

**Control of Plants (Cultivation of Plants) (Licensing and Certification)  
(Amendment No. 2) Rules 2004**

**Table of Contents**

**Enacting Formula**

- 1 Citation and commencement**
- 2 New rule 3A**
- 3 Deletion and substitution of rule 5**
- 4 Deletion of rule 7**
- 5 New rules 11A and 11B**
- 6 Amendment of rule 13**
- 7 Deletion and substitution of rule 18**
- 8 Amendment of rule 19**
- 9 Amendment of rule 20**
- 10 Amendment of rule 23**
- 11 Deletion and substitution of rule 25**
- 12 Amendment of Second Schedule**
- 13 Miscellaneous amendments**

**No. S 296**

CONTROL OF PLANTS ACT  
CHAPTER 57A

CONTROL OF PLANTS (CULTIVATION OF PLANTS) (LICENSING AND  
CERTIFICATION) (AMENDMENT NO. 2) RULES 2004

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 (Cultivation of Plants) (Licensing and Certification) (Amendment No. 2) Rules 2004 and shall come into operation on 1st June 2004.

**New rule 3A**

2. Part II of the Control of Plants (Cultivation of Plants) (Licensing and Certification) Rules (R 2) (referred to in these Rules as the principal Rules) is amended by inserting, immediately above rule 4, the following rule:

**“Keeping or maintenance of farm**

**3A.** No person shall keep or maintain a farm except in accordance with a valid licence issued by the Director-General under section 31 of the Act and in accordance with the conditions, if any, of that licence.”.

**Deletion and substitution of rule 5**

3. Rule 5 of the principal Rules is deleted and the following rule substituted therefor:

**“Application for and issue or renewal of licence**

**5.—(1)** In determining whether to issue or refuse to issue a licence to an applicant, the Director-General may consider the suitability of the land or premises to be licensed for use as a farm.

(2) For the purposes of paragraph (1), the Director-General may, at any time —

- (a) enter and inspect the land or premises in respect of which the application for a licence is made, or cause such land or premises to be inspected by an authorised officer;
- (b) require the applicant to make available any relevant documentation for inspection and copying; and

- (c) require the applicant, at his own expense, to make such alteration or improvement to such land or premises or to provide, fix or install such facilities or structures as the Director-General may specify.
- (3) The Director-General may refuse to issue a licence to an applicant if —
  - (a) the applicant or one of his partners or, if the applicant is a body corporate, one of its directors —
    - (i) had previously been convicted of an offence under the Act; or
    - (ii) had previously held a licence issued under the Act and the licence or permit, as the case may be, was subsequently revoked or suspended under section 32 of the Act; or
  - (b) in the opinion of the Director-General —
    - (i) the applicant is not a fit and proper person to be granted a licence; or
    - (ii) the land or premises in respect of which the licence is being applied for is or are not suitable for use as a farm.
- (4) Paragraphs (1), (2) and (3) shall apply, with the necessary modifications, to an application for the renewal of a licence.”.

### **Deletion of rule 7**

- 4. Rule 7 of the principal Rules is deleted.

### **New rules 11A and 11B**

- 5. The principal Rules are amended by inserting, immediately after rule 11, the following rules:

#### **“Power to waive or refund fees**

**11A.** Subject to rule 8(5), the Director-General may, if he thinks fit, waive or refund the whole or any part of the licence fee payable under these Rules.

#### **Directives**

**11B.—**(1) The Director-General may, at any time, issue to any licensee such written directives as he thinks necessary for the proper management and operation