

Serial Number 1952 127



THE PLANT QUARANTINE REGULATIONS 1952

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 25th day of June 1952

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Orchard and Garden Diseases Act 1928 and the Stock Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

INTRODUCTORY

1. (1) These regulations may be cited as the Plant Quarantine Regulations 1952.

(2) These regulations shall come into force on the day three months after the date of their notification in the *Gazette*.

2. (1) In these regulations, unless the context otherwise requires,—

“The Act” means the Orchard and Garden Diseases Act 1928:

“Country or place of origin” means the country or place in which any fruit or plant was produced, raised, or grown:

“Director” means the Director of the Horticulture Division of the Department of Agriculture; and includes any officer of that Division, or any other person acting with the authority of the Director for the purposes of these regulations:

“Nursery stock” means every kind and species of plant, including bud wood, scions, and other portions of a plant; but does not include potatoes and other vegetables, fruit, seeds, or the bulb, corm, rhizome, or tuber of any ornamental plant, a unit of which when propagated produces a single plant:

“Plant Quarantine Officer” means an officer of the Department of Agriculture for the time being appointed an Inspector under the Act and authorized by the Director to carry out the duties of a Plant Quarantine Officer under these regulations:

“Stored product” means any dried fruit, grain, edible nuts, or other plant product used or intended for use for any purpose other than sowing, planting, or propagation; but does not include fresh fruit or vegetables or any plant product which has been subjected to any process of manufacture.

(2) Unless the context otherwise requires, expressions used in these regulations shall have the same meaning as in the Orchard and Garden Diseases Act 1928.

(3) A certificate under the hand of the Director as to whether or not any insect or disease is known or believed to exist in any country shall, in the absence of proof to the contrary, be sufficient evidence of any such fact stated in the certificate.

3. Nothing in these regulations shall derogate from any provision of the Apiaries Act 1927, the Introduction of Plants Act 1927, the Seeds Importation Act 1927, or any other Act, or of any orders or regulations made thereunder.

4. Except as provided in subclause (5) of regulation 23 hereof, where pursuant to these regulations a health certificate is required to accompany any consignment of fruit, plants, nursery stock, or seed that may by these regulations be introduced into New Zealand, that certificate shall be in or to the effect of Form No. 1 in the First Schedule hereto, and shall be signed by an authorized officer of the appropriate Department or service performing the functions or duties relating to horticulture in the country or place of origin, and shall contain such further certificates as may by these regulations be required to be included in the said form in respect of the introduction from the country or place of origin of the particular kind of plant or plant product to which the certificate relates.

PROHIBITED IMPORTS

5. (1) No person shall introduce into New Zealand—

(a) Any form of fungus, bacterium, or virus, or any living stage of any invertebrate animal, which may directly or indirectly injure or cause an unhealthy condition in any fruit or plant:

(b) Any fruit, plant, or seed named or described in the Second Schedule hereto, directly or indirectly, from any country or place named or described and set opposite the name or description of that fruit, plant, or seed in the said Schedule.

(2) Without limiting the provisions of subclause (1) of this regulation, it is hereby declared that it shall not be lawful for any passenger, officer, or member of the crew of any ship or aircraft, or any member of any naval, military, or air force, to introduce into New Zealand as part of his baggage or personal effects any fruit or plant unless all the provisions of these regulations have been duly complied with in respect of the fruit or plant:

Provided that nothing in this subclause shall be deemed to prohibit the introduction into New Zealand of any pineapples, lemons, or bananas in an unripe condition if obtained from any country or place where oriental fruit fly (*Dacus dorsalis* Hendl.) is believed not to exist.

6. No person shall introduce into New Zealand any fruit, plant, or seed, the introduction of which is permitted by these regulations, otherwise than in accordance with the provisions of these regulations, or of any stipulation, permit, or condition given or imposed under these regulations.

7. (1) Except as otherwise provided in these regulations, or with the consent of the Director, no person shall introduce into New Zealand any soil, sand, clay, or earth, whether by itself, or on or around or with any plant or plant material, or as packing in any form, or as ballast for any aircraft, ship, or vessel, or on or with or adhering to any goods whatsoever.

(2) Notwithstanding the provisions of subclause (1) of this regulation, clean sand may be used as ballast for any aircraft arriving in New Zealand, but if so used as ballast, or if any soil, sand, clay, or earth is used as ballast for any ship or vessel, it shall not be lawful for the owner of that aircraft, ship, or vessel to remove or discharge any such ballast therefrom without the permission of a Plant Quarantine Officer or otherwise than in accordance with such conditions as he may specify in granting such permission.

PORTS AND AIRPORTS OF ENTRY

8. (1) The following ports and airports are hereby appointed to be the only ports and airports of entry for such plants, seed, and nursery stock as may be introduced into New Zealand under these regulations, that is to say—

(a) The ports of Auckland, Wellington, Lyttelton, Dunedin, and Bluff:

(b) The airports of Whenuapai, Ohakea, Harewood, Mechanics Bay, and Evans Bay.

(2) The ports and airports named in subclause (1) of this regulation and the ports of Gisborne, Napier, New Plymouth, Wanganui, Nelson, Picton, Timaru, Oamaru, and Port Chalmers are hereby appointed to be the only ports and airports of entry for such fruit, vegetables, and stored products as may be introduced into New Zealand under these regulations.

(3) In addition to the ports and airports of entry for fruit and plants appointed by this regulation, the Director may from time to time by notice published in the *Gazette* appoint any other port or airport named in the notice to be a port or airport of entry for fruit or plants or any specified fruit or plant named in the notice.

ADMISSION OF BULBS, CORMS, RHIZOMES, AND TUBERS OF ORNAMENTAL PLANTS

9. (1) Subject to the provisions of these regulations, bulbs, corms, rhizomes, and tubers of any ornamental plant may be introduced into New Zealand from any country or place.

(2) Every consignment of bulbs, corms, rhizomes, or tubers introduced into New Zealand under this regulation shall be accompanied by a health certificate.

(3) Where on inspection of any such consignment for the purpose of supplying the health certificate referred to in subclause (2) of this regulation the inspecting officer of the country of origin has found the consignment to be infested with insect pests, the certificate shall include particulars of the date, place, and nature of the treatment to which the consignment has been subjected so as effectively to destroy those insect pests.

ADMISSION OF STORED PRODUCTS

10. Subject to the provisions of these regulations, stored products may be introduced into New Zealand from any country or place without being accompanied by a health certificate.

ADMISSION OF FRUIT (INCLUDING TOMATOES)

11. (1) This regulation applies to all fruit (including tomatoes) except fruit of a specified kind or from a specified country or place in respect of which other provision is made by these regulations.

(2) Subject to the provisions of these regulations, all fruit to which this regulation applies may be introduced into New Zealand from any country or place except—

- (a) Any country or place where oriental fruit fly (*Dacus dorsalis*) is known to exist; or
- (b) Any country or place where any other harmful species of fruit fly (Family Trypetidae) is known to exist.

(3) Every consignment of fruit to which this regulation applies and which is introduced into New Zealand under this regulation shall be accompanied by a health certificate, which shall include a certificate to the effect that the consignment is packed in clean new packages not previously used for any purpose.

FRUIT FROM PACIFIC ISLANDS (INCLUDING TOMATOES AND CITRUS FRUIT)

12. (1) Subject to the provisions of these regulations, fruit (including tomatoes and citrus fruit, but not including vegetables) may be introduced into New Zealand from any island in the Pacific Ocean, except any such island where oriental fruit fly (*Dacus dorsalis*) is known to exist and, in the case of citrus fruit, any place where citrus canker [*Xanthomonas citri* (Hesse) Dowson] is known to exist.

(2) Except as provided in subclause (3) of this regulation, every consignment of fruit introduced into New Zealand under this regulation shall be accompanied by a health certificate which shall include a certificate to the effect that the fruit has been subjected to fumigation with hydrogen cyanide for a period of not less than one hour or to such other method of treatment as may be approved by the Director, that, in the case of citrus fruit, citrus canker (*Xanthomonas citri*) does not occur in the place of origin of the fruit, and that the fruit is packed in clean new packages not previously used for any purpose.

(3) Where any consignment of fruit introduced into New Zealand under this regulation consists of bananas, lemons, limes, pineapples, or tomatoes in an unripe condition when shipped or transported, it shall not be necessary to subject that fruit to fumigation before being shipped or transported, but the health certificate to accompany that fruit as required by this regulation shall include a certificate to the effect that the fruit was shipped or transported in an unripe condition instead of the certificate of fumigation aforesaid.

BANANAS, LEMONS, LIMES, AND PINEAPPLES IN AN UNRIPE CONDITION AND FRUIT NOT THE HOST OF HARMFUL SPECIES OF FRUIT FLY (FAMILY TRYPETIDAE) FROM PLACES OTHER THAN THE PACIFIC ISLANDS

13. (1) Subject to the provisions of these regulations, bananas, lemons, limes, and pineapples in an unripe condition when shipped or transported, and any fruit (other than vegetables) which is not the host of any harmful species of fruit fly (Family Trypetidae), may be introduced into New Zealand from any country or place, except any country or place where oriental fruit fly (*Dacus dorsalis*) is known to exist and, in the case of lemons or limes, any place where citrus canker (*Xanthomonas citri*) is known to exist.

(2) Every consignment of fruit to which this regulation applies and which is introduced into New Zealand under this regulation shall be accompanied by a health certificate which shall include a certificate to the effect that the consignment is packed in clean new packages not previously used for any purpose, and in the case of lemons or limes that citrus canker (*Xanthomonas citri*) does not occur in the place of origin of the fruit, and that the fruit is free from scale insects or has been effectively fumigated prior to shipment:

Provided that, where any such consignment consists of bananas, lemons, limes, or pineapples in an unripe condition when shipped or transported, the health certificate to accompany that fruit as required by this regulation shall include a certificate to the effect that the fruit was shipped or transported in an unripe condition.

(3) This regulation shall not apply to fruit introduced into New Zealand from any island in the Pacific Ocean pursuant to regulation 12 hereof.

CITRUS FRUIT (OTHER THAN UNRIPE LEMONS AND LIMES AND CITRUS FRUIT FROM THE PACIFIC ISLANDS)

14. (1) Subject to the provisions of these regulations, citrus fruit may be introduced into New Zealand from any country or place, except any island in the Pacific Ocean or any country or place where oriental fruit fly (*Dacus dorsalis*) is known to exist.

(2) Except as provided in regulation 15 or regulation 16 hereof, every consignment of citrus fruit introduced into New Zealand under this regulation shall be accompanied by a health certificate which shall include a certificate to the effect that citrus canker (*Xanthomonas citri*) does not occur in the place of origin of the fruit, that the fruit was grown and packed in an area not less than fifty miles from an area infested with any harmful species of fruit fly (Family Trypetidae), that the fruit is free from scale insects or has been effectively fumigated prior to shipment, and that the consignment is packed in clean new packages not previously used for any purpose.

15. (1) Notwithstanding the provisions of subclause (2) of regulation 14 hereof but subject to subclause (1) of that regulation, citrus fruit may be introduced into New Zealand under this regulation if before being shipped or transported the following conditions with respect to that fruit have been complied with, namely:—

- (a) The fruit shall be deposited in a cool store equipped with suitable cooling plant and recording instruments and approved by the Director for the purposes of this regulation:
- (b) Forthwith on deposit in the approved cool store the fruit shall be cooled to a temperature of 31 degrees Fahrenheit and shall be held within one degree above or below that temperature for a period of not less than twenty-one consecutive days before being removed from the cool store for shipment:
- (c) If not removed for shipment immediately after the expiration of the period prescribed in paragraph (b) of this subclause, the fruit shall thereafter be held in the cool store at a maximum temperature of 40 degrees Fahrenheit until removed from the cool store for shipment.

(2) Every consignment of citrus fruit introduced into New Zealand under this regulation shall be accompanied by a health certificate and by a thermograph chart covering the period of cool store sterilization signed by an authorized officer of the cool store.

(3) The health certificate required by this regulation to accompany citrus fruit introduced into New Zealand under this regulation shall include a certificate to the effect that the fruit has been cool stored prior to shipment as required by this regulation, that citrus canker (*Xanthomonas citri*) does not occur in the place of origin of the fruit, and that the fruit is packed in clean new packages not previously used for any purpose.

(4) If the requirements of this regulation have not been complied with, the fruit shall be dealt with as the Plant Quarantine Officer at the port or airport of entry may direct pursuant to regulation 31 hereof.

16. (1) Notwithstanding the provisions of subclause (2) of regulation 14 hereof, but subject to subclause (1) of that regulation, citrus fruit may be introduced into New Zealand under this regulation if the following conditions with respect to the transport of that fruit have been complied with, namely:—

- (a) The cool store (if any) at the place of loading on board ship and the refrigerated compartments of the vessel on which the fruit is loaded shall be approved by the Director for the purposes of this regulation:
- (b) Each refrigerated compartment of the vessel shall be cooled by forced air circulation, preferably from ceiling to floor, be adequately insulated, and be provided with temperature recording instruments approved by the Director:
- (c) Where the period during transit from the port of export to New Zealand is of such duration that the fruit cannot be held at a temperature within one degree above or below 31 degrees Fahrenheit for twenty-one consecutive days unless the fruit has been cooled to a temperature not exceeding 34 degrees Fahrenheit prior to loading on board ship at that port, the fruit shall be so precooled and shall be loaded in such a manner that its temperature does not rise above 34 degrees Fahrenheit:
- (d) Forthwith after loading on board ship, whether or not the fruit has been precooled as aforesaid, it shall be cooled to a temperature of 31 degrees Fahrenheit:
- (e) During transit to New Zealand the fruit shall be held within one degree above or below the temperature of 31 degrees Fahrenheit for a period of not less than twenty-one consecutive days and thereafter at a maximum temperature of 40 degrees Fahrenheit until the fruit is landed at a port of entry in New Zealand.

(2) Every consignment of citrus fruit introduced into New Zealand under this regulation shall be accompanied by a health certificate and by the prescribed records showing the temperature of the fruit during transit to New Zealand.

(3) The health certificate required by this regulation to accompany citrus fruit introduced into New Zealand under this regulation shall include a certificate to the effect that the fruit was cooled before shipment as prescribed by this regulation, or loaded on ship without being cooled, that citrus canker (*Xanthomonas citri*) does not occur in the place of origin of the fruit, and that the fruit is packed in clean new packages not previously used for any purpose.

(4) The prescribed records referred to in subclause (2) of this regulation shall consist of four temperature records taken continuously throughout the period of shipment to New Zealand and shall be taken from each compartment of the vessel in which the fruit is stored by means of suitable automatic temperature recording instruments under the control of a responsible officer of the owner of the vessel. Each of the temperature records shall show a variation of not more than one degree from the prescribed temperature of 31 degrees Fahrenheit at any time during transit to New Zealand, except in so far as heavy seas may cause oscillation of the thermographs, and these records shall be supplied to the Plant Quarantine officer at the port of entry in New Zealand.

(5) If the requirements of this regulation have not been complied with, the fruit shall be dealt with as the Plant Quarantine Officer at the port of entry may direct pursuant to regulation 31 hereof.

GRAPES

17. (1) Subject to the provisions of these regulations, grapes may be introduced into New Zealand from any country or place except any country or place where oriental fruit fly (*Dacus dorsalis*) is known to exist.

(2) Except as provided in regulation 18 hereof, every consignment of grapes introduced into New Zealand under this regulation shall be accompanied by a health certificate which shall include a certificate to the effect that the fruit was grown and packed in an area not less than fifty miles from an area infested with any species of harmful fruit fly (Family Trypetidae), that no grape vine foliage or wood is attached to the fruit, and that the fruit is packed in clean new packages not previously used for any purpose.

18. (1) Notwithstanding the provisions of subclause (2) of regulation 17 hereof, but subject to subclause (1) of that regulation, grapes may be introduced into New Zealand under this regulation if they have been cool stored before shipment or shipped in cool store chambers on the vessel in which they are conveyed, and, except as otherwise provided by this regulation, the provisions of regulation 15 hereof governing the cool storing of citrus fruit before shipment to New Zealand or the provisions of regulation 16 hereof governing the conveyance of citrus fruit in cool store chambers during shipment to New Zealand, as the case may be, shall apply, with the necessary modifications, to every consignment of grapes under this regulation.

(2) Every consignment of grapes introduced into New Zealand under this regulation shall be accompanied by a health certificate which shall include a certificate to the effect that the fruit has been cool stored prior to shipment or cooled before shipment or loaded on ship without being cooled as required by these regulations, that no grape vine foliage or wood is attached to the fruit, and that the fruit is packed in clean new packages not previously used for any purpose.

ADMISSION OF VEGETABLES (EXCLUDING TOMATOES)

19. (1) This regulation applies to all vegetables except any vegetable of a specified kind in respect of which other provision is made by these regulations.

(2) Subject to the provisions of these regulations, all vegetables to which this regulation applies may be introduced into New Zealand from any country or place except any country or place where oriental fruit fly (*Dacus dorsalis*) is known to exist:

Provided that nothing in this subclause shall be deemed to prohibit the introduction of kumaras from any country or place where oriental fruit fly (*Dacus dorsalis*) is known to exist:

(3) Every consignment of vegetables to which this regulation applies and which is introduced into New Zealand under this regulation shall be accompanied by a health certificate which shall include a certificate to the effect that the consignment is packed in clean new packages not previously used for any purpose and that the vegetables are reasonably free from soil.

POTATO TUBERS FOR CONSUMPTION

20. (1) Subject to the provisions of these regulations, potato tubers for consumption may be introduced into New Zealand from any country or place except any place where any of the diseases mentioned in this regulation is known to exist.

(2) Every person who proposes to use other than new packages for packing any consignment of potato tubers to be introduced into New Zealand under this regulation shall first obtain a permit from the Director authorizing the use of secondhand packages subject to such conditions as he thinks fit.

(3) Every consignment of potato tubers for consumption shall be accompanied by a health certificate which shall include a certificate to the effect that the diseases yellow dwarf virus, ring rot (*Corynebacterium sepedonicum* S. & K.), wart disease (*Synchytrium endobioticum* Schilb. and Pers.), Colorado potato beetle (*Leptinotarsa decemlineata* Say), and golden eelworm (*Heterodera rostochiensis* Woll.) do not occur in the place of origin, that the potato tubers are reasonably free from soil, and that the consignment is packed in clean new packages not previously used for any purpose or in authorized secondhand packages.

POTATO TUBERS FOR SEED

21. (1) Subject to the provisions of these regulations, potato tubers for planting as seed potatoes may be introduced into New Zealand from any country or place.

(2) Every person desiring to introduce any seed potatoes under this regulation shall first obtain a permit from the Director authorizing their introduction subject to such conditions as he thinks fit, including a condition requiring their detention in quarantine for a period of twelve months or for one growing season after their introduction before being released therefrom.

(3) The quantity of seed potatoes of any one variety that may be introduced into New Zealand in any calendar year by any person under this regulation shall not exceed 28 lb:

Provided that the quantity of seed potatoes of any one variety that may be so introduced into New Zealand in any calendar year by any person from Tasmania may exceed 28 lb.

(4) Every consignment of seed potatoes introduced into New Zealand under this regulation shall be accompanied by a health certificate which shall include a certificate to the effect that the diseases yellow dwarf virus, ring rot (*Corynebacterium sepedonicum*), wart disease (*Synchytrium endobioticum*), Colorado potato beetle (*Leptinotarsa decemlineata*), and golden eelworm (*Heterodera rostochiensis*) do not occur in the place of origin, that the seed potatoes are free from soil, and that the consignment is packed in clean new packages not previously used for any purpose.

ADMISSION OF NURSERY STOCK

22. (1) Subject to the provisions of these regulations, nursery stock may be introduced into New Zealand from any country or place:

Provided that the nursery stock named in the Second Schedule hereto shall not be introduced from the countries or places set opposite the name of that nursery stock in the said Schedule.

(2) Every person desiring to introduce nursery stock under this regulation shall first obtain a permit from the Director authorizing introduction subject to such conditions as he thinks fit, including a condition requiring detention of the nursery stock in quarantine for a period of not less than one growing season or twelve months from the date of planting after entry into quarantine before being released therefrom:

Provided that the Director may from time to time by notice published in the *Gazette* authorize the introduction without a permit under this subclause of such nursery stock as he may specify in that behalf in the notice.

(3) Each species of plant included in any consignment of nursery stock introduced into New Zealand under this regulation shall be labelled with the name of that species and the consignment shall be accompanied by a health certificate which shall, in the case of citrus stock introduced into New Zealand from the Commonwealth of Australia, include a certificate to the effect that the nursery in which the citrus stock has been raised was inspected within one month prior to the removal of the citrus stock and found to be free from the disease known as citrus root rot [*Phytophthora citrophthora* (Sm. & Sm.) Leon] and that citrus canker (*Xanthomonas citri*) does not occur in the place of origin of the nursery stock.

ADMISSION OF SEEDS

23. (1) Subject to the provisions of these regulations, the seed of any plant may be introduced into New Zealand from any country or place:

Provided that the seed of the plants named in the Second Schedule hereto shall not be introduced from the countries or places set opposite the name of that seed in the said Schedule.

(2) Every consignment of seed introduced into New Zealand under this regulation shall be accompanied by a health certificate.

(3) The health certificate required by this regulation to accompany all seed introduced into New Zealand under this regulation shall in the case of every consignment of maize, sweetcorn, or popcorn seed (*Zea mays* L.) include a certificate to the effect that the crop from which the seed was obtained was inspected by an authorized officer of the appropriate Department or service performing the functions or duties relating to horticulture in the country or place of origin of the seed, that no bacterial wilt [*Xanthomonas stewartii* (Sm.) Dow.] was found in the crop, nor has this disease been previously recorded on the area on which the crop was grown, and that the seed has been treated for the control of boil smut (*Ustilago zaeae*) and brown spot (*Physoderma zaeae-maydis*) prior to shipment with an organic mercurial seed treatment or some other effective method of treatment for those diseases to be stated in the certificate.

(4) If the health certificate accompanying any consignment of maize, sweetcorn, or popcorn seed (*Zea mays*) introduced into New Zealand under this regulation does not include a certificate to the effect that the seed has been treated for the control of boil smut (*Ustilago zaeae*) and brown spot (*Physoderma zaeae-maydis*) as required by subclause (3) of this regulation, the consignment shall be subjected to similar treatment for the control of those diseases at the port or airport of entry pursuant to regulation 31 hereof.

(5) Notwithstanding the provisions of regulation 4 hereof, if the country or place of export of any seed other than maize, sweetcorn, and popcorn seed (*Zea mays*) introduced into New Zealand under this regulation is not the country or place of origin of that seed, the health certificate required by this regulation to accompany every consignment of that seed may be signed by an authorized officer of the appropriate Department or service performing the functions or duties relating to horticulture in the country or place from which the seed is exported.

(6) Where any consignment of seed should, in the opinion of the Plant Quarantine Officer at the port or airport of entry, be fumigated or otherwise treated, he shall deal with the consignment as provided in regulation 29 hereof.

PACKING MATERIAL

24. No person shall use as packing material for any nursery stock, plant, or seeds which may be introduced into New Zealand under these regulations any substance other than moss, sawdust, ground cork, wood-wool, vermiculite, charcoal, or vegetable fibre free from pulp:

Provided that any such substance when used as packing material under this regulation shall be clean and free from disease.

INTRODUCTION BY POST

25. Where any fruit or plants are introduced into New Zealand under these regulations by post, the package containing the fruit or plants shall be clearly and legibly marked with an indication of its contents.

INTRODUCTION FOR SPECIAL PURPOSES

26. Notwithstanding anything in these regulations, it shall be lawful for any person, with a prior permit in writing from the Director and subject to such conditions as to quantity or otherwise as may be specified in the permit, to introduce into New Zealand from any specified country or place any nursery stock, fruit, plant, insect, or other thing specified in the permit the introduction of which is, in the opinion of the Director, necessary or advisable for any scientific or other specified purpose.

PROCEDURE AT PORTS AND AIRPORTS OF ENTRY

27. On arrival at any port or airport of entry prescribed by or under these regulations of any consignment of fruit or plants the introduction of which into New Zealand is permitted by these regulations the consignment or such representative portion thereof as the inspecting officer deems sufficient shall be inspected by a Plant Quarantine Officer.

28. If on inspection of any consignment of fruit or plants the introduction of which into New Zealand is permitted by these regulations the inspecting officer is satisfied that all the requirements of these regulations governing the introduction of that consignment have been duly complied with, and that the consignment is free from disease and may be landed without further restriction, he shall issue an unconditional permit to land the consignment in or to the effect of the Form No. 2 in the First Schedule hereto:

Provided that this regulation shall not apply to any consignment consisting of potato tubers for planting as seed potatoes or of nursery stock the introduction of which into New Zealand is permitted by these regulations.

29. If on inspection of any such consignment the inspecting officer is satisfied that, although all the requirements of these regulations governing the introduction of that consignment have been duly complied with, the consignment is nevertheless infected with disease, or should in the opinion of the inspecting officer be fumigated or otherwise treated before being released to the importer, he shall issue a conditional permit to land the consignment in or to the effect of the Form No. 2 in the First Schedule hereto, subject to the consignment being treated in the manner stated in the permit before being so released:

Provided that this regulation shall not apply to any consignment consisting of potato tubers for planting as seed potatoes or of nursery stock the introduction of which into New Zealand is permitted by these regulations.

30. If on inspection of any such consignment, either on its arrival at the port or airport of entry or at any time before it is released from quarantine, the inspecting officer is satisfied that, although all the requirements of these regulations governing the introduction of that consignment have been duly complied with, the consignment is nevertheless infected with disease and in the opinion of the inspecting officer cannot be effectively treated to eradicate the disease, the consignment shall be reshipped, destroyed, or otherwise disposed of as the inspecting officer may direct at the expense of the importer.

31. If on inspection of any such consignment, either on its arrival at the port or airport of entry or at any time before it is released from quarantine, the inspecting officer is satisfied that the requirements of these regulations governing the introduction of that consignment have not been complied with, the consignment shall, together with all packages comprised therein, be seized by the inspecting officer or an officer of Customs and shall be treated, detained in quarantine, reshipped, destroyed, or otherwise disposed of as the inspecting officer may direct at the expense of the importer.

32. If on inspection of any consignment consisting of potato tubers for planting as seed potatoes the inspecting officer is satisfied that all the requirements of these regulations governing the introduction of those seed potato tubers have been duly complied with, and that those seed potato tubers are free from disease or not so infected with disease that they should be dealt with in the manner provided by regulation 30 hereof, he may issue a conditional permit to land those seed potatoes in or to the effect of the Form No. 2 in the First Schedule hereto, subject to their being treated in the manner stated in the permit and detained in quarantine on land approved by the Director for the period and subject to the conditions specified in regulation 38 hereof before being released to the importer.

33. If on inspection of any consignment consisting of nursery stock the inspecting officer is satisfied that all the requirements of these regulations governing the introduction of that nursery stock have been duly complied with, and that the nursery stock is free from disease or not so infected with disease that the nursery stock should be dealt with in the manner provided by regulation 30 hereof, he may issue a

conditional permit to land that nursery stock in or to the effect of the Form No. 2 in the First Schedule hereto, subject to its being treated in the manner stated in the permit and detained in quarantine on land approved by the Director for the period and subject to the conditions specified in regulation 39 hereof before being released to the importer.

34. If any fruit, plant, fungus, insect, soil, or other substance, material, or thing specified in these regulations the introduction of which into New Zealand is prohibited by these regulations is introduced or attempted to be introduced into New Zealand, it shall, together with any package containing it, be seized by a Plant Quarantine Officer or an officer of Customs and shall be reshipped, destroyed, or otherwise disposed of at the expense of the person introducing or attempting to introduce it.

35. In the exercise of his powers under these regulations the inspecting officer may require to be opened or may open any package or baggage and inspect and examine any goods arriving in New Zealand from overseas and may require any person arriving in New Zealand (including any officer or member of the crew of any aircraft or vessel, whether belonging to Her Majesty's forces or otherwise) to make a declaration on a form to be provided for the purpose as to whether he has any fruit or plants in his possession as part of his personal effects or baggage, and every such person shall afford to the inspecting officer all reasonable facilities and assistance in carrying out any such inspection and examination.

OVERSEAS AIRCRAFT

36. (1) Forthwith after the arrival at any airport of entry prescribed by or under these regulations of any aircraft from any overseas country or place, the aircraft, together with its cargo and baggage, shall be inspected, examined, and treated in the manner prescribed by this regulation, and no person shall remove any baggage or cargo from the aircraft without the authority of a Plant Quarantine Officer.

(2) The inspection, examination, and treatment referred to in subclause (1) of this regulation shall be carried out by a Plant Quarantine Officer and shall include—

- (a) Inspection and examination of the aircraft, its cargo and commissary stores, and the personal effects and baggage of the passengers and crew of the aircraft;
- (b) Fumigation or spraying with an insecticide of every compartment of the aircraft immediately after the disembarkation of passengers;
- (c) Treatment in such manner as a Plant Quarantine Officer thinks fit of any personal effects or baggage of any passenger or member of the crew of the aircraft if in his opinion such treatment is advisable.

(3) If the commander of any such aircraft produces to a Plant Quarantine Officer at its first airport of entry in New Zealand a certificate to the effect that the same or substantially the same inspection, examination, and treatment as that prescribed by subclause (2) of this regulation was carried out immediately before the departure of the aircraft from its last airport of call before landing in New Zealand, the aircraft, its cargo and commissary stores, and the personal effects and baggage of its passengers and crew may be exempted from further treatment in New Zealand.

POST-ENTRY TREATMENT AND QUARANTINE

37. Where a conditional permit to land any consignment of fruit or plants is issued pursuant to regulation 29 hereof, the consignment shall forthwith be removed from the port or airport of entry under the supervision of a Plant Quarantine Officer and treated to his satisfaction in the manner specified in the permit before being released to the importer.

38. Where a conditional permit to land any consignment of seed potato tubers is issued pursuant to regulation 32 hereof, the consignment shall be dealt with in the following manner:—

- (a) The seed potato tubers shall forthwith be removed from the port or airport of entry by or on behalf of the importer to a quarantine ground approved by the Director and planted in the presence of an Inspector; and all resultant plants and crops shall be deemed for the purposes of these regulations to form part of the consignment of potato tubers from which they grew:
- (b) As soon as practicable after removal to a quarantine ground the seed potato tubers shall be planted and the growing crop shall be kept under observation and inspection by an Inspector or other person duly authorized by the Director for the period hereinafter specified:
- (c) The period of observation and inspection referred to in paragraph (b) of this regulation shall be a period of twelve months or one growing season from the date of planting:
- (d) No potato tubers shall be released from the resultant crop until they have been inspected by an Inspector or other person duly authorized by the Director and a written notice of release has been issued by him to the importer.

39. Where a conditional permit to land any consignment of nursery stock is issued pursuant to regulation 33 hereof, the consignment shall be dealt with in the following manner:—

- (a) The nursery stock shall forthwith be removed from the port or airport of entry by or on behalf of the importer to a quarantine ground approved by the Director and opened in the presence of an Inspector:
- (b) Forthwith after removal to the quarantine ground the nursery stock shall be planted and shall be kept under observation and inspection by an Inspector or other person duly authorized by the Director for the period hereinafter specified; and all resultant plants and crops shall be deemed for the purposes of these regulations to form part of the consignment of nursery stock from which they grew:
- (c) The period of observation and inspection referred to in paragraph (b) of this regulation shall—
 - (i) In the case of deciduous or herbaceous plants, be one complete growing season from the date of planting or such further period as the Director thinks advisable:
 - (ii) In the case of all other plants, be a period of twelve months from the date of planting or such further period as the Director thinks advisable:
- (d) No nursery stock shall be released from quarantine under this regulation until it has been inspected after the period of detention has expired by an Inspector or other person duly authorized by the Director and a written notice of release has been issued by him to the importer.

INSPECTION AND OTHER FEES AND CHARGES

40. (1) All labour connected with the opening and repacking of fruit or plants for inspection under these regulations shall be provided at the expense of the owner or person in charge thereof.

(2) For every package of fruit, vegetables, or plants imported into New Zealand under these regulations and inspected at the port or airport of entry there shall be payable an inspection fee of 1d. per package:

Provided that where in any consignment the number of packages of such goods does not exceed twelve an inspection fee of 1s. shall be payable.

(3) All fees payable under subclause (2) of this regulation shall be paid to the Collector of Customs on or before the entry of the goods for home consumption or to the Postmaster in the case of packages imported by post.

41. (1) Where any consignment of fruit or plants imported into New Zealand is fumigated, destroyed, or otherwise treated pursuant to these regulations there shall be payable the respective fees for such fumigation, destruction, or other treatment set forth in the Third Schedule hereto.

(2) The fees payable under this regulation shall be payable by the person by whom or on whose behalf any consignment of fruit or plants is imported and shall be computed on the total number of packages comprised in any one consignment imported by the same importer.

42. (1) Where seed potatoes or nursery stock are inspected during detention in the quarantine ground under these regulations there shall be payable the inspection fees set forth in the Third Schedule hereto.

(2) The fees payable under this regulation shall be paid to the Collector of Customs on or before the entry of the seed potatoes or nursery stock for home consumption or to the Postmaster in the case of packages imported by post.

OFFENCES AND PENALTY

43. Every person commits an offence against the Act and shall be liable accordingly on summary conviction to a fine not exceeding £20 who—

- (a) Introduces or attempts to introduce into New Zealand any fruit, plant, or other thing the introduction of which is prohibited by these regulations:
- (b) Introduces or attempts to introduce into New Zealand any fruit, plant, or other thing the introduction of which is permitted by these regulations contrary to the provisions of these regulations:
- (c) Removes or attempts to remove any fruit, plant, or other such thing or any package containing the same from any wharf, port, airport, or landing place within New Zealand without first having obtained a permit from a Plant Quarantine Officer in or to the effect of the Form No. 2 in the First Schedule hereto:
- (d) Otherwise acts in contravention of or fails to comply in any respect with the provisions of these regulations or any permit, stipulation, direction, or condition given, issued, or imposed under these regulations.

REVOCATIONS AND SAVINGS

44. (1) The regulations specified in the Fourth Schedule to these regulations are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

SCHEDULES

Reg. 4]

[Form No. 1

FIRST SCHEDULE

Forms

CERTIFICATE OF HEALTH FOR PLANTS AND PLANT PRODUCTS

Plant Protection Service of No.

THIS is to certify that the plants, parts of plants, or plant products described below or representative samples of them were thoroughly examined on [Date] by [Name of examining officer], an authorized officer of the [Service], 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 additional certificates hereon and otherwise.

Fumigation or disinfection treatment:—

Date: Treatment:
 Duration of exposure: Chemical and concentration:

Additional certificates:

(Signature.)

(Designation.)

[STAMP OF THE SERVICE.]

(Date.)

Description of the consignment:—

- Name and address of exporter:
- Name and address of consignee:
- Number and description of packages:
- Distinguishing marks:
- Origin:
- Means of conveyance:
- Point of entry:
- Quantity and name of produce:
- Botanical name:

FIRST SCHEDULE—*continued*

Regs. 28 and 29]

[Form No. 2

PERMIT TO LAND FRUIT OR PLANTS

19.....

To the Collector of Customs,

I HEREBY authorize the fruit (plant, plant products, seeds, or things), ex ".....", described below to be landed subject to the following conditions: [Insert particulars of treatment or other restrictions (if any) to which the goods shall be subjected before being released to the importer].

Mark.	Number.	Description.

.....
Inspector under the Orchard and Garden Diseases Act 1928.

SECOND SCHEDULE

PROHIBITED FRUIT, PLANTS, AND PLANT PRODUCTS

Particulars of Fruit, Plant, or Plant Product.	Country or Place From Which Prohibited.	Reason for Prohibition.
All fruit and vegetables	All countries and places where oriental fruit fly (<i>Dacus dorsalis</i>) is known to exist	Oriental fruit fly (<i>Dacus dorsalis</i>).
All fruit except fruit permitted by regulations 11 to 18	All countries and places where any harmful species of fruit fly (Family Trypetidae) is known to exist	Fruit flies (Family Trypetidae).
Blueberry (<i>Vaccinium</i> spp.)	All countries and places	Virus diseases.
Citrus stocks, seedlings, and budded or grafted trees (except citrus seed)	All countries and places except the Commonwealth of Australia	Citrus canker (<i>Xanthomonas citri</i>); Citrus root rot (<i>Phytophthora citrophthora</i>); virus diseases.
Citrus fruit	All places where citrus canker (<i>Xanthomonas citri</i>) is known to exist	Citrus canker (<i>Xanthomonas citri</i>).
Grape vine (<i>Vitis</i> spp.)	Europe, North America, and any other country or place where vine mosaic virus or Pierce's disease is known to exist	Vine mosaic virus; Pierce's disease (alfalfa dwarf virus).
Hop (<i>Humulus</i> spp.), including hop sets and seed	All countries and places	Virus diseases; downy mildew (<i>Pseudoperonospora humili</i>).

SECOND SCHEDULE—continued

PROHIBITED FRUIT, PLANTS, AND PLANT PRODUCTS—continued

Particulars of Fruit, Plant, or Plant Product.	Country or Place From Which Prohibited.	Reason for Prohibition.
Kumara or sweet potato (<i>Ipomoea batatas</i>)	Commonwealth of Australia, North America, Continent of Asia, Tonga, Fiji, and any other country or place where kumara weevil (<i>Euscepes postfasciatus</i>), sweet potato weevil (<i>Cylas formicarius</i>), internal canker virus, curly top virus, or soil-rot (<i>Actinomyces</i> sp.) is known to exist	Kumara weevil (<i>Euscepes postfasciatus</i>); sweet potato weevil (<i>Cylas formicarius</i>); curly top virus; soil-rot (<i>Actinomyces</i> sp.); internal canker virus.
Potato tubers (<i>Solanum tuberosum</i>)	All places where potato wart (<i>Synchytrium endobioticum</i>), potato ring-rot (<i>Corynebacterium sepedonicum</i>), potato yellow dwarf virus, Colorado potato beetle (<i>Leptinotarsa decemlineata</i>), or golden eelworm (<i>Heterodera rostochiensis</i>) is known to exist	Potato wart (<i>Synchytrium endobioticum</i>), potato ring-rot (<i>Corynebacterium sepedonicum</i>), potato yellow dwarf virus; Colorado potato beetle (<i>Leptinotarsa decemlineata</i>); golden eelworm (<i>Heterodera rostochiensis</i>).
Potato plants and seed <i>Pyrus</i> spp.—e.g., apple, pear, quince	All countries and places Europe, Great Britain, Northern Ireland, the Republic of Ireland, North and South America, and all other countries and places where brown rot (<i>Sclerotinia fructigena</i> and <i>S. laxa</i>) is known to exist.	Virus diseases. Brown rot (<i>Sclerotinia fructigena</i> and <i>S. laxa</i>).
<i>Prunus</i> spp.—e.g., peach, plum, apricot, cherry, almond	Europe, Asia, Great Britain, Northern Ireland, the Republic of Ireland, North and South America, and all other countries and places where brown rot (<i>Sclerotinia fructigena</i> and <i>S. laxa</i>) or virus diseases are known to exist.	Brown rot (<i>Sclerotinia fructigena</i> and <i>S. laxa</i>): virus diseases—e.g., cherry yellows and phoney peach.
Seed of <i>Prunus</i> spp.	North and South America	Virus diseases.
<i>Ribes</i> spp.—e.g., Currants	All countries and places	Virus diseases.
<i>Rubus</i> spp.—e.g., Raspberry	All countries and places	Virus diseases.
Sunflower (<i>Helianthus annuus</i>), including seed	Argentina	Sunflower virus disease.
Tobacco plant (<i>Nicotiana</i> sp.)	North and South America, Commonwealth of Australia, and all other countries and places where blue mould (<i>Peronospora tabacina</i>), tobacco wildfire (<i>Pseudomonas tabaci</i>), or tobacco yellow dwarf virus disease is known to exist.	Blue mould (<i>Peronospora tabacina</i>); tobacco wildfire (<i>Pseudomonas tabaci</i>); tobacco yellow dwarf virus disease.
Tobacco seed	All countries and places	Virus diseases.

Regs. 41 and 42]

THIRD SCHEDULE

SCALE OF FEES FOR FUMIGATION, DESTRUCTION, AND OTHER TREATMENT OF IMPORTED FRUIT, PLANTS, AND SEEDS, AND INSPECTION OF QUARANTINE SEED POTATOES AND NURSERY STOCK

1. For the purposes of this Schedule the term "standard bushel package" means a package the inside measurements of which are 10½ in. by 11½ in. by 18 in.; and includes any package whose corresponding inside measurements are in each case within ½ in. of those specified.
2. For fumigation or other treatment of a consignment of fruit contained in standard bushel packages—
 - (a) Where the number of packages does not exceed 100 6d. per package.
 - (b) Where the number of packages exceeds 100, each additional package 4d. per package.
 - (c) Minimum charge in respect of any one consignment 2s. 6d.
3. For fumigation or other treatment of a consignment of fruit contained in packages other than standard bushel packages the fee shall be computed at one half the rate prescribed in clause 2 of this Schedule where the packages used are of a size less than the standard bushel package and at one and a half times that rate where the packages used are greater than the standard bushel package.
4. For fumigation or other treatment of packages of fruit imported by post—
 - (a) Packages not exceeding ½ cubic foot capacity 1s. per package.
 - (b) For each additional ½ cubic foot capacity of any package 6d.
5. For destruction of packages of fruit—
 - (a) Imported otherwise than by post 6d. per package.
 - (b) Imported by post 1s. per package.
6. For fumigation or other treatment of a consignment of plants—
 - (a) Not exceeding ½ cubic foot capacity 1s.
 - (b) For each additional ½ cubic foot capacity but not exceeding 3 cubic feet capacity 6d.
 - (c) Exceeding 3 cubic feet but not exceeding 10 cubic feet capacity 5s.
 - (d) Exceeding 10 cubic feet but not exceeding 25 cubic feet capacity 6s.
 - (e) Exceeding 25 cubic feet but not exceeding 50 cubic feet capacity 7s. 6d.
 - (f) Exceeding 50 cubic feet but not exceeding 75 cubic feet capacity 9s.
 - (g) Exceeding 75 cubic feet but not exceeding 100 cubic feet capacity 10s. 6d.
 - (h) Exceeding 100 cubic feet capacity 15s.
7. For fumigation or other treatment of a consignment of seeds or grain—
 - (a) Where the number of packages does not exceed 100 1s. per package.
 - (b) Where the number of packages exceeds 100 9d. for each additional package.
8. For destruction of packages of plants, seeds, and grain—
 - (a) Not exceeding 3 cubic feet capacity 1s.
 - (b) Exceeding 3 cubic feet capacity 2s.
9. For inspection of nursery stock or the growing crop of seed potatoes while in quarantine: Where the number of plants in any one consignment—
 - (a) Does not exceed 50 10s.
 - (b) Exceeds 50 but does not exceed 100 £1
 - (c) For every additional 100 plants or part of 100 plants in excess of 100 £1, but so that the maximum fee payable under this clause shall not exceed £10.

Reg. 44]

FOURTH SCHEDULE
TABLE OF REVOKED REGULATIONS

Title or Subject Matter.	Published in <i>Gazette</i> .	
	Year.	Page.
Regulations under Orchard and Garden Diseases Act 1908	1915	3100
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1917	1401
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1917	1404
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1919	2433
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1922	1581
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1922	2431
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1922	2943
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1924	2220
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1926	529
Amendments to Regulations under Orchard and Garden Diseases Act 1908	1927	2193
Amendments to Regulations under Orchard and Garden Diseases Act 1928	1932	1249
Regulations under Orchard and Garden Diseases Act 1928	1933	1901
Amendments to Regulations under Orchard and Garden Diseases Act 1928	1933	1941
	Published in Statutory Regulations.	
	Year.	Page.
Fruit or Plants Importation Amending Regulations 1941	1941	1941/84 310
Fruit and Plants Importation Amending Regulations 1949	1949	1949/57 250
The Introduction of Soil Prohibition Order 1952	1952	1952/57 210

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations consolidate and amend the regulations under the Orchard and Garden Diseases Act 1928 and the Stock Act 1908 governing the importation of fruit, plants, plant products, and soil into New Zealand with a view to preventing the introduction of plant diseases and insect pests that attack plants and plant products. The procedures have been adapted in the light of those in force in overseas countries, and so as to take into account modern methods of transport, including aircraft. The regulations provide—

- (a) For the prohibition of the importation of certain fruit, plants, and things;
- (b) For the control of the importation of other fruit, plants, and plant products;
- (c) For quarantine of seed potatoes and nursery stock;
- (d) For the inspection and treatment of overseas aircraft;
- (e) For the control of the introduction of soil into New Zealand.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 June 1952.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 5269.)