

No. 596.

THE DISEASES OF PLANTS PREVENTION LAW, CAP. 80.

AND

THE CONTAGIOUS DISEASES (ANIMALS) LAW, CAP. 65.

ORDER MADE BY THE GOVERNOR.

In exercise of the powers vested in him by section 4 of the Diseases of Plants Prevention Law, Cap. 80 and section 4 of the Contagious Diseases (Animals) Law, Cap. 65, and of all other powers enabling him in that behalf, His Excellency the Governor is pleased to order as follows :—

1. This Order may be cited as the Importation of Produce (Control) Order, 1957. Citation and commencement.

2. In this Order, unless the context otherwise requires—

“ authorised officer ” means a Government Officer, authorised by the Director of Agriculture for the purpose of this Order; Interpretation.

“ cotton ” means the plants, cuttings, buds and grafts, seeds, leaves, bolls, lint, or any portion of the cotton plant, whether living or dead;

“ Director ” means the Director of Agriculture;

“ importer ” includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or in any way entitled to the custody or control of the article;

“ Laws ” mean the Diseases of Plants Prevention Law, Cap. 80, and includes, where the context so admits, the Contagious Diseases (Animals) Law, Cap. 65;

“ plants ” means living plants or parts thereof and includes trees and shrubs, tubers, bulbs, corms, rhizomes, roots, layers, cuttings, scion and bud wood but does not include fruit, raw vegetables, seeds, potatoes, cotton and cut flowers;

“ produce ” means plants, fruit, raw vegetables, potatoes, seeds, honey, insects, soil, manure, hay, straw, and generally any produce derived from agriculture whether raw or manufactured;

“ raw vegetables ” does not include potatoes;

“ unhealthy ” means affected with any injurious insect, fungus, bacterium, nematode, virus or other organism or agent causative of a transmissible crop disease.

3. The landing in Cyprus of the following produce is prohibited :— Prohibited imports.

(a) Potato tubers and any other part of the potato plant, except seed potatoes, as provided by paragraph 5 (II) of this Order.

(b) Plants fruit and peel of all *genera*, species and varieties of the sub-families *Aurantioideae*, *Rutoideae* and *Toddalioideae* of the botanical family *Rutaceae*, as well as plants and fruit of all species and varieties of the genus *Vitis* excluding dry currants and raisins:

Provided that seeds and processed peels of fruits designated herein are excluded from this article.

(c) Raw vegetables.

(d) Cut flowers.

(e) Soil and gravel, leaf and garden mould, including soil adhering to or being present with imported plants, seeds or motor vehicles, except as provided for under paragraph 5 (II) (e) of this Order.

- (f) Fungi, including mushrooms, live insects including bees and cultures of bacteria or any other organism capable of attacking plants or animals including insects.
- (g) All animal and vegetable manures, except guano, bone dust and other fossil or chemically prepared manures, and peat moss.
- (h) Swill.
- (i) Walnuts, almonds, hazelnuts and groundnuts in shell.

Certificates
to accom-
pany con-
signments.

4.—(1) (a) Subject to the prohibitions and restrictions contained in paragraphs 3, 5 and 6 of this Order each consignment of plants and fruit landed in Cyprus shall be accompanied by a certificate from the Department of Agriculture or other Government Service of the country of origin in the form set out in the First Schedule to this Order.

(b) Each consignment of seed potatoes, broom corn beard, seeds of lettuce, tomato, peas, haricot beans, lucerne or shelled groundnuts or chestnuts which are subject to the restrictions imposed by paragraph 5 of this Order, shall be accompanied by a certificate set out in the First Schedule to this Order. This certificate should bear an additional declaration in regard to the disease or other requirement mentioned for each of the above commodities in paragraph 5 of this Order.

(2) The certificates prescribed in this paragraph shall be duly completed and signed by or on behalf of an officer duly authorised by the Plant Protection Service of the country in which the produce was grown and shall, where the language in which the certificate is given is other than English, include an English translation thereof which translation, if it is in a document separate from the certificate, shall also be duly completed and signed by or on behalf of the said authorised officer.

(3) The examination referred to in the certificate set out in the First Schedule to this Order shall have been carried out not more than ten days prior to the date of despatch of the consignment.

(4) Except in the case of consignments imported through the post the certificates prescribed in this paragraph shall be delivered to a Customs Officer at the port of landing in Cyprus at the same time and together with the entry relating to the consignment.

In the case of consignments imported through the post the certificate shall be affixed to the package comprising the consignment, or if there is more than one package comprising the consignment, the certificate shall be affixed to one of the packages and a copy thereof affixed to each of the remaining packages.

Restrictions
on importa-
tion of
certain
produce.

5. Subject to the prohibitions and requirements contained or referred to in paragraphs 3 and 4 of this Order the landing in Cyprus of any of the following produce shall be subject also to the following conditions:—

(1) *Plants.*

The landing of plants is prohibited unless—

- (a) they have originated in and have been imported directly from countries listed in part (a) of the Second Schedule to this Order;
- (b) they have been examined during the growing season preceding the date of despatch by an officer duly authorised by the Plant Protection Service of the country where the plants were grown and found by him to be substantially free from injurious pests and diseases including virus diseases;
- (c) they have been grown at a distance of at least 2 kilometres from any place where the disease known as Wart Disease or Black Scab of potatoes (*Synchytrium endobioticum* (Schilb.) (Perc.)) has occurred during the ten years preceding the date of the signing of the prescribed certificate;
- (d) in the case of any plants specified in the Third Schedule to this Order, they have been grown at a distance of at least 20 kilometres from any place where the pest known as San José scale (*Quadraspidiotus perniciosus* Comst.) has occurred during the two

years preceding the date of the signing of the prescribed certificate and, if that pest has occurred during the said two years in any part of the country in which the plants were grown, they have, before despatch, been fumigated with hydrocyanic acid gas at a concentration of not less than 5 grams per cubic metre for at least 30 minutes at a temperature of not less than 7° centigrade. Fumigation with methyl bromide will be accepted if authorised in advance by the Director ;

- (e) Colorado Beetle (*Leptinotarsa decemlineata*, Say) is not known to be established within a distance of 25 kilometres from the place where they have been grown.

(II) *Seed potatoes.*

The landing of seed potatoes is prohibited unless—

- (a) they are in such quantities and grades and from such countries only as shall be specially authorised beforehand in writing by the Director ;
- (b) they are imported direct from the country of origin, provided that the potatoes may be transhipped if they remain in Customs charge while at the transshipping port and the port of entry must be Fama-gusta, Larnaca, Limassol or Paphos only ;
- (c) the potatoes are the produce of crops inspected while growing by inspectors of the Department of Agriculture or equivalent authority of the country of origin, and must have been found by these inspectors to be not less than 97 per cent true to type ;
- (d) every bag of potatoes contains not more than fifty kilos ;
- (e) they have been found on arrival to contain not more than one-half per cent by weight of soil or tubers affected by the disease known as Late Blight (*Phytophthora infestans* (Mont.) de Bary) ;
- (f) they have been grown in land free from the nematode known as Potato Root Eelworm (*Heterodera rostochiensis* Woll.) ;
- (g) they have been grown at a distance of at least 2 kilometres from any place where the disease known as Wart Disease or Black Scab of potatoes (*Synchytrium endobioticum* (Schilb.) (Perc.)) or the disease known as Ring Rot (*Corynebacterium sepe-donicum* (Spieck. and Kotth.) Skaptason and Burkholder) has occurred at any time ;
- (h) during the twelve months preceding the date of the signing of the prescribed certificate (paragraph 4 (1) (b)) there has been no outbreak of Colorado Beetle (*Leptinotarsa decemlineata* Say) within a distance of 25 kilometres of the place where the potatoes were grown ;
- (i) in addition to the certificate required under paragraph 4 (1) (b), every consignment is accompanied by a statutory declaration by the shipper in the form of the Fourth Schedule herein :

Provided that—

- (1) any consignment of potatoes which on inspection is found to be infected with Powdery Scab (*Spongospora subterranea* (Wallr.) John) or the Common Scab (*Actinomyces scabies* (Thax.) Gussow) to the extent of more than 10 per cent of the total number of tubers with more than 10 per cent of the surface scabbed shall be considered to be unhealthy and shall be dealt with as provided in paragraph 13 of this Order ;
- (2) any importer who sells or otherwise disposes of any potatoes imported by him shall forthwith notify the Director of Agriculture of the names and residences of the persons to whom the potatoes have been sold or disposed of and the quantity of potatoes so supplied to each person respectively.

(III) *Broom Corn Beard.*

The landing of broom corn beard is prohibited unless—

- (a) the length of non-bearded stalk does not exceed one-half centimetre ;
- (b) the consignment has been fumigated in the country of origin with hydrocyanic acid gas at a concentration of not less than 5 grams per cubic metre for at least 30 minutes at a temperature of not less than 7° centigrade. No other treatments are acceptable unless they have been authorised in advance by the Director.

(IV) *Lettuce Seed.*

The landing of lettuce seed is prohibited unless the crops from which the seed was derived have been examined during the growing season by an authorised officer of the Plant Protection Service of the country where the crops were grown and found by him to be free from the disease known as Lettuce Mosaic.

(V) *Tomato Seed.*

The landing of tomato seed is prohibited unless the crops from which the seed was derived have been examined during the growing season by an authorised officer of the Plant Protection Service of the country where the crops were grown and found by him to be free from the disease known as Bacterial Canker (*Corynebacterium michiganense* (E.F.Sm.) Jensen).

(VI) *Dried peas (Pisum sativum).*

The landing of dried peas is prohibited unless the crops from which they were derived have been examined during the growing season by an authorised officer of the Plant Protection Service of the country where the crops were grown and found by him to be free from the disease known as Bacterial Blight (*Pseudomonas pisi* Sackett.).

(VII) *Dry beans (Phaseolus spp.).*

The landing of dry beans (*Phaseolus spp.*) is prohibited unless the crops from which they were derived have been examined during the growing season by an authorised officer of the Plant Protection Service of the country where the crops were grown and found by him to be free from the disease known as Bean Anthracnose (*Colletotrichum lindemuthianum* (Sacc. and Magn.) Bri. and Cav.).

(VIII) *Shelled groundnuts and chestnuts.*

The landing of shelled groundnut kernels and chestnuts is prohibited unless the consignment is certified by a competent Government authority to have been fumigated. The certificate should state the kind and quantity of chemicals used, the duration of treatment, the temperature, and whether the treatment was carried out under vacuum or at atmospheric pressure. Such treatment shall be subject to the approval of the Director.

(IX) *Packing material of Hay, Straw and Other Fodders.*

(a) The importation into Cyprus of merchandise packed in hay, straw or other fodders is prohibited unless accompanied by a certificate from a Veterinary Inspector to a Local Authority of the country of origin that such hay, straw and other fodder has been grown and stored and the merchandise packed in a district not infected with Foot and Mouth disease, or unless accompanied by a certificate from a Veterinary Inspector to a Local Authority that the packing has been thoroughly disinfected with a bactericide and an insecticide. The type and concentration of chemical used, and the duration of the treatment if fumigation was carried out must be indicated on the certificate.

(b) The importation into Cyprus of merchandise packed in such hay, straw or other fodder unaccompanied by a certificate as aforesaid may be permitted after the destruction of such packing at the expense of the importer and to the satisfaction of the Chief Officer of Customs at the port of importation.

6. The landing in Cyprus of any of the following produce is prohibited save under licence under the hand of the Director and subject to such terms and conditions as may be prescribed in such licence :—

Imports for which a licence is required.

- (a) Carobs.
- (b) Cotton.
- (c) Fodder, hay and straw except as provided for under paragraph 5 (IX) of this Order.
- (d) Fresh fruit.
- (e) Hemp seed (*Cannabis sativa*).
- (f) Honey and substances containing honey in an uncooked state.
- (g) Opium poppy seed (*Papaver somniferum*).
- (h) Packing material which has or is suspected of having been used in the transportation or storage of the above materials.
- (i) Plants as provided for in part (b) of the Second Schedule to this Order.
- (j) Seed potatoes as provided for in paragraph 5 (II) (a).
- (k) Sunflower seed.
- (l) Sweepings.

7. All produce landed in Cyprus shall be completely enclosed within stout packing material, which shall be clearly labelled on the outside with the identification marks and the name of the goods, articles or merchandise therein contained and shall only be opened in the presence of an authorised officer.

Requirements regarding packing of consignments.

8. Nothing contained in this Order shall be deemed to prohibit the importation of the articles mentioned in the Fifth Schedule to this Order, provided they are found on arrival to be free from injurious insects and diseases and properly cleaned from husks, straw and earth. Otherwise they will be dealt with as unhealthy and shall be subject to the provisions of paragraph 13.

Other plants and plant materials.

9.—(1) If any produce are landed in contravention of this Order they shall forthwith be destroyed in the presence of an authorised officer or re-exported by and at the expense of the importer unless they are disposed of in accordance with the terms of a licence issued by an authorised officer.

Procedure when produce is landed in contravention of this Order.

(2) On an application being made for the issue of a licence in pursuance of this paragraph, an authorised officer may either—

- (a) without any examination of the said produce issue a licence permitting the same to be removed subject to the requirements and conditions contained in such licence ; or
- (b) after an examination of the said produce give a certificate stating whether they or any of them are suspected to be unhealthy or healthy and issue a licence permitting such of them as have been certified to be healthy to be removed subject to the requirements and conditions contained in such licence.

(3) A licence issued in pursuance of this paragraph may include conditions to ensure that any plants delivered to any person in accordance with the terms thereof, or any plants derived from any plants or seeds so delivered may, at any time within twelve months from the date of issue of the licence, be examined or further examined by an authorised officer who may, after such an examination, give a certificate stating whether they or any of them are unhealthy.

(4) The importer or the person in charge of any produce which shall have been certified to be unhealthy after any such examination as is referred to in paragraphs (2) or (3) of this paragraph shall be subject to the provisions and obligations of paragraph 13 of this Order as if he were an importer of plants comprising a consignment which appeared to an authorised officer to be unhealthy.

Post-entry
growth in
plant
quarantine.

10. The Director may permit the importation of any plants or seeds which are prohibited under this Order or which are the subject of a licence issued under paragraph 9 of this Order and provide for the retention of the said plants in a Government Plant Quarantine Station, where the plants will be grown for a period to be specified in such licence.

If any plants grown at the said Plant Quarantine Station are found by an authorised officer during or at the end of the said period to be unhealthy, they shall be destroyed forthwith without compensation.

Examination
and
sampling.

11. No produce shall be removed from the port of landing unless such produce is inspected by an authorised officer and is found to conform with the provisions of this Order.

12. An authorised officer, upon production, if so required, of his appointment or authority, may enter any premises and—

- (a) examine and take samples of any consignment or part of a consignment of produce landed or suspected by him of having been landed whether or not such consignment was or ought to have been accompanied by a certificate required under this Order and for the purposes of such examination may open or require the importer to open any package in the consignment; or
- (b) examine and take samples of any plants which have been landed during the previous twelve months or which have been derived from plants or seeds which have been landed during that period.

Procedure
in the case
of importa-
tion of un-
healthy
produce.

13.—(1) If it appears to an authorised officer at any time that any produce comprising any consignment or part of a consignment are unhealthy, he may serve upon the importer a notice stating that such produce have been found by him to be unhealthy, and requiring the importer, within such time as may be specified in the notice, to carry out such measures of disinfection or treatment as may be specified in the notice or to destroy or re-export the whole or any part of the consignment.

(2) Any measure of disinfection or treatment required by a notice under this paragraph shall be carried out at the risk of and by the importer upon whom the notice is served under the supervision of an authorised officer at a suitable place designated by the authorised officer, and no part of the consignment shall be moved from the place designated without the written authority of the Director or the authorised officer.

(3) If the importer upon whom the notice has been served shall fail to carry out within the time specified in the notice such measures of disinfection or treatment as are specified therein, or to destroy or re-export the whole or any part of the consignment as therein required, then, without prejudice to any proceedings under this Order consequent upon such failure, an authorised officer or a person authorised by him for the purpose may enter any premises in which the consignment or any part of the consignment may be, and carry out such measures, or effect such destruction or re-export, as specified in the notice served upon the importer.

(4) Notwithstanding anything contained in this Order the Director or an authorised officer may at his discretion require the treatment of any produce landed in Cyprus.

(5) Charges for, or in connection with, the disinfection, treatment, destruction or re-export required by any such notice shall be paid by the importer on whom the notice is served.

(6) No action shall lie and no compensation will be payable in respect of any loss or damage consequent upon any action taken by the Director or any authorised officer in accordance with the provisions of this Order.

(7) In this paragraph "consignment" includes packing materials, cases and containers.

14. Every person who has or has had in his possession or under his charge any produce landed in Cyprus, and every person who as importer, salesman or otherwise, has sold or offered for sale any such produce shall, if so required in writing by the Director or an authorised officer, give to the Director or authorised officer such information as he possesses as to the persons who have or have had in their possession or under their charge the said produce :

Information
regarding
imported
produce.

Provided that any information given under this paragraph shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this paragraph.

15. Notwithstanding any provisions in this Order, any produce may be landed under and in accordance with the conditions of a licence issued by the Director.

Licences.

16. For the purposes of this Order, a notice shall be deemed to be served on any person if it is delivered to him personally or left for him at his last known place of residence or business or sent through the post in a letter addressed to him there ; and a notice purporting to be signed by an authorised officer shall be *prima facie* evidence that it was signed by him.

Service of
notices.

17.—(1) Every person who wilfully obstructs or impedes an authorised officer in the exercise of his powers under this Order or who does any act in contravention of this Order or of the terms or conditions of any notice or licence served or issued thereunder or who fails to do any act which he is required to do by this Order or by any such notice or licence shall be guilty of an offence under the Laws.

Offences.

18.—(a) The Director may by notice in the *Gazette* prohibit for such period of time and from such countries as he may deem fit the import of any produce.

Powers
of the
Director.

(b) The Director may by notice in the *Gazette* stipulate any conditions which shall be attached to the import of any produce from one or more specified countries.

19. Nothing in this Order contained shall prevent the importation by the Director on behalf of the Government of any articles, goods or merchandise dealt with under this Order for the purpose of experimental cultivation or scientific investigation.

Importa-
tions by the
Director.

20. The Importation of Plants Order No. 1421 of 1931 as amended by Orders No. 1426 of 1931, 1643 of 1935, and 2402 of 1950, the Importation of Cotton Order No. 1754 of 1937, the Importation of Seed Potatoes Order No. 1305 of 1929 as amended by Order No. 2716 of 1954, section 5 of the Customs (Prohibition and Restriction of Imports) Order, 1936, Order-in-Council, No. 1930 of 1940, and the Prevention of Importation on Fodder-packing Order, 1926, are hereby revoked.

Revocation
of previous
Orders.

21. Nothing in this Order contained shall be deemed to affect the Silkworm Industry (Protection) Law, Cap. 60, or any amendment thereof.

FIRST SCHEDULE.

Paragraph 4 (1) (a) and (b).

PHYTOSANITARY CERTIFICATE.

PLANT PROTECTION SERVICE.

of No.....

This is to certify that the plants, parts of plants or plant products described below or representative samples of them were thoroughly examined on (date) by (name) an authorised officer of the (service)..... and were found to the best of his knowledge to be free from injurious diseases and

pests ; and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Field inspection (if any) :

Date Name

Fumigation or disinfection treatment (if any) :

Date..... Treatment

Duration of exposure..... Chemical and Concentration.....

Additional Declaration :

.....19.....

(Signature)

(Rank)

(Stamp of the Service)

DESCRIPTION OF THE CONSIGNMENT.

Name and address of exporter.....

Name and address of consignee.....

Number and description of packages.....

Distinguishing marks

Origin (grown at)*

Means of conveyance

Point of entry

Quantity and name of produce.....

Botanical Name

* State precise location.

SECOND SCHEDULE.

Paragraphs 5 (I) (a) and 6 (i).

(a) Great Britain, Northern Ireland, Irish Free State, Belgium, Denmark, Holland, Norway and Sweden.

(b) Any other country which has endorsed the provisions of the International Plant Protection Convention, subject to prior permission having been obtained from the Director of Agriculture and to such conditions as he may impose.

THIRD SCHEDULE.

Paragraph 5 (I) (d).

(Plants to which the requirements as to San José scale and fumigation apply).

Acacia spp. (Mimosaceae)

Amelanchier spp. (Rosaceae)

Chaenomeles spp. (Rosaceae) (including *Cydonia Japonica*)

Cotoneaster spp. (Rosaceae)

Crataegus spp. (Rosaceae)

Cydonia vulgaris (Rosaceae)

Fagus spp. (Fagaceae)

Juglans spp. (Juglandaceae)

Maclura aurantiaca (Moraceae)

Malus communis (Rosaceae)

Populus spp. (Salicaceae)

Prunus spp. (Rosaceae) (including *Amygdalus* ; *Armenica*, *Cerasus*, *Lauro-cerasus*, *Padus* and *Persica*)

Ptelea trifoliata (Rutaceae)

Pyrus (Or *Pirus*) spp. (Rosaceae)

Ribes spp. (Saxifragaceae)

Rosa spp. (Rosaceae)

Salix spp. (Salicaceae)

Sorbus spp. (Rosaceae)

Symphoricarpus spp. (Caprifoliaceae)

Syringa spp. (Oleaceae)

Tilia spp. (Tiliaceae)

Ulmus spp. (Ulmaceae)

FOURTH SCHEDULE.

Paragraph 5 (II) (i).

CONSIGNOR'S DECLARATION.

Address

I, the undersigned
member of the firm of
consignors of cases/bags containing
a total of net weight of potatoes for seed
purposes and marked
to be shipped per steamer
from to
do hereby declare that :

- (1) These potatoes were grown by
of at
- (2) They are of the variety
- (3) Their size and dressing is
- (4) Their grade is
- (5) The number of the certificate or inspection report issued by a duly
authorised inspector of the Department of Agriculture or equi-
valent authority of the country in which they were grown, follow-
ing the inspection of the crop during growth, is

FIFTH SCHEDULE.

Paragraph 8.

Wheat, barley and other cereals and all dry seeds (except cotton, lettuce, tomato, pea, *Phaseolus* spp., hemp, opium poppy and sunflower seeds).

Acorns.

Valonia.

Preserves.

Crystallized fruits

Bottled and canned fruits and vegetables hermetically sealed in proper receptacles.

Flour and meal of all kinds and every preparation thereof.

Tamarind.

Saponaria wood.

Vegetables dessicated by artificial heat and enclosed in packages.

Frozen vegetables and frozen fruit.

Dry and aromatic plants used for medicinal purposes and for dyeing, if free of earth.

Dried fruit and vegetables, provided the proper officer of Customs is satisfied that they are *bona fide* dried fruit and vegetables, and subject to inspection by an authorised officer, and to any treatment at the expense and risk of the importer, which may be required by such officer.

Made this 10th day of June, 1957.

By Command of His Excellency the Governor,

A. F. J. REDDAWAY,

Administrative Secretary.

(M.P. 1435/56.)