

1914

## c 254 Fruit Pest Act

Ontario

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## CHAPTER 254.

## An Act to Prevent the Spread of Insect and Fungus Diseases Injurious to Vegetation.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fruit Pest Act*. 2 Geo. V. Short title. c. 69, s. 1.

2. In this Act,

Interpreta-  
tion.

(a) "Disease" shall mean the following insects and diseases in any stage of development: Codling Moth, San Jose Scale, Yellows, Little Peach, Black Knot, Pear Psylla, and Pear Blight, and any other insects and disease to which the provisions of this Act may be extended under section 19. "Disease."

(b) "Minister" shall mean the Minister of Agriculture for the Province of Ontario. "Minister."

(c) "Plant" shall mean any tree, vine, shrub or plant. "Plant."  
2 Geo. V. c. 69, s. 2.

3. On the recommendation of the Minister, the Lieutenant-Governor in Council may appoint a Provincial Entomologist and one or more competent persons to act as inspectors, whose duties shall be to enforce the provisions of this Act. 2 Geo. V. c. 69, s. 3; 3-4 Geo. V. c. 18, s. 42 (1). Provincial Entomologist, Inspectors.

4.—(1) No person shall import or bring, or cause to be imported or brought into Ontario, for any purpose whatsoever, any diseased plant or fruit, or sell or dispose of, or offer for sale any fruit infested with San Jose Scale, Yellows or Little Peach. Importing diseased plants prohibited.

(2) Wherever such diseased fruit exists or is believed by the Provincial Entomologist to exist, he may make an examination and inspection and may order any fruit so infested, or such part as he may deem advisable, to be destroyed. Examination of suspected fruit.  
2 Geo. V. c. 69, s. 4; 3-4 Geo. V. c. 18, s. 42 (2).

5. No person shall keep or have, or offer for exchange or sale any diseased plant. 2 Geo. V. c. 69, s. 5. Keeping forbidden.

6. Every person owning, leasing or managing any orchard or collection of plants, other than a nursery, shall, when any Destruction of diseased plants.

plant therein becomes diseased and forthwith on becoming aware of such disease, destroy such plant by fire or effectually treat the disease by fumigation or spraying with such material as may be prescribed by the Minister. 2 Geo. V. c. 69, s. 6.

Appoint-  
ment of  
inspectors  
by munic-  
ipality.

7.—(1) The council of any local municipality may, and upon the petition of twenty-five or more fruit growers who are ratepayers, shall, by by-law, appoint at least one inspector to enforce the provisions of this Act in the municipality and fix the amount of remuneration, fees or charges he shall receive for the performance of his duties.

Approval of  
Minister.

(2) All such appointments, remuneration, fees or charges shall be subject to, and be only operative on the written approval of the Minister, communicated by him to the clerk of the municipality.

Duration  
of by-law.

(3) The by-law shall not take effect unless and until approved by the Minister and shall remain in force only for the calendar year in which it is passed.

Transmit-  
ting copy to  
Minister.

(4) The clerk of the municipality shall transmit a certified copy of every such by-law to the Minister of Agriculture before the first day of March after the passing thereof. 2 Geo. V. c. 69, s. 7.

Notice to  
owner or  
occupant.

8. Upon the report of the municipal inspector to the Provincial Entomologist that there is disease upon the plants on any lot within the municipality, the Provincial Entomologist shall direct the municipal inspector to give notice personally by the inspector or by registered letter to the owner or occupant of the lot to have the plants forthwith sprayed, or to have them destroyed by burning as may be determined by the provincial inspector, and if this is not done within ten days after the notice has been given, the inspector may cause such spraying or destruction by burning to be done, and he shall report to the clerk what has been done, and the cost of the work, and such cost shall be charged on the lot and be collected as a special tax in addition to the other taxes imposed by the municipal council on the lot. 2 Geo. V. c. 69, s. 8; 3-4 Geo. V. c. 18, s. 42 (3).

Municipal  
inspectors  
to obey  
regulations.

9. Every inspector appointed by a municipal council shall be subject to and observe the regulations and directions of the Minister, and shall be subject and subordinate to the Provincial Entomologist appointed by the Minister; and in case of any neglect of duty the Minister may withhold from the township all or any part of the amount due to it for services. 2 Geo. V. c. 69, s. 9; 3-4 Geo. V. c. 18, s. 42 (4).

Remunera-  
tion of  
municipal  
inspectors.

10. The council shall pay the remuneration, fees or charges of the municipal inspector and shall be entitled to receive from the Department of Agriculture one-half of the amount so paid upon furnishing the Department with a statement of the sums so paid, certified to by the Provincial

Entomologist, provided that such statement is submitted to the Minister on or before the fifteenth day of December of the year to which it applies. 2 Geo. V. c. 69, s. 10.

11.—(1) The proprietor or manager of any nursery shall not send out or permit any plant to be removed from his nursery until he has received a certificate from the Provincial Entomologist that his nursery has been examined and found to be apparently free from disease. Certificate before removal of plant from nursery.

(2) Such certificate shall be good for one year from the date of issue, but may be renewed from year to year. Donation. 2 Geo. V. c. 69, s. 11; 3-4 Geo. V. c. 18, s. 42 (5).

12. No person shall sell or dispose of or offer for sale any plant obtained, taken or sent out from a nursery unless the same has been previously fumigated by hydrocyanic acid gas in accordance with the regulations. No sale before fumigation. 2 Geo. V. c. 69, s. 12; 3-4 Geo. V. c. 18, s. 42 (6).

13. If an inspector finds disease in any nursery and so reports to the Minister, the Minister may thereupon inform in writing the proprietor or manager of the nursery in writing of the existence of the disease; and the proprietor or manager shall not thereafter permit any plant to be removed until he is notified in writing by the Minister that the inspector has reported to the Minister that it is safe in the public interest to permit such removal after fumigation. Removal forbidden where disease exists. 2 Geo. V. c. 69, s. 13.

14. For the purpose of scientific investigation the Minister may, from time to time, by writing given under his hand, except such persons as he may deem proper from the operation of sections 11 and 13, and while acting under such permission such persons shall not be subject to the penalties imposed by this Act. Exception for scientific purposes. 2 Geo. V. c. 69, s. 14.

15. Any person having reason to suspect that any plant in his possession or in his charge or keeping is diseased shall forthwith communicate with the Minister in regard to the same, and shall furnish the Minister with all such information in regard to the source or origin of such infestation and the nature of the same as he may be able to give. Duty of owner of diseased plant. 2 Geo. V. c. 69, s. 15.

16.—(1) When disease exists or is supposed to exist on any plant, the Minister may direct a competent person to make an examination and inspection, and may order that any plant so infested, or any such part as he may deem advisable, shall be immediately destroyed by burning, either by the person appointed to make the inspection or by the person owning or having possession of the plant, or some other person so directed in writing, and the person so directed shall report to the Minister in writing the nature and extent of the work so performed, together with a fair estimate of the value of the plants destroyed. Examination of diseased plants and destruction by burning.

Where disease found in several parts of orchard or collection.

(2) If, in a nursery, orchard or collection of plants, the inspector finds disease on plants located in several different parts of the nursery, orchard or collection, and decides that it is advisable in the public interest to destroy all the plants in such nursery, orchard or collection, or in any part thereof, and so reports to the Minister, the Minister may direct that an examination or inspection shall be made by an additional inspector, and upon the advice in writing of both inspectors he may direct that all the plants in such nursery, orchard or collection, or in such part or parts thereof shall be destroyed without requiring that every plant therein shall be first examined. 2 Geo. V. c. 69, s. 16.

Free access for inspectors, etc.

17. Any inspector or other person acting under the authority of this Act shall, upon producing his authority in writing, have free access to any nursery, orchard, storeroom, or other place where it is known or suspected that any plant is kept. 2 Geo. V. c. 69, s. 17.

Penalty.

18. Any person neglecting to carry out the provisions of this Act, or any person offering any hindrance to the carrying out of this Act shall incur a penalty of not less than \$10 or more than \$100, recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 69, s. 18.

Extension of Act to other diseases.

19.—(1) The Lieutenant-Governor in Council may, by Order, direct that other insects and diseases than those mentioned may be included in the provisions of this Act, and thereafter during the continuance of such Order-in-Council, the word "Disease" in this Act shall include all such other insects and diseases.

(2) Public notice of such Order-in-Council shall be given by publication in two successive issues of the *Ontario Gazette*. 2 Geo. V. c. 69, s. 19.

Regulations.

20. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the better carrying out the provisions of this Act. 2 Geo. V. c. 69, s. 20.

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