

# **Control of Plants (Plant Importation) (Amendment) Rules 2005**

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**No. S 258**

CONTROL OF PLANTS ACT  
(CHAPTER 57A)

CONTROL OF PLANTS (PLANT IMPORTATION) (AMENDMENT) RULES 2005

In exercise of the powers conferred by section 49 of the Control of Plants Act, the Minister for National Development hereby makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Control of Plants (Plant Importation) (Amendment) Rules 2005 and shall come into operation on 25th April 2005.

**Amendment of rule 2**

2. Rule 2 of the Control of Plants (Plant Importation) Rules (R 4) (referred to in these Rules as the principal Rules) is amended —

(a) by inserting, immediately after the definition of “American tropics” in paragraph (1), the following definition:

““biological control agent” means a natural enemy, an antagonist or a competitor of a pest, or any other self-replicating biotic entity, used for pest control;”;

(b) by deleting the definitions of “consignment of plants or plant products” and “soil” in paragraph (1) and substituting the following definitions:

““import health requirement” means any import health requirement specified or varied by the Director-General under rule 7;

“living modified organism” means any living organism that possesses a novel combination of genetic material obtained through the use of any modern biotechnology technique —

(a) that overcomes natural physiological reproductive or recombination barriers; and

(b) that is not a technique used in traditional breeding and selection;

“non-quarantine pest” means a pest specified in Part II of the First Schedule;

“quarantine pest” means a pest specified in Part I of the First Schedule;

“regulated pest” means a pest specified in Part I or II of the First Schedule;” and

(c) by deleting paragraph (2) and substituting the following paragraph:

“(2) In these Rules —

- (a) any reference to a consignment of plants, plant products or materials shall include a reference to any container, receptacle, packaging material or other article forming part of such a consignment;
- (b) any reference to a regulated plant, regulated plant product or regulated material shall be construed as a reference to a plant, plant product or material, respectively, specified in the Second Schedule;
- (c) any reference to the importation or movement of any pest, plant, plant product or material shall be read as including a reference to the importation or movement, respectively, of the pest, plant, plant product or material by post; and
- (d) any reference to a certificate or document shall include a reference to a certificate or document in electronic form.”.

### **Deletion and substitution of rules 3 to 7**

3. Rules 3 to 7 of the principal Rules are deleted and the following rules substituted therefor:

#### **“Persons to whom Rules do not apply**

3. Subject to rules 12, 13 and 14, these Rules shall not apply to any person who —

- (a) with the written permission of the Director-General and subject to such conditions as the Director-General thinks fit to impose, imports any plant, plant product or regulated material for experimental or research purposes; or
- (b) brings any regulated plant, regulated plant product or regulated material into Singapore in transit, subject to the condition that the

plant, plant product or material is not moved from the point of entry into Singapore to any other place within Singapore except —

- (i) with the permission in writing of the Director-General or an authorised officer; and
- (ii) in accordance with such terms and conditions as the Director-General or the authorised officer thinks fit to impose.

### **Imported plant, plant product or material to be free of quarantine pests**

4. Any person who imports any plant, plant product or material shall ensure that the plant, plant product or material and the container or any other package thereof is free of any quarantine pest.

### **Importation of regulated plant, regulated plant product or regulated material**

5.—(1) No person shall import any regulated plant, regulated plant product or regulated material except under a permit issued by the Director-General.

(2) The Director-General shall, in determining whether to issue a permit under paragraph (1), consider whether the applicant for the permit has complied with every relevant import health requirement and the requirements under paragraph (4).

(3) Every permit issued under this rule —

- (a) shall be valid only for the period specified therein and for the consignment in respect of which it has been issued; and
- (b) may be subject to such terms and conditions as the Director-General thinks fit to impose, which terms and conditions shall be endorsed on the permit.

(4) Any person who imports any consignment of regulated plants, regulated plant products or regulated materials shall ensure that there is, in respect of that consignment —

- (a) a phytosanitary certificate; or
- (b) such other certificate or document or mark issued by or authorised to be issued by a competent government agency in the country of despatch, being an agency which is recognised by the Director-General, in such form and issued in such manner as may be required

under any import health requirement.

(5) The phytosanitary certificate referred to in paragraph (4)(a) shall be issued not more than 14 days prior to the date of shipment of the consignment by a competent government agency or some other agricultural authority, of the country of despatch, being an agency or authority which is recognised by the Director-General.

(6) The phytosanitary certificate or other certificate or document or mark required under paragraph (4) shall certify that every relevant import health requirement has been complied with.

### **Discretion of Director-General to prohibit plant, plant product or material from entering Singapore**

6.—(1) Where —

- (a) a consignment of regulated plants, regulated plant products or regulated materials is imported —
  - (i) without a phytosanitary certificate or other certificate or document or mark referred to in rule 5(4); or
  - (ii) with a phytosanitary certificate or other certificate or document or mark referred to in rule 5(4) that does not comply with rule 5(5) or (6);
- (b) an imported consignment of plants, plant products or materials is found to be infested with a non-quarantine pest; or
- (c) an imported consignment of plants, plant products or materials is found to be infested with a pest (other than a regulated pest) which is not native to Singapore and which the Director-General determines to be potentially damaging to any plant in Singapore or the ecosystem of any plant in Singapore,

the Director-General may, in his discretion —

- (i) prohibit the consignment of plants, plant products or materials from entering Singapore; or
- (ii) permit the consignment of plants, plant products or materials to enter Singapore, subject to such terms and conditions as the Director-General thinks fit.