

# ORDINANCE 8 OF 2004

## AN ORDINANCE TO PROVIDE FOR PROTECTIVE MEASURES AGAINST THE INTRODUCTION AND SPREAD OF ORGANISMS HARMFUL TO PLANTS, PLANT PRODUCTS AND OTHER OBJECTS SUBJECT TO PHYTOSANITARY CONTROL

**P. T. C. Pearson CBE**  
**ADMINISTRATOR**

*30th March 2004.*

**BE** it enacted by the Administrator of the Sovereign Base Areas  
of Akrotiri and Dhekelia as follows:—

### **PART I** **PRELIMINARY PROVISIONS**

**1.** This Ordinance may be cited as the Plant (Phytosanitary Measures) Ordinance 2004. Short title.

**2.—(1)** In this Ordinance, unless the context otherwise requires— Interpretation.

“authorised officer” means any person authorised by the Chief Officer for the purposes of this Ordinance;

“Commission” means the Commission of the European Union;

“corresponding Republican Law” means the Protective Measures against the Import and Spread of Organisms Harmful to Plant and Plant Products Law 2003, Number 147(I)/2003 and any subordinate legislation made under that Law;

“Council” means the Council of the European Union;

“harmful organism” means any organism which is prescribed as harmful;

“living plant” includes the following parts of a plant—

- (a) fruit, in the botanical sense, other than that preserved by deep freezing;
- (b) vegetables, other than those preserved by deep freezing;
- (c) tubers, corns, rhizomes;
- (d) cut flowers;
- (e) branches with foliage;
- (f) cut trees retaining foliage;
- (g) plant tissue cultures;

“member state” means a member state of the European Union other than the Republic;

“official register” means the register compiled in accordance with section 6(5);

“phytosanitary certificate” means the document issued in accordance with section 7;

“phytosanitary check” means an inspection as provided for by section 6;

“phytosanitary passport” means the document issued in accordance with section 10 or section 13(10);

“phytosanitary re-export certificate” means the document issued in accordance with section 8(3);

“plant” means a living plant or living parts thereof and shall be taken to include—

- (a) seeds for planting;
- (b) wood which has retained its entire or part of its natural round surface, with or without bark, or is in the form of particles, sawdust, wood waste or chips; or subject to anything provided for by regulations made under this Ordinance, wood which is in the form of dunnage, spacers, pallets or packing material of any kind and which presents a phytosanitary risk;
- (c) any plant product;
- (d) any other object prescribed by regulations as subject to phytosanitary control;

“plant quarantine station” means the plant quarantine station of the Republic established under section 23 of the corresponding Republican Law;

“plant product” means any unprocessed product of plant origin, provided that it is not a plant;

“prescribed” means prescribed by regulations made under section 20;

“protected zone” means a zone in the Areas or in a member state (including for this purpose the Republic) in which—

- (a) one or more harmful organisms which are established

in one or more parts of the Areas or a member state, are not endemic or established in such zone despite favourable conditions for them to establish themselves there; and

- (b) in which there is a danger that certain harmful organisms will establish, given favourable ecological conditions, despite the fact that these organisms are not endemic or established in the Areas or a member state;

and which has been recognised as such in accordance with regulations made under section 20;

“seeds” means seeds in the botanical sense of the term, with the exception of seeds not intended for planting;

“spread”, in connection with a harmful organism, means an organism which is, or may become, established in an area, provided that its existence is known of and no measure has been taken for its eradication in accordance with this Ordinance or where such measures have been ineffective during two consecutive years;

“third country” means any country or territory other than the Areas, the Republic or any member state;

“undertaking” means any place, building, plot of land, means of transport or any other place where any prescribed plant is cultivated, produced or stored.

(2) The definitions set out below shall apply wherever such a term appears in any regulations or order made under this Ordinance unless such term is otherwise defined in any such regulations or order or unless the context otherwise requires—

“plants intended for planting” means—

- (a) plants which have already been planted and are intended to remain planted or re-planted after being imported; or
- (b) plants which have not been planted when imported but which are intended to be planted at a later stage;

“planting” means any action taken for the placing of plants or plant products to ensure their subsequent growth, reproduction or propagation.

**3.** This Ordinance provides the general framework for the establishment of protective measures against the introduction into the Areas of organisms harmful to plants and against the spread of such organisms within the Areas.

Purpose of Ordinance.

## PART II CONTROL OF PLANTS

**4.—(1)** No person shall introduce into the Areas, or into any protected zone within the Areas, any harmful organism.

Prohibitions.

(2) No person shall introduce into the Areas, or into any protected zone within the Areas, any prescribed plant which is contaminated by a harmful organism.

(3) No person shall import into the Areas any plant which is prohibited in accordance with regulations made under section 20.

(4) No person shall import into the Areas, or into any protected zone within the Areas, any plant which is subject to any prescribed special requirements unless that plant fulfils any such requirements.

(5) Subsections (1), (2), (3) and (4) shall also apply to the spread of harmful organisms by means of the transportation of any plant within the Areas (including in any protected zone within the Areas).

(6) Regulations made under section 20 may provide that any prohibition contained in this section shall not apply in prescribed cases, including but not limited to—

- (a) any organism or plant specified in the regulations which is intended for use only for trial or scientific purposes, or for work on varietal selection and in relation to which an approval to perform such work has been obtained in accordance with regulations made under section 20;
- (b) the transportation of a small quantity of plants of a type specified in the regulations which are intended for use by their owner or the person to whom they are to be delivered for a non-industrial or non-commercial purpose, or for consumption during transportation, provided that there is no danger of the spread of any harmful organism.

### **PART III**

#### **PHYTOSANITARY CHECKS AND OFFICIAL CONTROL MEASURES**

5.—(1) Without prejudice to any other provision of this Ordinance, any person authorised in that behalf by the Chief Officer may at all reasonable times enter any undertaking (whether registered in the official register or not), other than a private dwelling house, in which he has reasonable cause to believe that any plant to which this Ordinance applies is being cultivated, stored, transported or disposed of, whether for the purposes of sale or otherwise, in order to—

- (a) inspect any plant or undertaking which is or has been contaminated by any harmful organism;
- (b) inspect any consignment of plants intended for export;
- (c) inspect any document relevant to any matter to which this Ordinance relates;
- (d) perform any search deemed necessary for the better performance of his duties under this Ordinance;
- (e) ensure that all appropriate measures are taken, including fumigation and disinfection, to protect any plant from any harmful organism which might otherwise be present in the packing material, storage place, container or other means of packaging or in any means of transport of the plant;
- (f) ensure the safe collection and destruction of waste plant objects from—
  - (i) any aircraft or ship entering the Areas; and
  - (ii) any undertaking which processes, packs or washes imported plant products;

- (g) investigate any matter in connection with the issue of –
  - (i) a phytosanitary certificate;
  - (ii) a phytosanitary re- export certificate; or
  - (iii) a phytosanitary passport;
- (h) monitor the implementation of any measure determined by the Chief Officer in accordance with the provisions of this Ordinance.

(2) If any inspection performed in accordance with subsection (1) above establishes that the plant or undertaking inspected presents a risk of the spread of any harmful organism, subsections (1) and (2) of section 11 shall apply.

**6.—**(1) In accordance with subsection (4) below, the Chief Officer shall ensure that a regular inspection takes place of any prescribed plant and the packaging and means of transport of such plant, where it is intended for export to a member state, for the purpose of ensuring that—

Phytosanitary checks.

- (a) there is no contamination by any harmful organism or risk of the spread of any such organism;
- (b) the plant in question fulfils any special requirements which may have been imposed in relation to it by regulations made under section 21.

(2) Subject to subsection (3), subsection (1) shall also apply to the transportation of any prescribed plant within the Areas.

(3) Subsection (2) shall not apply to the transportation of a small quantity of prescribed plants within the Areas which are intended for use by their owner or the person to whom they are to be delivered for a non-industrial or non-commercial purpose, or for consumption during transportation, provided that there is no danger of the spread of any harmful organism.

(4) The phytosanitary check required by subsections (1) or (2) shall—

- (a) include all prescribed plants which have been cultivated, produced or used by the cultivator or producer or which are in his undertaking at the time of the inspection;
  - (b) be carried out in the undertaking of the cultivator or producer and where possible, should be carried out at the actual place of cultivation or production;
  - (c) be carried out regularly, at a reasonable time and at least once in any twelve month period unless otherwise provided for by regulations made under section 20.
- (5) Any—
- (a) producer or cultivator of any plant which is subject to the provisions of this Ordinance or to any regulations made under it;
  - (b) store or distribution centre for such plants,

shall be registered in an official register in accordance with regulations made under section 20.

(6) The Commission may, on application to the Chief Officer, have access to the official register.

(7) Without prejudice to any duties which may be imposed on a cultivator or producer by any regulations made under section 20, every such person shall immediately inform the Chief Officer about any occurrence of harmful organisms or symptoms suggesting the occurrence of such organisms in relation to any plant for which he is responsible.

(8) Without prejudice to any other provision of this Ordinance, any plant owned by a person who is registered in the official register may at any time be subject to a phytosanitary check.

(9) Regulations may prescribe the establishment of a system which will, so far as possible, result in the identification of the origin of any plant which is subject to a phytosanitary check.

(10) The Chief Officer may, provided that he is satisfied there is no risk of the spread of harmful organisms, exempt small scale cultivators or producers who intend to place the whole of their production or cultivation of prescribed plants on the market solely within the Areas or the Republic—

- (a) from the requirement to register in the official register; and
- (b) from the requirement for a phytosanitary check in accordance with this section.

(11) Notwithstanding the provisions of this section, regulations made under section 20 may make different provision in relation to any matter regulated by this section for any prescribed plant which is transported within or through a protected zone, including an exemption from any of the provisions of this section.

Phytosanitary  
certificate.

7.—(1) The Chief Officer may, on completion of a phytosanitary check carried out in accordance with subsection (1) of section 6 and which meets the requirements of that subsection, issue a phytosanitary certificate in the prescribed form. Such certificate shall not be issued more than fourteen days prior to the date on which the plant to which the certificate relates is to be exported.

(2) A phytosanitary certificate issued in accordance with subsection (1) shall—

- (a) with the exception of the seal and signature, be hand-written in capital letters or typed;
- (b) be written in Greek or English, or in one of the official languages of the member state to which the relevant products are to be exported (or in more than one such language);
- (c) use the latin name to refer to the botanical name of any plant to which the certificate refers;
- (d) be void if amended unless such amendment is initialled by the Chief Officer.

(3) A copy of a phytosanitary certificate shall have the word “**ΑΝΤΙΓΡΑΦΟ**” or “**COPY**” stamped on it.

(4) No person shall export any prescribed plant to a member state unless that plant is accompanied by a phytosanitary certificate issued in accordance with subsection (1).

(5) Notwithstanding any other provision of this Ordinance, the Chief Officer may, in accordance with an agreement with the Commission, issue a phytosanitary certificate on the basis of a phytosanitary check which has been performed by the Commission.

**8.—**(1) Subject to subsection (2), any consignment of prescribed plants which has been imported into the Areas from a member state and which has not been opened or interfered with in any way while present in the Areas, and which is intended to be re-exported to another member state, shall be exempt from a phytosanitary check, provided that such plant is accompanied by a phytosanitary certificate issued by the competent authority of the member state which exported the said consignment.

Re-export.

(2) Where any consignment of prescribed plants has been imported into the Areas from a member state and such consignment is divided while in the Areas, or is stored in the Areas, or the packaging of such consignment is in any other way interfered with while in the Areas and such consignment or part of it is intended for re-export to another member state, such consignment shall be exempt from a phytosanitary check only if the Chief Officer is satisfied that it has not been contaminated by any harmful organism while present in the Areas.

(3) If the Chief Officer is satisfied as provided for by subsections (1) or (2), he shall issue a phytosanitary re-export certificate in the prescribed form. Such certificate shall not be issued more than fourteen days prior to the date on which the plants to which the certificate refers are to be re-exported to a member state.

(4) The provisions of subsection (2) of section 7 shall apply to any phytosanitary re-export certificate issued in accordance with subsection (3) above.

(5) A phytosanitary re-export certificate issued under this section shall be attached to the phytosanitary certificate (or a certified copy thereof) issued by the member state which exported the consignment to the Areas.

(6) Where any plant imported into the Areas has been transported via more than one member state, the consignment shall be accompanied by—

- (a) the phytosanitary certificate or certified copy thereof issued by the member state which originally exported the consignment;
- (b) the phytosanitary re-export certificate or certified copy thereof issued by any subsequent member state which has exported the consignment.

**9.—**(1) Where any plant is subject to any prescribed special requirements which are fulfilled while the plant is present in the Areas, a phytosanitary certificate issued in accordance with section 7 shall record the Areas as the country of origin of that plant other than—

Further requirements in relation to phytosanitary certificates.

- (a) in the case of wood, the bark of which has been removed;
- (b) in any other case in which the authorised officer is satisfied

that the prescribed special requirements have been met in the country of origin of the plant.

(2) Regulations may provide for the provisions of this section to be extended to any other plant.

Phytosanitary  
passports.

**10.—**(1) The Chief Officer may, on completion of a phytosanitary check carried out in accordance with subsection (2) of section 6 and which meets the requirements of subsection (1) of that section, issue a phytosanitary passport.

(2) Where the phytosanitary check referred to in subsection (1) does not consider whether any prescribed measures applicable to a protective zone are fulfilled, or where such measures are considered but are not fulfilled, any phytosanitary passport issued in accordance with subsection (1) above shall not be valid in relation to any protective zone of the Areas and shall be marked as provided for by regulations made under section 20.

(3) No person shall transport within the Areas (including in any protected zone) any prescribed plant unless it is accompanied by a phytosanitary passport issued in accordance with subsection (1), or a phytosanitary passport issued by the competent authority of the member state from which the plant originates:

Provided, that this subsection shall not apply in relation to transport through a protected zone where this is provided for by regulations made under section 20.

(4) Subsections (1) and (2) shall not apply to the transportation of a small quantity of prescribed plants within the Areas which are intended for use by their owner or the person to whom they are to be delivered for a non-industrial or non-commercial purpose, or for consumption during transportation, provided that there is no danger of the spread of any harmful organism.

(5) The Chief Officer may replace any phytosanitary passport issued in accordance with subsection (1) with a new passport (“the replacement passport”) on the ground that –

- (a) the consignment to which the passport relates has subsequently been divided or a different consignment has been mixed with the one to which the passport relates;
- (b) the phytosanitary requirements in place for that consignment have changed since the time of the issue of the original passport.

(6) A replacement passport may only be issued where—

- (a) an application is made for that purpose by a person registered in the official register;
- (b) the Chief Officer is satisfied as to the identity of the plant to which the replacement passport is to relate;
- (c) the prescribed phytosanitary conditions applicable to the plant in question are satisfied;
- (d) the application is considered in accordance with any additional prescribed requirements.

(7) Any replacement passport must be marked as required by regulations made under section 20 and, where the replacement



passport is issued following a change to the original consignment, shall include the official registration number of the initial producer or cultivator of the plants to which the original passport relates.

(8) A phytosanitary passport issued in accordance with this section shall be retained by the cultivator or producer of the plants to which it relates for at least twelve months from the date of its issue.

**11.—**(1) If any plant fails to meet the requirements of a phytosanitary check performed in accordance with subsection (2) of section 6, the Chief Officer shall order the suspension of any or all of the activities performed by the undertaking concerned until he is satisfied that the risk of the spread of any harmful organism has been prevented:

Control measures.

Provided, that if the Chief Officer is satisfied that the risk of the spread of harmful organisms is confined to only part of that undertaking, any suspension ordered in accordance with subsection (1) shall only apply in relation to that part.

(2) Once the Chief Officer is satisfied that the risk of the spread of any harmful organisms has been prevented, he shall impose one or more of the following measures—

- (i) suitable processing of the plant with a view to ensuring it will meet the requirements of the phytosanitary check;
- (ii) the granting of a transport licence, authorising the transportation of such plants in zones which do not present any risk of contamination by harmful organisms;
- (iii) the granting of a transport licence, authorising the use of such plants in any manufacturing undertaking;
- (iv) the imposition of a period of quarantine at the plant quarantine station until the results of any additional test that may be required are available;
- (v) the destruction of the said plants.

(3) The basis on which and the conditions subject to which any of the measures referred to in subsection (2) may be carried out shall be prescribed by regulations made under section 20.

(4) If any plant fails to meet the requirements of a phytosanitary check performed in accordance with subsection (8) of section 6, sub-sections (1) and (2) above shall apply.

(5) If any plant fails to meet the requirements of a phytosanitary check performed in accordance with subsection (1) of section 6, the Chief Officer shall impose one or more of the following measures —

- (a) suitable processing of the plant with a view to ensuring it will meet the requirements of the phytosanitary check;
- (b) the withdrawal of the contaminated products from the consignment;
- (c) the imposition of a period of quarantine at the plant quarantine station until the results of any additional test that may be required are available;
- (d) the destruction of the contaminated products.

Further provisions relating to re-export.

**12.—**(1) If, following a phytosanitary check, part of a consignment which is intended for export is discovered to be contaminated by any harmful organism, the remaining part may be exported provided that it is not contaminated by any such organisms and provided that there is no risk of the spread of any such organisms.

(2) Any phytosanitary certificate or phytosanitary re-export certificate issued by the competent authority of a member state which accompanies any plant on import into the Areas shall be stamped with the official stamp of the Chief Officer and the date of entry into the Areas.

(3) The Chief Officer shall inform the competent authority of the member state which exported the consignment if permission to re-export the consignment is refused and such consignment is made subject to any of the measures prescribed by section 11(5) because it did not meet the requirements of a phytosanitary check. In such circumstances, the Chief Officer shall provide that competent authority with sufficient information to enable it to take such measures as may be required to avoid such action in the future and regulations may prescribe the nature of the information to be provided by the Chief Officer for this purpose.

Imports from a third country.

**13.—**(1) This section applies in relation to any prescribed plant imported into the Areas from a third country.

(2) Any—

- (a) plant of the kind mentioned in subsection (1);
- (b) the packaging of such plant; and
- (c) its means of transport,

shall be liable to a phytosanitary check.

(3) Any such consignment shall be accompanied by a phytosanitary certificate or phytosanitary re-export certificate issued by the competent authority of the country of export.

(4) Any consignment which is declared by its importer not to contain any prescribed plant may be inspected by the Chief Officer for the purpose of checking the truth of such declaration. If, following such an inspection, the Chief Officer is not satisfied that such consignment is wholly comprised of products which are not prescribed, he may deem such products to be prescribed and accordingly, the provisions of the Ordinance shall apply to such consignment.

(5) Provided that there is no danger of the spread of any harmful organism—

- (a) this section shall not apply to the import of a small quantity of prescribed plants into the Areas which are intended for use by their owner or the person to whom they are to be delivered for a non-industrial or non-commercial purpose, or for consumption during transportation; and
- (b) subsections (2) and (3) of this section shall not apply where the original export originates from a member state but such consignment is imported into the Areas via a third country.

(6) Regulations made under section 20 may provide that the requirement for a phytosanitary check in accordance with subsection (2) shall not apply to any plant specified in the regulations which is intended for use only for trial or scientific purposes, or for work on varietal selection and in relation to which an approval to perform such work has been obtained in accordance with regulations made under that section.

(7) An importer of any plant to which this section relates, whether or not he is the cultivator or producer of such plants, must register in the official register.

(8) Any phytosanitary check carried out in accordance with this section shall be performed at the same time and in the same place (or vicinity thereof) as other administrative formalities concerning import are carried out:

Provided, that regulations may provide for the phytosanitary check to be carried out at the place of destination of the consignment where prescribed conditions are complied with.

(9) Any consignment to which this section relates shall be imported into the Areas only through the points of entry determined by the Chief Officer. The Chief Officer shall provide the Commission and member states with a list specifying such points of entry.

(10) The Chief Officer may, on completion of a phytosanitary check in accordance with subsection (2) above and which meets the requirements of subsection (1) of section 6, issue a phytosanitary passport. Section 10 shall apply, in so far as it is relevant, to any passport issued under this section.

(11) If any plant fails to meet the requirements of a phytosanitary check performed in accordance with subsection (2) above, the Chief Officer shall impose one or more of the following measures—

- (a) suitable processing of the plant with a view to ensuring it will meet the requirements of the phytosanitary check;
- (b) the withdrawal of the contaminated plant from the consignment;
- (c) the imposition of a period of quarantine at the plant quarantine station until the results of any additional tests required are available;
- (d) a refusal of permission to re-export the consignment;
- (e) the destruction of the contaminated plant.

(12) The basis on which and the conditions subject to which any of the measures referred to in subsection (11) may be carried out shall be prescribed by regulations made under section 20.

(13) This section shall apply without prejudice to any special agreement which may be concluded between the Commission and the third country from where the plant has been exported.

#### **PART IV**

### **NOTIFICATION TO AND CO-OPERATION WITH THE COMMISSION**

**14.—**(1) The Chief Officer shall, in accordance with regulations made under section 20, notify the Commission and the competent

Notifications to  
the Commission.

authorities of the member states about the establishment in the Areas of any harmful organism.

(2) The Chief Officer shall take all appropriate measures to eradicate or, where this is not possible, to limit the spread of the harmful organism referred to in subsection (1). The Chief Officer shall notify the Commission and member states of any measures taken in accordance with this subsection.

(3) The Chief Officer shall, in accordance with regulations made under section 20, notify the Commission and member states of the establishment in the Areas of any other organism which is not at the time of discovery prescribed as harmful, but which is still considered by the Chief Officer to be harmful to plants. Subsection (2) shall apply to any organisms notified in accordance with this subsection.

(4) Where a consignment of plants from a third country is considered by the Chief Officer to present a risk of the spread of any harmful organism, the Chief Officer shall take all appropriate measures to protect the member states from such a risk and shall notify the Commission and member states of the existence of the risk and the measures taken to counter it.

Commission  
experts.

**15.—**(1) To the extent required by any applicable Community measure, the Chief Officer shall co-operate with any experts appointed by the Commission to carry out checks as provided for by this section.

(2) The checks referred to in subsection (1) may include (but are not limited to)—

- (a) the supervision of any phytosanitary check performed in accordance with section 6 or section 13;
- (b) the carrying out of a phytosanitary check under section 13 jointly with any authorised officer;
- (c) an investigation as to whether the provisions of section 14 are being or have been complied with.

(3) Subject to subsection (6), an expert of the Commission shall have the power at any reasonable time to—

- (a) visit any undertaking and any other place where any prescribed plant is cultivated, processed or stored;
- (b) visit the place where a phytosanitary check performed in accordance with section 6 or section 13 is carried out;
- (c) take advice from any authorised officer as to any matter related to this Ordinance;
- (d) accompany an authorised officer when he exercises any power or performs any duty in accordance with this Ordinance.

(4) Where an expert of the Commission considers that a particular measure is required in order to prevent the spread of any harmful organism which is established within any consignment to which section 13 applies, he shall advise the Chief Officer accordingly.

(5) The Chief Officer shall take all appropriate measures to assist an expert of the Commission in the performance of his duties or exercise of his powers.

(6) An expert may only take any action in accordance with this section in accordance with a direction issued by the Chief Officer for such purpose. In the course of taking any such action, the expert shall comply with the provisions of this Ordinance.

(7) Where an expert of the Commission supervises a phytosanitary check which is performed in accordance with section 13 it shall take place in accordance with a programme previously agreed with the Commission.

(8) Where a joint phytosanitary check is performed in accordance with subsection (2)(b) above, the Chief Officer shall not permit the consignment of any plants so checked to be exported to a member state, unless both he and the expert of the Commission agree that the provisions of this Ordinance and any regulations or orders made under it have been complied with. In the event of any disagreement, the Chief Officer shall take such of the measures provided for by subsection (11) of section 13 until an agreement is reached.

(9) Regulations may provide for the provisions of this section to be extended to any other check carried out in accordance with this Ordinance where it is deemed necessary for the better and more effective application of this Ordinance.

## PART V MISCELLANEOUS PROVISIONS

**15.** The recipient of any plant to which this Ordinance applies shall inform the Chief Officer of its delivery within a reasonable period of time. Notification to Chief Officer.

**16.—(1)** Any person who is not satisfied with any decision or measure taken by an authorised officer or by the Chief Officer in accordance with this Ordinance may appeal against such decision, by lodging an appeal with the Administrator within three days of the notification of the decision to him: Appeals.

Provided that the right of appeal shall not apply where the decision or measure was taken to prevent the risk of spread of any harmful organism.

(2) The Administrator shall examine the appeal without delay and shall have the power to assign to one or more authorised officers the examination of any matter raised by the appeal prior to his determination of the appeal.

(3) Where an appeal is pending, the Administrator shall take all necessary measures to prevent the destruction, treatment or disposal of any plant to which the appeal relates, unless he considers that any delay in the said destruction, treatment or disposal would present a real risk of the spread of any harmful organism.

**17.** Any plant which is to be tested in accordance with any provision of this Ordinance shall be stored at the plant quarantine station until the results of the tests are known. Plant quarantine station.

**18.** The Administrator may by order— Orders.

- (a) exempt any small scale cultivator or producer from the requirement to register in the official register;
- (b) impose a period of quarantine in an undertaking, or in any area which has been contaminated or which is likely to be contaminated by any harmful organism;

- (c) charge fees to be paid by the owner of any plant held in the plant quarantine station;
- (d) prescribe the points of entry from which the import of any prescribed plant is permitted.

Compensation.

**19.**—(1) Where any plant is—

- (a) destroyed;
- (b) placed under quarantine;
- (c) made the subject of any other measure which affects trade of that plant,

in the course of the exercise of an authorised officer's powers or the performance of his duties under this Ordinance, compensation shall be paid to the owner of such plant in accordance with the provisions of this section.

(2) The amount of compensation shall be assessed by the Chief Officer and shall be based on the value of the plant at the time it was subject to any of the measures set out in subsection (1) above.

(3) If the imposition of the measure referred to in subsection (1) adversely affects an undertaking or a part of it for more than twelve months, the amount of compensation shall be assessed on the basis of the cost of renting an equivalent undertaking or the cost of the rent for the undertaking adversely affected. If the owner of the undertaking satisfies the Chief Officer he is unable to find an equivalent undertaking to rent, the compensation shall be assessed on the basis of the loss of income of that undertaking during the period in which it is adversely affected.

(4) Any person who is not satisfied with the amount of compensation assessed as payable to him may object against such assessment to the Administrator.

(5) No compensation shall be payable under this section if the measure referred to in subsection (1) was required, whether in whole or in part, as a result of the negligence of the owner or his failure to comply with any direction given by an authorised officer, or the Chief Officer, or due to his acting in contravention of this Ordinance and any regulations made under it.

Regulations.

**20.**—(1) The Administrator may make regulations in respect of any matter which under this Ordinance requires to be prescribed and generally for the better application of this Ordinance.

(2) In particular but without prejudice to the generality of subsection (1), regulations may provide for any of the following matters—

- (a) the conditions subject to which any plant may be transported within a protected zone. Different provision may be made according to the type of organism believed to present a threat;
- (b) the frequency with which a phytosanitary check is to take place;
- (c) the information to be provided by a cultivator or producer in accordance with subsection (7) of section 6 and the manner in which such information shall be provided;
- (d) the establishment of a system as prescribed by subsection (9) of section 6, including which plants the system is used for;

- (e) for further regulating the exemption for small scale cultivators or producers in accordance with subsection (10) of section 6;
- (f) the further regulating the granting of a phytosanitary passport as provided for by subsection (1) of section 10;
- (g) for providing for the manner in which an application for a replacement phytosanitary passport is to be made in accordance with subsection (5) of section 10;
- (h) for providing for any fees due in respect of a phytosanitary check;
- (i) for further regulating the procedure concerning the issue of a phytosanitary certificate, phytosanitary re-export certificate, phytosanitary passport or any other document required to be issued under this Ordinance;
- (j) for prohibiting or regulating the import and transportation of any plant or the introduction into the Areas of any harmful organism;
- (k) for prohibiting or regulating the import and transportation of any plant in relation to a protected zone or the introduction into such zone of any harmful organism;
- (l) for establishing protected zones in relation to specified harmful organisms and the regulation of such zones;
- (m) for providing for special requirements to apply to the import of plants into the Areas and the transportation of such plants to certain zones within the Areas, excluding protected zones;
- (n) for providing for which plants must be submitted to a phytosanitary check on import into the Areas;
- (o) the conditions and requirements applicable to the importation of any plant into the Areas or any packaging of such plant where such plant or packaging is believed to be contaminated by any harmful organism;
- (p) for regulating the introduction and spread of any harmful organism which is intended for use only for trial or scientific purposes, or for work on varietal selection;
- (q) for providing for the registration of producers, cultivators or importers of any plant and the stores or distribution centres for such a plant;
- (r) for providing for when any plant need not be accompanied by a phytosanitary certificate, a phytosanitary re-export certificate or phytosanitary passport;
- (s) for regulating any imported plant and the means of transport within the Areas of such a plant so as to prevent or restrict the introduction into the Areas of any harmful organism;
- (t) for providing for which plants may be subject to special conditions;
- (u) the methods to be used for the diagnosis, detection and destruction of any harmful organism;
- (v) the procedure to be followed when any consignment or part of a consignment from a third country is withheld;
- (w) the measures to be adopted for the eradication of any harmful organism;

- (x) for further regulating the phytosanitary check to be carried out in relation to any plant originating from a third country;
- (y) the manner in which and conditions subject to which any plant is to be stored;
- (z) for further regulating the checks to be carried out in relation to any plant intended for export;
- (aa) for regulating the destruction, movement or treatment of any plant in a quarantine area;
- (bb) for providing for any further measures to be adopted to protect the Areas from the introduction and spread of any harmful organism;
- (cc) for regulating the creation of any zone for the purposes of the cultivation or production of any plant which is free from specified harmful organisms.

Offence.

**21.** Any person who contravenes or fails to comply with any provision of this Ordinance or any regulations or orders made under it shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand pounds or to imprisonment for a term not exceeding two years or to both such penalties.

Repeal of Cap. 49  
(Laws of Cyprus)  
as amended by  
Ordinances Nos.  
9/78 and 9/81.

**22.—**(1) The Plant Diseases and Pests (Prevention and Control) Ordinance is repealed.

(2) Any regulations, orders, appointments, authorisations, or any certificates made in accordance with the Ordinance referred to in subsection (1) shall continue in force, to the extent that they are not contrary to the provisions of this Ordinance, until they are revoked, repealed or replaced.

Application to the  
Crown.

**23.—**(1) Subject to the provisions of this section, this Ordinance and any regulations or orders made under it, shall bind the Crown.

(2) Section 21 shall not bind the Crown.

(3) Notwithstanding subsection (2), this Ordinance and any regulations or orders made under it shall apply to persons in the service of the Crown as they apply to other persons.

(4) For the purposes of this section “the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.

Commencement.

**24.** This Ordinance shall come into force on such date as the Administrator shall appoint by a notification published in the Gazette.

*7th April 2004*  
(SBA/128/251)

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P. D. Draycott,  
Chief Officer.

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