

# REPRINT

## AGRICULTURAL QUARANTINE ACT (CAP. 34)

**As in force at: 1 October 2009**

**STATUS: REPEALED**

This version is that in force at the date stated above.

For list of amendments see Endnotes

Repealed by the Biosecurity Act 2013 (No. 3 of 2013) from 25 March 2015

**[NOTE: THIS IS AN UNOFFICIAL WORKING COPY ONLY]**

**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.**

## **AGRICULTURAL QUARANTINE ACT (CAP. 34)**

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# **AGRICULTURAL QUARANTINE ACT (Cap. 34)**

**As in force at: 1 October 2009**

## **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

- (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:

(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 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 penalty units,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.
- (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 1,000 penalty units.

## **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.

## 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.



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

## SCHEDULE 2

### Section 1

#### GLOSSARY

<i>Expression</i>	<i>Meaning</i>
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.

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.



## 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, together with amendments made to the Act since that date.

### 2 LIST OF LEGISLATION

#### ***Agricultural Quarantine Act (Cap. 34)***

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

#### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

#### ***Repealed by Biosecurity Act 2013 (No. 3 of 2013)***

Assent date	23 May 2013
Gazetted	1 November 2013
Repealed	25 March 2015

### 3 LIST OF AMENDMENTS

s 6	amd by Act No. 14 of 2009
s 7	amd by Act No. 14 of 2009