a) any land, building or other place; and

(b) any vessel, aircraft or vehicle of any other description,

on or in which he has reasonable grounds for supposing that there is being or has been kept anything mentioned in section 2(2) which has been brought into Solomon Islands and the bringing in of which is for the time being prohibited or regulated by an order under section 2.

(3) Where an inspector has reasonable grounds for supposing that the provisions of any order under section 2, or the conditions of any licence issued in accordance with such an order, have not been or are not being complied with on any vessel or aircraft, he may give such instructions and take such steps as appear to him necessary to detain it and it shall be detained until the Minister otherwise directs.

(4) Where a vessel or aircraft is required to be detained under subsection (3), no clearance certificate shall be granted in respect of it under section 150 of the *Customs and Excise Act*.

5 Power to require information and search persons

(1) Where an inspector has reasonable grounds for supposing that any person has recently come into Solomon Islands:

(a) he may require that person to give to him, in such form as he may require, any information in his possession which is relevant for determining whether the provisions of any order under section 2, or the conditions of any licence issued in accordance with such order, are being or have been complied with; and

(b) if he refuses to give such information, or the inspector has reasonable grounds to suspect that he has not complied with any order under section 2, or the conditions of any licence

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issued in accordance with such an order, the inspector may search him.

(2) No woman or girl shall be searched under this section except by or in the presence of a woman.

6 Offences connected with sections 2, 4 or 5

(1) A person is guilty of an offence if:

(a) he contravenes any order under section 2 or any condition of a licence issued in accordance with such an order;

(b) he obstructs the exercise by an inspector of any of his functions under sections 4 or 5 or fails to comply with a requirement under section 5(1); or

(c) being in charge of the vessel or aircraft concerned, he fails to comply with any instructions given under section 4(3).

(2) A person guilty of an offence under this section shall be liable on conviction:

(a) to imprisonment for a term of three months; or

(b) to a fine of $3,000,

or to both.

(3) It is not a defence for a person charged with an offence under subsection (1)(a) to show that he did not know that he had contravened the order or condition concerned unless he also shows that he had no reasonable cause to believe that he had contravened the order or condition.

7 Report of arrival

(1) The Minister may by order make provision requiring a report to be made of any vessel or aircraft which is to enter Solomon Islands.

(2) The procedure for making the report, the time before which it is to be made, and the particulars to be contained in it shall be such as may be specified in the order.

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(3) If a person who is required to make a report in accordance with an order under this section fails to do so he shall be guilty of an offence and liable on conviction to a fine of $1000.

8 Procedure for making orders

(1) Subsections (2) to (5) apply in relation to any order under sections 2 or 7.

(2) A copy of the order shall be laid before Parliament.

(3) The copy shall be laid before the order comes into effect unless, in the opinion of the Minister, it is essential that it comes into effect before it can be laid.

(4) If, within the period of twenty days beginning with the day on which the copy is laid, Parliament resolves that the order be annulled, the order shall cease to have effect as from the date of the resolution, but without prejudice to the validity of anything previously done under it or to the making of a new order.

(5) In reckoning any period of twenty days for the purposes of subsection (4), no account shall be taken of any time during which Parliament is prorogued or dissolved or is adjourned for more than four days.

(6) Section 62 of the *Interpretation and General Provisions Act* (Parliamentary procedure) does not apply to any subsidiary legislation under this Act.

9 Application to Government

This Act binds the Government and persons in the service of the Crown.

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SCHEDULE 1

Section 2

MATTERS WITH WHICH AN ORDER UNDER SECTION 2 MAY DEAL

1. The conditions to be observed before, during and after importation or landing.

2. Exemptions from the provisions of the order by means of licences, whether general or specific and whether conditional or unconditional, issued in accordance with the order.

3. The prohibition of the landing of animals, plants, earth or other things except at such ports, airports and other places as may be designated.

4. The giving of security, by bond or otherwise, for the observance of any order under section 2, or any condition of any licence issued in accordance with such an order.

5. Landing and quarantine of animals, plants, earth and other things.

6. Seizure, detention and treatment of animals, plants, earth and other things.

7. Slaughter of animals and destruction of plants, earth and other things.

8. Cleansing and disinfection.

9. Safe-keeping and disposal of refuse.

10. Marking, testing and use of animals, plants, earth and other things.

11. Movement of persons and of animals, plants, earth and other things.

12. Recovery of costs.

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13. Inspection.

14. Entitlement to compensation and the determination of the amount of compensation payable in any case.

SCHEDULE 2

Section 1

GLOSSARY

Expression	*Meaning*
Animals	Includes any living stage of any members of the animal kingdom except human beings and includes the fertile eggs and semen thereof
Animal produce	the carcase or any part of an animal, and any product that is wholly or partly derived from an animal, being a part of an animal or product that has not been treated or sterilised to the stage where it is rendered free from any disease or from carrying any disease.
Disease	Disease of any kind, whether of animals, plants or otherwise.
Earth	Includes soil, peat, compost, sand, clay, mineral earth, rock and similar materials.
Imported	Brought into Solomon Islands from a country outside Solomon Islands.
Inspector	A public officer to whom the Minister has assigned the functions and powers conferred by this Act on inspectors.
Pests	Any variety of animal or plant life which, by nature, is destructive or troublesome.

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Plants	Includes: (a) trees, shrubs, grass, herbs vegetables and vegetable growths; (b) any portion of anything falling within paragraph (a) above, whether fresh, dried or otherwise treated; (c) seeds of plants; and (d) bacteria, fungi and viruses.
Solomon Islands	The area over which the sovereignty of Solomon Islands extends (that is, it includes the territorial seas and the air space above them).
Vessels	Includes boats, canoes and hovercraft.

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ENDNOTES

1 KEY

amd = amended	**Pt = Part**
Ch = Chapter	**rem = remainder**
Div = Division	**renum = renumbered**
exp = expires/expired	**rep = repealed**
GN = Gazette Notice	**Sch = Schedule**
hdg = heading	**Sdiv = Subdivision**
ins = inserted	**SIG = Solomon Islands Gazette**
lt = long title	**st = short title**
LN = Legal Notice	**sub = substituted**
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 34 of the Revised Edition of the Laws of Solomon Islands.

2 LIST OF LEGISLATION

Agricultural Quarantine Act (Cap. 34)

Constituent legislation: 13 of 1982 (Commenced 10 February 1986)
5 of 1985

3 LIST OF AMENDMENTS

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