

LAWS OF SOLOMON ISLANDS

[1996 EDITION]

CHAPTER 35

AGRICULTURE AND LIVESTOCK

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

[14th August 1935]

6 of 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

Short title

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

PART I INTERPRETATION

Interpretation

6 of 1957, s. 2
23 of 1963, s. 2
LN 46A of 1978

2. 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

Declaration of noxious weeds

23 of 1963, s. 4

LN 46A of 1978

3.—(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.

Power of entry

6 of 1957, s. 4

23 of 1963, s. 5

4.—(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.

Form A
Schedule

(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**

Offences

23 of 1963, s. 14

5. 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.

Penalty

23 of 1963, s. 15

6. 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 dollars 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 dollars for each day during which the offence shall continue.

Rules

LN 46A of 1978

13 of 1982, s. 9

7. 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.

Forms

23 of 1963, s. 16

LN 46A of 1978

8.—(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).Schedule

Appointment of officers

3 of 1914, 2nd Sch

23 of 1963, s. 17

LN. 46A of 1978

9. 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.

Power to enter and inspect

6 of 1957, s. 5

10. 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.

Obstruction etc., of an inspector

23 of 1963, s. 18

11. 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 dollars or to imprisonment for six weeks or to both such fine and such imprisonment.

Protection of officers

6 of 1957, s. 6.

12. 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.

Government not liable for loss or damage

13. 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.

Application to Crown

15 of 1979, s. 5

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

SCHEDULE

(Section 8 (2).)

PRESCRIBED FORMS

6 of 1957, s. 7.

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 dollars or imprisonment for three months or both such fine and imprisonment and, in the case of a continuing offence, an additional fine of ten dollars for each day during which the offence shall continue (Section 6).

CHAPTER 35
AGRICULTURE AND LIVESTOCK

Subsidiary Legislation

NOXIOUS WEEDS

LN 88/1976

LN 10/1981

(Section 3)

The following are declared to be noxious weeds—

Plant
Lantana carmaria...Lantana
Eichhornia crassipes...Water hyacinth
Urena lobata...Hibiscus burr
Clidomia hirta...Koster's curse
Elephantopus mollis...Tobacco weed
Cyperus aromaticus...Navua sedge
Digitaria insularis...Feather top grass
Rottboellia exaltata...

THE AGRICULTURE AND LIVESTOCK
(PLANT PROTECTION) RULES

(Section 7)

LN 61/1971

LN 68/1972

[24th September 1976]

Citation

1. These Rules may be cited as the Agriculture and Livestock (Plant Protection) Rules.

Interpretation

2. In these Rules unless the context otherwise requires—

"declared area" means an area specified by notice under rule 5;

"diseased plant" means any plant declared by notice under rule 3 to be diseased or likely to spread disease;

"infected area" means an area declared to be an infected area under rule 4;

"specified plant" means any plant specified by notice under rule 4 or 5.

Prohibition of movement of plants or growing of crops

3. (1) The Minister may by notice prohibit the movement within Solomon Islands of any plant which is diseased or likely to spread disease, and may prohibit for any period the planting or growing of any crop or variety thereof which may be considered likely to hinder the prevention of the spread or the proper control of any disease or pest.

(2) Any person who moves any plant or grows any crop in contravention of a notice issued under paragraph (1) shall be guilty of an offence.

Declaration of infected areas

4. Where in any area the Minister is of the opinion that pests or diseases cannot otherwise be readily or adequately controlled or eradicated, he may by notice declare such area to be an infected area, and thereafter any person who shall move or cause to be moved any plant specified in such notice from such area without the permission of the Under Secretary or an inspector shall be guilty of an offence.

Prohibition of movement of plant into a declared area

5. Where the Minister is of the opinion that any area is free from a particular pest or disease and that the movement of plants into that area from outside is likely to introduce that pest or disease into that area, he may by notice declare that no plant of any kind specified in such notice shall, except with the permission of the Under Secretary, be moved into such area and thereafter any person who shall move any such plant into such area without such permission shall be guilty of an offence.

Declaration of quarantine areas

LN 68/1972

6. Where the Minister is satisfied that any area may be infected by any pest or disease and that in order to eradicate such pest or disease or to prevent such pest or disease from spreading, it is necessary so to do, he may by order declare such area to be a quarantine area and—

(a) prohibit or regulate the entry of persons and vehicles into the quarantine area;

(b) prohibit or regulate the removal from the quarantine area of plants, earth, packing materials or any other matter or thing that may harbour or spread the pest or disease;

(c) require persons, vehicles, clothing, footwear, plants, earth, packing materials or any other matter or thing in the quarantine area or leaving or being removed from the quarantine area, to be disinfected in such manner as may be specified or as may be required by any specified or authorised officer or other person; and

(d) empower the destruction or disposal of any plant, earth, packing materials or any other matter or thing in or from the quarantine area which may reasonably be suspected of being infected.

Powers of an inspector

7. (1) An inspector may give such instructions as he may consider necessary for—

(a) the disinfection, fumigation and treatment of any building, vehicle or vessel suspected of being or having been used for the storage or conveyance of anything likely to infect any plant with disease or pest;

(b) controlling or destroying any pest;

(c) the disinfection, treatment, destruction or disposal of any unhealthy plant, or of any plant appearing to be infected with any disease or pest by ordering—

(i) the disinfection or treatment of any such plant with a dressing composed of a suitable insecticide, fungicide or bactericide; or

(ii) the destruction by burning of any such plant; or

(iii) the disposal by some other suitable means of any such plant.

(2) An inspector, with such assistants as he may require, shall be entitled to board at any place any vessel—

(a) which he has reason to believe is carrying any diseased plant:

(b) which he has reason to believe has come from an infected area;

(c) which he has reason to believe is going or intending to go to a declared area from any other part of Solomon Islands; or

(d) arriving at any place in a declared area or in the territorial waters surrounding such area which he has reason to believe has come from any other part of Solomon Islands,

in order to ascertain if any diseased or specified plant is being carried in such vessel.

(3) (a) The master of such vessel shall give an inspector boarding the vessel in accordance with the provisions of paragraph (2) all information which he may reasonably require and all reasonable facilities for the proper exercise of his powers under this rule.

(b) Any specified plant found on any vessel referred to in paragraph (2) may be seized by the inspector and stowed away on board the vessel or destroyed or disposed of in such other manner as the inspector may consider appropriate.

(c) No compensation shall be payable in respect of any specified plant destroyed or disposed of under this paragraph.

THE AGRICULTURE AND LIVESTOCK (PLANT PROTECTION) RULES

NOTICE PROHIBITING THE MOVEMENT OF TARO TO CERTAIN AREAS (RULE 5)

*LN 62/1971
GN 163/1985*

It is hereby notified that no plant of any of the species or aroids of the genera Amorphopallus, Colocasia, Xanthosoma, Cyrtosperma and Alocasia, shall, except with the permission of the Director of Agriculture or an inspector, be moved into the areas specified in the Schedule.

SCHEDULE

Bellona Island (Mu Ngiki)
Rennell Island (Mu Ngava)

THE AGRICULTURE AND LIVESTOCK (PLANT PROTECTION) RULES

NOTICE DECLARING INFECTED AREA (RULE 4)

LN 13/1984

Whereas the area specified in the Schedule is infected with *Ustilago Maydis* which cannot otherwise be readily or adequately controlled or eradicated, the area is hereby declared to be an infected area and no maize (corn) (*Zea Mays*) shall, except with the permission of the Under Secretary of Agriculture or an inspector, be removed from the area specified in the Schedule.

SCHEDULE

GUADALCANAL PROVINCE

THE AGRICULTURE AND LIVESTOCK (PLANT PROTECTION) RULES

NOTICE DECLARING QUARANTINE AREA (RULE 6)

LN 104/1984

Whereas the area specified in the Schedule hereto is infected with *Dacus cucurbitae* cog., such area is hereby declared to be a quarantine area and accordingly—

(a) the removal from the quarantine area of all fresh fruits, vegetables (excluding taro, yam, cassava and sweet potato) and earth is prohibited; and

(b) the destruction or disposal of any fresh fruit, vegetables, earth or any matter or thing in or from the quarantine area which may be reasonably suspected of being infected with *Dacus cucurbitae* cog. is hereby authorised to be done.

SCHEDULE

SHORTLAND ISLANDS

THE AGRICULTURE AND LIVESTOCK (PLANT PROTECTION) RULES

NOTICE DECLARING CERTAIN QUARANTINE AREAS (RULE 6)

LN 25/1986

Whereas the area specified in the Schedule hereto is infected with *Dacus cucurbitae* cog., such area is hereby declared to be a quarantine area and accordingly—

(a) the removal from the quarantine area of all fresh fruits, vegetables (excluding taro, yam, cassava and sweet potato) and earth is prohibited; and

(b) the destruction or disposal of any fresh fruit, vegetables, earth or any matter or thing in or from the quarantine area which may be reasonably suspected of being infected with *Dacus cucurbitae* cog. is hereby authorised to be done.

SCHEDULE

WESTERN PROVINCE

THE AGRICULTURE AND LIVESTOCK (PLANT PROTECTION) RULES

NOTICE DECLARING CERTAIN QUARANTINE AREAS (RULE 6)

LN 128/1988

Whereas the area specified in the Schedule hereto is infected with *Dacus cucurbitae* cog., such area is hereby declared to be a quarantine area and accordingly—

(a) the removal from the quarantine area of all fresh fruits, vegetables (excluding taro, yam, cassava and sweet potato) and earth is prohibited; and

(b) the destruction or disposal of any fresh fruit, vegetables, earth or any matter or thing in or from the quarantine area which may be reasonably suspected of being infected with *Dacus cucurbitae* cog. is hereby authorised to be done.

SCHEDULE

ISABEL PROVINCE
