

1950

c 278 Plant Diseases Act

Ontario

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CHAPTER 278

The Plant Diseases Act**1. In this Act,**Interpreta-
tion.

- (a) "container" means any receptacle in which plants may be placed, stored, shipped, offered for sale or sold;
- (b) "Director" means Director of the Fruit Branch of the Department of Agriculture;
- (c) "inspector" means an inspector appointed under this Act;
- (d) "Minister" means Minister of Agriculture;
- (e) "nursery" means any place where plants are propagated for sale;
- (f) "plant" means any tree, shrub, vine or other plant or the fruit or any portion of any of them;
- (g) "plant disease" means any disease caused by any insect, virus, fungus, bacterium or other organism which is designated a plant disease in the regulations;
- (h) "Provincial Entomologist" means Provincial Entomologist appointed under this Act;
- (i) "regulations" means regulations made under this Act. R.S.O. 1937, c. 346, s. 1; 1941, c. 42, s. 1.

2. The Director shall be charged with the administration and enforcement of this Act and the regulations. R.S.O. 1937, c. 346, s. 2. Director to be in charge.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint a Provincial Entomologist and inspectors for the carrying out of the provisions of this Act and the regulations. R.S.O. 1937, c. 346, s. 3; 1941, c. 42, s. 2. Appointment of Provincial Entomologist and inspectors.

4. The Director may delegate to the Provincial Entomologist such of his powers as he deems necessary for the proper enforcement of this Act and the regulations and may at any time terminate such delegation of power. 1941, c. 42, s. 3. Delegation of Director's powers.

Appointment of inspector by municipality.

5.—(1) The council of any municipality may, and upon receipt of a petition signed by at least 25 ratepayers, the council of any township or county shall, by by-law, appoint one or more inspectors to enforce this Act and the regulations in such municipality, and the by-law shall fix the remuneration, fees or charges to be paid to any such inspector.

Approval.

(2) No such by-law shall take effect until it is approved in writing by the Minister. R.S.O. 1937, c. 346, s. 4.

Municipal inspectors to observe Act and regulations.

6. Every inspector appointed by a municipal council under this Act shall be subject to and observe this Act and the regulations and shall be subordinate to the Provincial Entomologist and shall carry out instructions given by the Provincial Entomologist with regard to the methods to be adopted for controlling and eradicating plant diseases. 1941, c. 42, s. 4.

Permit for nursery.

7. A nursery shall not be established or operated unless a permit therefor has been obtained from the Minister. R.S.O. 1937, c. 346, s. 5.

Importation of infested plants prohibited.

8.—(1) No person shall bring or cause to be brought into Ontario for use in Ontario, any plant or fruit infested with any plant disease.

Possession of infested plants prohibited.

(2) No person shall buy, have, offer for exchange or sale, or exchange or sell any plant or fruit infested with any plant disease. R.S.O. 1937, c. 346, s. 6.

Disease control areas.

9. The Minister may, upon the petition of one or more producers of apples, prescribe plant disease control areas and may by order prescribe and provide for special methods for the control of plant diseases in any such area. 1947, c. 76, s. 1.

Right of entry.

10. Any inspector, upon production of a certificate of his appointment signed by the Director, shall have the right to enter and inspect any nursery, farm, garden, orchard, store-room or other place wherein he has reason to believe that plants are located. R.S.O. 1937, c. 346, s. 7.

Recovery of charges.

11. Any charges payable under this Act or the regulations may be recovered as a debt in any court of competent jurisdiction or may be collected from the municipality in which the charges were incurred and when the clerk of any such municipality receives notice certified to by the Provincial Entomologist or the Director as to the amount of charges payable, the name of the person entitled to such amount, the name of the person by whom the amount is due and a description of the lands in respect of which the charges were incurred, the

treasurer of the municipality shall forthwith pay the amount to the person entitled thereto and the clerk of the municipality shall enter the amount upon the collector's roll and the collector shall proceed to collect the amount from the goods and chattels and the estate or interest in the lands of the person liable in the same manner as municipal taxes are collected. 1942, c. 30, s. 1.

12. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations, ^{Regulations.}

- (a) designating plant diseases within the meaning of this Act;
- (b) prescribing the duties of the Director, and the inspectors appointed under this Act;
- (c) providing for the issue and cancellation of nursery permits;
- (d) respecting the bringing into Ontario of plants or fruit likely to introduce into Ontario any plant disease;
- (e) respecting the transportation in Ontario of plants or fruit likely to be infested with any plant disease;
- (f) providing for the inspection of nurseries, farms, orchards, market gardens and all other places where plants or fruit are grown, stored or processed;
- (g) providing for the issue of certificates as to the freedom from plant disease of any nursery, farm, orchard, market garden or other place and of any plants or fruit grown therein or removed therefrom;
- (h) providing for the treatment to be given any plant, container or premises to eradicate or control or to prevent the spread of any plant disease, and by whom such treatment shall be given;
- (i) providing for the seizure, removal, destruction and confiscation of any plant, fruit or container infested with a plant disease or any plant liable to be so infested;
- (j) prescribing the charges which may be made by the Minister or by the municipality for the treatment, seizure, removal, destruction or confiscation of any plant or fruit infested with a plant disease;
- (k) providing for the reimbursement of any municipality for any part of the moneys expended by it in carrying out the provisions of this Act;

- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 346, s. 9; 1947, c. 76, s. 2.

Penalty.

13. Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$50. R.S.O. 1937, c. 346, s. 10.
