

PLANT DISEASES.

No. 23 of 1914.

Reprinted pursuant to the Amendments Incorporation Act, 1938, as amended by the Acts No. 4 of 1925,* No. 6 of 1926,† No. 21 of 1933,‡ No. 10 of 1935,§ and No. 5 of 1939.||

AN ACT to prevent the Introduction into Western Australia of Diseases affecting Plants, to provide for the Eradication of such Diseases and to prevent the Spread thereof, and to amend and consolidate the Law relating to such matters.

[Assented to 22nd September, 1914.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Plant Diseases Act, 1914-1939*, and shall come into operation on a day to be fixed by proclamation.

Short title and commencement.
No. 23 of 1914, s. 1 :
No. 5 of 1939, s. 3.

2. The Insect Pests Amendment Act, 1898, and the Act 63 Victoriae, No. XIV., are hereby repealed.

Repeal.
No. 23 of 1914, s. 2.

3. All offices, appointments, regulations, rules, proclamations, certificates, orders, permits, instruments, and generally all acts of authority which originated under any enactment repealed by this Act and hereby re-enacted with or without modification, and which are subsisting or in force on or immediately prior to the commencement of this Act shall, subject to this Act, continue in force and

Acts of authority done under repealed enactments to continue in force.
No. 23 of 1914, s. 3.

* Assented to 24th September, 1925; † Assented to 7th October, 1926; ‡ Assented to 13th November, 1933; § Assented to 24th October, 1935; || Assented to 5th October, 1939.

enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, when necessary, be deemed to have so originated.

Interpreta-
tion.
No. 23 of
1914, s. 4.

4. In this Act, subject to the context—

“Covering” includes any case, box, bag, wrapper, packing, or material of whatsoever description designed to contain or be used in the packing of anything;

“Disease” means any parasite, of whatsoever kind, and whether of vegetable or animal nature, which commonly attacks or is found on plants;

“Fruit” means the product of any plant, and includes the peel, skin, or shell of any such product, and also the seeds of any plant;

“Infected” means infected with disease;

“Inspector” means an inspector appointed under this Act or an Act hereby repealed;

“Minister” means the Minister for Agriculture or such other member of the Executive Council as may for the time being be authorised by the Governor to act in place of the Minister for Agriculture in the administration of this Act;

“Occupier” as applied to any orchard or other land or premises includes any person having the charge, management, or control thereof;

“Orchard” means any land used for the purpose of growing or cultivating plants, and includes any garden, farm, vinery, vineyard, and hothouse, and any place where any plant is cultivated or where any plant which has been cultivated is growing;

“Owner,” as applied to land, means any person who is in possession or entitled to possession of the land, or in receipt or entitled to the receipt of rents and profits of the land, as—(a) the holder of a legal or equitable estate of freehold in possession therein; or (b) the holder of an estate less than freehold under a lease or agreement granted or made by or with the Crown; or (c) a mortgagee of the land; or (d) the

trustee, attorney, or authorised agent of any such holder or mortgagee;

“Plant” includes any part of a plant, and extends to fruit;

“Prescribed” means fixed or authorised by regulation;

“Regulation” means a regulation made under this Act;

“The State” means the State of Western Australia;

“Under Secretary” means the Under Secretary of the Department of Agriculture and Industries.

5. The Governor may by proclamation prohibit either absolutely or except in accordance with regulations—

(i) the bringing into the State either generally or from any specified State, country, or place; or

(ii) the bringing into any specified portion of the State from the rest of the State generally or from any specified portion thereof,

of all or any of the things following, that is to say—

(a) any specified kind of plant, fruit, or other thing which would in his opinion be likely to introduce any disease into the State or into the specified portion thereof, as the case may be;

(b) all or any coverings or goods in or with which any plant, fruit, or thing of the kind specified has been contained or packed or come in contact;

(c) anything which is infected or anything which is infected with any specified disease.

Power to prohibit the introduction into the State or specified portions thereof of things likely to introduce diseases.
No. 23 of 1914, s. 5.

6. The Governor may by proclamation—

(i) appoint any specified ports to be the only ports of entry for plants or fruit or for any specified kind of plants or fruit;

(ii) appoint quarantine grounds where plants, fruit, and coverings, and goods which have come in contact with plants or fruit may be detained for the purpose of being inspected, disinfected, destroyed, or otherwise disposed of;

(iii) prohibit the use, storage, or carriage within the State or within any specified portion of the

Power to appoint ports of entry, quarantine stations to prohibit export in certain cases, and to revoke or vary proclamations.
No. 23 of 1914, s. 6.

State of coverings in or with which any specified plant or fruit has been contained or packed or come in contact; or

- (iv) revoke or vary any proclamation made under this Act or any Act hereby repealed.

Appointment of officers. No. 23 of 1914, s. 7.

7. (1) The Governor may, subject to the Public Service Act, 1904-1935, appoint such inspectors and other officers, and confer on them such powers and functions as he may deem necessary in order to carry out the provisions of this Act.

(2) The Minister may appoint temporary inspectors to hold office for any period not exceeding twelve months, and every person so appointed shall be deemed to be an inspector for the purposes of this Act.

Orchards to be registered. Inserted by No. 10 of 1935, s. 2, as s. 7A, now re-numbered s. 8.

8. (1) Subject to this Act and the regulations every owner or occupier of an orchard in which one or more fruit trees or one or more fruit vines are growing shall cause such orchard to be registered at the Department of Agriculture.

(2) Application for registration of an orchard shall be made in writing to the Director of Agriculture, on the prescribed form, signed by the applicant and accompanied by the prescribed registration fee and the prescribed particulars.

(3) Application for registration of an orchard shall be applied for annually on or before the first day of July in each year, and shall have effect for one year:

Provided that, where registration is applied for within fifteen days after the first day of July, such registration shall be deemed to have been applied for as from such first day of July; and, where such registration is applied for on a day more than fifteen days after the first day of July in any year, such registration shall take effect as from the day when the registration is effected, and shall continue until the thirtieth day of June next ensuing, and no longer.

(4) Any person who fails or neglects for one month to register an orchard as required by this section shall be guilty of an offence.

Penalty: Twenty pounds, and, in addition, a daily penalty of one pound for each day or part of a day during which such default continues.

(5) Every orchard growing at the commencement of this section, and liable to be registered under this section, shall be so registered within one month after the commencement of this section, and the registration then effected shall continue in force until the thirtieth day of June next ensuing, and no longer.

(6) The Governor may by Order in Council from time to time declare that orchards situate within any part of the State as defined in the Order in Council shall be exempt from the provisions of this section, and thereafter every such orchard shall be so exempt until such Order in Council is revoked.

(7) Subject to this Act and the regulations the registration of an orchard registered in accordance with this section may be transferred from the holder thereof to any person taking over such orchard from such holder.

(8) Application for the transfer of the registration of an orchard shall be made in writing to the Director of Agriculture in the prescribed form, shall be signed by both the transferor and the transferee, and shall be accompanied by the prescribed transfer fee.

(9) When any orchard is registered, or the registration of any orchard is transferred as provided for in this section, the Director of Agriculture shall make such records thereof and issue such certificates as may be prescribed.

9. (1) For the purposes of this Act there shall be established a special fund, to be administered by the Director of Agriculture through a separate trust account, and to be known as The Fruit Fly Eradication Fund.

Fruit Fly
Eradication
Fund.
Inserted by
No. 10 of
1935, s. 2, as
s. 7B, now re-
numbered s. 9.

(2) The said fund shall consist of all fees received by the Director of Agriculture from the registration and the transfer of the registration of orchards under this Act, and of any other moneys appropriated by Parliament to the purposes of such fund. All such fees and moneys on the receipt thereof by the Director of Agriculture shall be placed to the credit of the said fund.

(3) The moneys in the said fund shall be deposited in the name of the fund at the Treasury, and, subject to this Act, shall be operated on by the Director of Agriculture.

(4) Subject in every case to the approval in writing of the Minister, the moneys in the said fund may be used and applied for the control, prevention, and eradication of fruit fly pest, in such amounts from time to time, in such manner, and by such methods, as shall be authorised by the Minister.

Notice to be given of appearance of disease.
No. 23 of 1914, s. 8.

10. Every occupier of any orchard in which any disease appears shall, within twenty-four hours after first discovering or becoming aware of its presence, give written notice thereof to an inspector or to the Under Secretary.

Obligation to carry out treatment for plant diseases.

Inserted by No. 4 of 1925, s. 2, as s. 8A, now renumbered s. 11.

11. (1) Whenever any disease to which this section applies exists or appears in any orchard, the occupier of the orchard shall take or cause to be taken such steps, and adopt such measures, as are prescribed as appropriate steps to be taken, and measures to be adopted, in order to eradicate such disease and prevent the spread thereof.

Penalty: Twenty-five pounds.

(2) The diseases to which this section applies are such diseases as are for the time declared by any regulation to be subject to the provisions of this section.

Inserted by No. 6 of 1926, s. 2.

(3) Whenever an inspector shall discover that a breach of this section has been committed he may take or cause to be taken all or any of the steps and adopt all or any of the measures aforesaid, and may also take and adopt any other step or measure which is authorised by the regulations, and the expenses of or incidental to any action taken by an inspector hereunder shall be recoverable from the person guilty of the breach.

Minister may declare certain areas to be infected.

Inserted by No. 10 of 1935, s. 3, as s. 8B, now renumbered s. 12.

12. (1) The Minister may by notice published in the *Government Gazette* and in a newspaper circulating in the area specified in such notice, declare that any portion of the State defined in such notice is infested with disease of the kind mentioned in such notice, and may at any time thereafter by notice published similarly to the first-mentioned notice cancel such first-mentioned notice.

(2) Upon the publication of such notice, and while the same continues in operation, the owner or occupier of every orchard situate within the area defined in the notice

shall take, or cause to be taken such steps, and adopt or cause to be adopted, such measures as are prescribed as appropriate steps to be taken and measures to be adopted in order to control and eradicate the disease mentioned in the notice and to prevent the spread thereof, notwithstanding that such disease may not then exist or appear to exist in the orchard of such owner or occupier.

(3) Any person who fails or neglects to comply in every respect with the provisions of subsection (2) of this section shall be guilty of an offence.

Penalty: Fifty pounds.

13. Any inspector may at any time enter upon any orchard, land, or premises or into any house or structure used for the storage of fruit, or conveyance, or may board any vessel and may thoroughly search and inspect the same and every part thereof, and anything thereon or therein, for the purpose of ascertaining whether the same is infected, and may for the purpose aforesaid examine plants, fruit, coverings, and goods and other things, and dig up plants, open packages, and do all such other things (whether of the same nature as anything hereinbefore mentioned or not) as he may deem necessary or expedient.

Power of entry and search.
No. 23 of 1914, s. 9.

14. (1) Whenever an inspector is satisfied that disease exists on any orchard, land, or premises he may by requisition to the owner and occupier or either of them require them or him to do whatever is necessary in order to eradicate such disease from such orchard, land, or premises, and to prevent the spread thereof, and the requisition may specify any particular steps which the inspector requires to be taken.

Steps to be taken by inspector when orchard infected.
No. 23 of 1914, s. 10.

(2) Such requisition may name a time by which the doing of anything thereby required shall be commenced and a time within which it shall be completed.

(3) The owner and occupier, jointly or severally, or the owner or occupier, as the case may be, shall be responsible for due compliance with the requisition, and shall do everything thereby required to be done.

Penalty: One hundred pounds.

(4) In case of any default in compliance with the terms of the requisition, any inspector may do or cause

to be done all such things as may be necessary in order to carry the terms of the requisition completely into effect, and the expenses incurred in and about so doing shall be recoverable from the person or persons guilty of the default.

Declaration
of infected
places.
No. 23 of
1914, s. 11.

15. (1) Whenever it shall appear to the Minister on the report of an inspector or the Under Secretary that any disease exists or has within the preceding three months existed in any orchard, he may by notice published in the *Gazette*, declare that such orchard, together with such area of land contiguous to or surrounding the same, as he thinks expedient, is infected.

(2) Such notice shall describe with reasonable particularity the situation and area of the orchard and other land to which such notice relates.

(3) From the date of the publication of such notice in the *Gazette*, and until the Minister shall by notice published in the *Gazette* otherwise direct, such orchard and other land shall be deemed to be infected, and no plants or fruit shall be removed therefrom except with the permission of an inspector.

Power to
order infected
things to be
dealt with so
as to eradicate
disease.
No. 23 of
1914, s. 12.

16. (1) If, as the result of any investigation conducted by him, any inspector shall declare any plant, fruit, covering, goods, conveyance, or vessel to be infected, he shall give notice thereof to the owner or person in charge thereof, and on receipt of such notice such owner or person shall forthwith take such measures and do such acts as are necessary, or as the inspector shall declare to be necessary, in order to eradicate or prevent the spread of the disease.

(2) If such owner or person fails or neglects to take any such measures or do any such acts as aforesaid, any inspector may do the same at the expense in all things of either such owner or such person in charge thereof, as the Minister shall direct.

Power to de-
stroy infected
plants, cover-
ings, etc.
No. 23 of
1914, s. 13.

17. For the purpose of carrying out the objects of this Act any inspector may destroy or otherwise dispose of any plants or fruit which are infected or which he shall on reasonable grounds believe to be infected, or any coverings in or with which any such plants or fruit have been contained or packed or come in contact.

18. (1) An inspector may, with the approval of and subject to an appeal to the Minister, serve on the occupier and owner of any orchard or place where any plant is growing, or on either of them, a notice requiring them or him to take any measures or do any acts which the inspector may deem necessary to prevent the spread of any disease, and in such case, even although the orchard or place is not infected, any person on whom any such notice is served shall, as soon as practicable after the receipt thereof, comply with the requisitions thereof.

Power to require owner or occupier of orchard to take steps to prevent spread of disease.
No. 23 of 1914, s. 14.

(2) In the event of notice being served on both the owner and occupier, they shall be jointly and severally liable to perform the requisitions thereof.

(3) In case of any default in compliance with the terms of the notice any inspector may do or cause to be done all such things as may be necessary in order to carry the terms of the notice completely into effect, and the expenses incurred in or about so doing shall be recoverable from the person or persons guilty of the default.

19. (1) When any plants are pruned on any orchard the occupier shall, within fourteen days after notice so to do has been served on him by an inspector, destroy all the prunings, even although the same be not infected.

Prunings to be destroyed.
No. 23 of 1914, s. 15.

Penalty: Ten pounds.

(2) Provided that the Minister or officer authorised to act on his behalf may grant a certificate of exemption from the operation of this section with respect to any specified prunings which may be required for propagation purposes.

20. No young plants intended for sale shall be grown or remain growing by or with the permission of any person within the prescribed distance of any fruit trees in bearing.

Young plants for sale not to be grown near trees in bearing.
No. 23 of 1914, s. 16.

Penalty: Ten pounds.

21. It shall be lawful for an inspector to require any person having in his possession or under his control any fruit or plants for sale, to answer any questions relating to such fruit or plants, and such person shall forthwith answer any such questions truthfully to the best of his knowledge, information, and belief.

Power to question vendors of fruit, etc.
No. 23 of 1914, s. 17.

Penalty: Ten pounds.

Power to destroy plants in abandoned orchards.
 No. 23 of 1914, s. 18, amended by No. 21 of 1933, s. 2; No. 5 of 1939, s. 2.

22. (1) If any inspector shall report to the Minister that any orchard or part of an orchard has been abandoned, the Minister may publish in the *Gazette* and in a newspaper circulating in the locality wherein such orchard or part of an orchard is situated, a notice of the receipt of such report, and may therein state that unless within three months good cause is shown to him why he should not exercise the powers conferred by this section, he will order all plants in such orchard or part of an orchard which are deemed by an inspector to be likely to spread or capable of aiding in the spread of disease to be destroyed.

(2) Unless within the said period of three months good cause as aforesaid is shown to the satisfaction of the Minister, then the orchard shall be conclusively deemed to be abandoned, and the Minister may cause such plants as aforesaid to be destroyed as stated in the said notice, and this Act shall be sufficient warrant for any act done or step taken for that purpose.

(3) The owner of the orchard in which plants are destroyed under the authority of and in accordance with the provisions of this section shall be liable for the payment of any expenses incurred in connection with the destruction of such plants.

(4) For the purposes of this section an orchard or part of an orchard shall be deemed to be abandoned if the Superintendent of Horticulture in the Department of Agriculture certifies by writing under his hand that in his opinion the plants growing in such orchard or part of an orchard have not been cultivated or cared for in a *bona fide* and husbandlike manner for a period of twelve months next preceding the date of his certificate:

Provided that the owner or occupier of such orchard or part of an orchard may, within the time prescribed for showing good cause as provided for in subsection (1) hereof, appeal to the Minister in accordance with the regulations, against the decision of the said Superintendent of Horticulture, and the Minister may on the hearing of such appeal affirm or set aside such decision.

23. Any plant, fruit, covering, goods, or other thing which, contrary to this Act, is or are in any way introduced or attempted to be introduced into the State or

Seizure of prohibited plants, etc.
 No. 23 of 1914, s. 19.

into any portion of the State, in contravention of any proclamation, or which, contrary to this Act, is or are attempted to be exported in contravention of any proclamation, may be seized by any inspector, and may be disinfected, destroyed, or otherwise disposed of as such inspector thinks fit at the expense in all things of either the owner or the person in charge thereof, as the Minister shall direct.

24. When any person is liable for any expenses incurred under this Act, such expenses shall be a charge on any orchard, land, or premises in respect of which they have been incurred, and any such expenses, whether so charged or not, may be recovered by action brought by the Crown in any court of competent jurisdiction, or may be recovered summarily on the complaint of any inspector before any two justices of the peace.

Recovery of expenses.
No. 23 of
1914, s. 20.

25. (1) Any owner who does or pays for the doing of any work pursuant to this Act in respect of any orchard, land, or premises which are occupied by another person shall, subject to any agreement between him and that person, be entitled to recover from such person as a debt the cost of the work so done or the amount so paid, if he proves that the work was rendered necessary through no fault of his own or of any person for whose acts or default he was responsible, but solely or mainly through the fault of the occupier or some person for whose acts or default the occupier was responsible.

Payment for work done as between owner and occupier.
No. 23 of
1914, s. 21.

(2) Any occupier who does or pays for the doing of any work pursuant to this Act in respect of any orchard, land, or premises of which he is not the owner, shall, subject to any agreement between him and the owner, be entitled to recover from the owner as a debt the cost of the work so done or the amount so paid, if he proves that the work was rendered necessary through no fault of his own or of any person for whose act or default he was responsible, but solely or mainly through the fault of the owner or some person for whose acts or default the owner was responsible.

(3) The amount of the debt recoverable as aforesaid by the occupier may be set off against rent due or to accrue due by him to the owner.

Penalty if owner or occupier hinders the other.
No. 23 of 1914, s. 22.

26. Any owner of any orchard, land, or premises which is in the occupation of another person shall have full right of entry on and into the same, and of remaining thereon and therein for the purpose of doing anything which he is required to do under or pursuant to this Act, and if in the performance of any duty or obligation imposed on him by or under this Act the owner of any orchard, land, or premises is in any way obstructed or hindered by the occupier, or the occupier by the owner, the one who obstructs or hinders the other shall be liable to a daily penalty not exceeding five pounds.

Employment of assistants.
No. 23 of 1914, s. 23.

27. Any inspector may employ such assistants as he deems necessary in carrying out the provisions of this Act.

Use of force in case of resistance.
No. 23 of 1914, s. 24.

28. For the purpose of making an entry or removal, or otherwise performing his duties under this Act, any inspector or assistant may, in case of resistance, use all necessary force.

Persons obstructing officers.
No. 23 of 1914, s. 25.

29. Every person commits an offence against this Act who directly or indirectly obstructs, hinders, or interrupts, or threatens, or assaults, or uses improper or abusive language to any inspector or assistant whilst in the performance of his duty under this Act:

Provided that no proceedings for the recovery of any penalty for such offence, nor the payment thereof, shall be a bar to any action at law by any such inspector or assistant.

Officers not to be trespassers.
No. 23 of 1914, s. 26.

30. No inspector or assistant shall be deemed to be a trespasser by reason of any entry or removal under this Act, or be liable for any damage occasioned in carrying out the provisions of this Act.

Notices to be given in writing.
1914, s. 27.
No. 23 of

31. Any notice to be given to any person under or pursuant to this Act or any regulation must be given in writing either by delivering the same to such person, or by leaving the same at or posting the same addressed to him at his usual or last known place of abode or business in Western Australia, or, if he is unknown or has no place of abode and no place of business in the State, or cannot

be found in Western Australia, then by affixing such notice in a conspicuous place on the land to which such notice relates.

32. No person shall be entitled to any compensation whatsoever in respect of anything done by any inspector or other officer or assistant or any other person in the discharge of any duty or obligation under this Act or any regulation, or in respect of any measure taken in order to eradicate or prevent the spread of disease or carry out the provisions of this Act or any regulation, or in respect of any loss or injury that may directly or indirectly result therefrom.

Persons not
entitled to
compensation.
No. 23 of
1914, s. 28.

33. Every person commits an offence against this Act who, directly or indirectly, by himself, his servant or agent—

Offences.
No. 23 of
1914, s. 29.

- (1) sells or offers or exposes for sale any plant, fruit, goods, covering or thing which is or are diseased or infected, or (except under the direction of an inspector) brings or suffers to be brought upon, or removes or suffers to be removed from his premises any such plant, fruit, goods, covering, or thing; or
- (2) sells or offers or exposes for sale any plant, fruit, goods, covering, or thing which has or have been introduced into Western Australia in breach of any proclamation under this Act, or (except under the direction of any inspector) brings or suffers to be brought upon, or removes or suffers to be removed from his premises any such plant, fruit, goods, covering, or thing; or
- (3) does or attempts to do any other act in breach of this Act or of any proclamation or regulation under this Act; or
- (4) fails or neglects to faithfully observe and perform any duty or obligation imposed on him by this Act or by any proclamation or regulation under this Act.

34. Every person who commits any offence against this Act shall (if no penalty is hereinbefore specified for the offence) be liable on summary conviction to a penalty not exceeding one hundred pounds.

Penalties.
No. 23 of
1914, s. 30.

Minimum
penalty.
No. 23 of
1914, s. 31.

35. The minimum penalty for any offence against this Act shall be one-twentieth of the maximum, and no Court or magistrate shall have any power to reduce such minimum.

Onus of proof.
No. 23 of
1914, s. 32.

36. In all proceedings taken against any person for any offence against this Act, the averments of the prosecutor contained in a sworn complaint shall be deemed to be proved in the absence of proof to the contrary.

Proof of
knowledge.
No. 23 of
1914, s. 33.

37. Whenever in any such prosecution knowledge must be shown, such knowledge shall be presumed, unless and until the contrary is proved and the defendant satisfies the Court that the want of knowledge was reasonable, and was in no way imputable to negligence on the part of himself, his servant or agent.

Proof of
ownership or
occupancy.
No. 23 of
1914, s. 34.

38. (1) In any legal proceedings under this Act, in addition to any other method of proof available—

- (a) evidence that the person proceeded against is rated as owner or occupier by any road board or municipal council in respect of any land to any rate for the municipal or road district within which such land is situated; or
- (b) evidence by the certificate of—
 - (i) the Registrar of Deeds and Transfers or his substitute or any assistant registrar of deeds and transfers that any person appears from any memorial of registration of any deed, conveyance, or other instrument to be the owner of any land; or
 - (ii) the Registrar of Titles, or any assistant or deputy registrar, and that any person's name appears in any registry book kept under the Transfer of Land Act, 1893, as owner of any land; or
 - (iii) the Under Secretary for Lands or the Secretary for Mines, that any person is registered in the Department of Lands and Surveys, or the Department of Mines, as the lessee or occupier of any land,

shall, until the contrary is proved, be evidence that such person is the owner, or occupier, as the case may be, of such land.

(2) All courts and all persons having by law, or by consent of parties, authority to hear, receive, and examine evidence shall, for the purposes of this Act, take judicial notice of the signature attached to such certificate, and on the written application of the Under Secretary, a certificate giving the name and address of such owner, or occupier, the situation and description of such land, and date of registration of title, shall be furnished by the proper officer.

39. (1) The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which it may be necessary or convenient to prescribe for giving effect to this Act.

Regulations.
No. 23 of
1914, s. 35,
amended by
No. 10 of
1935, s. 4.

(2) Without limiting the generality of any of the above provisions, it is hereby declared that the Governor may by regulations—

- (a) prescribe the manner in which plants, fruit, and coverings in which plants and fruit have been contained or packed shall (whether infected or not) be treated in order to eradicate disease or to lessen the risk of the spread of disease;
- (b) provide for the registration of all or any orchards, containing one or more fruit trees or fruit vines, vineyards, nurseries, auction rooms, shops, markets, or other premises used in connection with the sale or storage of plants or fruit;
- (c) *prescribe the matters in respect of which fees shall be payable under this Act, and fix the amounts of such fees and the mode of payment and recovery thereof: Provided that the fees for the registration of an orchard and for the transfer of the registration of an orchard shall be fixed at one shilling and that other registration fees may be graded from two shillings and sixpence upwards, according to area;

*See Plant Diseases (Registration Fees) Act, 1939 (No. 39 of 1939), and Plant Diseases (Registration Fees) Act, 1941.

- (d) require the occupiers of plant nurseries to fumigate and disinfect all plants before the same are sent out from the nurseries, and prescribe the manner of such fumigation and disinfection;
- (e) require coverings containing fruit or plants to be branded or labelled, and prescribe the manner of such branding or labelling;
- (f) regulate the sale of insecticides and fungicides and preparations for the destruction of animal or vegetable parasites which commonly attack or are found on plants, and compel vendors of the same to supply to purchasers particulars of the ingredients thereof and to guarantee the truth of the particulars supplied;
- (g) impose a penalty not exceeding twenty-five pounds for the breach of any regulation.

40. All courts and magistrates shall take judicial notice of all regulations and proclamations under this Act.

41. (1) Any regulation or by-law made or purporting to be made under or by virtue of this Act shall—

- (a) be published in the *Gazette*;
- (b) take effect from the date of publication or from a later date to be specified therein; and
- (c) be judicially noticed, and unless and until disallowed as hereinafter provided, or except in so far as in conflict with any express provision of this or any other Act, be conclusively deemed to be valid.

(2) Such regulations and by-laws shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(3) If either House of Parliament pass a resolution at any time within one month after any such regulation or by-law has been laid before it disallowing such regulation or by-law, then the same shall thereupon cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute.

Judicial notice to be taken of regulations and proclamations. No. 23 of 1914, s. 36.

Publication and effect of regulations. Power of disallowance. No. 23 of 1914, s. 37.