

**CAP. 133—Supp. 60**

**TANGANYIKA**

**PLANT PROTECTION**

**CHAPTER 133 OF THE LAWS (REVISED)**

**(PRINCIPAL LEGISLATION)**

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## CHAPTER 133

### PLANT PROTECTION

Ord. 1937  
No. 9      **An Ordinance to make better provision for the Prevention of the Introduction and Spread of Disease Destructive to Plants**

[23RD APRIL, 1937]

Short title      1. This Ordinance may be cited as the Plant Protection Ordinance.

Interpreta-      2. In this Ordinance, unless the context otherwise requires—  
tion      “animal organism” means any animal organism, in whatever stage of existence such organism may be;  
“disease” means any abnormal condition of plants communicable or believed to be communicable by the transfer of a causative agent or by the propagation of the affected plant which the ~~Governor~~ may, by order, declare to be a disease for the purposes of this Ordinance;  
“infected area” means any area or place in which a pest or disease exists and which has been declared by the ~~Governor~~, by order, to be an infected area for the purposes of this Ordinance;  
“inspector” means the Commissioner or Deputy Commissioner for Agriculture, every officer of the Department of Agriculture authorized by the Commissioner or Deputy Commissioner for Agriculture to act as an inspector and any other person authorized by the Commissioner for Agriculture, with the approval of the ~~Governor~~, by notice in the *Gazette*;  
“pest” means any of the following descriptions of pests which the Governor may, by order declare to be a pest for the purposes of this Ordinance, that is to say—  
    (a) any animal or vegetable organism inimical to the growth or existence of living plants or injurious to plant products; and  
    (b) any other agent capable of producing a communicable disease of plants;  
“plant” means any member of the vegetable kingdom and includes any part of a plant, whether severed therefrom or not;  
“vegetable organism” means any vegetable organism, in whatever stage of existence such organism may be.

Power to      3. The ~~Governor~~ may make rules for the purpose of preventing and  
make rules      controlling attacks by or the spread of pests or diseases in the Territory,  
for preven-      and, in particular and without prejudice to the generality of the fore-  
tion or      going power, as to all or any of the following matters  
spread of  
pests, etc.

- (a) the disinfection, treatment, destruction and disposal of any unhealthy plant, or of any plant appearing to be infected with any pest or disease, or of anything whatever, whether of a nature similar to a plant or not, likely to infect any plant with any pest or disease;
- (b) the payment and recovery of fees for any disinfection or treatment carried out by any inspector, or for any services rendered by any inspector in connection with any such disinfection or treatment;
- (c) the prohibition, restriction and regulation of the removal or transport of any such plant or thing as aforesaid;
- (d) the control and destruction of any plant which has been declared to be a pest under the power conferred by this Ordinance;
- (e) the prohibition, restriction or regulation of the cultivation and harvesting, either in the whole Territory or in any specified area, of any plant, where, in the opinion of the Governor, any pest or disease cannot otherwise be readily or adequately controlled or eradicated;
- (f) the reporting of the occurrence of any pest or disease specified in the rules, and the collection and transmission of specimens of any pest or diseased plant;
- (g) the precautions and measures to be taken by any person for the purpose of preventing or controlling attacks by or the spread of any pest or disease, or for the purpose of giving effect to any rule made under this Ordinance;
- (h) the issue and revocation of licences for, and the inspection of nurseries in which plants are reared for the purposes of sale, and the imposition of fees for such licences, and the regulation of the sale or removal of plants, whether reared in nurseries or not;
- (i) the disinfection, fumigation and treatment of any building, vehicle, aircraft or vessel suspected of being or having been used for the storage or conveyance of anything likely to infect any plant with any pest or disease;
- (j) the measures to be taken, including provision for the requisitioning on payment of chemicals, appliances, labour and other means, to secure the eradication of diseases and pests;
- (k) the quarantine of infected areas;
- (l) the prohibition, restriction and regulation of the tapping of plants of any description.

4.—(1) Every occupier or, in the absence of the occupier, every owner of land shall take all such measures as he may be required to take by virtue of any rules made under section 3, and in addition such other measures as are reasonably necessary for the eradication, reduction or prevention of the spread of any pest or disease which an inspector may by notice in writing order him to take, including the destruction of plants, whether the same are infected with disease or not:

Provided that no order for the destruction of any living plants shall be made by an inspector under this subsection without the approval in writing of the senior agricultural officer of the province.

(2) In the case of two or more joint occupiers or joint owners, each of them shall be deemed an occupier or owner for the purposes of this section.

(3) Where any such occupier or owner fails to take any of the measures which he is required to take under subsection (1), the inspector may, on giving not less than seven days' notice in writing of his intention so to do, cause such measures to be taken; and thereupon such occupier or owner shall, without prejudice to any penalty which he has incurred through such failure, be liable to pay all the costs of such undertaking, which shall be recoverable as a debt due to Her Majesty.

Right of entry and destruction of infectious articles

5. Subject to any rules made under section 3, any inspector and his assistants may enter any land or building other than a dwelling house at all reasonable hours for the purpose of discovering pests or diseases in any plant, and of ascertaining whether any order of an inspector or any rule under section 3 has been complied with, and of causing measures to be taken under the provisions of section 4 (3):

Provided that before entering upon any land or building under the provisions of this subsection such inspector shall inform the owner or occupier if present.

Compensation

6. The ~~Governor~~ may, if he thinks fit, order compensation to be paid out of the public funds to any person whose plants or other articles are destroyed pursuant to this Ordinance:

Provided that the approval of the Legislative Council shall be necessary if the compensation ordered to be paid under this section to any one person in any period of twelve months exceeds two thousand shillings.

Offences

7.—(1) Any person who knowingly introduces any pest or disease into any cultivated land is guilty of an offence and is liable to a fine of two thousand shillings or to imprisonment for six months.

(2) Any person who wilfully obstructs or interferes with any inspector or an assistant of an inspector in the execution of any duty or power imposed or given by this Ordinance or any rule made thereunder is guilty of an offence and is liable to a fine of two thousand shillings or to imprisonment for six months, or to both such fine and imprisonment.

Power to control the importation or exportation of articles likely to spread pests or diseases

8.—(1) The ~~Governor~~ may, by order, prohibit, restrict or regulate the importation into and the exportation from the Territory of any plants and the soil, packages, coverings or wrappings thereof and of any article or class of articles, whether of a nature similar to plants or not, and of any animals or insects likely to infect any plant with any pest or disease.

(2) Without prejudice to the generality of the foregoing power, an order under this section may—

(a) authorize or require the inspection before import or export of any plant or any article likely to infect any plant with any pest or disease, and the grant of a certificate of the result of any such inspection;

(b) direct or authorize the disinfection or treatment of any plant, and of any article likely to infect any plant with a pest or disease;

- (c) authorize the immediate destruction without compensation of any imported plant or article or any plant or article intended to be exported which on inspection appears to be infested or infected with any pest or disease where, in the opinion of an inspector, disinfection is impracticable or will not be a complete safeguard, or the delay caused by disinfection would give rise to risk of the introduction or spread of any pest or disease;
- (d) direct or authorize the disinfection or fumigation of any vehicle, vessel or aircraft suspected of harbouring any pest or article likely to infect any plant with disease;
- (e) prohibit the importation of plants or classes of plants except at specified ports or places of entry;
- (f) direct or authorize the detention of classes of imported plants in any specified place, and prescribe the precautions to be observed during such detention; and
- (g) impose and provide for the recovery of fees for any inspection, disinfection or treatment carried out in compliance with, or under any power conferred by any such order.

(3) In this section, notwithstanding the provisions of section 2—

“disease” means any unhealthy condition of any plant; and

“pest” means any animal or vegetable organism inimical to any plant.

9. Any person who, without reasonable excuse, fails to comply with any lawfully given order of an inspector or contravenes or fails to comply with any rule made under this Ordinance shall be liable for each offence to a fine of two thousand shillings. Penalty for breach of rules and orders of an inspector

10. The Plant Pest and Disease Ordinance is hereby repealed:

Provided that this repeal shall not affect the validity of any orders or regulations made under the Ordinance hereby repealed, and any such orders and regulations shall have effect as if made under this Ordinance.

Repeal and saving  
Ord. 1921  
No. 38