



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$3.00

WINDHOEK - 27 October 2008

No. 4149

CONTENTS

Page

GOVERNMENT NOTICE

No. 258 Promulgation of Plant Quarantine Act, 2008 (Act No. 7 of 2008) of the Parliament..... 1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 258

2008

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 7 of 2008: Plant Quarantine Act, 2008.

ACT

To provide for the preventing, monitoring, controlling and eradication of plant pests; to facilitate the movement of plants, plant products and other regulated articles within and into or out of Namibia; to provide for the certification of the phytosanitary standards of plants and plant products exported from Namibia; and to provide for incidental matters.

(Signed by the President on 9 October 2008)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:

ARRANGEMENT OF SECTIONS

1. Definitions
2. Plant protection organisation
3. Plant quarantine officers
4. Importation of plants, plant products and other regulated articles
5. Inspection of imported articles
6. Notification of receipt of regulated article
7. Certain officials to report arrival of regulated articles
8. Powers in relation to articles unlawfully imported or presenting risk
9. Quarantine stations
10. Quarantine areas
11. Quarantine pests
12. Further measures of control
13. Consignments in transit
14. Powers of plant quarantine officers
15. Review of quarantine areas
16. Compensation
17. Preservation of secrecy
18. Power of Minister to enter into contracts for engaging specialist services
19. Delegation of powers
20. Review of decisions
21. Offences and penalties
22. Regulations
23. Repeal of Laws
24. Short title and commencement

Definitions

1. In this Act -

“beneficial organism” means any organism, including fungi, bacteria, viruses, virus-like organisms, and invertebrate or other animals, used for pollination or other purposes beneficial to agricultural production;

“Convention” means the International Plant Protection Convention of 1951 and any amendment thereof;

“conveyance” means any vessel, aircraft, train, vehicle, cart, cargo container, animal or other thing by means of which plant material, plant pests, beneficial organisms, soil or other regulated articles can be moved from one place to another;

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

“import” means to bring or cause to bring into Namibia from a place outside Namibia by land, sea or air;

“importer” means a person who, whether as owner, consignor, consignee, agent or otherwise, is in possession of or in any way entitled to the custody of any plant material, plant pest, beneficial organism, soil or packaging landed or likely to be landed in Namibia from another country;

“Minister” means the Minister responsible for agriculture;

“Ministry” means the Ministry responsible for the administration of agriculture;

“owner” in relation to land, includes -

- (a) in the case of land that has been alienated, the person into whose name registration of transfer of the land is to be effected;
- (b) if the land is subject to a usufruct, the usufructuary;

“packaging” means any container, material or other means which contains or supports, or is known to have contained or supported, or is reasonably suspected of containing or supporting or having contained or supported, any regulated article;

“phytosanitary certificate” means a certificate conforming substantially to the format of the appropriate model phytosanitary certificate set out in the Annex to the Convention;

“plant” means any living plant or part of a plant and parts thereof, including seeds and germplasm;

“plant material” means a plant or plant product;

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

“plant product” means any unmanufactured material of plant origin and those manufactured products of plant origin which, by their nature or that of their processing, may create a risk for the introduction and spread of plant pests;

“plant quarantine officer” means a staff member of the Ministry designated under section 3 to be a plant quarantine officer;

“prescribe” means prescribe by regulation;

“quarantine area” means a quarantine area declared under section 10;

“quarantine station” means a place or area declared to be a quarantine station under section 9;

“regulated article” means anything referred to in paragraph (a) or (b) of subsection (1) of section 4;

“regulation” means a regulation made under this Act;

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

“staff member” means a staff member within the meaning of that term as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995);

“soil” means material wholly or partly derived from the upper layer of the earth’s crust which is capable of sustaining plant life and which contains solid organic substances such as parts of plants, humus, peat, or bark, but excluding any medium which is sterile, composed entirely of unused peat, or is otherwise incapable of harbouring or transmitting plant pests; and

“this Act”, includes any regulations made and any notice published under this Act.

Plant protection organisation

2. (1) The Ministry, or such other authority as the Minister by notice in the *Gazette* may designate, has the authority and responsibility to function as the official national plant protection organisation of Namibia for the purposes of the Convention.

(2) Subject to the laws governing the Public Service, the Minister must establish within the Ministry a plant protection unit comprising such staff members as the Minister thinks necessary for the purposes of -

- (a) ensuring the effective implementation of this Act; and
- (b) performing, subject to the directions of the Minister, the functions to be performed by an official plant protection organization in accordance with the Convention.

Plant quarantine officers

3. (1) The Minister may appoint -

- (a) such staff members of the plant protection unit referred to in section 2;
- (b) subject to subsection (2), such other persons,

as the Minister considers necessary to be plant quarantine officers for the purposes of this Act

(2) Before appointing a staff member who is not employed in the Ministry or an employee of a body or institution established by or under any law as an inspector, the Minister must consult and negotiate with the Minister responsible for the Ministry where the staff member is employed, or the person in charge of the statutory body or institution where the employee is employed, as the case may be, to obtain consent for, and agree upon the conditions of, such appointment.

(3) The Minister must issue an authorisation card to a plant quarantine officer.

(4) A plant quarantine officer must produce his or her authorisation card if so required by a person in relation to whom the officer seeks to exercise a power or perform a function under this Act.

(5) The Minister may at any time withdraw the appointment of a plant quarantine officer.

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008****Importation of plants, plant products and other regulated articles**

4. (1) Subject to subsection (3), a person must not import into Namibia -

- (a) any plant material, plant pest, beneficial organism, soil or packaging; or
- (b) any other object or material which has been specified by the Minister by notice in the *Gazette*,

except if the person holds a permit issued under this Act that authorises importation thereof.

(2) Subject to subsection (3), a person who imports a regulated article must ensure that the article -

- (a) is brought into Namibia only through a designated point of entry;
- (b) is declared and presented to a plant quarantine officer for inspection on its arrival; and
- (c) is accompanied by a phytosanitary certificate issued by the plant protection authority of the country from where it is exported, or by any other certificate or document of permission issued in that country as may be prescribed.

(3) The Minister may exempt, by notice in the *Gazette* or by regulation, any plant material or class of plant material as may be specified from the requirements of subsection (1) or from the requirements of either paragraph (b) or (c), or both paragraphs (b) and (c), of subsection (2), and specify conditions applying in relation to any such exemption.

(4) A person who contravenes subsection (1) or a provision of subsection (2) commits an offence and is liable to a fine not exceeding N\$20 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and such imprisonment.

Inspection of imported articles

5. (1) The person in charge of a conveyance by means of which a regulated article required to be declared in terms of section 4(2)(b) is imported -

- (a) must present that article for inspection by a plant quarantine officer -
 - (i) at the place of entry as soon as is reasonably possible after its arrival in Namibia; or
 - (ii) at any other time and at a place reasonably directed by the plant quarantine officer;
- (b) may not remove that article from the place referred to in paragraph (a)(i) or (ii) before the plant quarantine officer has consented in writing to its removal.

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

(2) On application of a person importing any regulated articles, and on payment of the prescribed fee, a plant quarantine officer may carry out an inspection in terms of subsection (1) at any time outside the officer's regular service hours as agreed between the importer and the plant quarantine officer.

(3) A person who fails to comply with subsection (1), or a direction of a plant quarantine officer given under that subsection, commits an offence and is liable to a fine not exceeding N\$20 000 or to imprisonment for a period not exceeding 2 years or to both such fine and such imprisonment.

Notification of receipt of regulated article

6. (1) A person in Namibia who receives a regulated article from outside Namibia, whether or not that person consented to it being dispatched, must -

- (a) on the receipt of the article immediately notify a plant quarantine officer of the receipt thereof; and
- (b) carry out the officer's instructions regarding the inspection of the article and any directions the officer may give under section 7.

(2) A person who fails to comply with subsection (1), or any instruction or direction of a plant quarantine officer given under that subsection, commits an offence and is liable to a fine not exceeding N\$20 000 or to imprisonment for a period not exceeding 1 year or to both such fine and such imprisonment.

Certain officials to report arrival of regulated articles

7. An employee of Namibia Post Limited or an officer of the office of the Commissioner of Customs and Excise who has reason to believe any regulated articles that has arrived in Namibia has not been declared as required by section 4(2)(b) must -

- (a) report that arrival to a plant quarantine officer; and
- (b) retain custody over the regulated article until a plant quarantine officer has approved its release.

Powers in relation to articles unlawfully imported or presenting risk

8. (1) If, upon inspection of any regulated article imported, a plant quarantine officer ascertains or suspects on reasonable grounds that it has been imported into Namibia in contravention of this Act or that it presents any risk for the importation and spread of any pest, the plant quarantine officer may, by notice in writing served on the importer or person in charge of the regulated article, direct the importer or that person -

- (a) to treat or otherwise deal with the regulated article in a manner and within the period specified in the notice in order to remove the risk;
- (b) to remove the regulated article from Namibia in the manner and within the period specified in the notice; or
- (c) to destroy or otherwise dispose of the regulated article at a place, in the manner and within the period specified in the notice.

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

(2) A plant quarantine officer may dispense with the notice referred to in subsection (1) if, in the officer's opinion, the destruction of the regulated article is urgently required or the giving of the notice is impracticable, and the officer may -

- (a) instruct the importer or other person in charge of the article to destroy it or cause it to be destroyed to the satisfaction of the officer; or
- (b) if the instruction given under paragraph (a) is not carried out, destroy the article himself or herself or cause it to be destroyed.

(3) The costs and responsibility for any action taken under subsection (2) must be borne by the importer and any costs incurred by or on the instruction of a plant quarantine officer in connection with any such action may be recovered from the importer as a debt owing to the State.

(4) Neither the State, nor the Minister or a plant quarantine officer is liable for any damage or loss suffered because of the destruction or disposal of any regulated article in terms of this section.

Quarantine stations

9. The Minister may declare, by notice in the *Gazette*, any place or area to be a quarantine station in which -

- (a) regulated articles may, in accordance with this Act, be subjected to examination, disinfection or disinfestation or be otherwise treated, disposed of or destroyed; or
- (b) plant material may be confined or grown for phytosanitary inspection, observation, testing or research.

Quarantine areas

10. (1) The Minister may declare, by notice in the *Gazette*, all or any part of Namibia or any land, area or premises which is infested or suspected of being infested with any plant pest to be a quarantine area, either in respect of all pests or such pests as are specified in the notice.

(2) A notice under subsection (1) may declare the objects and nature of the quarantine imposed and may -

- (a) prohibit, either absolutely or subject to compliance with conditions specified in the notice, the removal from a quarantine area of any regulated article or such regulated articles as are specified in the notice, or any other thing that, in the Minister's opinion, may transmit a pest;
- (b) prohibit or regulate the movement within a quarantine area of any regulated article or such regulated articles as are specified in the notice, or prohibit or regulate the movement outside a quarantine area of any regulated article from within a quarantine area;
- (c) require an owner or occupier of land within a quarantine area to take such measures as are imposed in the notice for the control or eradication of a pest specified in the notice;

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

- (d) impose measures to be observed by persons when entering or moving from a quarantine area;
- (e) prohibit the planting and propagation of any plants, or plants of a species or category of plant specified in the notice, within a quarantine area during the period specified in the notice.

Quarantine pests

11. (1) The Minister may declare, by notice in the *Gazette*, any plant pest specified in the notice to be a quarantine that presents or is likely to present a threat -

- (a) to the production or trade in plants or plant products, including plants or plant products used or intended for propagation; or
- (b) to the natural environment.

(2) The Minister may make a declaration of a quarantine pest irrespective of whether the plant pest is not known to be established in Namibia or is known to be established in Namibia and is the subject of measures under this Act for its eradication or containment.

(3) The owner or occupier of any land or premises who discovers the presence of a quarantine pest on the land or premises must -

- (a) immediately notify a plant quarantine officer thereof; and
- (b) furnish to the plant quarantine officer such information in relation thereto as the plant quarantine officer may require.

(4) If a quarantine pest is present on or in any premises, or a plant quarantine officer believes, on reasonable grounds, that a quarantine pest is present on or in any premises, the plant quarantine officer may cause a written notice to be served on the owner or occupier of the premises, or the owner or occupier of any other premises in the vicinity, directing him or her or each of them, within a period specified in the notice, to take whatever measures on their premises the plant quarantine officer considers appropriate to eradicate, contain, or restrict the spread of the pest.

(5) If an owner or occupier either fails to comply with any requirement of a notice referred to in subsection (4) or notifies the plant quarantine officer that he or she is unable to comply with that requirement, the plant quarantine officer, or a person authorized by the officer, may enter upon the premises in question and carry out the requirements of the notice.

(6) A person who, without reasonable excuse, fails to comply with subsection (3) or a request of a plant quarantine officer in terms of that subsection, commits an offence and is liable to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 1 year, or to both such fine and such imprisonment.

Further measures of control

12. (1) For the purpose of protecting plant resources or the environment, the Minister may, by notice in the *Gazette* or by regulation, despite anything in this Act -

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

- (a) prohibit, either absolutely or subject to compliance with conditions specified in the notice, whether in respect of the whole or a specified part of Namibia, the possession, sale, cultivation, propagation, or movement of any plant material, plant pest, beneficial organism or any other thing capable of harbouring or spreading a plant pest;
 - (b) impose obligations on owners or occupiers of any land or premises, whether in the whole or a specified part of Namibia, in relation to the giving of notification to a plant quarantine officer of the presence of any specified pest on such land or premises and any action to be taken by such owner or occupier for the eradication, or assisting in the eradication, of such pest;
 - (c) establish rules for the setting up of protected zones and rules for the movement of certain plant material or other objects to or from or through a protected zone.
- (2) A person who contravenes any provision of a notice under subsection (1) commits an offence and is liable to a fine not exceeding N\$20 000 or to imprisonment for a period of 2 years, or to both such fine and such imprisonment.

Consignments in transit

13. (1) An importer or other person in charge of imported regulated articles transported in transit through Namibia must ensure -

- (a) that no such article is removed from the conveyance on which it is being carried at any place within Namibia or is transferred to any other conveyance, except in the manner directed or approved by a plant quarantine officer; and
- (b) that the requirements and conditions prescribed in relation to consignments of regulated articles in transit or imposed on the permit are at all times complied with.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding N\$20 000 or to imprisonment for a period of 2 years, or to both such fine and such imprisonment.

Powers of plant quarantine officers

14. (1) A plant quarantine officer may, for the purpose of exercising any power or performing any function conferred on or assigned to a plant quarantine officer by this Act or determining whether this Act is being or has been complied with, and either with or without the assistance of any other person reasonably required -

- (a) subject to subsection (2), enter and inspect any land or premises which the plant quarantine officer reasonably believes is being kept or used for the propagation, growing, sale, storage, delivery, treatment, packing or preparation for sale of any plant material and inspect any plant material, packaging, soil or equipment found at that land or premises;
- (b) stop any vehicle the plant quarantine officer reasonably believes or suspects is being used to transport or store plants or plant products and

Act No. 7, 2008

PLANT QUARANTINE ACT, 2008

enter the vehicle and examine any plant material, packaging, soil, or equipment found on the conveyance;

- (c) require the driver or person in charge of a vehicle referred to in paragraph (b) to present the vehicle at a specified time and place for inspection by a quarantine officer;
- (d) require the owner or occupier or any other person in control of or employed at any premises referred to in paragraph (a), or the driver or other person in control of a vehicle referred to in paragraph (b), to produce, or to take reasonable steps to produce, either immediately or at a time and place fixed by the officer, any book, register or document which the person is required to keep or produce in terms of this Act or which is reasonably required in connection with any matter pertaining to a search carried out in terms of paragraph (a), (b) or (c);
- (e) require from a person referred to in paragraph (d) any information or explanation regarding any entry or note appearing in a book, register or document referred to in that paragraph;
- (f) require any person to produce any permit or certificate that is required in terms of this Act or any other document that the plant quarantine officer reasonably requires for ascertaining whether this Act is being complied with, and -
 - (i) make copies of or take extracts from any such permit, certificate or document;
 - (ii) remove such permit, certificate or document for as long as is reasonably necessary to make copies or take extracts;
- (g) inspect, count, examine or mark for identification any plant, plant product, packaging, soil, equipment or thing in connection with any search carried out in terms of paragraph (a), (b) or (c);
- (h) require any person who appears to be in charge, for the time being, of any plant or plant product to produce any packaging in which any plant or plant product is contained or which the plant officer suspects, on reasonable grounds, may contain any plant or plant product and to permit the plant quarantine officer to open and inspect the packaging or the plant or plant product and to take a sample thereof;
- (i) if a person referred to in paragraph (h) fails or refuses to comply with a request of a plant quarantine officer under that paragraph or if, after reasonable search, a person apparently in charge as contemplated in that paragraph cannot be found, open, if necessary by force, the packaging concerned;
- (j) take and remove for examination samples of or from, or specimens of -
 - (i) any plant, plant product, packaging or soil which the officer reasonably believes to be affected by a pest;

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

- (ii) any pest found in or on a plant, plant product, packaging or soil;
- (k) seize anything which may serve as evidence of the commission of an offence in terms of this Act and for that purpose remove it or a sample thereof or anything else from the land, premises or vehicle in question, and affix an identification mark or seal to anything.
- (2) A plant quarantine officer acting under subsection (1)(a) must not enter and search a building or other structure occupied as a residence unless -
 - (a) the occupier consents to the entry and search; or
 - (b) a warrant authorizing the entry and search has been obtained from a judge of the High Court of Namibia or a magistrate within whose area of jurisdiction the residence is located.
- (3) If a judge or magistrate referred to in subsection (2) is satisfied, upon application made on oath or affirmation, that there are reasonable grounds to believe that there is a document or thing of a particular kind connected with a contravention of this Act being kept in a residence, the judge or magistrate may issue a search warrant authorizing a plant quarantine officer named in the warrant to enter and search the residence.
- (4) The search of the person or residence of an individual by a plant quarantine officer -
 - (a) may not be excessively intrusive, having regard to the contravention suspected; and
 - (b) must be carried out with due observance of the requirements of the law on criminal procedure relating to such a search.
- (5) A plant quarantine officer who causes any thing to be seized, detained, treated, disposed of, or destroyed in accordance with this Act must, as soon as is practicable, notify in writing the owner or person in possession of the thing of the steps taken and the reasons therefore, and must on request provide a receipt for any thing seized.

Review of declaration of quarantine area

15. The Minister must regularly review the situation in respect of any quarantine area and, if the Minister is satisfied that -

- (a) the relevant plant pest is no longer present in the quarantine area; or
- (b) it is no longer appropriate for the quarantine to be maintained in respect of all or any part of the affected land,

the Minister must, by notice in the *Gazette* and, if the Minister considers it expedient, by notice in writing given to all owners or occupiers of the affected land, declare that with effect from a specified date the quarantine in force over the land is withdrawn, either in respect of the whole of the land or such area of the land as is described in the notice.

Compensation

16. (1) Subject to subsection (2), if any plant or plant product is destroyed or harmed as a result of any measures taken under this Act to eradicate, contain, or limit the spread of a plant pest, the Minister, with the concurrence of the Minister of Finance, and from money appropriated by Parliament for that purpose, may pay compensation to the owner or person in possession of the plant or plant product destroyed or harmed as the Minister may consider to be reasonable.

(2) The Minister is not obliged to compensate a person who has suffered loss as a result of action taken under this Act if the action was taken to remedy a situation caused wholly or partially by that person's negligence, failure to comply with lawful instructions, or contravention of this Act.

Preservation of secrecy

17. A plant quarantine officer, or a person who assisted a plant quarantine officer, must not disclose to any other person any information relating to the business or affairs of any person acquired by virtue of the exercise of any power or the performance of any duty of the plant quarantine officer, except if the disclosure is made -

- (a) in exercising a power or performing a duty under this Act; or
- (b) to comply with the order of any court.

Power of Minister to enter into contracts for engaging specialist services

18. The Minister may engage under contract the services of any appropriately qualified person for the purpose of -

- (a) carrying out research or conduct any pest risk analysis within the scope or for the purposes of this Act;
- (b) conducting specialist training in the field of plant health; or
- (c) performing any function within the scope or for the purposes of this Act.

Delegation of powers

19. The Minister may delegate, by notice in the *Gazette*, any power under this Act, except the power to make regulations or to consider and determine a review under section 20, to the Permanent Secretary or any other staff member of the Ministry designated in the notice, subject to such conditions as may be specified in the notice.

Review of decisions

20. (1) Any owner or occupier of land, owner or operator of a conveyance, or owner or importer of any regulated article who is aggrieved by a decision of a plant quarantine officer to destroy, retain, treat or otherwise dispose of the article may apply to the Minister in the prescribed manner for a review of that decision.

(2) Upon receipt of an application for review, the Minister must take all reasonable steps to stay any action for the destruction, disposal, or treatment of the thing

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

pending determination of the review, except if, in the opinion of the Minister, any delay would create a significant risk of harm to plant resources or the environment in Namibia or any part of Namibia.

(3) The Minister may conduct a review under this section in any manner that the Minister thinks fit.

Offences and penalties

21. (1) A person commits an offence who, either personally or through an employee or agent -

- (a) grows, possesses, sells, offers for sale, transports, or distributes in any manner any plant, plant product, plant pest, soil, beneficial organism, or other thing knowing that it has been imported into Namibia contrary to this Act;
- (b) resists, threatens or wilfully obstructs a plant quarantine officer, or a person assisting a plant quarantine officer, in the exercise of any power or performance of any duty of that officer under this Act;
- (c) contravenes or fails to comply with any prohibition, restriction or obligation, or any condition relating thereto, that applies to such person by virtue of a notice under section 8 or 10 or any measures or rules imposed by such notice;
- (d) fails to comply with a condition or requirement subject to which a permit, certificate or other authorisation has been issued under this Act;
- (e) without reasonable excuse, fails to comply with any direction or requirement given or made by a plant quarantine officer under this Act;
- (f) without reasonable excuse refuses or fails to produce any book, register or document or provide any information required in terms of section 14(d) or (e) or furnishes any document or information or gives an explanation that is false or misleading, knowing that it is false or misleading;
- (g) for the purpose of obtaining any document under this Act, provides any information which is false or misleading, knowing that it is false or misleading; or
- (h) alters, forges, counterfeits, defaces, or destroys any permit certificate or other document issued or required under this Act.

(2) Any person convicted of an offence in terms of subsection (1) is liable -

- (a) on a first conviction, to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 1 year, or to both such fine and such imprisonment;
- (b) on a second or subsequent conviction, to a fine not exceeding N\$10 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and such imprisonment.

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

(3) A court convicting a person of an offence under this Act may, in addition to any other penalty imposed, order that any thing used in the perpetration of the offence or the proceeds of sale thereof, be forfeited to the State.

Regulations

- 22.** (1) The Minister may make regulations in relation to -
- (a) the manner and form in which any permit or certificate or other document required in terms of this Act must be applied for or must be issued;
 - (b) the fees and any other charges payable for any permit, certificate or other document issued, or for any service rendered or function performed, under this Act;
 - (c) the suspension or revocation of permits, or certificates or other documents provided for in this Act;
 - (d) the giving of prior notification by an importer of the intended date of arrival at a designated port of any regulated articles to be imported, including importations in transit, and the information to be furnished in relation thereto;
 - (e) the procedures to be adopted for the inspection and treatment of imported articles and the conveyances by means of which they are brought into Namibia, for the purpose of preventing or controlling the introduction of plant pests into Namibia;
 - (f) the disinfestation or disinfection of consignments of plants or plant products or other regulated articles imported or destined for import into or export from Namibia;
 - (g) the manner in which plant products must be stored or transported within Namibia;
 - (h) the inspection of any plant material, soil, packaging, or other regulated articles intended for export and the issue of appropriate phytosanitary certificates;
 - (i) the inspection of growing plants, lands or other premises, including wild flora and plant material in storage or being transported, to ascertain the presence or absence of plant pests;
 - (j) the manner in which a plant quarantine officer must arrange for the destruction, removal, uprooting, or treatment of plant material within a quarantine area;
 - (k) the management, and functioning of a quarantine station and the control and care of plants or other regulated articles kept or maintained in a quarantine station;
 - (l) the granting of exemption from any of the provisions of this Act to any person for the purpose of scientific research or experimentation and the conditions subject to which such exemption may be granted;

Act No. 7, 2008**PLANT QUARANTINE ACT, 2008**

- (m) the powers, duties and functions of persons engaged under contract under section 18;
 - (n) procedures to be followed by plant quarantine officers or other persons in the exercise of powers or the performance of obligations under this Act;
 - (o) the disposal of waste from aircraft and ships arriving in Namibia or from premises on which imported plants or plant products are washed, packed or processed in any way;
 - (p) the promotion of public awareness of plant pests and their prevention, eradication and control, including the use of beneficial organisms;
 - (q) the carrying out of the responsibilities of the Government under the Convention and any other international instrument relating to plant health or protection which is binding on Namibia; or
 - (r) any other matter required or permitted to be prescribed under this Act or which the Minister considers necessary or expedient to prescribe in order to further the objects of this Act.
- (2) The regulations may -
- (a) be of general or limited application;
 - (b) differ according to differences in time, place or circumstances;
 - (c) authorise any matter to be approved or determined by a plant quarantine officer or the Permanent Secretary: Agriculture; or
 - (d) prescribe penalties for any contravention of, or failure to comply with, any provision of the regulations, not exceeding a fine of N\$4 000 or imprisonment not exceeding a period of 1 year or both such fine and such imprisonment.

Repeal of laws

23. (1) Subject to subsection (2), the Locusts Suppression Proclamation, 1923 (Proclamation No. 34 of 1923), the Agricultural Pests Ordinance, 1927 (Ordinance No. 11 of 1927) and the Agricultural Pests Act, 1973 (Act No. 3 of 1973) are repealed.

(2) Anything done under the Agricultural Pests Act, 1973 which could have been done under a corresponding provision of this Act is deemed to have been done under that provision and a permit issued under section 11(1) of that Act that is in force at the commencement of this Act is deemed to be a permit contemplated in section 4(1) of this Act.

Short title and commencement

24. This Act is called the Plant Quarantine Act, 2008 and comes into operation on a date to be determined by the Minister by notice in the *Gazette*.
