**Chapter 19:08
Plant Pests and Diseases
Importation Regulations, 1976**

*Rhodesia Government Notice No. 154 of 1976*

*Amended by SI 369/77, 48/88 and 94/2016*

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IT is hereby notified that the Minister of Agriculture has, in terms of section 5 of the Plant Pests and Diseases Act [*Chapter 19:08*], made the following regulations:—

*Title and application*

**1**.  (1) These regulations may be cited as the Plant Pests and Diseases (Importation) Regulations, 1976.

(2) These regulations shall **not apply** to any:—

(a)    growing medium; or

(b)    injurious organism: or

(c)    invertebrate; or

(d)    plant; or

(e)    plant product specified in the *Third Schedule*; or

(f)    seed listed in the *Fourth Schedule*;

which is in transit through Zimbabwe and consigned by rail, water transport, aircraft on an international flight and by road motorized and animal driven means of transport.

amended by SI 48/88 with effect from the 15th April,1988

*Interpretation*

**2**.  In these regulations:—

"**a plant protection officer**" means a person who is authorized by the plant protection authority to issue a phytosanitary certificate;

"**appropriate fee**" means the appropriate fee prescribed in the *First Schedule*;

"**Chief Plant Protection Officer**" means an officer appointed in terms of [section *three*](NULL#3);

"**form**" means the appropriate form prescribed in the *Second Schedule*;

"**permit**" means a permit issued in terms of [section *five*](NULL#5);

"**phytosanitary certificate**" means a statement, in form 1 or other similar statement accepted by the Chief Plant Protection Officer, issued by a plant protection officer;

"**plant product**" means plant material which may be intended for manufacture or further industrial processing, and which is not intended for propagative purposes;

"**plant protection authority**" means the department of the government of a country which is responsible for the administration of the law in force in that country providing for the protecting of plants against injurious organisms;

"**quarantine**" means the detention and culture of plants in isolation, under such conditions as the Chief Plant Protection Officer may determine;

"**soil**" means a growing medium which is neither inert nor sterilized;

"**specified country**" means Botswana, Lesotho, Malawi, Mozambique, the Republic of South Africa or Swaziland;

"**treatment**" means the disinfecting, fumigating, quarantining, sorting or treating of a growing medium, plant or container in terms of these regulations;

"**vegetative material**" means:—

(a)    any growing plant; or

(b)    any part of a plant, other than seed or fruit, which can be used to propagate the plant.

*Responsibility for administration of these regulations*

**3**.  (1) The Minister shall appoint an inspector to be the Chief Plant Protection Officer for the plant protection authority in Zimbabwe.

(2) The Chief Plant Protection Officer referred to in [subsection (1)](NULL#3.1) shall be responsible for the administration of these regulations.

*Importation of growing media, injurious organisms, invertebrates and plants*

**4**.  (1) Subject to the provisions of [subsections (2)](NULL#4.2) and [(3)](NULL#4.3), no person shall import any:—

(a)    growing medium; or

(b)    injurious organism; or

(c)    invertebrate; or

(d)    plant; or

(e)    plant product specified in the *Third Schedule*; or

(f)    seed listed in the *Fourth Schedule*;

unless he has obtained a permit authorizing such importation.

(2) No person shall:—

(a)    import any soil, plant packed in soil, or fresh fruits from Asia or the Pacific Islands without the written consent of the Chief Plant Protection Officer, which consent shall not be given unless the importation is for scientific purposes or made under his direct supervision;

(b)    import any injurious organism without the written consent of the Chief Plant Protection Officer, which consent shall not be given unless the importation is for scientific purposes and made under his direct supervision.

(3) No permit shall be required for the importation of any:—

(a)    cut flower not intended for propagation; or

(b)    fruit, other than citrus, grown or produced in a specified country; or

(c)    plant product not listed in the *Third Schedule*; or

(d)    and (e)

repealed by SI 48/88 with effect from the 15th April,1988

(4) No person shall import any growing medium or plant other than through a place appointed as a port of entry in terms of section 14 of the Customs and Excise Act [*Chapter 23:02*]:

Provided that, where a permit specifies that the growing medium or plant shall be placed in **quarantine**, such growing medium or plant shall be consigned to the Chief Plant Protection Officer in Harare.

*Permits*

**5**.  (1) Every person who wishes to obtain a permit to import any:—

(a)    growing medium; or

(b)    injurious organism; or

(c)    invertebrate; or

(d)    plant; or

(e)    plant product specified in the *Third Schedule*; or

(f)    seed specified in the *Fourth Schedule*;

shall make application to the Chief Plant Protection Officer in form 2 for the issue of a permit.

(2) On receipt of an application made in terms of [subsection (1)](NULL#5.1), the Chief Plant Protection Officer may:—

(a)    issue a permit, in duplicate, in form 3; or

(b)    refuse to issue a permit, if he considers that the proposed importation may result in the introduction or spread of any injurious organism.

(3) The Chief Plant Protection Officer may, in issuing a permit, impose any conditions, including any one or more of the following:—

(a)    the production of a phytosanitary certificate;

(b)    the production of a certificate of origin;

(c)    quarantine;

(d)    any treatment considered to be necessary.

(4) Every condition imposed in terms of [subsection (3)](NULL#5.3) or of section 30 of the Act shall be endorsed on the permit by the issuer of the permit.

(5) The Chief Plant Protection Officer may cancel, suspend or amend any permit if:—

(a)    he is satisfied that such cancellation, suspension or amendment is necessary to prevent the introduction or spread of any disease or injurious organism; or

  the person to whom the permit was issued has failed to comply with any condition imposed in terms of [subsection (3)](NULL#5.3) or of section 30 of the Act.

(6) One copy of the permit issued in terms of [paragraph (a) of subsection (2)](NULL#5.2.a) shall accompany the growing medium, injurious organism, invertebrate, plant, plant product or seed, as the case may be, when it is imported in terms of [subsection (4) of section *four*](NULL#4.4).

*Specific controls*

**6**.  An inspector may:—

(a)    cause any vehicle suspected or known to have brought into Zimbabwe:—

(i)    an injurious organism; or

(ii)    a plant or container suspected or known to be diseased or infected with an injurious organism;

to be disinfected or fumigated;

(b)    on importation, detain and inspect any growing medium, plant or container which is liable to harbour an injurious organism;

(c)    order the treatment of any growing medium, plant or container referred to in paragraph (b), whether or not the growing medium, plant or container is diseased or infected with an injurious organism;

(d)    cause any imported growing medium or plant which appears to be infested with an injurious organism, together with the container and any plant in the same container, to be destroyed without compensation if, in his opinion:—

(i)    the injurious organism is of a specially dangerous character; or

(ii)    disinfection is impracticable or will not be a complete safeguard against the introduction or spread of an injurious organism; or

(iii)    the delay caused by disinfection would give rise to the risk of the introduction or spread of the in

*Place of treatment*

**7**.  Unless the Chief Plant Protection Officer otherwise directs, the treatment of any imported growing medium, plant or container in terms of [section *six*](NULL#6) shall be carried out on State premises appointed by him for the purpose.

*Costs and fees*

**8**.  (1) No imported growing medium, plant or container which has been treated in terms of [section *seven*](NULL#7) shall be released to the importer unless he pays the appropriate fee.

(2) If an importer fails to pay the appropriate fee in respect of a growing medium, plant or container referred to in [subsection (1)](NULL#8.1) **within 7 days** of the date of a notice demanding payment of the fee, an inspector may, subject to the provisions of [subsections (3)](NULL#8.3), [(4)](NULL#8.4) and [(5)](NULL#8.5), cause that growing medium, plant or container to be sold by public auction at such time and place as he may fix.

(3) The sale of a growing medium, plant or container in terms of [subsection (2)](NULL#8.2) shall be subject to a reserve sufficient to cover the estimated costs and charges referred to in [paragraphs (a)](NULL#8.a), [(b)](NULL#8.b) and [(c) of subsection (5)](NULL#8.5.c).

(4) A growing medium, plant or container not purchased at a sale in terms of [subsection (2)](NULL#8.2) may be:—

(a)    sold out of hand; or

(b)    destroyed without payment of compensation.

(5) If a growing medium or plant referred to in [subsection (1)](NULL#8.1) is, in the opinion of an inspector, of such a nature that only its immediate sale would realize an amount sufficient to cover:—

(a)    the cost of the sale; and

(b)    the appropriate fee; and

(c)    any charges payable to the Controller of Customs and Excise;

the growing medium or plant shall be disposed of in the manner described in [subsection (4)](NULL#8.4).

(6) There shall be paid to the importer any amount realized by the sale of a growing medium, plant or container in terms of this section, less the charges referred to in [paragraphs (a)](NULL#8.a), [(b)](NULL#8.b) and [(c) of subsection (5)](NULL#8.5.c).

(7) Collection of any fees in terms of these regulations shall be done through the Zimbabwe Revenue Authority established in terms of the Revenue Authority Act [*Chapter 23:11*] or any other agent designated by the Minister.

(8) The Authority or any other designated agent shall remit fees collected in terms of these regulations to the Ministry.

[Subsections (7)](NULL#8.7) and [(8)](NULL#8.8) inserted by SI 94 of 2016 w.e.f 26th August, 2016

*Appeals*

**9**.  (1) Any person who is aggrieved by a decision of an inspector in terms of these regulations may appeal, in writing, to the Chief Plant Protection Officer.

(2) Any person who is aggrieved by any decision of the Chief Plant Protection Officer in terms of these regulations may appeal, in writing, to the Minister, whose decision shall be final.

(3) Any appeal in terms of this section shall be made **within 7 days** of the date on which the decision appealed against is made.

*Repeals and savings*

**10**.  (1) The regulations specified in the *Fifth Schedule* are repealed.

(2) Notwithstanding the repeal of the regulations specified in the *Fifth Schedule*, any:—

(a)    application for a permit made under the repealed regulations shall be deemed to be an application for a permit to be issued under these regulations;

(b)    permit issued under the repealed regulations shall continue to be valid as if it were issued under these regulations, and may be cancelled, suspended or amended in terms of [section *five*](NULL#5);

(c)    conditions subject to which a permit was issued under the repealed regulations shall continue to attach to such permit throughout its period of validity, and may be varied or cancelled in terms of these regulations;

(d)    consent given by the Minister under the repealed regulations shall be deemed to have been given in terms of [section *four*](NULL#4);

(e)    notice or order made or given under the repealed regulations shall continue to have effect as if it were issued or made under the appropriate provisions of these regulations.

**FIRST SCHEDULE** ([*Section 2*](NULL#2))

Substituted by SI 94 of 2016 w.e.f 26th August, 2016

**PRESCRIBED FEES**

|  |  |
| --- | --- |
| ***Service*** | ***US $*** |
| Phytosanitary CertificatePlant Import Permit (Agric. Product)Phytosanitary Certificate With Lab AnalysisSupervised Import Permit (Agric. Product)Supervised Importation (Wood Packaging Material)Re-Export Phytosanitary CertificateTransit PermitIncineration FeeFumigation FeePenalty for Illegal Exports and ImportsPhytosanitary Certificate (Non Commercial)Plant Import Permit (Agric Product)-(Non Commercial) | 10,0030,0030,0070,0020.0010,0030,0050,00120,001,000,005,005,00 |

**SECOND SCHEDULE** ([*Section 2*](NULL#2))

**FORMS**

**Form 1**

PHYTOSANITARY CERTIFICATE

THIS IS TO CERTIFY that the plants, parts of plants or plant products described below, or representative samples of them, were thoroughly examined on ………………………….by ……………………………an authorized officer of the …………………………………………………………………..

*(insert name of plant protection authority)*

and were found, to the best of his knowledge, to be substantially free from injurious diseases and pests, and that the consignment is believed to conform with the current phytosanitary regulations of the importing country, both as stated in the declaration hereon and otherwise.

Fumigation or disinfection treatment (if required by importing country)

Date …………………………………………….Treatment ……………………………………………………………

Duration of exposure ……………………………………………………………

Chemical and concentration ……………………………………………………………

Additional declaration:

(Official stamp)
………………………..………………..20………..

............................................................
Signature

............................................................
Rank

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter ..........................................................................................

Name and address of consignee ......................................................................................

Distinguishing marks .......................................................................................................

Origin (if required by importing country) ............................................................................

Means of conveyance ....................................................................................................

Point of entry ................................................................................

Quantity and name of produce .....................................................................................

Botanical name (*if required by importing country*) ...............................................................

**Form 2**

ZIMBABWE

Plant Pests and Diseases (Importation) Regulations, 1976

APPLICATION FOR A PERMIT FOR THE IMPORTATION OF GROWING MEDIA/INJURIOUS ORGANISMS/INVERTEBRATES/PLANTS

The Chief Plant Protection Officer

(Plant Importation Permits),

P.O. Box 8100,

Causeway.

I, .........................................................:……………………………………………………………………………….………………
(*full name*)

of...........................................................................................................………………………………………… *postal and residential address)*

hereby apply to import by .................................................................................................................
(state mode of importation, i.e. whether by post, rail, road or air)

from..........................................................................................................………………………………………f(full name of consignor)

of ..................................................................................................…………………………………………

through ..................................................................................................…………………………………………
(state port of entry into Zimbabwe if mode of importation is not to be by post)

the following ...........................................................................................………………………………………… ..................................................................................................…………………………………………

......................................................................................................................................................for the purpose of ..................................................................................................………………………
(*state which one or more of the following applies: sale, private use, manufacture, consumption or propagation for sale*)

I intend to grow these plants at .........................................................................................................
(*state exact locality if plants are to be grown*)

Date ……………………………….:    ………………………………………………………
(Signature of applicant)

**Form 3**

Plant Pests and Diseases (Importation) Regulations, 1976

PERMIT AUTHORIZING THE IMPORTATION OF GROWING
MEDIA/INJURIOUS ORGANISMS/INVERTEBRATES/PLANTS

(*This permit is to be issued in duplicate*)

Permission is granted to ..................................................................................................……………

of ........................................................................to import, in one consignment, within 6 months of the date of this permit, by ................................................................................................

from ..................................................................................................…………………………………………

of ..................................................................................................…………………………………………

through ..................................................................................................…………………………………………

the following .................................................................................................

............................................................................................................................................ subject to the following conditions......................................................................................................

...................................................................................................... Date......................................................................................................

............................................................
Chief Plant Protection Officer

*Note*.-One copy of this permit should be sent by the importer to the supplier, who should ensure that it accompanies the growing media/injurious organisms/invertebrates/plants.

**THIRD SCHEDULE** *(*[*Sections 4*](NULL#4) *and* [*5*](NULL#5))

PLANT PRODUCTS FOR THE IMPORTATION OF WHICH A PERMIT IS REQUIRED

1. Broom-corn.

2. Citrus-peel, fresh or dried, other than candied.

3. Clover fodder.

4. Coffee-beans for consumption.

5. Cotton lint.

6. Lucerne hay.

7. Tobacco, cured, unmanufactured.

**FOURTH SCHEDULE** ([*Sections 4*](NULL#4) *and* [*5*](NULL#5))

Substituted by SI 94 of 2016 w.e.f 26th August, 2016

SEEDS FOR THE IMPORTATION OF WHICH A PERMIT IS REQUIRED

1. Bean seed, *Phaseolus* spp.

2. *Capsicum* spp.

3. Cereals, seeds of *Avena* spp., *HordeuM* spp., *Oryza* spp., *Secale., Triticale* spp. and *Triticum* spp.

4. Clover seed.

5. Coffee seed.

6. Conifer seed.

7. Cotton seed.

8. Grass seed.

9. Ground-nut seed.

10. Lucerne seed.

11. Maize seed.

12. Mango seed.

13. Pea seed.

14. Peach seed, including nectarine.

15. Pepper seed (*Piper nigrum*).

16. Pyrethrum seed.

17. Soya-bean seed.

18. Tobacco seed.

19. Tomato seed.

20. Cocoa-beans and cacao products.

21. Fruits, flowers and vegetable seeds and propagating materials

**FIFTH SCHEDULE** ([*Section 10*](NULL#10))

REPEALS

|  |  |
| --- | --- |
| ***Title*** | ***Federal Government Notice No.*** |
| Plant Pests and Diseases (Importation) Regulations, 1960Plant Pests and Diseases (Importation) (Amendment) Regulations, 1963 (No. 1) | 144 of 1960217 of 1963 |
|   | ***Rhodesia Government Notice No.*** |
| Plant Pests and Diseases (Importation) (Amendment) Regulations, 1963 (No. 2)Plant Pests and Diseases (Importation) (Amendment) Regulations, 1970 (No. 3)Plant Pests and Diseases (Importation) (Amendment) Regulations, 1970 (No. 4)Plant Pests and Diseases (Importation) (Amendment) Regulations, 1973 (No. 5) | 709 of 1963108 of 1970583 of 1970620 of 1973 |