

ACT

of March 14, 1964
on measures to prevent plant diseases and pests

and

REGULATIONS

for the import of plants and parts thereof, etc., to Norway
of October 30, 1964

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ACT OF MARCH 14, 1964, ON MEASURES TO PREVENT
PLANT DISEASES AND PESTS

(This Act may be cited as «The Plant Diseases Act»)

Definitions

Article 1.

In this Act

- (a) plants mean: all kinds of plants, including trees and shrubs, and parts thereof such as roots, bulbs, tubers, flowers, seed, fruit, berries, vegetable, timber and wood.
- (b) plant diseases mean: all injurious deviations from normal, such as fungi, bacteria and virus which cause disease in plants. By plant diseases is thus also meant the causes of plant diseases.
- (c) pests refer to: all kinds of animals capable of injuring plants, such as nematodes, mites, insects and other inferior vermins as well as certain warm-blooded animals (haematherms).

Measures

Article 2.

The Crown may at any time determine the kinds of plant diseases and pests that are to be included in this Act and is empowered to make such regulations as are required to combat and prevent the spread of them. For this purpose the Crown may

- (a) lay down regulations prohibiting import and export of particular plants, plant diseases and pests as well as soil, packings and other articles that may serve as carriers of plant diseases and pests.
- (b) lay down regulations prohibiting sowing, planting, transfer or transport of plants as well as the removal of soil.
- (c) issue regulations on destruction or special treatment of plants, soil, storages, packings and other articles, machines, implements and devices for transport, and for special storing of plants, packing material and other articles.
- (d) issue regulations on isolation and especial use of plots of ground.

- (e) issue regulations on supervision of importation of plants, including the fixing of periods, places and stipulation of terms for their admission into Norway.
- (f) issue regulations for the supervision of exports of plants, including the fixing of periods and places, and stipulation of terms for their export from Norway.

The Ministry concerned, or the supervisory authority appointed for this purpose by the Ministry, may in special cases grant exemptions from the vetoes or regulations issued pursuant to this Article. In case of exceptions the Ministry shall draw up the necessary regulations and terms.

Obligation to report

Article 3.

It is the duty of any owner, occupier or lessee of land, who knows or suspects that plant diseases or pests as referred to in this Act exist within the property concerned, to report this immediately. In the case of land used for agricultural or horticultural purposes such report shall be made to the Agricultural District Board (Norw. Jordstyret), which in turn reports to the office of the Agricultural County Society (Norw. Fylkeslandbruksselskapet), The Norwegian Plant Protection Institute (Norw. Statens plantevern) and the Norwegian Plant Inspektion Service (Norw. Statens planteinspeksjon). In the case of land used for forestry and timber such report shall be made to the Forestry District Board (Norw. Skogrådet), which in turn will report to the County Forest Office (Norw. Fylkesskogkontoret), The Norwegian Institute of Forest Research (Norw. Det norske skogforsøksvesen) and the Norwegian Plant Inspection Service.

When possible, samples of such diseases and pests should follow the report for test purposes.

Prior to the conclusion of any sale, leasing or subletting of land, the purchaser, lessee or tenant is to be duly informed of any orders or regulations issued pursuant to this Act which may apply to the land concerned.

Supervision, etc.

Article 4.

The Ministry concerned will decide who is to supervise observance of this Act and regulations issued in accordance with it. The super-

visory authority is entitled to demand access to all necessary information and shall have unimpeded access to any land, nursery, storeroom, sales premises, machines, implements, conveyance and packing material, and to any place or contrivance in order to carry out investigations relating to plant diseases or pests as referred to in this Act. Such supervisors have the right, free of charge, to select samples for testing, and may order temporary measures put into immediate effect in order to prevent any further spreading.

The Ministry concerned furthermore decides whether the measures ordered in conformity with this Act shall be carried out by the owner or farmer concerned, or by any other person authorized to do so.

Any person who ex officio receives information of business or trade secrets or other confidential matters, shall, subject to the limitations imposed by his functions as laid down in this Act, not divulge such information. It is prohibited to use such information for business purposes.

Instructions not complied with

Article 5.

If an owner or farmer fails to comply with instructions issued under the provisions of this Act, the Ministry may, after having issued a special warning, order the necessary work to be carried out at his expense and recover such expenses by distraint.

Compensation

Article 6.

Any expenses or losses, which an owner or farmer of land may incur on account of measures taken against plant diseases or pests in accordance with this Act, will as a rule have to be borne by the owner or farmer himself. In special cases a refund or complete or partial compensation may be granted at the discretion of the Ministry concerned, if it would be unreasonable or particularly burdensome for the person concerned to bear the cost of the loss involved. Compensation cannot be granted if the expenses or damages involved are the personal responsibility of the party incurring loss.

Claims in accordance with the section above shall be invalid if they are not submitted to the Ministry or to the supervisory authority referred to in Article 4 above within six months after the expense, work or damage involved.

Payments

Article 7.

Any refund or compensation granted in accordance with this Act shall be paid by the State.

Notice

Article 8.

Notice to an owner or a farmer of land of orders and bans initiated in conformity with Article 2 shall as a rule be sent as registered mail. If this proves to be difficult, notice may be given in local newspapers and by posters placed at suitable localities in the district concerned.

Levy

Article 9.

To cover the expenses of inspecting imports and exports of plants in accordance with this Act, the Crown may order a levy to be paid by importers and exporters. The levy may be fixed on the basis of amount, weight or value of the goods imported or exported. For issuing a certificate a fee to be paid by the exporter may be imposed. The Ministry concerned will issue detailed regulations on how the levies and fees are to be calculated and how collecting and paying are to be arranged. The amounts to be paid may be collected by distraint.

Penalty

Article 10.

Any person contravening this Act, or any provisions or regulations issued pursuant thereto is liable to a fine unless a more severe penalty is prescribed by the ordinary criminal code.

Miscellaneous

Article 11.

The Crown may order further regulations for the execution of this Act.

Article 12.

This Act shall come into force forthwith. Simultaneously the Act of July 21, 1916, on Combating of Injurious Insects and Plant Diseases, is revoked.

Regulations pursuant to the latter Act remain in force until they are revoked or amended by the present Act.