

REPRINT

AGRICULTURE AND LIVESTOCK ACT (CAP. 35)

As in force at: 1 October 2009

STATUS: CURRENT

For list of amendments see Endnotes

AN ACT TO PROVIDE FOR THE PROTECTION AND ADVANCEMENT OF AGRICULTURAL AND LIVESTOCK INDUSTRIES

AGRICULTURE AND LIVESTOCK ACT (CAP. 35)

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AGRICULTURE AND LIVESTOCK ACT (Cap. 35)

As in force at: 1 October 2009

1 Short title

This Act may be cited as the *Agriculture and Livestock Act*.

PART I INTERPRETATION

2 Interpretation

In this Act and in any rules made under or annexed to this Act unless the context otherwise requires:

“**agriculture**” includes all industries based on the cultivation of the soil or the growing of plants, and all processes connected therewith such as the clearing, tillage, drainage, planting, weeding and manuring of the land and the collection, preparation, transport and marketing of the produce;

“**domestic animals**” means cattle, horses, mules, asses, pigs, sheep, goats, dogs and cats and the young of such animals by whatever name more specifically described;

“**domestic fowls**” means turkeys, geese, ducks, common fowls, game fowls, guinea fowls, peafowls and pigeons and the young of such birds by whatever name more specifically described;

“**inspector**” means any person appointed under section 9 to be an inspector for the purposes of this Act;

“**livestock**” means domestic animals and domestic fowls;

“**living creatures**” includes all living mammals other than human beings and all birds, reptiles, amphibians, fishes and invertebrates;

“**noxious weed**” means any plant declared to be a noxious weed under section 3;

“**occupier**” includes a person or body of persons corporate or

unincorporate and his or their servants and agents on or using any land or exercising control over it;

“pest” means any insect, mite, tick, slug, snail, bacteria and other vegetable or animal organisms and any agent causative of a transmissible disease which are or may be injurious to any plant of economic value or to any domestic animal or domestic fowl and includes the eggs, larvae, nymphs and pupae of any such pest;

“plant disease” means any condition injurious to, or adversely affecting, any plant and includes the causative agent and any form or stage of development of such condition;

“plants” includes trees, shrubs, grasses, vegetables and vegetable growths and any portions thereof such as cuttings, buds, grafts, stalks, wood, roots, tubers, bulbs, seed, fruit, leaves, bark, fibre and flowers and portions thereof, whether fresh, dried or otherwise treated, but does not include such timber or other plant products or manufactured articles derived from plant products as can be shown to the satisfaction of the Minister to be incapable of carrying any plant disease or pest;

“prohibited plant” means any plant of which the importation or introduction into Solomon Islands is prohibited under this Act;

“restricted plant” means any plant of which the importation or introduction into Solomon Islands is subject to conditions and restrictions under this Act;

“Under Secretary” means the officer from time to time appointed as Under Secretary (Agriculture) in the public service;

“vessel” includes aircraft.

PART II NOXIOUS WEEDS

3 Declaration of noxious weeds

(1) The Minister may, by notice declare any plant to be a noxious weed:

Provided that such notice shall state the date from which such plant shall become a noxious weed for the purposes of this Act.

- (2) The occupier of any land on which any noxious weed is found growing shall be guilty of an offence against this Act.
- (3) No person shall plant or otherwise propagate any noxious weed, or wilfully convey from any one place to any other place in Solomon Islands any noxious weed, or any seed, or portion of any noxious weed which is capable of growth if planted.

4 Power of entry

- (1) When any plant has been declared a noxious weed an inspector may for the purpose of searching for such plant enter between the hours of seven o'clock in the morning and six o'clock in the afternoon upon any land, and if any noxious weed is found growing thereon the inspector may serve upon the occupier notice in the form prescribed in Form A in the Schedule requiring the said occupier to eradicate such noxious weed within a time to be stated in the notice. Such notice shall be served upon the occupier either personally or by post.
- (2) If the occupier of any land shall fail to comply with any such notice to eradicate he shall be guilty of an offence and the Under Secretary may cause the noxious weed to be eradicated from the premises in respect of which a notice has been duly served in accordance with the provisions of the next preceding subsection, and all reasonable expenditure incurred in this behalf may be recovered from the occupier.

PART III MISCELLANEOUS

5 Offences

Any person who acts, or attempts to act, in contravention of any of the provisions of this Act or of any rules made thereunder or who refuses or neglects to observe or carry out any conditions, restrictions or requirements lawfully imposed under the provisions of such Act or rules, or to do anything or supply any information by such Act or rules required to be done or supplied shall be guilty of an offence.

6 Penalty

Any person guilty of an offence against this Act for which no other

penalty is provided shall be liable to a fine of one hundred penalty units or to imprisonment for three months or to both such fine and imprisonment, and, in the case of a continuing offence, to an additional fine of ten penalty units for each day during which the offence shall continue.

7

Rules

The Minister may make rules generally for the better carrying into effect of the provisions of this Act and particularly for any or all of the purposes mentioned in the following:

- (a) to prevent the spread in Solomon Islands of any plant disease or pest;
- (b) to control or eradicate any plant disease or pest;
- (c) to prevent the spread in Solomon Islands or to control or eradicate any noxious weed; or
- (d) to provide for the fumigation or other treatment in Solomon Islands of plants for export as may be required by the countries of import and the issue of certificates in connection therewith.

8

Forms

- (1) The Minister may by notice prescribe any form to be used in connection with any matter dealt with in this Act.
- (2) The forms prescribed in the Schedule to this Act shall be used until they shall have been amended or superseded by forms prescribed as provided in subsection (1).

9

Appointment of officers

The Minister may appoint any public officer or such other person as he may deem necessary to be an inspector for the purposes of this Act or of any part thereof.

10

Power to enter and inspect

For the purpose of the more effective performance of his duties an inspector may at all times enter upon and inspect any land where

agriculture is being carried on or any buildings used for the purposes of agriculture, and may inspect and examine any livestock or other animals found upon any such land or used in connection with the business of the owner or occupier thereof, and the owner or occupier of such livestock or other animals shall supply all information which any such inspector may demand in the due performance of his duties in connection with the working of such land and the industry conducted thereon and in respect of such livestock or other animals.

11 Obstruction etc., of an inspector

Any person who wilfully hinders, obstructs or delays, or who neglects or refuses to furnish to him any information under this Act lawfully required by an inspector acting in the due exercise of his duties under this Act, shall be guilty of an offence and liable to a fine of twenty penalty units or to imprisonment for six weeks or to both such fine and such imprisonment.

12 Protection of officers

No action, prosecution or other proceeding shall lie against any officer or servant of the Government, or any inspector, for any act done in pursuance or execution, or intended execution, of the provisions of this Act or in respect of any alleged neglect or default in the execution of any such provisions unless the same shall be commenced within six months next after the act, neglect or default complained of.

13 Government not liable for loss or damage

The Government shall not be liable for any loss or damage that may result from anything lawfully done under the provisions of this Act or from any process or detention that may be considered necessary or desirable to cleanse or disinfect any plants or other articles or goods, or to discover the existence or otherwise of any pest or plant disease.

14 Application to Crown

This Act shall apply to vessels and persons in the service of the Crown.

SCHEDULE

(Section 8 (2).)

PRESCRIBED FORMS

FORM A

(Section 4)

THE AGRICULTURE AND LIVESTOCK ACT

NOXIOUS WEEDS.

To the occupier of the land known as situated at
in the Island of

In accordance with the provisions of section 4 of the Agriculture and Livestock Act, you are hereby required, before the day of 19 , to eradicate from the land mentioned above all the plant known as a noxious weed within the meaning of the aforesaid Act.

(Date) , 19

Inspector.

NOTE.—The penalty for failure to eradicate any noxious weed as required in this notice, is a fine of one hundred penalty units or imprisonment for three months or both such fine and imprisonment and, in the case of a continuing offence, an additional fine of ten penalty units for each day during which the offence shall continue (Section 6).

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
It = 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 35 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

2 LIST OF LEGISLATION

Agriculture and Livestock Act (Cap. 35)

Constituent legislation:	6 of 1935 (Commenced 14 August 1935)
	3 of 1936
	12 of 1952
	9 of 1953
	3 of 1954
	6 of 1957
	23 of 1963
	11 of 1970
	5 of 1972
	LN 46A of 1978
	14 of 1979
	13 of 1982

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

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

3 LIST OF AMENDMENTS

s 6	amd by Act No. 14 of 2009
s 11	amd by Act No. 14 of 2009

Sch

amd by Act No. 14 of 2009