

PART II

5. *Notification of Pests, Diseases, and Weeds.* - The Minister shall from time to time, by notification in the Gazette, declare the pests and diseases and weeds to which the regulations contained in this Part shall apply, hereinafter in these regulations referred to as a declared pest, disease, or weed, as the case may be.

6. The owner or occupier of any plantation, estate, garden, or land upon which any declared pests, diseases, and weeds are present shall forthwith report in writing the presence of such pest, disease, or weed to the Director of Agriculture either direct or through the nearest headman. A failure so to report shall be an offence under the Ordinance, unless such person shall prove that he had no reasonable ground for suspecting the presence of such pest, disease, or weed in his plantation, estate, garden, or land.

7. In the case of a declared infested area it shall be lawful for the Director of Agriculture or any person authorized by him in writing, or for any inspector or sub-inspector, to enter at all reasonable times any plantation, estate, garden, or land whatsoever to determine whether any declared pest, disease, or weed is present. It shall be lawful for such Director of Agriculture, or person authorized by him in writing, or inspector, or sub-inspector to remove plants or any portion thereof for the purpose of further examination and inspection.

8. It shall be the duty of every owner or occupier of any plantation, estate, garden, or land to conductor cause to be conducted the Director of Agriculture, or any person authorized by the Director of Agriculture in writing, or inspector or sub-inspector over such plantation, estate garden, or land upon being requested to do so.

9. *Declaration of Areas Infested.* -When the Director of Agriculture shall be satisfied that any declared pest, disease, or weed is present in any plantation, estate, garden, or land, he shall, by notification, in the Gazette, declare the plantation, estate, garden, or land, or the divisional revenue officer's division of the administrative district or any part thereof in which the said plantation, estate, garden, or land is situated, and such adjoining divisional revenue officers' divisions of administrative districts as he may consider necessary as an infested area.

10. *Plants not to be removed from an Infested Area.* -No weed or plant or part of plant attacked by or liable to be attacked by the pest or disease specified in the notification of an infested area shall be removed by any person other than an inspector or a sub-inspector from land within such infested area, save and except as may be permitted by the Director of Agriculture under permit in writing, and any person removing or receiving such plants shall be guilty of an offence.

11. *Declaration of Areas Free.* -Upon being satisfied that any such infested area or part thereof is no longer infested, the Director of Agriculture may, by notification in Gazette, declare such area or part thereof to be no longer infested, and thereafter it shall cease to be an infested area.

12. *Spraying or other Treatment.* - The Director of Agriculture may, by notice in the Gazette, prescribe the manner in which weeds or plants attacked by a declared pest or disease shall be treated, and it shall be the duty of the owner or occupier of land within this defined area to cause such weeds or plants attacked by the declared pest or disease to be treated in the manner prescribed.

13. If on a visit of an inspector or sub-inspector any declared weed, pest, or disease is found to be present, he may order the weeds or affected plants to be treated in the manner

prescribed. If upon a second visit after an order has been issued the inspector or sub-inspector shall find the declared weed, pest or disease still to exist, and that no action has been taken, he shall report the matter to the Director of Agriculture or to any person authorized by the Director of Agriculture in writing or to the local agricultural committee, as the case may be, who may by notice which shall be in English, Sinhalese, and Tamil and in the form or to the effect set out in the Appendix to these regulations order the owner or occupier to treat the plants or weeds in the manner prescribed within a defined time.

14. If the owner or occupier fails or neglects to comply with such notice, the inspector or sub-inspector may enter upon the land and spray or otherwise treat the weeds or plants or destroy them at the expense of the owner or occupier, but nothing contained therein shall relieve the owner or occupier from any penalty he may have incurred by reason of his default, failure, or neglect.

15. *Service of Notice* – A notice shall be deemed to be served on any person if it delivered to him personally or sent through the post in a registered letter addressed to him at his last known place of abode or business, or if the notice cannot be so served, or if there be no known owner or occupier, it may be put up at some conspicuous part of such land, and it shall be not necessary in any such notice to name the owner or occupier, and a notice purporting to be signed by the Director of Agriculture or the chairman of the local agricultural committee shall be prima facie evidence that it was signed by him.

16. *Plant Nurseries* –

- (1) The owner or person in charge of any nursery in which plants are grown for sale shall, within thirty days of the publication of this regulation in the Gazette, * give notice to the Director of Agriculture of the existence of such nursery.
- (2) Every person who intends to establish a nursery for growing plants for sale shall, at least fourteen days before the date on which he establishes such nursery, give notice to the Director of Agriculture of his intention to establish a nursery.
- (3) Every person who gives notice under paragraph (1) or paragraph (2) of this regulation shall specify in such notice particulars of the plants grown or to be grown, as the case may be, in the nursery.
- (4) Any inspector or sub-inspector may inspect any nursery in which plants are grown for sale, and may, by notice in writing served on the owner or person in charge of such nursery, order such owner or person in charge to destroy any diseased or pest-infested plant found in such nursery. Every person on whom a notice is served under this paragraph shall, unless he appeals from the order, comply with such notice within the time prescribed therein.
- (5) Any person who is dissatisfied with any order issued under paragraph (4) may, within three days of the receipt of the notice communicating such order, appeal against such order to the Director of Agriculture and such Director may confirm or reverse such order or give such directions in the matter as he may deem necessary.

* Published in Gazette No. 10,135 of 11th August, 1950.