

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 26 de 1964

JOINT REGULATION 26 of 1964

JOINT REGULATION

No. 26 of
1964.

To provide for plant quarantine.

[Published: Condominium Gazette No. 225.]

MADE by the Resident Commissioners under the provisions of paragraph 2 of Article 2 and Article 7 of the Anglo-French Protocol of 1914.

1. (1) No person shall, without applying to the Chief Condominium Agricultural Officer for an import licence in the form set out in the Schedule to this Regulation, order for the purposes of importation into the New Hebrides any of the following, that is to say—

- (a) live plants or any part thereof including seeds, tubers, bulbs, ryzomes, shoots, suckers, cuttings, grafts, flowers and fruits;
- (b) dry plants including straw, hay or fodder whether or not from packings or in powder;
- (c) any other matter capable of containing any organism dangerous to cultivation including soil, compost and manure.

(2) On receiving the application aforesaid the Chief Condominium Agricultural Officer may demand further information from the applicant.

(3) In considering an application for an import licence the Chief Condominium Agricultural Officer shall take into account the special requirements for phytosanitary protection of the New Hebrides, the international obligations contracted by the Governments of Great Britain and the Republic of France and, in particular, the provision of the Agreement for the Protection of Plants in South-East Asia and the Pacific, dated the 27th February, 1956, and the recommendation of the phytosanitary committee for the South-East Asia and Pacific areas.

2. Notwithstanding the provisions of the preceding Section of this Regulation the Resident Commissioners may by Joint Rules prohibit absolutely, except by the Condominium Agricultural Department for scientific purposes, the importation of any plant, part or derivative of a plant.

3. No person shall import into the New Hebrides any of the articles referred to in subsection (1) of Section 1 of this Regulation except through the sea ports of Vila, Luganville, Forari and Palekula or the airports of Vila and Luganville.

Provided that such articles may be imported at other places of entry with the authority in writing of the Chief Condominium

gricultural Officer and in such circumstances that satisfactory phytosanitary control can be enforced under his direction.

4. (1) The provisions of Sections 1 and 2 of this Regulation shall apply to all imports of whatsoever quantity and origin and especially to plants, seeds, flowers and fruit carried in the baggage of travellers or on the person.

(2) Every person entering the New Hebrides shall declare either orally or in writing whether he has in his possession any of the articles referred to in subsection (1) of Section 1 of this Regulation, however small the quantity is.

(3) Any such traveller or immigrant who has any such article in his possession shall deliver the same to the Condominium Customs Department and apply for an import licence in respect thereof.

(4) Any person who, for the purpose of this Section makes a false declaration shall be guilty of an offence and on conviction thereof shall be liable to the penalties prescribed in Section 7 of this Regulation.

5. (1) Every consignment of articles referred to in subsection (1) of Section 1 arriving in the New Hebrides shall be immediately detained by the Condominium Customs or Posts and Telecommunications Department pending a decision by the Chief Condominium Agricultural Officer as to whether it may be imported.

Provided that in the case of a perishable nature such decision shall be given within forty-eight hours of their detention as aforesaid.

(2) Articles in respect of which an import licence has been obtained and of which the sanitary condition is, after inspection, considered to be satisfactory shall, after disinfection, if necessary be returned to the importer on the instructions of the Chief Condominium Agricultural Officer.

(3) The Condominium Chief Agricultural Officer may in respect of articles which—

- (a) have been imported in contravention of Joint Rules made under Section 2 of this Regulation;
- (b) have been imported without an import licence or without the certificates required for an import licence; or
- (c) are in his opinion in a dangerous or potentially dangerous condition and in regard to which no adequate treatment is available to the Condominium Agricultural Department for the destruction of any parasite or infectious germs which they may contain;

that they be returned or destroyed without compensation to the expense of the importer.

(1) The Chief Condominium Agricultural Officer shall be responsible for plant protection.

(2) The Chief Condominium Agricultural Officer shall submit nominations to the Resident Commissioners for appointment by them of Phytosanitary Inspectors.

(3) It shall be the duty of the said Phytosanitary Inspectors to carry out the inspection of articles referred to in subsection (1) of Section 1 of this Regulation.

Provided that such inspections shall be carried out in the presence of an officer of the Condominium Customs or Posts and Telecommunications Department and the importer or his representative.

(4) Any dispute arising in connection with any such inspection shall be submitted to the Chief Condominium Agricultural Officer for his decision.

7. Any person who acts in contravention of the provisions of this Regulation shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding £Stg. 250 or its equivalent in francs at the current rate of exchange; and on a second or subsequent offence within five years to a fine not exceeding £Stg. 500 or its equivalent in francs at the current rate of exchange or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

8. The Resident Commissioners may make Joint Rules for the better carrying out of the provisions of this Regulation.

9. Joint Regulations [No. 2 of 1914] and No. [3]* of 1925 are hereby repealed.

[No. 1, English text.]

10. This Regulation may be cited as the Joint Import of Plants Regulation No. 26 of 1964 and shall come into operation on the date of its signature.

Made at Vila, this 13th Day of October, 1964.

M. DELAUNEY

COLIN H. ALLAN

Resident Commissioner for the French Republic.

Her Britannic Majesty's Acting Resident Commissioner.

JOINT IMPORT OF PLANTS REGULATION No. 26 OF 1964

SCHEDULE

APPLICATION FOR AN IMPORT PERMIT

The undersigned,..... (name, surname)

*[English text No. 1]

Occupation

Full address.....

Request authorisation to import by.....
(means of transport)

through
(state the port of entry if the article is not to be imported by post)

the following articles—

Amount or quantity and weight and kind of goods (1)	Country and place of origin	Full address of suppliers

the purpose of (2).....

(3).....

Date.....

Signature.....

State whether seeds, grafts, cuttings, bulbs, tubercules, earth, vegetable mould, etc. . . . , and give the name of the variety.

State purpose for which imported, i.e., whether for sale, personal use planting, manufacture, eating or planting for sale.

State the exact place where the goods are to be sold or planted.

DECISION OF THE AGRICULTURAL DEPARTMENT:

Accepted: See import permit No.....

Refused: (Indicate reason).....