

**SECTION 29-THE PLANT PESTS AND DISEASES
(NURSERY)
REGULATIONS**

*Federal
Government
Notices
286 of 1961
364 of 1962
Government
Notices
90 of 1964
497 of 1964
Act No.
13 of 1994*

Regulations by the Minister

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| <p>1. These Regulations may be cited as the Plant Pests and Diseases (Nursery) Regulations.</p> | Title |
| <p>2. (1) Every nurseryman shall, before the 1st January each year, apply to the Permanent Secretary, Ministry of Agriculture, P.O. Box RW, Lusaka, for the registration of his nursery.</p> | Registration of nurseries |
| <p>(2) The owner or other person responsible for the management of a nursery which is established after the 1st January of any year shall make the application referred to in sub-regulation (1) within sixty days of the date on which it was established.</p> | |
| <p>(3) A registration fee of one hundred and fifty penalty units shall be submitted with each application for registration.</p> | |
| <p>(4) On receipt of an application for registration and the registration fee, the Permanent Secretary shall-</p> | |
| <p>(a) if he agrees to register the nursery, register the nursery in a register to be kept for the purpose and notify the nurseryman of the fact that he has been registered;</p> | |
| <p>(b) if he refuses to register the nursery, return the registration fee to the nurseryman and notify the nurseryman of the reason for the refusal to register the nursery.</p> | |

(As amended by F.G.N. No. 364 of 1962, G.N. No. 90 of 1964

and Act No. 13 of 1994)

3. No person shall, without special written authority from the Minister, sell or expose for sale nursery stock grown or cultivated in Zambia unless-

Sale of nursery stock

(a) it has been grown or cultivated in a registered nursery;

(b) it is labelled in accordance with the provisions of regulation 10.

(As amended by G.N. No. 90 of 1964)

4. Where a nursery or portion thereof has been declared an infested area, no person, other than an inspector, shall remove, cause to be removed or allow the removal of any compost, growing media, manure or plants from that infested area unless such removal is-

Removal of plants, etc., from infested nurseries

(a) ordered by an inspector;

(b) effected for the purpose of treating or destroying the compost, growing media, manure or plants.

5. (1) Where a nursery or portion thereof has been declared an infested area, the nurseryman may apply to the Permanent Secretary for such infested area or any portion thereof to be inspected by an inspector for the purpose of ascertaining whether or not it is free from the infestation.

Inspection of infested nurseries

(2) An inspection in terms of sub-regulation (1) shall not be carried out unless the nurseryman certifies that-

(a) all nursery stock on the premises, or the portion thereof which has been ordered to be treated by the inspector at the time of the declaration of the infested area, has been fumigated in the manner set out in the First Schedule; or

(b) a period of six weeks has elapsed since the remedial treatment, other than fumigation, ordered by the inspector has last been applied to the area to be inspected.

(3) The cost of an inspection in terms of sub-regulation (1), or of such portion thereof as the Minister determines, shall be paid by the nurseryman.

(As amended by F.G.N. No. 364 of 1962)

and G.N. No. 90 of 1964)

6. An inspector may-

Destruction of infested plants

(a) destroy or order by notice in writing the destruction of any plants in a nursery which are infested, or appear to be infested, with any pest liable to be disseminated with nursery stock; or

(b) by notice in writing order the destruction of any plants in a nursery for the purpose of preventing or controlling attacks by, or the spread of, a pest.

7. (1) No person shall remove or cause or permit the removal of nursery stock from a nursery unless such stock has been fumigated-

Fumigation of nursery stock

(a) in a chamber complying with the provisions of regulation 8;

(b) in a manner complying with the provisions of regulation 9; not more than forty-eight hours before removal from the nursery.

(2) The Minister may, upon receipt of a written application, exempt, subject to such conditions as he may specify, any person or class of persons from complying with the provisions of sub-regulation (1).

8. (1) A chamber for the fumigation of nursery stock in terms of regulation 7 shall be air-tight and shall be constructed of brick, concrete or other strong, durable, gas-proof and rigid material.

Chamber for fumigation

(2) The chamber referred to in sub-regulation (1) shall be provided with racking or other means to ensure the free circulation of the fumigant around and beneath nursery stock contained therein.

9. (1) Nursery stock to be fumigated in terms of regulation 7 shall be fumigated in the manner set out in the First Schedule.

Manner of fumigation

(2) The Minister may, upon receipt of a written application, exempt, subject to such conditions as he may specify, any person or class of persons from complying with the provisions of sub-regulation (1).

10. (1) A nurseryman shall label nursery stock despatched from his nursery with a label in one of the forms set out in the Second Schedule. Labelling of nursery stock

(2) A nurseryman may use either Form 1 or Form 2 or both forms:

Provided that if the nurseryman uses Form 2 only he shall label each item of nursery stock despatched from his nursery with that label.

FIRST SCHEDULE

(Regulations 5 and 9)

MANNER OF FUMIGATING NURSERY STOCK

1. Hydrocyanic acid gas or methyl bromide shall be used in the following quantities-
 - (a) where hydrocyanic acid gas is used, for every 1,000 cubic feet of space in the fumigation chamber-
 - (i) 70.88 grams of hydrocyanic acid gas, in the case of dormant, leafless nursery stock;
 - (ii) 1.4 ounces of hydrocyanic acid gas, in the case of leafy plants; shall be introduced;
 - (b) where methyl bromide is used, for every 1,000 cubic feet of space in the fumigation chamber-
 - (i) 1.4 kilograms of methyl bromide, in the case of dormant, leafless nursery stock;
 - (ii) 1.13 kilograms of methyl bromide, in the case of leafy plants; shall be introduced.
2. The plants shall be placed so that the gas has access to every portion of their surfaces which grow above ground.
3. The chamber shall be securely closed as soon as or before the generation of gas begins and shall be kept closed-
 - (a) where hydrocyanic acid gas is used, for at least 45 minutes;
 - (b) where methyl bromide is used, for at least two hours.
4. Fumigation shall be carried out at a temperature of between 65 degrees and 75 degrees Fahrenheit, with an optimum temperature of 70 degrees Fahrenheit.

SECOND SCHEDULE

**(Regulation 10)
FORM 1**

THE PLANT PESTS AND DISEASES (NURSERY) REGULATIONS

This label may be used for consignments of nursery stock containing several plants as well as for single items

I certify that the plants herewith consigned, namely-

- (1) for
- (2).....

of (3), are produced from a nursery registered

under the Plant Pests and Diseases (Nursery) Regulations, and that the provisions of those Regulations, including those relating to fumigation, have been complied with.

Registered nursery

.....

Nurseryman

Address

.....

Date

(1) State number of bales or other containers and kinds of plants.

(2) Give consignee's name.

(3) Give consignee's address.

(As amended by G.N. No. 90 of 1964)

FORM 2

THE PLANT PESTS AND DISEASES (NURSERY) REGULATIONS

This label may be used for single items of nursery stock only

This plant is produced at the
Nurseries, registered under the Plant Pests and Diseases (Nursery) Regulations, the
provisions of which have been complied with.