



THE THREE HUNDRED AND SEVENTH

# ACT

OF THE PARLIAMENT OF THE REPUBLIC  
OF GHANA

ENTITLED

## THE PREVENTION AND CONTROL OF PESTS AND DISEASES OF PLANTS ACT, 1965

AN ACT to consolidate with amendments the law relating to the prevention and treatment of pests and diseases of plants and plant quarantine.

DATE OF ASSENT: 22nd October, 1965

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

### PART I—PREVENTION AND TREATMENT OF PESTS AND DISEASES OF PLANTS

Prohibition  
against  
dealing in  
diseased  
plants.

Restriction  
on removal  
of plants.

1. No person shall keep, sell or offer for sale or barter or in any way distribute or cause to be distributed any plant infested or infected with such pest or disease as may be prescribed.

2. No person shall remove from any land any plant infested or infected with any pest or disease prescribed under section 1 of this Act except—

- (a) for the investigation of such pest or disease by an inspector;
- (b) for the purpose of destroying such plant; or

- (c) for the purpose of preserving the produce of such plant in a sound, clean and mature condition for subsequent manufacture for sale or for seed purposes.

3. (1) Regulations may prescribe the treatment to be applied to any plant infested or infected with pests or diseases or the measures to be adopted for the extermination and prevention of pests and diseases of plants. Remedial and preventive measures.

(2) Regulations prescribing the treatment and prevention of pests and diseases of plants may—

- (a) prohibit or restrict the transport of any plant, soil or rooting medium to or from a specified area;
- (b) prescribe plants which may or may not be grown in any specified area;
- (c) require the owner or occupier within any specified area to apply or adopt any treatment or measures prescribed under this section.

4. The Minister may by an executive instrument declare any area infected with or in danger of infection with pests or diseases of plants as an infected area and may order all or any plants in such area to be removed, and prohibit the use of such area for any purpose connected with agriculture. Power to make order restricting use of land.

5. (1) Regulations may designate persons to act as inspectors for the purposes of this Act. Inspection of land.

(2) Subject to the provisions of this section, an inspector shall have power to enter at any reasonable time any land, other than a dwelling house for the purpose of ascertaining whether there are on such land any pests or diseases of plants, or whether conditions or circumstances exist which in his opinion are conducive to or will contribute to the infection of plants with pests or diseases.

(3) Before entering any land in exercise of powers conferred by this section, the inspector shall inform the occupier, if present, of his intention.

(4) No person shall obstruct a person exercising powers conferred by this section or fail to comply with any direction or requirement made by him in exercise of those powers.

6. Every inspector shall keep a register in which he shall enter the following items in respect of any land inspected by him— Inspector to keep a register.

- (a) the identity and location of such land;
- (b) the name of the occupier;
- (c) the pests and diseases found thereon;

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- (d) the treatment or measures directed to be applied;
- (e) the date of inspection; and
- (f) such other particulars as may be prescribed.

Duties of occupier after inspection.

7. Where an inspector, after inspecting any land is satisfied that—

- (a) any plant thereon—
  - (i) shows signs of disease, or
  - (ii) is being attacked by any pest; or
- (b) conditions or circumstances exist on such land which in his opinion are conducive to, or will contribute to the spreading of pests and diseases,

he may serve on the occupier of the land a notice in writing directing such occupier to apply, within such time as may be specified in the notice, such treatment or measures as may be prescribed.

Treatment by inspectors.

8. (1) Any inspector may—

- (a) where an occupier of any land has failed to comply with any direction given under section 7 of this Act within the specified time; or
- (b) where any pest or disease is found on any land permitted to go out of cultivation,

apply such treatment or adopt such measures as he thinks necessary for the purpose of preventing, exterminating or restricting, as the case may be, any pest or disease.

(2) Any expenses incurred by any inspector as a result of any treatment or measures undertaken in respect of any land under subsection (1) of this section shall be paid by the occupier to such officer as may be prescribed within thirty days after notification by the inspector of the amount due and, if not so paid, the officer may sue for or authorise any person on his behalf to sue for and recover it.

(3) In any action for the recovery of any amount due under subsection (2) of this section a certificate under the hand of the inspector that such expenses have been incurred shall be *prima facie* evidence of the same.

### PART II—PLANT QUARANTINE

Restriction on importing plants.

9. (1) No person shall import any plants, plant products, plant disease or pest, soil, manure, grass and other parking materials or any other material liable to harbour dangerous diseases or pests of plants except under a permit issued in accordance with the provisions of this section and regulations made thereunder.

(2) Regulations may prescribe the conditions for the grant of a permit for the importation of any of the items mentioned in subsection (1) of this section, and the places to which the items may be imported otherwise by post.

(3) Regulations prescribing the conditions for the importation of the said items may provide for the examination of any of the said items imported into Ghana, and may authorise the destruction or treatment, as the case may require, if any of them is found to be infested or infected with pests or diseases of plants.

(4) Regulations made under this section may prohibit or restrict the importation of any of the items mentioned in subsection (1) of this section.

10. For the purpose of enforcing the provisions of section 9 of this Act and any regulations made thereunder, regulations may authorise any inspector appointed under section 5 of this Act—

Powers of inspectors to examine luggage, etc.

- (a) to examine any luggage or container imported or which is about to be imported into Ghana;
- (b) enter any conveyance for the purpose of examining or inspecting any of the items mentioned in subsection (1) of section 9 of this Act which is about to be imported into Ghana.

11. (1) Without prejudice to section 13 of this Act, any inspector examining or inspecting any luggage or conveyance under section 10 of this Act shall seize any of the items referred to in subsection (1) of section 9 of this Act which is being imported in contravention of the said section 9 or any regulations made thereunder and such item shall be forfeited.

Forfeiture of prohibited imported plants.

(2) Regulations may provide for the disposal of any item forfeited under this section.

12. Regulations made under this Act in relation to importation of plants may be limited in its application to any of the items referred to in section 9 of this Act coming from particular countries specified in the regulations.

Regulations relating to plants imported from foreign countries.

### PART III—MISCELLANEOUS

13. (1) Any person who contravenes a direction, requirement, conditions or prohibition imposed by or under this Act shall be guilty of an offence under this Act.

Punishment of offence.

(2) A person guilty of an offence under this Act shall be liable on conviction to a fine not exceeding one hundred cedis or to a term of imprisonment not exceeding three months.

Compensation.

14. (1) Regulations may—

- (a) provide in exceptional cases for the payment to occupiers of land or to an importer, a proportion of the cost of any treatment or measures prescribed;
- (b) provide for the payment of compensation to any occupier of land or to an importer who has sustained pecuniary loss by reason of any measures taken under this Act.

(2) Nothing in this section shall be deemed to entitle any person as of right to receive compensation in respect of measures taken under this Act.

Power to make regulations.

15. The Minister may by legislative instrument make regulations—

- (a) providing for any matter which under this Act is to be provided for by regulations;
- (b) prescribing the fees and charges to be paid in respect of any act or thing done under any regulation; and
- (c) generally for giving full effect to the provisions of this Act.

Interpretation.

16. In this Act unless the context otherwise requires—

- “container” means any box, basket, pot, package, case or other receptacle or covering;
- “conveyance” means automobiles, lorries, animal drawn vehicles, aircraft, boats and other means of transportation;
- “covering” means covering of a plant or of a container;
- “disease” means any disease caused by fungus, bacterium, virus or other organism which may be injurious to agricultural or horticultural crops and includes the abnormal conditions of cocoa trees known as “drought dieback” and “swollen shoot”;
- “inspector” means a person designated as such by section 5 of this Act;
- “the Minister” means the Minister responsible for agriculture;
- “occupier of land” includes the owner, tenant or any person in charge of the land;
- “pest” means any organism of an animal or vegetable nature which attacks a plant or which may be injurious to agricultural or horticultural crops;

"plants and plant products" means, trees, shrubs, vines, cuttings, grafts, scions, suckers, buds, fruit pits, and other seeds, roots, tubers, bulbs, rhizomes, shoots, leaves, flowers and fruits; and products from these items whether in a natural dried or manufactured state;

"prescribed" means prescribed by regulations made under section 15 of this Act.

17. (1) The following enactments are hereby repealed:—

(a) Importation of Plants Regulation Ordinance (Cap. 159);

(b) Plant Pests and Diseases Ordinance (Cap. 160).

(2) Any statutory instrument made under any of the enactments repealed by this Act and in force immediately before the commencement of this Act shall continue in force as if made under the provisions of this Act.

Repeals  
saved