

CHAPTER 35:02
PLANT PROTECTION
ARRANGEMENT OF SECTIONS

SECTION

PART I
Preliminary

1. Short title
2. Interpretation

PART II
Administration

3. Designation of National Plant Protection Organisation
4. Functions of National Plant Protection Organisation
5. Appointment of plant inspectors
6. Powers and duties of plant inspectors
7. Enforcement by plant inspectors
8. Detention certificate
9. Designation of laboratories and analysts

PART III
Imports

10. Restrictions on imports
11. Importation of plants, etc.
12. Examination and treatment of imported plants, etc.
13. Official powers regarding imported articles
14. Powers of Minister
15. Plant quarantine stations
16. Duty of other agents

PART IV
Containment and Eradication of Pests

17. Duty to notify NPPO of quarantine pests
18. Quarantine
19. Treatment and destruction of infected plants
20. Lifting of quarantine
21. Pest free areas and areas of low pest prevalence

PART V
Exports and Re-exports

22. Requirements for exports and re-exports
23. Inspection of exports

PART VI
Liability, Appeals and Offences

24. Protection from liability
25. Compensation
26. Appeals
27. Offences

PART VII
Miscellaneous

28. Minister's powers of exemption
29. Regulations

30. Repeal and savings

First Schedule - Quarantine Pests for Botswana
Second Schedule - Regulated Non-quarantined Pests for Botswana
Third Schedule - Detention Certificate
Fourth Schedule - Approved Ports of Entry
Fifth Schedule - Plant Import Permit
Sixth Schedule - Phytosanitary Certificate
Seventh Schedule - Re-export Phytosanitary Certificate

Proc. 19, 1959,
G.N. 7, 1959,
Law 30, 1962,
HMC. Order 1, 1963,
L.N. 84, 1966,
Act 21, 2007,
S.I. 17, 2009.

An Act to prevent the introduction, spread and establishment of plant pests; to facilitate trade in plants; to enable Botswana to comply with its international obligations; and to provide for matters incidental thereto.

[Date of Commencement: 1st April 2009]

PART I

Preliminary (ss 1-2)

1. Short title

This Act may be cited as the Plant Protection Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"affected" means infected or infested with a pest;

"area" means an area, place or site of production;

"area of low pest prevalence" means an area, whether the whole of Botswana or part of Botswana, as identified by the Minister, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;

"beneficial organism" means any organism including fungus, bacteria, virus, virus-like organisms and invertebrate or any other animal which is declared by the Minister in writing to be beneficial to flora or agricultural production;

"Committee" means the Appeals Committee established under section 26;

"consignment" means a quantity of plants, plant products or other regulated articles being moved from one country to another and covered, when required, by a single phytosanitary certificate;

"contain" means to apply phytosanitary measures in and around an infested area to prevent the spread of a pest;

"container" means a box, bag or other receptacle in which plants, plant products or other regulated articles that may carry pests have been or are being transported;

"control" means to suppress, contain or eradicate a pest population;

"conveyance" means any vessel, aircraft, train, vehicle, cart, container, animal or other thing that can convey plants, plant products, pests, beneficial organisms or other regulated articles from one place to another;

"detain" means to keep a consignment in official custody or confinement for phytosanitary reasons, and "detention" shall have a corresponding meaning;

"entry" means the movement of a pest into an area where it is not yet present, or

present but not widely distributed and being officially controlled;

"eradicate" means to apply phytosanitary measures to eliminate a pest from an area, and "eradication" shall have a corresponding meaning;

"establishment", in relation to a pest, means the perpetuation, for the foreseeable future, of a pest within an area after entry;

"germplasm" means plants intended for use in breeding or conservation programmes;

"importer" means anyone who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or in any way entitled to the custody of any plant, plant product, pest, beneficial organism or other regulated article landed or likely to be landed in Botswana from another country;

"inspection" means official visual examination of plants, plant products or other regulated articles to determine if pests are present or to determine compliance with phytosanitary standards;

"introduction" means the entry of a pest resulting in its establishment in Botswana;

"IPPC" means the International Plant Protection Convention;

"Secretariat" means the Secretariat appointed under Article XII of the International Plant Protection Convention;

"National Plant Protection Organisation" (in this Act referred to as "the NPPO") means the official unit designated by the Minister under section 3 to discharge the functions assigned to such unit under the IPPC;

"occupier", in relation to any land or building, means a person in actual occupation thereof;

"official control" means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests;

"outbreak" means an isolated pest population, recently detected and expected to survive for the immediate future;

"owner", in relation to any thing, includes any person having for the time being the possession, custody or control thereof;

"packaging" means any material used to pack, contain or keep plants, plant products or other regulated articles;

"pest" means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

"pest free area" means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;

"pest risk analysis" means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

"phytosanitary certificate" means a certificate patterned after the model certificate of the IPPC, and which is set out in the Sixth Schedule;

"phytosanitary measure" means any legislation, regulation or official procedure having the purpose of preventing the introduction or spread of quarantine pests, or limiting the economic impact of regulated non-quarantine pests;

"plant" means living plants or parts thereof, including seeds and germplasm;

"plant inspector" means any person appointed or designated to carry out the functions of a plant inspector under this Act;

"plant product" means any unmanufactured material of plant origin (including grain) and those manufactured products which, by their nature or that of their processing, may create a risk for the introduction and spread of pests;

"pre-clearance" means phytosanitary certification or clearance in the exporting country,

performed by or under the supervision of the NPPO;

"premises" means land or any building or other structure situated on land;

"quarantine pest" means a pest of potential economic importance to the area endangered thereby, not yet present there, or present but not widely distributed and being officially controlled, and declared as such in the First Schedule to this Act;

"re-export phytosanitary certificate" means a certificate in the form set out in the Seventh Schedule;

"regular business hours" means the normal operating hours of government offices in Botswana;

"regulated article" means any storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved, and includes beneficial organisms;

"regulated non-quarantine pest" means any pest which is not a quarantine pest, whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of Botswana, and which is declared as such in the Second Schedule;

"regulated pest" means a quarantine pest or a regulated non-quarantine pest;

"surveillance" means an official process which collects and records data on pest occurrence or absence by survey, monitoring or other procedures;

"treatment" means an officially authorised procedure for the killing or removal of pests or rendering pests infertile.

PART II

Administration (ss 3-9)

3. Designation of National Plant Protection Organisation

The Minister shall designate a government unit dealing with plant health matters to serve as the National Plant Protection Organisation for Botswana.

4. Functions of National Plant Protection Organisation

The NPPO shall perform at least the following functions-

- (a) implementation of the IPPC and the International Standards for Phytosanitary Measures, including the following responsibilities-
 - (i) issuing phytosanitary certificates and import certificates,
 - (ii) carrying out surveillance of growing plants, including areas under cultivation and wild flora, and of plants and plant products in storage or in transit, for the purpose of reporting the occurrence, outbreak and spread of pests, and of controlling those pests,
 - (iii) inspecting consignments of plants and plant products and, where appropriate, inspecting other regulated articles, for the purpose of preventing the introduction and spread of pests,
 - (iv) carrying out pre-clearance inspections where requested,
 - (v) disinfesting or disinfecting consignments of plants, plant products and other regulated articles,
 - (vi) protecting endangered areas, and designating, maintaining and surveying pest free areas and areas of low pest prevalence,
 - (vii) providing justification to other countries concerning phytosanitary measures to be applied, either through pest risk analysis or by reference to applicable international standards,
 - (viii) notifying trading partners of relevant instances of non-compliance with import requirements,
 - (ix) ensuring the phytosanitary security of consignments after certification and before export,

- (x) establishing auditing and trace-back procedures for plants, plant products and other regulated articles for phytosanitary certification,
- (xi) establishing any minimum qualifications for and overseeing training and development of plant inspectors and other NPPO staff,
- (xii) distributing information regarding regulated pests and the means of their prevention and control,
- (xiii) proposing, reviewing, preparing and enforcing phytosanitary measures and other necessary legislation,
- (xiv) notifying phytosanitary measures to other countries in accordance with international obligations,
- (xv) providing information regarding import and export regulations in force, and technical requirements for plants, plant products and other regulated articles, on request of any interested international, regional or other national plant protection organisation;
- (b) the enforcement of the present Act, as well as any other legislation relating to plant protection that the Minister may identify;
- (c) the representation of Botswana in bilateral, regional and international forums related to phytosanitary matters;
- (d) the development of pest diagnostic, investigative and „analy„tical capabilities as well as the establishment of laboratories and quarantine stations at such places as the NPPO may consider necessary;
- (e) the establishment of procedures for accreditation of any quarantine station, official analyst, official laboratory or any other person or institution from the public or private sector involved in phytosanitary matters; and
- (f) the performance of any other functions that the Minister considers necessary in order to achieve the objectives of this Act.

5. Appointment of plant inspectors

(1) The Minister may, by notice published in the *Gazette*, and subject to the laws governing the Public Service, appoint such number of persons as may be necessary to be plant inspectors under this Act.

(2) A plant inspector shall, when discharging his or her duties or exercising his or her powers under this Act, comply with any direction which may be issued by the Minister or the Head of the NPPO.

6. Powers and duties of plant inspectors

(1) A plant inspector may-

- (a) inspect plants, plant products or other regulated articles under cultivation, in storage or in transit, for the purposes of detecting and reporting the existence, outbreak or spread of pests listed in the First and Second Schedules;
- (b) expose the roots of, remove the bark of, cut, peg, tag or mark any plant which he or she believes is likely to harbour pests;
- (c) inspect consignments of plants, plant products or other regulated articles destined for import into or export from Botswana so as to determine whether they are affected, and, where necessary, verify the pest status of consignments by the taking of samples or otherwise; and
- (d) open any container which he or she believes to contain any growing material or any plant liable to harbour pests.

(2) Without prejudice to the provisions of subsection (1), a plant inspector shall-

- (a) ensure the disinfection or disinfestation of consignments of plants, plant products or other regulated articles destined for import into or export from Botswana, as well as their containers, packaging, storage places and transport facilities; and
- (b) ensure that where waste is being disposed of from-

- (i) an aircraft and other conveyances arriving in Botswana, and
- (ii) premises which process or wash imported plants, plant products or other regulated articles,
no threat to plant resources in Botswana is caused;
- (c) issue phytosanitary certificates where he or she is so authorised by the NPPO;
- (d) inspect and certify exports of plants, plant products and other regulated articles from Botswana;
- (e) at the invitation of an exporting country, carry out an inspection on the territory of the exporting country as a pre-clearance inspection;
- (f) carry out detection activities and maintain up-to-date information on the pest status of Botswana;
- (g) institute inquiries and request information or documentation upon suspicion that the provisions of this Act are being violated; and
- (h) attend to such other matters as the NPPO may prescribe.

7. Enforcement by plant inspectors

(1) A plant inspector may without a warrant enter and inspect any land, area or premises where he or she suspects that a contravention of this Act has taken or is taking place.

(2) A plant inspector who suspects that any person, container or conveyance entering or moving within Botswana is harbouring a pest, may stop and without a warrant search such person, container or conveyance.

(3) Where the seal on a sealed container containing plants, plant products or other regulated articles is to be broken, a plant inspector must be present.

(4) A plant inspector may, in the performance of his or her functions under this section, be accompanied and assisted by a police officer.

(5) A plant inspector shall, when discharging his or her duties or exercising his or her powers under this Act, have in his or her possession and produce on request, an identity card in such form as may be prescribed, as evidence of his or her identity and his or her appointment by the Minister as a plant inspector.

(6) In the course of an inspection carried out under subsections (1) to (3), a plant inspector may, as he or she considers necessary, seize, destroy, detain, treat or otherwise dispose of any plant, plant product or any other regulated article, or order that any such action be taken, at the expense of the owner.

8. Detention certificate

Any plant inspector who causes anything to be seized, detained, treated, disposed of or destroyed in accordance with this Act shall immediately provide a detention certificate in the form set out in the Third Schedule, and shall, as soon as practicable, notify in writing the owner or person in possession of the thing of, the steps taken and the reasons therefore.

9. Designation of laboratories and analysts

The Minister, on the advice of the Head of the NPPO, may designate one or more-

- (a) laboratories to be official laboratories; and
- (b) analysts to be official analysts and carry out analyses, under this Act.

PART III

Imports (ss 10-16)

10. Restrictions on imports

(1) Plants, plant products and other regulated articles may be imported into Botswana only at the approved ports of entry listed in the Fourth Schedule.

(2) The NPPO may prohibit the importation of certain plants, plant products or other regulated articles except where accompanied by an original phytosanitary certificate dated not later than the prescribed time period before the entry of the items into Botswana.

(3) Any person who contravenes the provisions of subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding P2 000, or to imprisonment for a term not

exceeding one year, or to both.

11. Importation of plants, etc.

(1) No person shall import any plant, plant product or regulated article unless he or she has a permit issued by the NPPO in the form set out in the Fifth Schedule.

(2) An application for a permit referred to in subsection (1) shall be made to the NPPO in such form and accompanied by such fee as may be prescribed.

(3) The NPPO may attach, to any permit issued under subsection (1), such conditions as it considers necessary.

(4) In the evaluation of an application for an import permit, the NPPO shall apply existing international standards or conduct pest risk analysis in order to determine the applicable phytosanitary requirements.

(5) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding one year, or to both.

12. Examination and treatment of imported plants, etc.

(1) Any person who imports any plant, plant product or regulated article shall immediately declare the item and deliver it to a plant inspector or other representative of the NPPO.

(2) A plant inspector or representative of the NPPO, upon receipt of an item in terms of subsection (1) may-

- (a) examine the plant and its container as well as any required accompanying documentation;
- (b) if the presence of any regulated pest thereon is established or reasonably suspected, cause the same to be treated at the expense of the importer; and
- (c) if he or she considers that any measures taken or to be taken under paragraph (b) are, or are likely to be, ineffective and he or she considers the pest to have the potential to cause an unacceptable impact on the plant resources of Botswana, or if the imported articles are not accompanied by the required documentation, cause the imported articles to be re-exported or destroyed.

(3) Inspections under this section shall be carried out during regular business hours, except where the plants, plant products or other regulated articles are in transit or extremely perishable or where their entry has otherwise been delayed, in which case, upon application by the importer and upon payment of any prescribed fee, the NPPO may agree to an inspection being carried out at any other time.

(4) Upon application by the importer and where the container has been sealed and marked as prescribed, certain plants, plant products and other regulated articles may be inspected by a plant inspector at their final destination.

(5) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding one year, or to both.

13. Official powers regarding imported articles(1) Where, after their entry into Botswana or after treatment, imported plants, plant products or other regulated articles lie un-claimed for a period of time specified by regulations, the NPPO may take action to destroy them.

(2) The costs and responsibility for any action taken under subsection (1) or section 12 (2) (b) or (c) shall be borne by the importer, except where in exceptional cases the NPPO determines that the government should take responsibility for the associated costs.

(3) The government's assumption of financial responsibility in specific instances under subsection (2) is without prejudice to its later recovering the costs as a civil debt.

(4) The Government of Botswana shall bear no liability for the destruction or disposal of plants, plant products or other regulated articles imported into Botswana in contravention of this

Act.

14. Powers of Minister

The Minister may, on the advice of the NPPO-

- (a) prohibit or restrict the entry of any plants, plant products or other regulated articles;
- (b) take any other necessary action to prevent the introduction or spread of pests listed in the First Schedule;
- (c) permit the entry of any plant, plant product or regulated article for scientific or experimental purposes, subject to such terms and conditions as the Minister considers appropriate; or
- (d) by order amend any Schedule to this Act.

15. Plant quarantine stations

The NPPO may-

- (a) designate certain places as plant quarantine stations where plants, plant products or other regulated articles may be kept for phytosanitary observation, research, inspection, testing, treatment, detention or destruction; and
- (b) require that imported material be kept or cultivated at a plant quarantine station, or at any other location identified by the NPPO, and kept under the NPPO's supervision for such time as it deems necessary.

16. Duty of other agents

(1) Any employee of the postal service or a private shipping concern, or any official of the Department of Customs and Excise or the Botswana Police Service, who learns of the arrival of any plants, plant products or other regulated articles in Botswana, shall promptly report such arrival to the NPPO and shall detain such plants, plant products or other regulated articles until the inspector takes custody of them.

(2) Any detention carried out under subsection (1) shall be deemed to be an action taken on delegation from the NPPO.

(3) The NPPO shall take custody of any items detained under subsection (1) within three days of their detention.

(4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding one year, or to both.

PART IV

Containment and Eradication of Pests (ss 17-21)

17. Duty to notify NPPO of quarantine pests

(1) The occupier or owner of any land or premises on which a pest listed in the First Schedule is present or is suspected to be present shall immediately notify the NPPO.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding one year, or to both.

18. Quarantine

(1) If the Minister is satisfied that any pest listed in the First Schedule is present at any premises he or she may, by giving written notice to the occupier thereof, order that those premises be under quarantine, and he or she may renew the order, where necessary, for such periods as he or she may specify.

(2) An order made under subsection (1) shall remain in force until it is revoked by the Minister.

(3) Any person who contravenes any order issued under subsection (2) shall be guilty of an offence and liable to a fine not exceeding P5 000, or to imprisonment for a term not exceeding three years, or to both.

(4) For the purpose of this section, "quarantine" may include-

- (a) prohibiting the movement of people, conveyances, plants, plant products or other

- regulated articles from or to a specified location;
- (b) prohibiting the planting or replanting of a specified location;
- (c) ordering the owner or occupier of land, or of land in the vicinity, to take certain actions as outlined in section 19 (1);
- (d) marking, tagging, pegging or otherwise identifying particular plants or areas;
- (e) taking samples of plants, plant products or other regulated articles; or
- (f) any other measure which the Minister on the advice of the NPPO deems necessary under the circumstances.

19. Treatment and destruction of infected plants

(1) The Head of the NPPO may, by notice in writing addressed to the owner or occupier of any premises under quarantine, order the owner or occupier-

- (a) to take such steps as he or she may prescribe in the notice, for the treatment of any plant at the said premises;
- (b) to destroy any plant on the premises which is-
 - (i) infected with any pest which treatment has failed or is unable to eradicate and which is considered by the Minister to be dangerous, or
 - (ii) any plant on the premises reasonably suspected of being so infected or infested.

(2) Where an order is made by the Minister under this section and the owner or occupier fails to comply therewith, the Minister shall be entitled to take such steps as may be necessary to carry out its terms and to recover from the occupier, as a civil debt, the cost of so doing.

(3) Any person who contravenes any order issued under subsection (1) shall be guilty of an offence and liable to a fine not exceeding P5 000, or to imprisonment for a term not exceeding three years, or to both.

20. Lifting of quarantine

The Head of the NPPO shall regularly review the situation in respect of any land placed under quarantine, and as soon as either-

- (a) the relevant quarantine pest is considered no longer to be present; or
- (b) he or she determines that it is no longer appropriate for the quarantine to be maintained in respect of some or all of the affected land,

he or she shall, by written notice served on all affected owners or occupiers of land, lift the quarantine.

21. Pest free areas and areas of low pest prevalence

(1) Where the NPPO-

- (a) is satisfied that a pest is not present in an area;
- (b) adopts phytosanitary measures to keep the area referred to in paragraph (a) free of the pest; and
- (c) institutes a surveillance system to verify that an area remains free of the pest, the Minister may declare it a pest free area.

(2) Where the NPPO-

- (a) is satisfied that a pest occurs at low levels in an area;
- (b) adopts phytosanitary measures to keep the pest levels low in the area referred to in paragraph (a); and
- (c) institutes a surveillance system to verify that the pest levels in the area referred to in paragraph (a) remain low,

the Minister may declare it an area of low pest prevalence.

PART V

Exports and Re-exports (ss 22-23)

22. Requirements for exports and re-exports

(1) No person shall export plants, plant products or other regulated articles from Botswana unless he or she-

- (a) applies to the NPPO in the manner prescribed by the Minister;

- (b) provides all documentation required by regulations;
- (c) makes the consignment available for inspection as required; and
- (d) pays a prescribed fee.

(2) Any person who contravenes any order issued under subsection (1) shall be guilty of an offence and liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding one year, or to both.

23. Inspection of exports

(1) The NPPO shall, upon application by an exporter, cause an inspection of the consignment to be carried out, and shall-

- (a) issue a phytosanitary certificate in the form set out in the Sixth Schedule or a re-export phytosanitary certificate in the form set out in the Seventh Schedule where-
 - (i) the consignment meets the importing country's documentary and other requirements for export, or
 - (ii) the consignment satisfies any other requirements for export elaborated by the NPPO or established under any other applicable legislation in Botswana; or
- (b) deny certification where the requirements listed in subsection (1) (a) have not been met.

(2) The exporter shall pay a prescribed fee upon issuance, by the NPPO, of a phytosanitary certificate or re-export phytosanitary certificate under subsection (1) (a).

(3) The NPPO may withdraw certification where conditions have changed and the new conditions no longer justify the issuance of the applicable phytosanitary certificate.

PART VI

Liability, Appeals and Offences (ss 24-27)

24. Protection from liability

No liability shall attach to the Government, Minister, Head of the NPPO, plant inspector or other representative of the NPPO for any matter or thing done bona fide for the purpose of executing any provision of this Act.

25. Compensation

(1) The Government of Botswana shall bear no liability for the destruction or disposal of plants, plant products or other regulated articles, carried out under the authority of this Act.

(2) Notwithstanding subsection (1), compensation may be payable from public funds for any plant destroyed under section 13 (1) or 19 (1) (b).

(3) Compensation under this section shall, in default of agreement between the Head of the NPPO and the occupier, be assessed by two assessors, one nominated by the Head of the NPPO and one by the occupier.

(4) Where the assessors referred to in subsection (3) fail to agree on the compensation, the occupier may refer the matter to the committee.

26. Appeals

(1) There shall be an Appeals Committee established by the Minister to hear appeals under this section.

(2) The committee shall consist of a Chairperson appointed by the Minister and two other members.

(3) Any owner or occupier of land, owner or operator of a conveyance or owner or importer of plants, plant products or other regulated articles who is aggrieved by the decision of the NPPO or a plant inspector to destroy, dispose of or treat such plants, plant products or other regulated articles may lodge an appeal to the Appeals Committee established by the Minister to hear appeals.

(4) An appeal referred to under subsection (3) shall be lodged within 30 days of the decision of the NPPO or a plant inspector.

(5) Upon an appeal being filed, the Minister shall take all reasonable steps to stay the destruction, disposal or treatment of the articles pending a determination of the appeal by the

Committee, except where, in the opinion of the Minister, any delay would create a significant risk of harm to plant resources in Botswana.

(6) A determination by the Committee under subsection (5) shall not prejudice the right of any aggrieved party to seek recourse in the courts.

27. Offences

Any person, either personally or indirectly through an employee or agent, who-

- (a) grows, possesses, sells, offers for sale, transports or distributes in any manner any plants, plant products or other regulated articles knowing that they are affected by a pest listed in the First Schedule;
- (b) intentionally permits or causes the introduction or spread of any pest listed in the First Schedule;
- (c) assaults, resists, intimidates, threatens or obstructs any inspector exercising lawful powers under this Act;
- (d) tampers with any samples taken under this Act;
- (e) fails to safeguard the phytosanitary security of a consignment after issuance of a phytosanitary certificate;
- (f) fails to allow a search or inspection or the taking of any sample authorised under this Act;
- (g) breaks the seal on a sealed container containing plants, plant products or other regulated articles except in the presence of a plant inspector or other representative of the NPPO;
- (h) removes, destroys, mutilates or interferes with any stake, peg, tag or other mark put in place by a plant inspector or other representative of the NPPO;
- (i) knowingly or recklessly provides information which is false, for the purpose of obtaining any document under this Act;
- (j) alters, forges, defaces or destroys any document issued under this Act; or
- (k) otherwise contravenes the provisions of this Act,

shall be guilty of an offence and liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding one year, or to both.

PART VII

Miscellaneous (ss 28-30)

28. Minister's powers of exemption

The Minister may, in writing, exempt any person or type of plant from any of the provisions of this Act on such conditions as he or she may see fit to impose.

29. Regulations

The Minister may make regulations for the better carrying out of the provisions of this Act and, without prejudice to the generality of this section, may make regulations-

- (a) providing for-
 - (i) the disinfection, disposal or destruction of pests or plants affected or reasonably suspected of being infected by a pest,
 - (ii) the disinfection, fumigation or other treatment of any conveyance, building, land or container used for storage or conveyance of any plant, agricultural produce or anything else likely to infect a plant with a pest, and
 - (iii) the location, management and functioning of any plant quarantine stations established under this Act; and
- (b) prescribing-
 - (i) procedures to be followed by plant inspectors in the exercise of their powers under this Act,
 - (ii) conditions for the import of any plants, plant products or other regulated articles,
 - (iii) the circumstances under which phytosanitary requirements for import may be modified based on pest risk analysis,

- (iv) procedures and guidelines for pre-clearance inspections,
- (v) the manner in which permits and certificates shall be issued under this Act, and their form, content and language,
- (vi) the procedures by which an importer may apply for inspection to take place at any location other than the port of entry, or outside of regular business hours, and pay any applicable fees,
- (vii) the manner in which containers must be sealed and marked if they are to be inspected at their final destination rather than at the port of entry,
- (viii) the way in which plants, plant products and other regulated articles must be stored or transported in Botswana,
- (ix) the procedures to be adopted for the treatment of imported plants, plant products or other regulated articles and the conveyances bringing them into Botswana,
- (x) the location, management and operation of any plant quarantine stations established under this Act,
- (xi) the requirements for the control and care of plants, plant products and other regulated articles kept or maintained at plant quarantine stations,
- (xii) the manner in which inspectors shall arrange for the destruction, removal, uprooting or treatment of plants, plant products or other regulated articles within an area or location declared as under quarantine,
- (xiii) the period within which it shall not be lawful to plant or re-plant any thing in all or part of an area declared to be under quarantine,
- (xiv) the manner in which any samples must be taken, marked and retained under this Act,
- (xv) the operating procedures of any official laboratories and official analysts so designated under this Act,
- (xvi) the process by which an area may be declared pest free or declared an area of low pest prevalence,
- (xvii) conditions for the export of any plants, plant products or other regulated articles,
- (xviii) operating procedures for the inspection of plants, plant products or other regulated articles for purposes of export,
- (xix) the procedures to be followed for lodging an appeal against actions taken by plant inspectors or other representatives of the NPPO under this Act, and
- (xx) additional measures to be taken for the purpose of preventing the introduction or spread of pests.

30. Repeal and savings

(1) The Plant Diseases and Pests Act (in this section referred to as "the repealed Act"), isCap. 35:02 hereby repealed.

(2) An order issued by the Minister under this Act may revoke or modify any permit or certificate granted by authority of the repealed Act.

(3) All regulations made under the repealed Act in force upon the coming into effect of this Act shall continue in force as if they were issued under the present Act, except where they conflict with the provisions or purposes of this Act.

FIRST SCHEDULE QUARANTINE PESTS FOR BOTSWANA

(ss 2, 6, 14, 17 (1), 18 (1) and 27)

Acanthospermum australe
 Achaea janata
 Acleris comariana
 Acrolepiopsis assectella
 Aculops pelekassi
 Adoretus sinicus

African cassava mosaic bigeminivirus
Agrius convolvuli
Agrobacterium rhizogenes
Alabama argillacea
Alectra vogelli
Alfalfa dwarf virus
Alfalfa mosaic alfamovirus
Alternaria alternata
Amaranthus thunbergii
Amphimallon majalis
Amrasca devastans
Anachris spp.
Anastrepha fraterculus
Anastrepha ludens
Anastrepha optans obliqua
Anomalla orientalis
Anthonomas grandis
Anthonomus signatus
Aphelenchoides besseyi
Aphelenchoides fragariae
Aphelenchoides ritzemabosi
Aphis forbesi
Argenome mexicana
Artichoke Italian latent virus
Aster yellows phytoplasma
Atherigona oryzae
Atta cephalotes
Bactrocera tryoni
Bean common mosaic potyvirus
Beet curly top hybrigeminivirus
Belonolaimus longicaudatus
Belonolaimus nortoni
Blissus leucopterus
Botritis byssoidea
Brevipalpus chilensis
Bruchus rufimanus
Bryobia repensi
Cannabis sativa
Cassava brown streak potyvirus
Cerotoma trifurcata
Chaetanaphothrips signipennis
Chilo auriculus
Chilo infuscatellus
Cirsium vulgare
Citrus impietratura virus
Corynebacterium flaccumfaciens
Clavibacter michiganense pv sepedonicum
Cochliobolus heterostrophus
Coniella diplodiella
Coniothyrium wernsdorffiae
Clavibacter michiganense pv nebraskene
Cotton leaf curl virus
Cuscutta spp.
Cylas puncticolis
Cyrtoamanus mirabilis
Datura ferox

Datura stramonium
Daucus tsuneonis
Diaphorina citri
Diaprepes abbreviatus
Diatraea saccharalis
Ditylenchus destructor
Ditylenchus dipsaci
Dysdercus koenigii
Dysdercus sidae
Eichornia spp.
Elasmopalpus lignosellus
Elodea spp.
Empoasca fabae
Eutetranychus carpini vitis
Eutetranychus willametti
Epicaerus cognatus
Epilachna variestris
Epirix fasciata
Erwinia stewartii
Erwinia viticola
Etiella zinckenella
Euproctis similis
Eutetranychus banksi
Eutetranychus sexmaculatus
Euzophera osseatella
Flavescence doree
Fusarium oxysporum f. sp. lycopersici
Globodera rostochiensis
Grapevine Bulgarian latent virus
Grapevine chrome mosaic virus
Grapevine yellows
Gromonia fragariae
Guignardia bidwelli
Guignardia fulvida
Hakea gibbosa
Hakea sericea
Hakea suaveolens
Harpalus rutipes
Heliothis punctigera
Heliothis virescens
Heterodera glycine
Hydrocharitaceae
Leptonotarsa decemlineata
Liberbacter asiaticum
Liberobacter africanum
Liberobacter spp.
Mononychellus tanajoa
Mycosphaerella citri
Mycosphaerella zeae-maydis
Mythimna separata
Myzus ascalonius
Nacoleia octasema
Opuntia aurantiaca
Opuntia imbricata
Ostrinia furnacalis
Otiorynchus cribricollis

Otiorynchus sulcatus
Parabemisia myricae
Paraplanobia myops
Parasa lepida
Pea seed borne mosaic virus
Peach rosette mosaic virus
Peanut stripe potyvirus
Peanut mottle potyvirus
Pepper mild mottle tobamovirus
Periconia circinata
Peronosclerospora sacchari
Phoma pinodella
Phyllocoptruta musae
Phymatotrichum omnivorum
Physopella ampelopsidis
Physopella zeae
Phytophthora erythroseptica
Phytophthora megasperma
Phytobia cepae
Phytophthora fragariae
Phytophthora porri
Pierces disease
Platydera scutigera
Pontedariaceae
Potato spindle tuber viroid
Potato witches broom phytoplasma
Prostephanus truncatus
Pseudococcus maritimus
Pseudomonas alboprecipitans
Pterostichus madidus
Puccinia cacabata
Puccinia pittieriana
Radopholus similis
Ralstonia solanacearum
Ralstonia solanacearum 4 biovar
Raspberry ring spot virus
Remigia repanda
Sacadodes pyralis
Salvinaceae
Salvinia spp.
Sclerospora phillipinensis
Sitona hispidulus
Solanum mauritianum
Soybean stunt virus
Sphaceloma arachidis
Sphacelotheca cruenta
Spodoptera ornithogaalli
Stegasta bosquella
Stephanites typica
Sternochetus frigidus
Strawberry green petal phytoplasma
Strawberry latent ringspot virus
Strawberry lethal decline phytoplasma
Strawberry rickettsia yellows phytoplasma
Strawberry vein banding virus
Strawberry witches broom phytoplasma

Striga asiatica
 Susumia exigua
 Sweet potato feathery mottle virus
 Sweet potato mild mottle ipomovirus
 Synchytrium endobioticum
 Tagetas minuta
 Tanymechus dilaticollis
 Tetranychus canadensis
 Tetranychus mcdanieli
 Tetranychus pacificus
 Tetranychus viennensis
 Tilletia indica
 Tipula paludosa
 Tiracola plagiata
 Tobacco rattle tobnavirus
 Tobacco ringspot virus
 Tobacco streak virus
 Tomato aspermy virus
 Tomato black ring nepovirus
 Tomato bushy stunt tombusvirus
 Tomato ring spot virus
 Trialeurodes flolidensi
 Tribulus terrestris
 Trioza erytreae
 Trogoderma granarium
 Xanthium spinosum
 Xanthium strumarium
 Xanthomonas campestris pv. aurantifolii
 Xanthomonas citri
 Xanthomonas fragariae
 Xylella fastidiosa
 Xylotrupes gideon

SECOND SCHEDULE
REGULATED NON-QUARANTINE PESTS FOR BOTSWANA

(ss 2 and 6)

Cuscuta campestris

East African cassava mosaic virus

THIRD SCHEDULE
DETENTION CERTIFICATE

(s 8)

GOVERNMENT OF BOTSWANA
MINISTRY OF AGRICULTURE

Number.....

TO BE COMPLETED IN BLOCK LETTERS

1. Name and address of importer:
2. Phone numbers: (home)..... (office).....(cell)
3. Officer making detention:
(name, title, identification number)
4. Place of detention (indicate if the goods have been or will be moved):
.....
5. Method of conveyance to place of detention (include make of vehicle and licence plate, if applicable):
.....

6. Goods detained (full description):
7. Reason for detention:
8. Conditions for release:

I hereby declare that the above is a true and accurate description.

.....
Signature of importer
.....
Date

.....
Signature of detaining officer
.....
Date

FOURTH SCHEDULE
APPROVED PORTS OF ENTRY
(s 10 (1))

- Airports*
Gaborone
Kasane
Francistown
Maun
Land crossings - road
Ramatlabama
Ramokgwebana
Tlokweneng
Ramotswa
Lobatse (Pioneer Gate)
Parr's Halt
Martins Drift
Kazungula
Ngoma
Mamuno
Bray
Land points of entry - rail
Ramatlabama (Lobatse/Gaborone)
Ramokgwebana (Francistown)
Water points of entry
Kazungula Ferry
Kasane

FIFTH SCHEDULE
PLANT IMPORT PERMIT
(s 11)

GOVERNMENT OF BOTSWANA
MINISTRY OF AGRICULTURE

Number

TO BE COMPLETED IN BLOCK LETTERS

Permission is granted to.....
(name of importing person/company)

of
(address of importer in importing country)

to import in one consignment, within six months of the date of this permit, from

.....
(name of exporting person/company)
of

through
(address of exporter in exporting country)

(entry point: border/ railway station/ airport/ seaport)

the following
(agricultural produce and products to be imported)

Subject to the following conditions/ requirements:
.....
.....
.....

Additional requirements/declaration by the exporter. I hereby declare that (tick in the box as many as apply):

- the organism does not occur in the COUNTRY of production
- the organism does not occur in the AREA of Production
- the PARENT PLANT(S) were INSPECTED during ACTIVE GROWTH and found free from the organism
- the CONSIGNMENT was TESTED and found free from the organism
- the CONSIGNMENT was treated with an appropriate fumigant not more than 14 days prior to export, especially against the organism

.....
Signature

.....
Date

SIXTH SCHEDULE
PHYTOSANITARY CERTIFICATE
(ss 2 and 23 (1) (a))
GOVERNMENT OF BOTSWANA
MINISTRY OF AGRICULTURE

Number

TO BE COMPLETED IN BLOCK LETTERS

National Plant Protection Organisation of Botswana

To: Plant Protection Organisation of

I. Description of Consignment

Name and address of exporter:.....

Declared name and address of consignee:.....

.....
Number and description of packages:.....

.....
Distinguishing marks:.....

Place of origin:.....

Declared means of conveyance:.....

Declared point of entry:.....

Name of produce and quantity declared:.....

Botanical name of plants:.....

This is to certify that the plants, plant products or other regulated articles „described herein

have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing country and to conform to the current phytosanitary requirements of the importing country, including those for regulated non-quarantine pests.

They are deemed to be practically free from other pests.

II. Additional Declaration

.....
.....
.....

III. Disinfestation and/or Disinfection Treatment

Date:..... Treatment:
Chemical (active ingredient):
Duration of exposure :..... Temperature:
Concentration:..... Additional information:
Place of issue:

(stamp of NPPO)

Name of authorising officer

Date: Signature.....

Note: *No financial liability with respect to this certificate shall attach to the National Plant Protection Organisation of Botswana or to any of its officers or representatives.*

**SEVENTH SCHEDULE
RE-EXPORT PHYTOSANITARY CERTIFICATE**

(s 2 and 23 (1) (a))

**GOVERNMENT OF BOTSWANA
MINISTRY OF AGRICULTURE**

Number:.....

TO BE COMPLETED IN BLOCK LETTERS

National Plant Protection Organisation of Botswana

To: National Plant Protection Organisation of

I. Description of Consignment

Name and address of exporter:.....

Declared name and address of consignee:.....

Number and description of packages.....

Distinguishing marks:.....

Place of origin:.....

Declared means of conveyance:

Declared point of entry:

Name of produce and quantity declared:

Botanical name of plants:

This is to certify that the plants, plant products or other regulated articles described above were imported into Botswana from covered by Phytosanitary Certificate No.

..... the original certified true copy

..... of which (*tick one*) is attached to this certificate; that they are packed

..... repacked

(*tick one*) in original new (*tick one*) containers; that based on the

original phytosanitary certificate (*tick if applicable*) and additional

inspection (*tick if applicable*) they are considered to conform to the current

phytosanitary requirements of the importing country, and that during storage in Botswana, the

consignment has not been subjected to the risk of infestation or infection.

II. Additional Declaration

III. Disinfestation and/or Disinfection Treatment

Date: Treatment:

Chemical (active ingredient)
Duration of exposure Temperature
Concentration Additional information
Place of issue:
(stamp of Organisation)

Name of authorising officer:
Date Signature:

Note: No financial liability with respect to this certificate shall attach to the National Plant Protection Organisation of Botswana or to any of its officers or representatives.