

G.Ns.
1928 No. 139
1937 No. 163
1942 No. 65

THE PLANT PROTECTION (COFFEE) RULES

Short title 1. These Rules may be cited as the Plant Protection (Coffee) Rules and shall apply to such parts of the Territory as the ~~Governor~~ may order, and any such order may direct either that all of these Rules or only such of them as the order shall specify shall apply to the area mentioned.

Coffee in transit 2. Coffee plants, berries or beans may be introduced into the Territory for transit through the Territory subject to the following conditions:—

Note.—Subsidiary legislation as bears G.N. year prior to 1937 was made under the Plant Pest and Disease Ordinance (Chapter 77 of the 1928 Edition) but was saved by s. 10 of the Plant Protection Ordinance (Cap. 133).

[Subsidiary]

- (1) The plants, berries or beans must be securely packed in cases, or in bags of substantial sacking, separately sealed to the satisfaction of an Inspector under the Ordinance, or of a Customs Officer.
- (2) Every case or bag containing such plants, berries or beans must be sealed and marked plainly to show the country of origin at the port or place of entry by an Inspector or a Customs Officer and no such case or bag shall thereafter be opened within the limits of the Territory.
- (3) If any such case or bag shall become so damaged in the course of transit through the Territory as to render it possible that any plants, berries or beans may escape therefrom, such case or bag and any plants, berries or beans therein or therefrom may, at the discretion of an Inspector, be destroyed.

3. When in the opinion of the Commissioner for Agriculture the conditions affecting coffee in any part of the Territory are such that the removal of coffee plants, berries or beans from that part is attended by the risk of the spread of any pest or disease to any other part of the Territory, he may, with the approval of the Governor, by notice in the *Gazette*, specify any such part of the Territory and thereupon the removal of coffee plants, berries or beans from any part so specified shall be subject to the following conditions:—

Power to specify part of Territory as requiring certain conditions for removal of coffee

- (1) The plants, berries or beans shall not be removed unless consigned for export from the Territory.
- (2) The plants, berries or beans must be securely packed in cases, or in bags of substantial sacking, and separately sealed to the satisfaction of an Inspector.
- (3) Every case or bag containing such plants, berries or beans must be sealed and marked to the satisfaction of an Inspector at the place of origin in such a manner as to show plainly the place of origin, and no such case or bag shall thereafter be opened within the Territory.
- (4) If any such case or bag shall become so damaged in the course of transit as to render it possible that any plants, berries or beans may escape therefrom, such case or bag and any plant, berries or beans therein or therefrom may, at the discretion of an Inspector, be destroyed.

4. Whenever any coffee plant is found to be or is suspected of being infected with a disease or pest, or the condition of any coffee or other plant or of any land on which a coffee plant is growing is such as may be conducive to any coffee disease or pest, an Inspector may:—

Powers of Inspector to combat disease

- (1) If the land on which the coffee or other plant is growing is occupied, required in writing the occupier of the land to adopt such remedial treatment or repressive measures with regard to the land or coffee plant or plants or other plants thereon as he may consider advisable to prevent the attack or spread of any disease or pest, and such treatment or measures shall be continued until the disease or pest shall be deemed by the Inspector to have been exterminated or the menace removed;

[Subsidiary]

(2) If the land on which the coffee or other plant is growing is unoccupied, or is reasonably believed by the Inspector to be unoccupied, destroy any or all coffee or other plants thereon which he may think it advisable to destroy, subject to the following conditions:—

(a) if the Inspector is of a grade below that of a Senior Agricultural Officer, he shall first obtain the authority of a Senior Agricultural Officer;

(b) he shall give not less than ten days' notice of his intention to destroy any such plants to the owner of the land or the owner's agent if known to him and resident either in the Territory or in Kenya Colony.

Time for
action
ordered to
be completed

5. Whenever under the powers conferred by the last preceding rule an Inspector shall require an owner or occupier of land to take action with regard to such land or any coffee or other plant thereon, he shall specify such time as he may consider reasonable within which such action shall be completed:

Provided that when he may consider it necessary, an Inspector may carry out the required remedial treatment or repressive measures, or order such treatment or measures to be carried out in his presence, and the costs of materials and labour shall be borne by the owner or occupier.

Notifiable
pest or
disease

6. Whenever under the powers conferred upon him by the Ordinance, the Governor shall require that the occurrence of any specified pest or disease shall be reported, every such pest or disease shall be a notifiable pest or disease for the purpose of these Rules and every owner or occupier or person having the charge or management of land who knows of or suspects the existence of any notifiable pest or disease upon such land shall forthwith report the same to the nearest District Officer and Agricultural Officer and take all necessary measures to destroy and eradicate such pest or disease.

Duties of
owners, etc.,
observing
pest or
disease

7. Notwithstanding anything contained in the foregoing rule, every owner, occupier or person having the charge or management of land who shall observe any pest or disease other than a notifiable pest or disease attacking coffee plants upon such land to such an extent as to cause or threaten to cause serious destruction to them shall forthwith take all necessary measures to destroy and eradicate such pest or disease and shall forthwith give notice of the same to the nearest Inspector and shall at the same time transmit to him specimens of the pest or disease appearing.

Stock of
chemicals
and
appliances
to be
provided

8. Every owner or occupier or person having the charge or management of land on which coffee plants are growing shall provide a stock of such chemicals and appliances as are necessary in the opinion of the Commissioner for Agriculture for the purpose of preventing or controlling attacks by or the spread of any pest or disease, and for giving effect to any instructions which may lawfully be issued by an Inspector:

[Subsidiary]

Provided that the provision of such chemicals and appliances to the satisfaction of the Commissioner for Agriculture by an association of such owners, occupiers or persons having the charge or management of land, or in the case of natives by a person or association approved by the Commissioner for Agriculture, shall be deemed sufficient for fulfilling the requirements of this rule.

9.—(1) If in the opinion of an Inspector any plant, whether a coffee plant or not, or any soil, or any article of whatsoever kind, is or may be infected with or liable to spread a pest or disease, he may forbid the removal of any such plant, soil or article, and if any such plant, soil or article shall be removed contrary to the directions of an Inspector he may disinfect or destroy the same or may order the same to be disinfected or destroyed.

Plants, etc.,
infected with
or liable to
spread a
pest or
disease:
how dealt
with

(2) An Inspector shall immediately report to the Commissioner for Agriculture any action taken by him under this rule.

Report

10. Any order, notice or direction which may be given in accordance with these Rules shall be deemed to have been duly served if it is delivered at or posted to the last known address of the person for whom it is intended.

Service of
order, etc.

Orders made by the Governor applying the Plant Protection (Coffee) Rules, under rule 1 thereof

G. No.
1928 No. 140
1929 No. 61
1930 No. 83
1958 No. 153

Parts of the Territory to which applied	Rules applied
The whole	Rule 2.
The Tanga Province	}
The North Mara District	
The Northern Province	
The Southern Highlands Province	
The Lake Province except the North Mara District.	Rule 3.
The Bukoba District	Rule 4.