



Tonga

# PLANT QUARANTINE (AMENDMENT) ACT 1995

Act 10 of 1995

## AN ACT TO AMEND THE PLANT QUARANTINE ACT

I assent,  
TAUFA'AHAU TUPOU IV,  
12th October, 1995

[13th September, 1995]

**BE IT ENACTED** by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

1.
  - (1) This Act may be cited as the Plant Quarantine (Amendment) Act 1995.
  - (2) The Plant Quarantine Act (Cap 127) is referred to in this Act as the Principal Act.
2. Section 2 of the Principal Act is amended by —
  - (i) deleting the comma and the words “Forests and Fisheries” from the definition of “Director” and substituting the words “and Forestry”;
  - (ii) deleting the words “Forests and Fisheries” from the definition of “Minister” and substituting the words “and Forestry” and by deleting the comma in the Tongan version.

3. Section 3 of the Principal Act is repealed and substituted by the following —

**“3.**

The authority for administering this Act is conferred on the Minister who may with the consent of the Privy Council make regulations to carry out the provisions of this Act.”.

4. Section 4 of the Principal Act is repealed.
5. Section 7 of the Principal Act is repealed and substituted by the following:

**“7.**

The Minister may with the consent of Privy Council prescribe by Regulations any fees to be charged under this Act.”.

6. Section 11 of the Principal Act is amended by —
- (i) inserting in the English version the words “any place” after the word “or” in line 2;
  - (ii) deleting in the English version the word “places”.

7. Section 16 of the Principal Act is repealed and substituted by the following —

**“16.**

The Minister may by Regulations limit entry of plants into Tonga and may order that such plants be grown under the supervision of the Ministry of Agriculture and Forestry in order to determine whether such imported plants may be infested or infected with plant pests not discernible by port of entry inspection and may order such treatment as he shall consider expedient.”.

8. Section 17 of the Principal Act is repealed.
9. Section 19 of the Principal Act is amended by deleting the words “except as authorised under regulations which the Minister may prescribe” and substituting the words “except as authorised by an Inspector”.

10. Section 20 of the Principal Act is amended by deleting the word “circumvention” and substituting the word “contravention”.
11. Section 23 of the Principal Act is amended by deleting the comma and all the words after “Minister” and by substituting therefor the words “published in the Gazette”.
12. Section 24 of the Principal Act is repealed and substituted by the following —

**“24.**

All persons arriving in Tonga shall make a declaration in writing in such form as the Minister may prescribe by Notice in the Gazette.”.

13. Section 25 of the Principal Act is repealed and substituted by the following —

**“25**

- (1) It shall be unlawful for any person to import into Tonga any plant, plant material or other regulated articles until a written permit has been issued under such regulations as the Minister may prescribe.
- (2) All importations of living plants and plant material shall be accompanied by a phytosanitary certificate.”.

14. Section 26 of the Principal Act is repealed.

15. Section 27 of the Principal Act is repealed and substituted by the following —

**“27**

It shall be the duty of the importers, customs, agent of conveyance and the Secretary of Marine and Ports to notify the Director of the intended arrival of regulated articles under this Act and to provide such information as the Director may require.”.

16. Section 25 of the Principal Act is amended by deleting the words “Harbour Master” wherever they appear and substituting the words “Secretary for Marine and Ports”.
17. Section 30 of the Principal Act is amended by —

- (i) deleting the words “Customs and”;
  - (ii) deleting in the English version the word “importers” and substituting the word “importer's”.
18. Section 33 of the Principal Act is amended by —
- (i) deleting in the English version the word “molluses” and substituting the word “molluscs”;
  - (ii) deleting in the Tongan version the words “moluka (molluca)” and substituting the word “molasika (molluscs)”;
  - (iii) deleting all the words after “issued” and substituting the words “as prescribed by the Minister in regulations and the importation is in compliance with the permit”.
19. Section 34 of the Principal Act is amended by deleting the word “Minister” second appearing and substituting the word “Director”.
20. Section 35 of the Principal Act is amended by deleting the word “Minister” and substituting the word “Director”.
21. Section 36 of the Principal Act is amended by deleting the word “regulate” and substituting the words “require by Notice in the Gazette”.
22. Section 44(1) of the Principal Act is amended by —
- (i) deleting the words “Police, with the Director” and substituting the word “Director”;
  - (ii) deleting from the English version the comma after the word “Director”.
23. Section 44(2) of the Principal Act is amended by —
- (i) deleting the words “not less than \$10 and not exceeding \$2,000” and substituting the words “of \$5000”;
  - (ii) deleting the words “one year” and substituting the words “two years”;
  - (iii) deleting the words “as the court may direct”.

Passed in the Legislative Assembly this 13th day of September 1995.