

1937

## c 346 Plant Diseases Act

Ontario

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### Bibliographic Citation

*Plant Diseases Act*, RSO 1937, c 346

### Repository Citation

Ontario (1937) "c 346 Plant Diseases Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 3, Article 84.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss3/84>

## CHAPTER 346.

## The Plant Diseases Act.

- 1.** In this Act,—
- Interpretation.  
"Container." (a) "Container" shall mean any receptacle in which plants may be placed, stored, shipped, offered for sale or sold;
- "Director." (b) "Director" shall mean the Director of the Fruit Branch of the Department of Agriculture;
- "Inspector." (c) "Inspector" shall mean an inspector appointed under the provisions of this Act;
- "Minister." (d) "Minister" shall mean Minister of Agriculture;
- "Nursery." (e) "Nursery" shall mean any place where plants are propagated for sale;
- "Plant." (f) "Plant" shall mean any tree, shrub, vine or other plant or the fruit or any portion of any of them;
- "Plant disease." (g) "Plant disease" shall mean any disease caused by any insect, virus, fungus, bacterium or other organism which is designated a plant disease in the regulations;
- "Regulations." (h) "Regulations" shall mean regulations made under the authority of this Act. 1937, c. 57, s. 2.
- Director to be in charge. **2.** The Director shall be charged with the administration and enforcement of this Act and the regulations. 1937, c. 57, s. 3.
- Appointment of inspectors. **3.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint inspectors for the carrying out of the provisions of this Act and the regulations. 1937, c. 57, s. 4.
- Appointment of inspector by municipality. **4.** The council of any municipality may, and upon receipt of a petition signed by at least twenty-five ratepayers, the council of any township or county shall, by by-law appoint one or more inspectors to enforce the provisions of this Act and the regulations in such municipality, and such by-law shall fix the remuneration, fees or charges to be paid to any such inspector; provided that such by-law shall not take effect until it is approved in writing by the Minister. 1937, c. 57, s. 5.

**5.** A nursery shall not be established or operated unless a permit therefor has been obtained from the Minister. 1937, c. 57, s. 6. Permit for nursery.

**6.—(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. Importation 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. 1937, c. 57, s. 7. Possession of infested plants prohibited.

**7.** 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. 1937, c. 57, s. 8. Right of entry.

**8.** 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 in the same manner as municipal taxes are collected, in which event the clerk of the municipality shall, upon notice to him of the amount due and of the person by whom it is due and of the lands in respect to which such charges are payable, enter such amount upon the collector's roll and the collector shall proceed to collect such 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, and if such charges are recovered for the Province, the treasurer of the municipality shall remit the amount recovered to the Minister. 1937, c. 57, s. 9. Recovery of charges.

**9.** 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;
- (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) generally for the better carrying out of the provisions of this Act. 1937, c. 57, s. 10.

Penalty. **10.**—(1) Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$5 and not exceeding \$50.

Recovery of penalties. (2) The penalties provided in this Act and the regulations shall be recoverable under *The Summary Convictions Act*, 1937, c. 57, s. 11.

Rev. Stat., c. 136.

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