

1978 BILL 254

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 254

THE PLANT PROTECTION ACT

MR. NOTLEY

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 254
Mr. Notley

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THE PLANT PROTECTION ACT

(Assented to _____, 1978)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

1. In this Act

- (a) "department" means the Department of Agriculture;
- (b) "disease" means a condition that exists in a plant or seeds as the result of the action of a virus, fungus, bacterium, mycoplasma or any other agent that injures or may injure a plant or any part thereof;
- (c) "infested" means contaminated with a pest or so exposed to a pest that contamination can reasonably be expected to exist;
- (d) "inspector" means a person designated as an inspector pursuant to section 5;
- (e) "Minister" means the Minister of Agriculture;
- (f) "nursery" means a place where plants are grown or cared for during a stage of growth for the purpose of sale as living plants or cultivating further plants for sale as living plants;
- (g) "nursery operator" means a person who owns, manages or operates a nursery;
- (h) "nursery stock" means a plant grown in a nursery for the purpose of sale or the cultivation of further plants;
- (i) "pest" means any plant, animal or disease inciting agent, causing or capable of causing injury to plant material;
- (j) "plant" includes a part of a plant.

2. Except as provided by this Act and the regulations, no person shall sell, transport, cultivate or grow

- (a) a pest, or
- (b) a plant or other matter that is infested or likely to become infested with a pest, or
- (c) a plant or other matter that constitutes a biological obstacle to the control of a pest, or
- (d) a plant that is prohibited by the regulations.

Explanatory Notes

1. Definitions.

2. Pests or infected plants not to be cultivated.

3. (1) No person shall sell or cultivate nursery stock unless he has been issued a licence pursuant to this section for each place of business at which he sells or cultivates the nursery stock.

(2) No person shall sell or offer for sale nursery stock at a place other than a place in respect of which a licence has been issued under this section.

(3) Where a person applies for a licence an inspector shall inspect every place covered by the licence and shall issue a certificate of inspection only if he is satisfied that the place is free of pests and that the standards established by the regulations are or will be maintained there.

(4) The Minister shall issue a licence to any person who applies therefor in the form prescribed by the regulations if

- (a) he is satisfied as to the truth of the facts stated in the application,
- (b) he receives payment of the licence fee established by regulation, and
- (c) a certificate of inspection has been issued for every place covered by the licence.

(5) The term of a licence issued under this section shall not be longer than one year.

(6) Where a licensee holding a licence issued under this section violates any provision of this Act, the regulations or *The Agricultural Pests Act*, the Minister may, if he sees fit, suspend or cancel any licence under this section held by the licensee.

(7) Every person who sells or cultivates nursery stock without having a licence therefor is guilty of an offence and liable on summary conviction to a penalty of not more than \$1000 or to imprisonment for not more than one month, or to both fine and imprisonment.

(8) This section does not apply to the sale of nursery stock by a person not regularly employed in the business of selling nursery stock, when the sale is incidental to cultivation by the seller for his own use and where the total volume of such sales in any year does not exceed \$250.

4. Every person who sells or offers for sale at the retail level any plant that has been imported into the Province that does not bear on it a label clearly indicating the origin of the plant and any limitations on its suitability for growth in the Province is guilty of an offence.

5. The Lieutenant Governor in Council may make regulations to prevent the transportation, sale or spread of any pest, or to facilitate the carrying out of the purposes of this Act by:

3. Licence for nurseries.

4. Labelling stock from outside Province.

5. Regulations.

- (a) prescribing forms;
- (b) prescribing the qualifications and conditions that must be met before a person is licensed to operate a nursery or to sell nursery stock or a place is licensed as a nursery;
- (c) prescribing fees for the issue or renewal of licences;
- (d) establishing phytosanitary or other standards to be maintained by nurseries;
- (e) prohibiting or restricting the sale, use, transportation or disposition of any plants or other matter that is infested or suspected of being infested with any pest, or that constitutes a biological obstacle to the control of any pest;
- (f) prohibiting the cultivation, sale or transportation of any plant that is likely to cause the growth or spread of a pest;
- (g) providing for the appointment of inspectors for the purposes of this Act;
- (h) establishing remuneration for inspectors providing that money has been appropriated to that purpose by the Legislature;
- (i) providing for any measures necessary or advisable to carry out effectively the intent and purpose of this Act.

6. Every person who contravenes any provision of the Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

7. This Act comes into force on the day upon which it is assented to.