

PARLIAMENT OF CEYLON

2nd Session 1957



Plant Protection (Amendment) Act, No. 50 of 1957

Date of Assent: November 1, 1957

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AN ACT TO AMEND THE PLANT PROTECTION ORDINANCE.

Chapter 307.
(Vol. VI, p.
469).

[Date of Assent: November 1, 1957]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Plant Protection (Amendment) Act, No. 50 of 1957.

Short title.

2. Section 2 of the Plant Protection Ordinance, hereinafter referred to as "the principal enactment", is hereby amended, by the insertion, immediately before the definition of "disease", of the following new definition:—

Amendment of
section 2 of
Chapter 307.

"Director" means the Director of Agriculture and includes any Deputy Director of Agriculture or any Assistant Director of Agriculture;

3. Section 3 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement
of section 3
of the
principal
enactment.

3. There may be appointed, for the purposes of this Ordinance, such officers and servants as may be necessary for carrying out or giving effect to the provisions of this Ordinance."

4. The following new section is hereby inserted immediately after section 3, and shall have effect as section 3A, of the principal enactment:—

Insertion of
new section
3A in the
principal
enactment.

3A. The powers or duties of the Director may be exercised or performed by any public officer either generally or specially authorised in writing in that behalf by the Director."

5. Section 4 of the principal enactment is hereby amended, by the substitution, for all the words from "Director of Agriculture" to "sub-inspector" of the word "Director".

Amendment
of section
4 of the
principal
enactment.

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Amendment
of section
5 of the
principal
enactment.

6. Section 5 of the principal enactment is hereby amended as follows:—

(1) by the substitution, for all the words from “Neither” to “deemed”, of the following:—

“The Director, or any person assisting the Director, or any public officer, shall not be deemed to be”;

(2) by the substitution, for the words “or be liable”, of the words “and shall not be liable”; and

(3) in the marginal note to that section, by the substitution, for the words “Director of Agriculture, inspector, or sub-inspector”, of the words “Director or person assisting him or public officer.”

7. Section 6 of the principal enactment is hereby amended, by the substitution, for all the words from “the Director” to “customs officer”, of the words “the Director, or any public officer”.

8. The following new section is hereby inserted immediately after section 8, and shall have effect as section 8A, of the principal enactment:—

“Power of Director to carry out measures or execute work and recover the expenses thereof.”
8A. (1) Where any person is required or directed under this Ordinance to carry out any measures or to execute any work in or upon any land, the Director may, if such person fails to comply with such requirement or direction, cause such measures to be carried out or such work to be executed; and any person or persons acting under the authority of the Director may enter such land and do all such acts as may be necessary for the purpose of carrying out such measures or executing such work.

(2) All expenses incurred by the Director for the purpose of carrying out any measures or executing any work in or upon any land under sub-section (1), shall be payable by the person who was required or directed under this Ordinance to carry out such measures or execute such work, and shall be recoverable from that person in the manner hereafter provided.

Amendment
of section
6 of the
principal
enactment.

Insertion
of new
section 8A in
the principal
enactment.

(3) Any expenses payable by any person under sub-section (2) may be recovered, upon application made by the Director to the Magistrate's Court having jurisdiction in the place where such person is resident, in like manner as a fine imposed by the Court, notwithstanding that the amount of such expenses may exceed the amount of the fine which the Court may in the exercise of its ordinary jurisdiction impose."

9. Section 9 of the principal enactment is hereby amended in sub-section (3) of that section, by the substitution in paragraph (m) of that sub-section, for the words "Director of Agriculture and the inspectors appointed under", of the words "Director and officers appointed for the purposes of".

Amendment of
section 9 of
the principal
enactment.