

Control of Plants (Amendment) Bill

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Bill No: 31/1998

Read the first time: 29th June 1998

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Control of Plants (Amendment) Bill

Bill No. 31/1998

Read the first time on 29th June 1998.

An Act to amend the Control of Plants Act (Chapter 57A of the 1994 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Control of Plants (Amendment) Act 1998 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Control of Plants Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the definition of “agricultural officer” and substituting the following definitions:

““authorised analyst” means any person appointed by the Director as an authorised analyst under section 3(2);

“authorised officer” means any person appointed by the Director as an authorised officer under section 3(1);”;

- (b) by deleting the words “the Director, Agriculture Division” in the definition of “Director” and substituting the words “any Divisional Director”;

- (c) by deleting the definition of “pest” and substituting the following definition:

““pest” means any species, strain or biotype of plant, animal or pathogenic agent which is or is capable of being injurious to plants or plant products;”;

- (d) by inserting, immediately after the definition of “premises”, the following definitions:

““prohibited pesticide” means a pesticide not specified in the Tenth Schedule to the Food Regulations (Cap. 283, Rg 1);

“prohibited pesticide residue” means the remains of any substance resulting from the use of any prohibited pesticide;” and

- (e) by deleting the definition of “tranship” and substituting the following definition:

““tranship”, with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, sea or air from any place which is outside Singapore any plant and thereafter to —

- (a) remove or cause to be removed that plant from the conveyance in which it was brought into Singapore; and

- (b) return or cause to be returned that plant to the same conveyance or transfer it or cause it to be transferred to another conveyance, for the purpose of export,

whether such plant is to be transferred directly between conveyances or whether it is to be landed in Singapore after it was brought into Singapore and stored, pending export;”.

Repeal and re-enactment of section 3

3. Section 3 of the principal Act is repealed and the following section substituted therefor:

“Authorised officers and authorised analysts

3.—(1) The Director may appoint such number of authorised officers as he considers necessary for the purposes of this Act and any rules made thereunder.

(2) The Director may appoint one or more persons with the prescribed qualifications and practical experience as authorised analysts for the purposes of this Act and any rules made thereunder.”.

New section 5A

4. The principal Act is amended by inserting, immediately after section 5, the following section:

“Director may authorise public officer to exercise powers and perform duties

5A. The powers conferred and the duties imposed on the Director under this Act or any rules made thereunder may be exercised and carried out by any public officer generally or specially authorised by name or office by the Director and subject to his directions.”.

Repeal and re-enactment of Part II

5. Part II of the principal Act is repealed and the following Part substituted therefor:

“PART II

IMPORT AND TRANSHIPMENT OF FRESH FRUITS AND VEGETABLES

Prohibition of import or transhipment of fresh fruits or vegetables without licence

6.—(1) No person shall import for sale, supply or distribution or tranship any fresh fruit or vegetable except under and in accordance with the conditions of a licence issued by the Director.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Prohibition of import or transhipment of fresh fruits and vegetables without permit

7.—(1) No licensee shall import any fresh fruit or vegetable for sale, supply or distribution unless —

- (a) the licensee has obtained a permit from the Director in respect of each consignment of fresh fruits or vegetables to be imported by him and the import of such consignment is carried out in accordance with the conditions of the permit;
- (b) the whole consignment conforms to the description contained in the permit;
- (c) the whole consignment does not contain any prohibited pesticide residue, or levels of pesticide residue or toxic chemical residue exceeding the prescribed levels;
- (d) the whole consignment complies with such sanitary standards as may be prescribed by the Minister;
- (e) the licensee provides the Director with satisfactory evidence that the whole consignment complies with paragraphs (c) and (d); and
- (f) the container of the fruits or vegetables constituting the consignment bears the name and address of the producer and such other particulars as may be prescribed.

(2) No licensee shall tranship any fresh fruit or vegetable unless the licensee has obtained a permit from the Director in respect of each consignment of fresh fruits or vegetables to be transhipped by him and the transhipment is carried out by him in accordance with the conditions of the permit.

(3) Any licensee who contravenes or fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Subject to subsection (5), in any proceedings for an offence under subsection (3), it shall be a defence for the person charged to prove —

- (a) that the commission of the offence was due to the act or default of