

Control of Plants (Phytosanitary Certification) Rules

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FIRST SCHEDULE

SECOND SCHEDULE

Legislative History

CONTROL OF PLANTS ACT

(CHAPTER 57A, SECTION 48)

CONTROL OF PLANTS
(PHYTOSANITARY CERTIFICATION) RULES

R 6

G.N. No. S 490/1994

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(31st January 2000)

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Citation

1. These Rules may be cited as the Control of Plants (Phytosanitary Certification) Rules.

Definition

2. In these Rules, “consignment” means a consignment of plants or plant products to be loaded onto a vessel at any one time on behalf of one exporter.

Application for phytosanitary certificate to export plants or plant products

3.—(1) Every application for a phytosanitary certificate under section 30 of the Act shall be made to an authorised officer in such form and through such mode as the Director may determine and the application shall specify —

- (a) whether any certification of disinfestation or disinfection treatment is required; and
- (b) whether any specific declaration is required on the certificate.

(2) An application made under paragraph (1) shall be subject to the applicant making available a date for inspection, acceptable to the authorised officer, of the consignment of plants or plant products in respect of which the application has been made.

Inspection and examination before certification

4.—(1) For the purposes of phytosanitary certification of a consignment of plants or plant products in respect of which the application has been made, the authorised officer may —

- (a) inspect the consignment of plants or plant products, including their packaging, and take such samples thereof as may reasonably be necessary for analysis or laboratory examination;

- (b) inspect the containers, receptacles or premises containing or holding the plants or plant products and the conveyance transporting the plants or plant products; and
- (c) do all such other things that are reasonably necessary for him to carry out the certification.

(2) Where a certification that disinfestation or disinfection treatment of the consignment of plants or plant products has been carried out is required in a phytosanitary certificate, the disinfestation or disinfection treatment shall be carried out in the presence of an authorised officer.

Issue of phytosanitary certificates

5.—(1) No phytosanitary certificate shall be issued unless —

- (a) the authorised officer is satisfied that the consignment of plants or plant products inspected —
 - (i) fits the description stated in the application form;
 - (ii) is considered free from quarantine pests and is practically free from other injurious pests; and
 - (iii) conforms to the current phytosanitary requirements of the importing country; and
- (b) the applicant has paid, in accordance with rule 7, all the fees for the services rendered and expenses incurred for the phytosanitary certification.

(2) Every phytosanitary certificate issued shall be in the form specified in the First Schedule.

Endorsement of other certificates

6. In the phytosanitary certification of a consignment of plants or plant products, the authorised officer may, upon payment by the applicant of the fee specified in the Second Schedule, endorse any fumigation certificate issued by a local licensed fumigator or any duplicate copy of a phytosanitary certificate issued.

Fees payable for phytosanitary certification

7. The fees payable for the services rendered for the phytosanitary certification are specified in the Second Schedule.

Conditions and restrictions imposed upon certification

8.—(1) In issuing a phytosanitary certificate under this rule, the authorised officer may impose such conditions and restrictions as he thinks fit to ensure continued validity of the phytosanitary certification.

(2) Where, after the receipt by the exporter of the phytosanitary certificate, any authorised officer has reasonable cause to think that any condition or restriction imposed under paragraph (1) has not been complied with, the authorised officer may re-examine the consignment of plants or plant products, its packaging, container and receptacle or the premises in which the consignment is kept or the conveyance in which the consignment is to be transported.

(3) Where upon re-examination the authorised officer is satisfied that the non-compliance with the condition or restriction imposed has affected the applicability of the phytosanitary certificate to the consignment, he may require the phytosanitary certificate issued to be produced for cancellation or amendment.

(4) No refund shall be made for the fees paid for any certificate which has been cancelled.

Replacement of phytosanitary certificate

9.—(1) Where a phytosanitary certificate is torn, defaced or if any of the particulars therein has become illegible or requires an amendment, the exporter of the plants or plant products in respect of which the certificate was issued may apply to the Director for the issue of a replacement.

(2) Every application for the issue of a replacement of a phytosanitary certificate shall be made in such form as the Director may determine, and shall be accompanied by the fee specified in the Second Schedule.

(3) No replacement shall be issued for a phytosanitary certificate unless all the copies of the original phytosanitary certificates are surrendered to the Director for cancellation.

(4) No refund shall be made for the fees paid for the certificate surrendered to the Director under paragraph (3).

Remission of fees

10. Any fee payable by any Government department or scientific institution under these Rules for the services rendered for phytosanitary certification may be remitted either wholly or in part —

- (a) by the Director; or
- (b) where the authorised officer is an employee of the National Parks Board, by the Chief Executive Officer of the National Parks Board.