

THE INSECTS AND PESTS ACT.

[INDIA ACT II, 1914.] (3rd February, 1914.)

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Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) “crops” includes all agricultural or horticultural crops, and [all trees, bushes or plants]¹ ;
- (b) “import” means the bringing or taking by sea, land or air ; and
- (c) “infection” means infection by any insect, fungus or other pest injurious to a crop.

Power of President to regulate or prohibit the import of articles likely to infect.

3. (1) The President of the Union may, by notification ² in the Gazette, prohibit or regulate, subject to such restrictions and conditions as he may impose, the import into the Union of Burma, or any part thereof, or any

¹ Substituted by Act VII, 1944.

² For an order prohibiting, regulating and restricting the import of live insects into Burma, see *Burma Gazette*, 1941, Part I, p. 841.

specified place therein, of any article or class of articles likely to cause infection to any crop [or of insects generally or any class of insects]¹.

(2) A notification under this section may specify any article or class of articles [or any insect or class of insects]¹, either generally or in any particular manner, whether with reference to the country of origin, or the route by which imported or otherwise.

4. A notification under section 3 shall operate as if it had been issued under section 19 of the Sea Customs Act, and the officers of customs at every port shall have the same powers in respect of any article with regard to the importation of which such a notification has been issued as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to sea customs, and the law for the time being in force relating to sea customs or any such article shall apply accordingly.

Operation of notification under section 3.

¹ 4A. The President of the Union may, by notification, prohibit or regulate, subject to such conditions and restrictions as he may think fit to impose, the transport or export from one place to another in the Union of Burma of any article or class of articles likely to cause infection to any crop, or of insects generally or any class of insects.

Power of President to regulate transport or export within the Union of Burma.

¹ 4B. When a notification has been issued under section 4A, then, notwithstanding any other law for the time being in force, the person responsible for the receipt or booking of goods or parcels at any railway station or inland water transport station,—

Refusal to carry article of which transport is prohibited.

- (a) where the notification prohibits the transport or export shall refuse to receive for carriage by, or to forward or knowingly allow to be carried on, the railway or any inland water vessel from that station any article or insect of which the transport or export is prohibited;
- (b) where the notification impose conditions or restrictions upon transport or export, shall so refuse, unless the consignor produces, or the article or insect consigned is accompanied by, a document of the nature prescribed showing that those conditions and restrictions are satisfied.

¹ 4C. Any person who knowingly transports or exports from one place to another in the Union of Burma, in contravention of a notification issued under section 4A, or attempts so to transport or export, any article or insect, and any person responsible for the receipt or booking of goods or parcels at a railway or inland water transport station who knowingly contravenes the provisions of section 4B, shall be punishable with fine which may extend to two hundred and fifty rupees, and, upon any subsequent conviction, with fine which may extend to two thousand rupees.

Penalty for contravening sections 4A and 4B.

¹ Inserted by Act VII, 1944.

Power to
make rules.

15. (1) The President of the Union may make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules,—

(a) for the detention, inspection, disinfection or destruction of any article or class of articles or of any insect or class of insects in respect of which a notification has been issued under section 3 or under section 4A, or of any article which may have been in contact or proximity thereto, and for regulating the powers and duties of the officers whom he may appoint in this behalf ;

(b) prescribing the nature of the documents which shall accompany any article or insect the transport or export of which is subject to conditions or restrictions imposed under section 4A, or which shall be held by the consignor or consignee thereof, the authorities which may issue such documents, and the manner in which such documents shall be employed;

(3) In making any rule under this section the President of the Union may direct that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

Protection
to persons
acting under
Act.

6. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.