

**AGRICULTURE (CONTROL OF PLANT DISEASE AND PEST)
AMENDMENT REGULATIONS 2007**

BR 66 /2007

AGRICULTURE ACT 1930

1930 : 22

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The Minister responsible for the environment, in exercise of the powers conferred by section 48 of the Agriculture Act 1930, makes the following Regulations:

Citation

1 These Regulations, which amend the Agriculture (Control of Plant Disease and Pest) Regulations 1970, may be cited as the Agriculture (Control of Plant Disease and Pest) Amendment Regulations 2007.

Inserts regulation 23B

2 The Agriculture (Control of Plant Disease and Pest) Regulations 1970 are amended by inserting the following regulation next after regulation 23A—

“Minister may issue a permit for the importation of soil

23B (1) Notwithstanding regulation 23(m), a person may import soil into Bermuda if he does so under the authority of a permit issued under this regulation.

(2) An application for a permit shall be made in writing to the Minister and shall specify the—

(a) purpose of, and give a detailed justification for, the importation of the soil;

(b) volume, weight and type of soil to be imported;

**AGRICULTURE (CONTROL OF PLANT DISEASE AND PEST)
AMENDMENT REGULATIONS 2007**

- (c) country, and the place in that country, from which the soil is to originate;
 - (d) measures to be taken in the country, from which the soil is to originate, to destroy any contaminant in the soil to be imported;
 - (e) measures to be taken to ensure that any container into which, or surface onto which, the soil is to be loaded is free of any contaminant;
 - (f) route through which the soil is to travel;
 - (g) port at which the soil is to arrive in Bermuda;
 - (h) place of final destination, in Bermuda, of the soil; and
 - (i) measures to be taken to prevent the soil from being exposed to any contaminant while it is being transported from its place of origin to its final destination in Bermuda.
- (3) After receiving the application, the Minister shall consult with the Board.
- (4) The Minister may request the applicant to—
- (a) give additional information; or
 - (b) alter the application.
- (5) The Minister may, after consulting the Board under sub-regulation (3) and reviewing any additional information or alteration under sub-regulation (4), in the Minister's discretion—
- (a) grant the permit subject to such conditions as the Minister believes necessary; or
 - (b) refuse the permit.
- (6) If the Minister grants the permit, the Minister shall specify in the permit the conditions of importation of the soil, including—
- (a) how, where and by whom the soil (in its country of origin) is to be subjected to any treatment (such as dry heat, steam or irradiation) to destroy any contaminant in the soil;
 - (b) how, where and by whom the soil (in its country of origin) is to be tested to establish whether every contaminant in the soil has been destroyed;

**AGRICULTURE (CONTROL OF PLANT DISEASE AND PEST)
AMENDMENT REGULATIONS 2007**

- (c) how, where and by whom the soil (as soon as practicable after its arrival in Bermuda) is to be tested to establish whether or not there is any contaminant in the soil; and
- (d) such other conditions as the Minister believes necessary to prevent the introduction into Bermuda of any contaminant in the soil.

(7) The importer shall, as soon as practicable after the arrival of the soil at a port in Bermuda, make written application to the Minister for permission to remove the soil from the port to its final destination in Bermuda.

(8) Until the importer has obtained the written permission of the Minister to remove the soil from the port to its final destination—

- (a) the soil is to be kept at the port under such conditions as the Minister may, in writing, specify; and
- (b) except for the purposes of tests to be conducted under sub-regulation (6)(c), none of the soil is to be removed from the port.

(9) The Minister shall give permission to remove the soil from the port, to its final destination, if the Minister is satisfied that—

- (a) the conditions of the permit have been satisfied; and
- (b) all necessary measures have been taken to prevent the introduction into Bermuda of any contaminant in the soil.

(10) In this regulation—

“contaminant” means any plant, plant disease, pest or infectious animal disease;

“importer” means a person who is granted a permit under sub-regulation (5);

“port” includes an airport.”.

Made this 21st day of June, 2007

**AGRICULTURE (CONTROL OF PLANT DISEASE AND PEST)
AMENDMENT REGULATIONS 2007**

Minister of Environment,
Telecommunications and E-Commerce