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**THIS IS A TEMPLATE FOR REGULATIONS RE: DECLARATION & REGULATION OF BIOSECURITY CONTROLLED AREAS WITH EXPLANATORY FOOTNOTES. SUCH REGULATIONS NEED ONLY BE MADE WHEN THERE IS A NEED.**

**S.I. OF 2012**

ANIMAL AND PLANT BIOSECURITY ACT, 2012

(Act .... of 2012)

**Animal and Plant Biosecurity (Declaration of Infested Biosecurity Controlled Area) (*Name of pest or disease*) Order, 20....**

1. Citation and commencement
2. Interpretation
3. Declaration of infested biosecurity controlled area
4. Object of declaration
5. Regulatory measures applicable to infested biosecurity controlled area under section 108 of the Act
6. Other applicable provisions of the Act

**SCHEDULE**

**ANIMAL AND PLANT BIOSECURITY ACT, 2012**

**Animal and Plant Biosecurity (Declaration of Infested Biosecurity Controlled Area) (*Insert Name of pest or disease*) Order, 20....**

In exercise of the powers conferred by section 108(1) of the Animal and Plant Biosecurity Act, 2012, the Minister for Investment, Natural Resources and Industry on the advice of the Director makes the following Order<sup>1</sup>.

1. This Order may be cited as the Animal and Plant Biosecurity (Declaration of Infested Biosecurity Controlled Area) (*Insert name of pest or disease*) Order, 20.... and comes into operation on the date on which it is published in the Gazette<sup>2</sup>.

Citation and  
commencement

2. In this Order –

“(Insert name of pest or disease)” means;

Interpretation

“infested biosecurity controlled area” means an infested biosecurity controlled area declared under paragraph 3.

3. For the purposes of section 108 of the Act, the (*area/premises*) described in the Schedule is declared an infested biosecurity controlled area in respect of (*name of pest or disease*).

Declaration of infested  
biosecurity controlled  
area

4. The object of this declaration is to control the outbreak of the infestation so as to prevent the (*insert name of pest or disease*) from spreading in the Republic.

Object of declaration

5. (1) In accordance with section 108(3) of the Act, except with the permission of a biosecurity officer and in accordance with any conditions reasonably imposed by the officer, no animal, animal product, plant, plant product, fodder, fitting (*or other thing specified in this order*), may be moved

Regulatory measures  
applicable to infested  
biosecurity controlled  
area under section 108 of  
the Act

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<sup>1</sup> An Order under section 108 must be made as soon as practicable after the finding of the infestation – section 108(2)

<sup>2</sup> See section 144 of the Act

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out of, into or within an infested biosecurity controlled area, pending the making of an order under section 110 of the Act<sup>3</sup>.

(2) A person who contravenes subparagraph (1) commits an offence and is liable to the penalty provided for that offence in accordance with section 108(4) of the Act<sup>4</sup>.

6. Sections 108 (3)<sup>5</sup>, (4)<sup>6</sup> and (5)<sup>7</sup>, 109<sup>8</sup>, 110<sup>9</sup>, and 111<sup>10</sup> of the Act apply to an infested biosecurity controlled area declared under paragraph 3.

Other applicable provisions of the Act

*Paragraph 3*

## **SCHEDULE**

### **INFESTED BIOSECURITY CONTROLLED AREA**

**MADE this ..... day of ....., 20....**

**P. SINON**

**MINISTER FOR INVESTMENT, NATURAL RESOURCES AND  
INDUSTRY**

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<sup>3</sup> In terms of section 108(5) of the Act, paragraph 5(1) ceases to have effect upon the coming into force of an Order under section 110 of the Act

<sup>4</sup> See sections 108(4), 135&137 of the Act and paragraph 58 of the Schedule to the Act; A maximum fine of SR50,000 upon conviction or a Fixed Penalty of SR5000 is prescribed for a breach of section 108(3) of the Act (and therefore Order 5(1) of this Order

<sup>5</sup> See Order 5(1) of this Order

<sup>6</sup> See Order 5(2) of this Order

<sup>7</sup> Subsection (3) ceases to have effect upon the coming into force of an Order under section 110 of the Act

<sup>8</sup> Power of biosecurity officer to enter infested biosecurity controlled area

<sup>9</sup> The Director may , by Order direct certain biosecurity measures necessary to control the infestation to be taken in an infested biosecurity controlled area and control movement or other activity in, out or within the area; A person who contravenes a provision of such an Order commits an offence and is liable to a maximum fine of SR50,000 upon conviction or to a Fixed Penalty of SR5000

<sup>10</sup> Cost of treatment and destruction, and compensation

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**S.I. OF 20....**

**ANIMAL AND PLANT BIOSECURITY ACT, 2012**

(Act .... of 2012)

**Animal and Plant Biosecurity (Regulation of Infested Biosecurity Controlled  
Area) (*Insert name of pest or disease*) Order, 20....**

1. Citation, commencement and effect
2. Interpretation
3. Directions for biosecurity measures under section 110(1)(a) of the Act
4. Control of movement and activity under section 110(1)(b) of the Act
5. Offences and penalties

**ANIMAL AND PLANT BIOSECURITY ACT, 2012**

**Animal and Plant Biosecurity (Regulation of Infested Biosecurity Controlled Area) (*Insert name of pest or disease*) Order, 20....**

In exercise of the powers conferred by section 110 of the Animal and Plant Biosecurity Act, 2012, the Director of Biosecurity makes the following Order -

1. (1) This Order may be cited as the Animal and Plant Biosecurity (Regulation of Infested Biosecurity Controlled Area) (*Insert name of pest or disease*) Order, 20.... and comes into operation on the date on which it is published in the Gazette.

Citation,  
commencement  
and effect

(2) Section 108(3) of the Act ceases to have effect upon the coming into force of this Order.

2. In this Order –

“infested biosecurity controlled area” means the infested biosecurity controlled area declared under paragraph 3 of the Animal and Plant Biosecurity (Declaration of Infested Biosecurity Controlled Area) (*Name of pest or disease*) Order, 20....)

Interpretation

3. *Directions of Director under section 110(1)(a) of the Act to control infestation.*

Directions for  
biosecurity measures  
under section 110(1) (a)  
of the Act

4. *Control by Director under section 110(1)(b) of the Act.*

Control of movement  
and activity under  
section 110(1) (b) of the  
Act

5. A person who contravenes paragraph 3 or 4 commits an offence and is liable to the penalty provided for that offence in accordance with section 110(2) of the Act<sup>11</sup>.

Offences and penalties

**MADE this ..... day of ....., 20....**

**THE DIRECTOR OF BIOSECURITY**

<sup>11</sup> In terms of sections 110(2), 135 & 137 of the Act and paragraphs 59 and 60 of the Schedule to the Act, a person who contravenes a provision of an Order made under section 110(1) of the Act (and therefore paragraph 3 or 4 of this Order) is liable to a maximum fine of SR50,000 upon conviction or to a Fixed Penalty of SR5000

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**S.I. OF 20....**

**ANIMAL AND PLANT BIOSECURITY ACT, 2012**

(Act .... of 2012)

**Animal and Plant Biosecurity (Declaration of Pest Free Biosecurity Controlled  
Area) (*Insert name of pest or disease*) Order, 20....**

1. Citation and commencement
2. Interpretation
3. Declaration of pest free biosecurity controlled area
4. Applicable provisions of the Act

SCHEDULE

**ANIMAL AND PLANT BIOSECURITY ACT, 2012**

**Animal and Plant Biosecurity (Declaration of Pest Free Biosecurity Controlled Area) (*Insert name of pest or disease*) Order, 20....**

In exercise of the powers conferred by section 112(1) of the Animal and Plant Biosecurity Act, 2012, the Minister for Investment, Natural Resources and Industry on the advice of the Director makes the following Order.

1. This Order may be cited as the Animal and Plant Biosecurity (Declaration of Pest Free Biosecurity Controlled Area) (*Insert name of pest or disease*) Order, 20.... and comes into operation on the date on which it is published in the Gazette<sup>12</sup>.

Citation and commencement

2. In this Order –

“(*Insert name of pest or disease*)” means;

Interpretation

“pest free biosecurity controlled area” means a pest free biosecurity controlled area declared under paragraph 3.

3. (1) For the purposes of section 112 of the Act, the area described in the Schedule is declared a pest free biosecurity controlled area in respect of (*Insert name of pest or disease*).

Declaration of pest free biosecurity controlled area

(2) The area declared under subparagraph (1) is an area where (*Insert name of pest or disease*) does not occur, so far as is known and where incursions of it should be prevented<sup>13</sup>.

4. Sections 112<sup>14</sup> and 113<sup>15</sup> of the Act apply to the pest free biosecurity controlled area.

Applicable provisions of the Act

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<sup>12</sup> See section 144 of the Act

<sup>13</sup> See section 112(1) of the Act

<sup>14</sup> Section 112(2) of the Act - The Minister may, on the advice of the Director amend or revoke an Order declaring an area as a pest free biosecurity controlled area where there is any change in the pest free status of that area ; Section 112(3) of the Act - The Director must, before advising the Minister to make an order declaring an area as a pest free biosecurity controlled area or to amend or revoke such an order, obtain appropriate scientific advice from technically competent persons.

**SCHEDULE**

**PEST FREE BIOSECURITY CONTROLLED AREA**

**MADE this ..... day of ....., 20....**

**P. SINON  
MINISTER FOR INVESTMENT, NATURAL RESOURCES AND  
INDUSTRY**

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<sup>15</sup> Section 113(1) - The Director may make an Order for the regulation of a pest free biosecurity controlled area; Section 113(2) - Such an Order may only be made for preventing incursions in pest free biosecurity controlled area of the pest or disease in respect of which the area is declared ; Section 113(3), 135 & 137 of the Act and paragraph 60 of the Schedule to the Act - A person who contravenes a provision of such an Order commits an offence and is liable to a maximum fine of SR50,000 upon conviction or to a Fixed Penalty of SR5000; Section 113(4) - The Director may also by administrative means institute other measures to keep a pest free biosecurity controlled area free of the pest in respect of which the area is declared .

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**S.I. OF 20....**

**ANIMAL AND PLANT BIOSECURITY ACT, 2012**

(Act .... of 2012)

**Animal and Plant Biosecurity (Regulation of Pest Free Biosecurity Controlled  
Area) (*Insert name of pest or disease*) Order, 20....**

1. Citation and commencement
2. Interpretation
3. Regulation of pest free biosecurity controlled area under section 112  
of the Act
4. Offences and penalties
5. Applicable provisions of the Act

**ANIMAL AND PLANT BIOSECURITY ACT, 2012**

**Animal and Plant Biosecurity (Regulation of Pest Free Biosecurity Controlled Area) (*Insert name of pest or disease*) Order, 20....**

In exercise of the powers conferred by section 113 of the Animal and Plant Biosecurity Act, 2012, the Director of Biosecurity makes the following Order.

1. This Order may be cited as the Animal and Plant Biosecurity (Regulation of Pest Free Biosecurity Controlled Area) (*Insert name of pest or disease*) Order, 20.... and comes into operation on the date on which it is published in the Gazette.

Citation and  
commencement

2. In this Order –

“pest free biosecurity controlled area” means the pest free biosecurity controlled area declared under paragraph 3 of the Animal and Plant Biosecurity (Declaration of Pest Free Biosecurity Controlled Area) (*Insert nName of pest or disease*) Order, 20....

Interpretation

3. *Regulation of pest free biosecurity controlled area by Director*

Regulation of pest free  
biosecurity controlled  
area under section 113  
of the Act

4. A person who contravenes paragraph 3 commits an offence and is liable to the penalty provided for that offence in accordance with section 113(3) of the Act<sup>16</sup>

Offences and penalties

5. The provisions of section 113<sup>17</sup> of the Act applies to a pest free biosecurity controlled area.

Applicable provisions  
of the Act

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<sup>16</sup> In terms of sections 113 (3), 135 & 135 of the Act and paragraph 60 of the Schedule to the Act, a person who contravenes a provision of an Order made under section 113(1) of the Act (and therefore paragraph 3 of this Order) is liable to a maximum fine of SR50,000 upon conviction or to a Fixed Penalty of SR5000

<sup>17</sup> Section 113(2) - An Order under section 113(1) may only be made for preventing incursions of the pest or disease in respect of which the pest free biosecurity controlled area is declared; Section 113(4) - The Director may also by administrative means institute other measures to keep a pest free biosecurity controlled area free of the pest in respect of which the area is declared.

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**MADE this ..... day of ....., 20....**

**THE DIRECTOR OF BIOSECURITY**

TEMPLATE