



BERMUDA

AGRICULTURE ACT 1930

1930 : 22

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*[preamble and words of enactment omitted]*

### Interpretation

- 1 In this Act, unless the context otherwise requires—
- “the Board” means the Board of Agriculture appointed in pursuance of section 2.
- “the Department” means the Department of Environment and Natural Resources;

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- “the Director” means the Director of the Department;
- “farm product” includes all agricultural and horticultural products intended for consumption in Bermuda;
- “infected” means infected with an infectious animal or plant disease;
- “infected country” means every country declared by regulations to be infected by reason of the prevalence therein of any infectious animal or plant disease;
- “infectious animal disease” means any disease declared by regulations to be infectious;
- “injurious potato disease” means any potato disease declared by regulation to be injurious;
- “the Inspector” means the Inspector of Produce;
- “the Minister” means the Minister responsible for the environment or such other Minister to whom responsibilities under this Act are assigned;
- “nursery stock” means any bulb, tree, shrub, vine, plant or cutting or other plant produce, for or capable of propagation, imported into or intended for shipment out of Bermuda, and to which this Act applies or is applied by regulations;
- “package” means any crate, barrel or other container;
- “pesticide” means any substance or mixture of substances for use in agriculture, horticulture or home gardens, or in the treatment of soil or turf, intended for preventing, destroying or repelling insects, mites, ticks, nematodes, molluscs, plant fungi, plant bacteria, plant viruses or any form of pests, or the effect thereof or mitigating such effects, or which is intended for use as a plant regulator, defoliant or desiccant;
- “plant” includes every tree, shrub, vine, herb, bulb, fruit, vegetable, fruit tree or plant, cultivated or wild, or any part thereof, to which this Act applies or is applied by regulations;
- “plant disease and pest” means any plant disease or any plant pest to which this Act applies, or is applied by regulations;
- “premises” includes all land in Bermuda, whether belonging to, or in the occupation or possession of, or vested in any person, corporate body, the Crown, or the Secretary of State for Defence;
- “prescribed” means prescribed by this Act or by regulations;
- “prescribed place” means such place as is set aside by the Corporations of Hamilton or of St. George’s for the purpose of the deposit and storage of produce prior to shipment;
- “produce” includes all agricultural and horticultural products intended for shipment out of Bermuda;

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“seed potatoes” includes all potatoes (*solanum tuberosum*) intended for planting in Bermuda, and all Garnet, Chili and Triumph potatoes imported into Bermuda, whether for table or planting;

“unfit” means declared by regulations to be unfit or unsuitable;

“vegetable seeds” means the seeds of every kind of vegetable offered for sale;

“Veterinary Officer” means the Government Veterinary Officer;

“veterinary science” means the application of medicine or surgery to any kind of animal and includes —

- (a) assessment of the physiological status of an animal;
- (b) diagnosis of any disease, injury, deformity or defect of an animal;
- (c) prescribing or administering any drug, medicine, apparatus, anaesthetic or substance to an animal for the purpose of the diagnosis, treatment or prevention of any disease, injury, deformity or defect of an animal;
- (d) giving advice on the diagnosis or treatment of disease in an animal or an injury to an animal;
- (e) applying the principles of zoonotic disease control and disaster medicine in the promotion of animal welfare and public health.

*[Section 1 amended by 1991:99 effective 1 January 1992; “Department” amended by 2000:20 Sch para 2(1) effective 26 June 2000; “Department” and “Minister” substituted by 2002:18 s.2 & Sch effective 1 April 2002; “veterinary science” substituted by 2008 : 20 s.17 & Sch 2 effective 9 July 2010; “the Minister” amended by BR 5/2011 para.5 effective 25 February 2011; “the Department” amended by 2016 : 21 s. 2 effective 1 April 2016]*

Minister to appoint Board of Agriculture annually

2 (1) The Minister shall by notice in the Gazette appoint annually a Board to be called the Board of Agriculture which shall consist of such number of persons, being not less than five nor more than twelve as the Minister may decide.

(2) Any person appointed to be a member of the Board shall hold office during the Minister’s pleasure and unless his appointment is earlier terminated it shall be deemed to terminate one year from the date upon which such appointment took effect.

(3) There shall be a Chairman and Deputy Chairman of the Board each of whom shall be appointed by the Minister from among the members of the Board and each of whom shall hold office as such during the Minister’s pleasure:

Provided that the Board shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of Chairman or Deputy Chairman or any member.

(4) At any meeting of the Board the Minister may preside over the meeting if, acting in his discretion, he decides to do so but unless the Minister so decides the meeting shall be presided over by—

- (a) the Chairman; or

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- (b) in the absence of the Chairman, the Deputy Chairman; or
- (c) in the absence of both the Chairman and the Deputy Chairman, such member of the Board as the members present elect to act as chairman at that meeting.

(4A) A simple majority of the members present in Bermuda shall constitute a quorum.

(5) Every question or matter to be determined by the Board at any meeting shall be decided by a majority of the votes of the members present and voting on the question or matter:

Provided that in the event of an equal division of votes the person presiding at the meeting may, if he thinks fit, give a second or casting vote.

(6) Fees shall be paid to the members of the Board in accordance with the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

(7) The Director (or his designate) shall be an ex officio member of the Board.

*[Section 2 amended by 1991:99 effective 1 January 1992; subsection (1) amended, and (7) inserted, by 2002:18 s.2 & Sch effective 1 April 2002; subsection (7) repealed and replaced by 2016 : 21 s. 2 effective 1 April 2016]*

Minister may consult with Board

3 In the exercise of his powers and duties under this Act and any other enactment which relates to matters of agriculture and related matters, the Minister may consult with, or take the advice of, the Board from time to time as he shall think fit, but notwithstanding that the Minister has consulted, or taken the advice of, the Board on any matter, he may act in his discretion on such matter.

*[Section 3 amended by 1991:99 effective 1 January 1992]*

General functions of Minister

4 The general functions of the Minister shall be the functions hereinafter in this section specified—

- (a) the Minister shall exercise a general supervision and control over matters concerning or connected with the practice of agriculture and horticulture in Bermuda; and shall promote the improvement of plants, the improvement of livestock, the prevention and control of animal and plant diseases, and exercise control over poultry and livestock care and management;
- (b) *[Repealed by 2000:20]*
- (c) the Minister shall promote the prevention and control of soil erosion by the enforcement of proper agricultural and horticultural practices.
- (d) the Minister shall promote the marketing of the agricultural produce of Bermuda;

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- (e) the Minister shall promote, develop, improve and protect the fisheries and fishing industry of Bermuda, and shall promote or assist in promoting measures for the proper marketing and distribution of fish and for the conservation of fish prior to marketing or distribution;
- (f) the Minister shall cause to be made such inquiries as he thinks expedient, in respect of any matters concerning or connected with the practice of agriculture, or in respect of any matters of which their sanction, approval or consent, or the sanction, approval or consent of any officer of the Department, is required under this Act;
- (g) the Minister, in respect of matters connected with the practice of agriculture, shall cause such statistical data to be obtained and recorded, and such records or reports to be published, as he may think expedient;
- (h) the Minister in conjunction with such other Government Departments as may be appropriate, shall promote the study of agriculture and shall disseminate information regarding techniques of agriculture and otherwise; and may, in connection with such purposes as aforesaid, promote or hold agricultural exhibitions;
- (i) the Minister shall exercise a general supervision and control over the practice of veterinary science in Bermuda;
- (j) *[deleted by 1984:53]*
- (k) the Minister responsible for the environment shall have the administration and control of the Aquarium and Museum.

*[Section 4(b) repealed by 2000:20 Sch para 2(2) effective 26 June 2000; section 4 amended by BR 5/2011 para.5 effective 25 February 2011; section 4(k) amended by 2016 : 21 s. 2 effective 1 April 2016]*

### Department of Environment and Natural Resources established

5 (1) There shall be established a Department of Government which shall be charged with the duty of assisting the Minister in the discharge of his responsibilities under this Act and any other enactment which relates to matters concerning the protection of the environment which shall be known as the Department of Environment and Natural Resources.

(2) The Department shall, subject to the general direction and control of the Minister, be under the supervision of the Director and shall consist of such other officers as may from time to time be authorized by the Governor.

*[Section 5 amended by 1991:99 effective 1 January 1992; by 1998:20 effective 18 June 1998; by 2000:20 Sch para 2(3) effective 26 June 2000; and by 2002:18 s.2 & Sch effective 1 April 2002; section heading and subsection (1) amended by 2016 : 21 s. 2 effective 1 April 2016]*

### Functions of Director

6 Subject to the directions of the Minister, the Director shall—

- (a) institute and superintend agricultural experiments and demonstrations of such character as may be approved by the Minister;

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- (b) supervise any system of agricultural education which may be established in connection with any of the schools in Bermuda.

### Use of Agricultural Station

7 The Agricultural Station and all other premises acquired for similar purposes shall be appropriated for the study and development of agriculture, the cultivation, propagation and distribution of economic and ornamental plants, the keeping of livestock for breeding purposes, and for such other purposes as the Minister may from time to time direct or sanction.

### Certificate required to practice veterinary science

8 *[Repealed by 2008 : 20 Sch. 2.]*

*[Section 8 repealed by 2008 : 20 Schedule 2 effective 9 July 2010]*

### Veterinary practitioners; committee to examine applicants

9 *[Repealed by 2008 : 20 Sch. 2.]*

*[Section 9 repealed by 2008 : 20 Schedule 2 effective 9 July 2010]*

### Veterinary practitioner; cancellation of certificate

10 *[Repealed by 2008 : 20 Sch. 2.]*

*[Section 10 repealed by 2008 : 20 Schedule 2 effective 9 July 2010]*

### Restriction on use of titles relating to veterinary practitioners

11 *[Repealed by 2008 : 20 Sch. 2.]*

*[Section 11 repealed by 2008 : 20 Schedule 2 effective 9 July 2010]*

### Minister may promote improvement of livestock; regulations

12 (1) The Minister may take such measures as appear to the Minister to be necessary or desirable for the purpose of promoting the improvement of livestock in Bermuda and may make regulations for that purpose.

(2) In this section "livestock" means cows, bulls, oxen, heifers, calves and swine.

### Minister to control infectious animal diseases; regulations

13 The Minister shall take the necessary measures to prevent the introduction into Bermuda of infectious animal diseases, and shall prescribe the steps to be taken to control such infectious animal diseases which may from time to time exist in Bermuda.

### Veterinary Officer; power of entry

14 The Veterinary Officer shall be the responsible officer, under the direction of the Director, for the proper execution of regulations made under this Act providing for the control of infectious animal diseases, and he shall have the right to enter at all reasonable times on any premises used wholly or partially for the keeping or custody or slaughter of animals or for the storage or sale of carcasses of animals or portions of such carcasses, and

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shall have the right to remain on such premises for such time as may be necessary to carry out any of his duties under this Act or any regulations made thereunder.

### Infection of animal to be reported

15 The owner of any infected animal or any animal suspected of being infected, and every veterinary practitioner having knowledge of such infection, shall report the same forthwith to the Veterinary Officer or to the Director.

### Importation of animals; compliance with conditions

16 No animal imported into Bermuda shall be permitted to land unless the prescribed conditions affecting its landing have been fulfilled.

### Minister to control plant diseases and pests

17 The Minister shall take the necessary measures to control plant diseases and pests.

### Plant Pathologist

18 The Plant Pathologist shall be the responsible officer, under the direction of the Director, for the proper execution of regulations made under this Act providing for the control of plant diseases and pests.

### Plant Pathologist may inspect all plants imported

19 The Plant Pathologist may inspect all plants imported into Bermuda, and take all such measures and precautions with respect thereto as may seem expedient for the prevention of the increase or introduction of plant diseases and pests.

### Minister may destroy imported plants

- 20 The Minister or his authorized authority may destroy or otherwise dispose of—
- (a) any plants imported into Bermuda contrary to this Act or of any regulations made thereunder; and
  - (b) any plants imported into Bermuda not declared to come within the meaning of this Act, and affected by any plant disease or pest which the Minister considers dangerous to the plants and bulbs in Bermuda.

### Minister may prohibit importation or exportation of plants; regulations

21 The importation and exportation of plants within the meaning of this Act, and of any part of such plant, may be prohibited by regulations made under this Act.

### Treatment or destruction of prescribed plants

22 The pruning, treatment or destruction of prescribed plants is hereby authorized.

### Easter lily bulbs grown for export

23 All Easter lily bulbs grown for export shall be subject to such field and packing-house inspection as the Minister may prescribe; and no person shall offer for sale bulbs which have failed to pass either inspection.



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### Exportation of nursery stock; regulations

24 The shipment from Bermuda of nursery stock shall be under and subject to such safeguards as the Minister may from time to time prescribe by regulations made under this Act.

### Notice of intention to export nursery stock, plants or produce

25 Every exporter shall notify the Director of his intention to export any nursery stock, plants or produce.

### Certificates of inspection of nursery stock for export

26 (1) The Director and other officers of the Department, approved by the Minister, shall be the duly authorized officials in Bermuda to issue certificates of inspection of nursery stock intended for export abroad and of the sand or other material used in packing the same.

(2) It shall be their duty to inspect any such nursery stock or sand or other packing materials on receiving due notice from the person intending to export the same, and to deliver to the person on whose request the inspection was made the required certificates and sufficient copies to be attached to each package of bulbs or other nursery stock covered by his inspection.

(3) The fee payable in respect of copies of certificates issued under this section shall be prescribed by regulations made under this Act.

### Inspection and shipment of produce; responsibility of Inspector

27 The Inspector shall be the responsible officer, under the direction of the Director, for the proper carrying out of regulations made under this Act relating to the inspection of produce.

### Duties of Inspector

28 (1) The Inspector shall inspect not less than ten per centum of each lot of produce and packages deposited, and shall reject such part or the whole of each lot of produce or packages which he finds unfit for shipment.

(2) For the purpose of carrying out his inspection the Inspector may cause to be opened all packages under inspection, and shall deal with the contents thereof in such manner as may be necessary to carry out an effectual inspection.

### Inspection of crate material and cooperage

29 (1) All crate material and cooperage shall be subject to inspection and rejection at the time of importation.

(2) Crate material, cooperage, produce and packages may be re-inspected at any time that the Inspector thinks fit, or when directed by the Director.

### Inspection of stowing

30 The inspector shall inspect the stowing in any ship of exported produce.

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### Appeal

31 (1) Any person or his agent aggrieved by the Inspector's decision that any lot of crate material or cooperage or produce or packages is unfit for use or shipment may appeal forthwith from such decision as provided in subsection (2).

(2) Two impartial and disinterested persons having practical experience in handling and dealing with produce shall be appointed, one by the Inspector and the other by the aggrieved person, who shall, before considering the question at issue, jointly appoint a third person to act as umpire in case of their failing to agree; and their decision or the decision of a majority of them shall be final.

### Rejection of produce as unfit for shipment

32 If the Inspector rejects any lot of produce as unfit for shipment he shall—

- (a) direct such produce or packages to be taken to the place to be provided for that purpose and there made fit for shipment; or
- (b) cause such packages to be marked in such manner as shall indicate that such packages or produce are wholly unfit for shipment.

### Duty to remedy defects

33 Any person who by himself, or through the agency of another person, takes any produce to the place to be provided shall be liable to remedy any defects or remove or destroy any part of the lot of produce or packages dealt with as aforesaid which is unfit for shipment.

### Duty to remove condemned produce or packages

34 Any person who has deposited any lot of produce or packages which, owing to its defective condition, has been condemned as altogether unfit for shipment, shall remove the same from the prescribed place within forty-eight hours after it has been condemned, or within such longer period as may be allowed by the Inspector for the purpose; and if he fails to do so the Inspector shall have the condemned produce or packages, as the case may be, destroyed or otherwise disposed of

### Condemned produce or packages not to be deposited in the prescribed place

35 (1) No person shall by himself, or by the agency of another person, wilfully deposit in the prescribed place any produce or packages declared by the Inspector to be unfit for shipment.

(2) Upon any trial for an offence against this section the burden of proof of absence of wrongful intent shall be on the accused.

### Produce rejected for shipment or uninspected not to be shipped

36 No person shall by himself, or by the agency of another person, ship or attempt to ship or aid in shipping or attempting to ship any produce or packages which he knows have not been inspected or have been rejected as unfit for shipment.

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### Municipality to provide sheds

37 The Corporations of Hamilton and St. George's shall set aside a shed or wharf or any part thereof for the deposit of produce for inspection and storage prior to shipment and for the reconditioning of rejected packages or produce.

### Minister may license shippers

38 (1) The Minister may licence such persons or firm as shippers of produce as a committee of persons appointed by him, consisting of persons who are not shippers and have no interest in any shipping firm or association, may deem expedient.

(2) The Minister may prescribe the form of licences and the conditions subject whereunto licences are granted and the manner in which shippers are to give security for the proper performance of their obligations as shippers.

(3) Bona fide planters shall of right be entitled to be granted licences to ship produce grown by them:

Provided that such licences may be withdrawn if the holders fail to comply with any conditions which are or may be prescribed.

### Importer must satisfy Director that seed potatoes to be imported are suitable

39 Every importer of seed potatoes shall satisfy the Director that the seed potatoes to be imported by him are of approved strain, have been grown under conditions and inspected by authorities which meet the prescribed requirements.

### Inspector may inspect all potatoes imported or landed

40 (1) All seed or other potatoes imported into Bermuda shall be subject to this Act and of regulations made thereunder, and the Inspector may inspect all potatoes imported into or landed in Bermuda.

(2) Every barrel or package containing seed potatoes imported into or landed in Bermuda shall be marked or labelled in the prescribed manner.

### Duties of Inspector before seed potatoes are removed from wharf

41 (1) The Inspector shall satisfy himself by examination of the accompanying certificate and the contents of the barrels or bags that each consignment of seed potatoes meets the prescribed requirements before such seed potatoes are removed from the wharf on which they have been landed.

(2) The Inspector may inspect all the packages of any consignment and their contents, and shall also have the power to re-inspect subsequently at any place such packages and their contents.

### Potatoes; Minister may take precautions against infection

42 The Minister may take, or may direct to be taken, such precautions as the Minister deems expedient for preventing the importation, landing or sale in Bermuda of potatoes unsuitable for planting or infected with any injurious potato disease, or imported from any infected country, and may require the destruction or exportation of any potatoes which have

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been imported or landed here, and may prohibit the exportation of any such potatoes to any specified country or place.

### Compliance with precautionary measures

43 Every importer, consignee or owner of potatoes imported into or landed in Bermuda shall, at his own expense, comply with the measures and precautions taken or directed by the Minister under section 42.

### Recovery of expenses

44 All expenses of or incidental to the landing, treatment, removal, handling, exportation or destruction of any potatoes or packages imported into Bermuda contrary to and dealt with under this Act shall be borne by the importer, consignee or owner of such potatoes.

### Minister may authorize special importation of potatoes

45 Nothing in this Act shall have effect so as to prevent the Minister from authorizing the importation into Bermuda of potatoes, the importation of which would otherwise be contrary to this Act.

### Vegetable seeds; control of sale: regulations

46 (1) All vegetable seeds sold or offered for sale in Bermuda shall be subject to this Act and of regulations made thereunder.

(2) Provision may be made by regulations made under this Act—

- (a) for requiring the registration of firms or persons desirous of offering vegetable seeds for sale;
- (b) for specifying the varieties and strains of vegetable seeds that may be sold or offered for sale in Bermuda;
- (c) for specifying the sources from which vegetable seeds intended for sale may be imported;
- (d) for requiring the examination and testing for germinating power and trueness to type of vegetable seeds imported into Bermuda for sale;
- (e) for requiring labelling of packets or packages of vegetable seeds before they are offered for sale; and
- (f) for requiring the destruction, or exportation from Bermuda, of any vegetable seeds which have been imported for sale in Bermuda contrary to the regulations, or which on examination are found to be unsuitable for planting, or untrue to type.

### Vegetable seeds not to be sold by unregistered person

47 A person or firm not registered by the Minister in accordance with regulations made under this Act shall not offer vegetable seeds for sale in Bermuda.

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### Importation of pesticides

47A (1) No person shall import or cause to be imported any pesticides into Bermuda unless either—

- (a) the Minister has, by notice published in the Gazette, specified such pesticide as one which may be imported, either without restriction or subject to such restrictions as may be specified in the notice; or
- (b) the Director has, by letter of authority to the importer copied to the Collector of Customs, authorized the importation (in which case such authority shall be personal to the addressee), and such letter of authority has not been withdrawn,

and the pesticide is imported in accordance with such notice, or such letter of authority, as the case may be.

(2) A notice or letter of authority under subsection (1) may specify the kind of container in which any pesticide may be imported, the manner of labelling any such container and the contents of any such label.

(3) No pesticide authorized for importation under subsection (1) shall be imported by any person unless it is in a container and labelled as specified in the notice or in the letter of authority issued under paragraph (a) or paragraph (b), as the case may be, of subsection (1).

(4) Any customs officer may require the production of the letter of authority issued under subsection (1)(b) at the time when the pesticide is entered under the Revenue Act 1898 [*title 14 item 10*], and if no such letter is produced then, unless the pesticide may be imported by virtue of a notice under subsection (1)(a), the pesticide shall be liable to forfeiture; and any such forfeiture shall, for the purposes of the Revenue Act 1898 be deemed to be forfeiture under that Act.

(5) Any person who contravenes this section commits an offence:

Punishment on summary conviction: a fine of \$500.

(6) In any prosecution under this section a certificate purporting to be under the hand of the Director stating that any container, and additionally or alternatively, any label, is or is not, as the case may be, specified for the purpose in a notice or letter of authority under subsection (1) shall be receivable in evidence in any proceedings and shall be prima facie evidence of those facts.

### Sale of pesticides

47B (1) No person shall sell or offer for sale or expose for the purpose of sale any pesticide which he has reasonable cause to believe has been imported in contravention of section 47A.

(2) No person shall sell or offer for sale any pesticide which he has reasonable cause to believe has been repackaged subsequent to importation.

(3) Any person who contravenes this section commits an offence:

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Punishment on summary conviction: a fine of \$250.

### General power of Minister to make regulations

48 Subject to this Act, the Minister may make regulations for administering this Act and for giving effect to its objects and intentions and, without derogating from the generality of the foregoing, such regulations may make provision for controlling or regulating the importation, use or storage of any pesticide in the interests of safety or for the purpose of avoiding injury to plant or animal life.

### Farm products regulations

49 The Minister may make regulations—

- (a) establishing grades for a farm product;
- (b) providing for the inspecting, grading and packing of farm products;
- (c) prescribing the powers and duties of inspectors and graders of farm products;
- (d) providing for the issuing of inspection and grading certificates by inspectors and graders;
- (e) designating places where farm products may be inspected or graded;
- (f) providing for the recognition of associations of producers of farm products and vesting in such associations powers to inspect or grade farm products;
- (g) respecting packages for farm products;
- (h) providing for the marking of farm products or the packages thereof;
- (i) respecting the cleanliness and sanitation of premises in which a farm product is stored, processed, graded or packed;
- (j) providing for the exemption from the regulations of any person or group of persons;
- (k) providing for matters ancillary to matters mentioned in paragraphs (a) to (j) above.

### Aquarium and Museum regulations

50 (1) The Minister may make regulations for the proper administration and control of the Aquarium and Museum.

(2) Without prejudice to the generality of the power conferred upon the Minister by section 49, the Minister may make regulations—

- (a) for prescribing the duties of the Curator of the Aquarium and Museum and of other officers or persons employed in connection with the Aquarium and Museum;
- (b) for regulating the days and hours during which the Aquarium and Museum and the grounds thereof are to be open to the public;

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- (c) for prescribing scales of charges for admission to the Aquarium and Museum or to the grounds thereof;
- (d) for regulating the conduct of persons who are within the Aquarium or Museum or the grounds thereof

(3) Regulations made by the Minister under this section may provide for the punishment of persons guilty of offences against these regulations, so, however, that no such punishment shall exceed a fine of thirty-six dollars.

### Regulations; incidental provisions

51 (1) Regulations made in pursuance of any provision of this Act—

- (a) may, for or in connection with any of the purposes of the regulations, provide for the inspection of any premises, land, boat, vehicle or aircraft; for the seizure and examination of any animal or thing, the analysis of any thing, and the forfeiture and disposal of any animal or thing used or possessed in contravention of the regulations; and
- (b) may require that the regulations, or any part or extract therefrom, shall be displayed in any prescribed place.

(2) *[deleted by 1972:76]*

(3) Regulations made in pursuance of any provision of this Act shall not, except as expressly provided in this Act, prescribe any charge or fee to be made or recovered in respect of any service performed, or duty executed, or power exercised, or permit granted, by or on behalf of the Minister or any authority or person charged with the execution of this Act.

### Parliamentary scrutiny of regulations

52 The negative resolution procedure shall apply to regulations made under this Act.

### Entry on premises

53 (1) Subject to this section, an authorized officer of the Department shall, on producing, if so required, some duly authenticated document showing his authority, be entitled to enter any premises at all reasonable hours—

- (a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of this Act or of any regulations made thereunder, being provisions which it is the duty of the Minister to enforce;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorize or require the Minister to take any action under this Act or under any regulations made thereunder;
- (c) for the purpose of taking any action authorized or required by this Act, or any regulations made thereunder or any order made in pursuance of any provision of this Act or such regulations, to be taken by the Minister:

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Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) Where it is shown to the satisfaction of a Justice of the Peace on sworn information in writing—

- (a) that the admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of notice under subsection (1) would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any purpose mentioned in subsection (1), then in any such case the Justice of the Peace may by warrant under his hand authorize an authorized officer to enter the premises, if need be by force:

Provided that a warrant as aforesaid shall not be granted unless the Justice of the Peace is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of notice would defeat the object of the entry.

(3) An authorized officer entering any premises in pursuance of this section, or in executing a warrant granted thereunder, may take with him such other persons as may be reasonably necessary in the circumstances; and on leaving any unoccupied premises which he has entered in the execution of a warrant as aforesaid the officer shall leave the premises as effectually secured against trespassers as he found them.

(4) A warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

### Notices to be in writing

54 (1) All notices, orders, consents, demands and other documents authorized or required by or under this Act or by or under regulations made thereunder to be given, made or issued by the Minister or any officer of the Department, and all notices and applications authorized or required by or under this Act or by or under any such regulations to be given or made to the Minister, or to any officer of the Department, shall, except where otherwise expressly provided, be in writing.

(2) Provision may be made by regulations made under this Act for prescribing the form of any notice, order, certificate or other document to be used for giving effect to any of this Act and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

### Authentication of documents

55 (1) Any notice, order, consent, demand or other document which the Minister is authorized or required by or under this Act, or by or under regulations made thereunder, to give, make or issue may be signed on behalf of the Minister—



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- (a) by the Director or Veterinary Officer as respects documents relating to matters within their respective provinces; or
- (b) by any officer of the Department authorized by the Minister in writing to sign documents of the particular kind or, as the case may be, the particular document.

(2) Any document purporting to bearing the signature of an officer expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or expressed to be duly authorized by the Minister to sign such a document or the particular document, shall, for the purposes of this Act, and of any regulations made in pursuance of any provision thereof, be deemed, until the contrary is proved, to have been duly given, made or issued by or under the authority of the Minister.

### Service of notices

56 Any notice, order, consent, demand or other document which is required or authorized by or under this Act to be given to or served on any person may, in any case for which no other provision is made by this Act, be given or served—

- (a) by delivering it to that person; or
- (b) in the case of the Minister, the Director, or of any other officer of the Department, by leaving it at his office or sending it in a prepaid letter addressed to him at his office; or
- (c) in the case of any person, by leaving it, or by sending it in a prepaid letter addressed to him, at his usual or last known residence; or
- (d) in the case of a corporate body or other body of persons, by delivering it to the secretary or clerk thereof at their registered or principal office, or by sending it in a prepaid letter addressed to the secretary or clerk at that office; or
- (e) in the case of a document to be given to or served on the owner or the occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied, by addressing to the person concerned by the description of “owner” or “occupier” of the premises (naming them) to which it relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

### Permits for use of open spaces

56A *[Repealed by 2000:20]*

*[Section 56A repealed by 2000:20 Sch para 2(4) effective 26 June 2000]*

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### Obstruction an offence

57 No person shall wilfully obstruct any person acting in the execution of any provision of this Act or of any regulation, order or warrant made or issued in pursuance thereon.

### Offences

58 Any person who contravenes any provision of this Act or of any regulations made thereunder commits an offence against this Act.

### Summary prosecution

59 Offences against this Act shall be prosecuted before a court of summary jurisdiction.

### Punishment where none specified

60 Where a person commits an offence under this Act for which no specific penalty is provided:

Punishment on summary conviction: a fine of \$1,000, or in the case of a second or subsequent conviction imprisonment for 2 years or a fine of \$2,000 or both such imprisonment and fine and in the case of a continuing offence a further fine of \$250 for every day during which the offence continues.

### Daily penalties

61 Where provision is made by or under this Act for the imposition of a daily penalty in respect of a continuing offence after conviction, the court by which a person is convicted of the original offence may specify a reasonable period from the date of conviction within which the defendant is to comply with any directions given by the court; and, where a court has specified such a period, no daily penalty shall be imposed in respect of any day before the expiration of the period.

### Who may take proceedings

62 (1) Proceedings in respect of an offence against this Act shall not, without the written consent of the Director of Public Prosecutions, be instituted by any person other than a party aggrieved or by the Minister.

(2) A prosecution for an offence against this Act may be conducted before a court of summary jurisdiction by any officer of the Department duly authorized by the Minister in that behalf.

*[Section 62 subsection (1) amended by 1999:8 s.2 & Sch 1 effective by 1 April 1999]*

[Assent Date: 24 April 1930]

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### *[Amended by:*

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1949 : 26

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