

Plant Quarantine Act, B.E. 2507 (1964)

As Amended by Plant Quarantine Act (No.2), B.E. 2542

Translation

BHUMIBOL ADULYADEJ, REX

Given on the 13th day of March, B.E. 2507.

Being the 19th Year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to have a law on plant quarantine;

Be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly acting as the National Assembly, as follows:

Section 1

This Act shall be called the "Plant Quarantine Act, B.E. 2507 (1964)".

Section 2

This Act shall come into force after the expiration of ninety days from the date of its publication in the Government Gazette.

Section 3

The Plant Diseases and Plant Pests Prevention Act, B.E. 2495 shall be repealed.

(The provisions of Section 4 shall be repealed by Section 3 of the Plant Quarantine Act (No.2), B.E. 2542 and the following shall be implemented.)

Section 4

In this Act,

"plant" means all species of plants including terrestrial, aquatic, and other kinds of plants, including any parts thereof such as the stems, buds, stocks, shoots, offshoots, branches, leaves, roots, rhizomes, bulbs, flowers, fruits, seeds, and cultures and spores of mushrooms, be they propagable or dead; including predators, parasites, silkworms, silkworm-eggs, silk-cocoons, bees, bee-hives, and microorganisms;

"controlled plant" means plants declared by the Minister in the Government Gazette as controlled plant;

"plant germplasms" means a group of cells with diverse inheritable genes that form pieces of plants which are alive and propagable, be they in a form of seeds, tissues, or any part of plants, including genetic materials that may inherit any characteristics controlled by them, herein specific only to those useful for breeding purposes;

"soil" means soil with organic matters or with livable conditions for plant pests.

"plant pests" means those which are harmful to plants, such as plant pathogens, insects, animals or plants which may do harm to plants.

"carriers" means planting materials, soil, sand, containers or other materials in which plants are packed, organic fertilizers or others which may serve as media for the plant pests;

"prohibited materials" means plants, plant pests and carriers declared by the Minister in the Government Gazette;

"restricted materials" means plants, plant pests and carriers declared by the Minister in the Government Gazette;

"un-prohibited materials" means other plants which are not prohibited or restricted materials;

"owner" includes agent of the owner, person in possession of the materials and person in charge of the conveyance transporting the materials;

"importation" means bringing or ordering into the Kingdom by any means whatsoever;

"bringing in transit" means bringing or sending through the Kingdom with unloading or transshipment;

"exportation" means bringing or sending out of the Kingdom by any means whatsoever;

"plant quarantine station" means a station declared by the Minister in Government Gazette for inspecting plants, prohibited and restricted materials, and plant germplasms imported or brought in transit;

"post-entry quarantine station" means a place declared by the Minister in the Government Gazette as a place for holding plants, prohibited and restricted materials, and plant germplasms for observation and research;

"plant pest control area" means a locality declared by the Director-General in the Government Gazette as area for prevention or eradication of plant pests;

"Committee" means the Plant Quarantine Committee;

"Director-General" means the Director-General of the Department of Agriculture;

"plant quarantine official" means the Director-General and a person appointed by the Minister for the execution of this Act;

"Minister" means the Minister in charge of the execution of this Act.

Section 5

The plant quarantine official shall bear an identification card in the form prescribed in the Ministerial Regulation, and in the execution of this Act, upon request, shall provide the said identification card to the person concerned.

(The provisions of Sections 5bis, 5ter, 5tetra, 5penta, 5hexa, and 5hepta are incorporated herein by Section 4 of the Plant Quarantine Act (No.2), B.E. 2542)

Section 5 bis

There shall be a Committee called "The Plant Quarantine Committee," comprising the Permanent Secretary of Ministry of Agriculture and Cooperatives as the chairman, Director-General of the Department of Fisheries, Director-General of the Department of Livestock Development, Director-General of the Royal Forestry Department, Director-General of the Department of Agriculture, Director-General of the Custom Department, Director-General of the Department of Agricultural Extension, Secretary-General Office of the Narcotics Control Board, Director-General Port Authority of Thailand, Managing Director Airport Authority of Thailand, President the Communications Authority of Thailand, Director of the National Center for Genetic Engineering and Biotechnology, Representatives of the Ministry of Commerce and the Ministry of Interior, one for each Ministry, and no more than 4 Experts appointed by the Minister as the Committee and the Director of Agricultural Regulatory Division of the Department of Agriculture as the Committee and Secretary.

The Department of Agriculture, for the Committee, shall be charged with the duties on technical, administrative, and procedural under the decision of the Committee.

Section 5 ter

The Expert Committee shall be in office for a two-year-term, nevertheless may be reappointed.

In case there is any reason for the Expert Committee to leave the office before the end of the term or in case the Minister appoints additional Expert Committee during the office term of the Committee, the substituted Expert Committee shall be in the office for as long as the term left for the earlier appointed Expert Committee.

Section 5 tetra

Notwithstanding the end of office term under Section 5ter, the Expert Committee appointed by the Minister shall leave the office in case of:

- (1) death;
- (2) resignation;

- (3) removed by the Minister;
- (4) become incompetent or quasi-incompetent person;
- (5) imprisoned by the final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence.

Section 5 penta

In a meeting of the Committee, the presence of not less than one-half of the total number of members of the Committee shall be required to constitute the quorum. In case where the chairman is not present or is unable to perform the duty, the members of the Committee present shall elect a member among themselves to preside over the meeting as a chairman.

A decision of the meeting shall be met by a majority vote. Each member of the Committee shall have one vote. In case of equality of the votes, the presiding chairman shall have an additional vote as the final vote.

Section 5 hexa

The Committee shall have the authority to confer recommendation to the Minister for the following:

- (1) determine the name of plants, plant pests, or carriers to be prohibited or restricted materials, and of plant germplasms that shall be controlled, and of the controlled plants;
- (2) determine the plant quarantine station and post-entry quarantine station;
- (3) the promulgation of the Ministerial Regulation under this Act;
- (4) perform other actions stipulated by law to be the duties of the Committee.

Section 5 hepta

The Committee shall have the authority to appoint one or more Sub-Committee(s) to perform any duties charged by the Committee.

The provisions of Section 5penta shall be applied to the meeting of the Sub-Committee *mutatis mutandis*.

(The provisions of Section 6 shall be repealed by Section 5 of the Plant Quarantine Act (No.2), B.E. 2542 and the following shall be implemented.)

Section 6

In case where it is necessary to prevent the introduction of any kind of plant pests into the Kingdom, the Minister by the recommendation of the Committee shall have the authority to declare in the Government Gazette the names of any plants, plant pests or carriers to be prohibited or restricted materials under this Act, as the case may be. Under the said declaration, the names of any plants, plant pests or carriers from any sources may be stated or any exceptions or conditions may be specified.

In stipulating the conditions for prevention of the introduction of any kind of plant pests into the Kingdom, the Minister may require that any person traveling from the place where there is the occurrence of that particular plant pest, report to the plant quarantine official with the form specified by the Director-General.

When it is no longer necessary, the prohibited and restricted materials mentioned in paragraph one shall be revoked by declaration in the Government Gazette.

(The provisions of Section 6 bis and Section 6 ter shall be incorporated herein by Section 6 of the Plant Quarantine Act (No.2), B.E. 2542.)

Section 6 bis

For the purpose of controlling and prevention of the introduction of plant pests, the Minister by the recommendation of the Committee shall have the authority to declare in the Government Gazette, the name of plant germplasms that shall be controlled.

No one shall import or export any plant germplasms declared in paragraph 1 by the Minister, unless otherwise permitted by the Director-General, and the importation of which shall be accompanied with a phytosanitary certificate.

The request for permission and the permission under paragraph 2 shall be performed under the criteria, processes, and conditions specified by the Director-General.

Section 6 ter

The plant quarantine official shall have the authority to enter the planting area, places of collection, or preservation of plant germplasms declared by the Minister under Section 6bis paragraph 1, during sunrise and sunset of the day or the official hours to inspect and study the use of plant germplasms. In such action, the plant quarantine official shall have the authority to inquire the fact or request for the permit, or related evidence from the owner or the possessor of the planting area or the said place.

(The provisions of Section 7 shall be repealed by Section 7 of the Plant Quarantine Act (No.2), B.E. 2542.)

Section 7

The Minister under the recommendation of the Committee shall have the authority to declare in the Government Gazette, any port, airport, or place with certain limit as plant quarantine station or post-entry quarantine station, as the case may be.

Section 8

No one shall import or bring in transit any prohibited materials unless otherwise permitted by the Director-General, and the materials shall be accompanied with a phytosanitary certificate issued by the competent authority of the exporting country, or in case of the country where no such certificate is issued, by other reliable document, and in the case of importation, the Director-General shall confer permission only for the purpose of experimentation or research.

Section 9

No one shall import or bring in transit any restricted materials unless the said restricted materials are accompanied with a phytosanitary certificate issued by the competent authority of the exporting country, or in case of the country where no such certificate is issued, by other reliable document.

Section 10

The importation or transit of prohibited or restricted materials shall be made through the plant quarantine station for inspection by the plant quarantine official, and shall comply with all the conditions and stipulations, prescribed in the Ministerial Regulations.

Section 11

Any person importing or bringing in transit un-prohibited materials shall notify the plant quarantine official by the form prescribed in the Ministerial Regulations.

Section 12

The plant quarantine official shall have the authority to search any warehouse, conveyance, package as well as any person within the limit of a plant quarantine station or plant pests control area when there is reasonable ground to suspect that prohibited or restricted materials have been imported or brought in transit in violation of this Act.

(The provisions of Sections 13, Section 14, and Section 15 shall be repealed by Section 8 of the Plant Quarantine Act (No.2), B.E. 2542 and the following shall be implemented.)

Section 13

For the purpose of prevention of the introduction of plant pests into the Kingdom, the plant quarantine official shall have the authority to deal with the plants, prohibited and restricted materials, or plant germplasms imported or brought in transit as follows :

- (1) to have them fumigated or treated with chemical by means of spraying or by any other means as deemed necessary at the owner's expenses;

- (2) to seize or hold them at the post-entry quarantine station or at any other place for a period of time as thought necessary;
- (3) to order the importer of plants, prohibited or restricted materials, or plant germplasms contaminated with plant pests, to send the said matters out of the Kingdom;
- (4) to destroy them as necessary when there is reasonable ground to believe that plant pests exist.

Section 14

No one shall remove any plants, prohibited or restricted materials, or plant germplasms from any plant quarantine station, post-entry quarantine station, or conveyance in case of transit, or from any places where such matters are seized or held by the order of the plant quarantine official unless permission in writing has been obtained from the said plant quarantine official.

Section 15

Any person who would like to apply for a phytosanitary certificate to indicate that the plants or plant products to be exported are free from plant pests shall submit an application to the plant quarantine official for inspection. The said application must be done together with the payment of the administration and the plant pest inspection fees as prescribed in the Ministerial Regulations, and pay the expenses in eradicating plant pests, and costs of packaging as necessary and actually paid.

The request for and issuance of phytosanitary certificate shall be in line with the criteria, processes, and conditions as stipulated in the Ministerial Regulations.

(The provisions of Section 15 bis, Section 15 ter, and Section 15 tetra shall be incorporated herein by Section 9 of the Plant Quarantine Act (No.2), B.E. 2542.)

Section 15 bis

For the purpose of prevention of the introduction of the plant pests out of the Kingdom, the Minister under the recommendation of the Committee shall have the authority to declare in the Government Gazette, the name of plants to be considered as controlled plants.

Any person who would like to export controlled plants under paragraph 1 must have the phytosanitary certificate accompanied with the said controlled plants by virtue of Section 15 paragraph 2.

Section 15 ter

In case of loss or damage in the essential matters of the phytosanitary certificate, the holder of the said phytosanitary certificate requiring a substitution shall request for such substituted phytosanitary certificate from the plant quarantine official.

The request for and issuance of the substitution of the phytosanitary certificate shall be in line with the criteria, processes, and conditions as stipulated by the Director-General.

Section 15 tetra

To facilitate plant growers for purpose of exportation, any person who would like to request that the plant quarantine official inspect or recommend the means to control plant pests in nursery or field for exportation, shall request for registration of the said nursery or field for exportation to the Department of Agriculture.

The request for registration and the registration shall be in line with the criteria, processes, and conditions stipulated by the Director-General.

(The provisions of Section 16 shall be repealed by Section 10 of the Plant Quarantine Act (No.2), B.E. 2542 and the following shall be implemented.)

Section 16

Any person would like to request that the plant quarantine official perform his duties under this Act on official holidays or after official working hours, or outside Government offices whether during or after official working hours, must pay additional fees for the reason that the plant quarantine official will have performed his duties by the rate as prescribed in the

Ministerial Regulations and pay the plant quarantine official all travel expenses as necessary and actually paid.

The criteria, processes, and conditions of the payment of additional fees and travel expenses under paragraph 1 shall be in line with the Ministerial Rule.

Section 17

In the event of an outbreak of plant pests which might bring about serious damages, or where there is proper reason to place control in respect of plant pests in any locality, the Director-General shall have the power to determine by notification such locality as plant pests control area. The notification shall specify the names and species of plants, plant pests, and carriers under the control and determined the local checking stations as are necessary. Such notification shall be posted up at the Provincial Government Office, Amphur Officer, Office of Kumnan and Phuyai Ban of such locality.

Section 18

No one shall, after a declaration of the plant pests control area under Section 17 has been made, take out of or bring into the plant pests control area any plants, plant pests or carriers specified in the declaration unless inspected and permitted in writing by the plant quarantine official.

Section 19

The provisions of Sections 12 and 13 shall apply mutatis mutandis to the plants, plant pests and carriers stated in Section 17 which are within the plant pests control area, or to be taken out of or brought into the said area.

(The provisions of Section 19 paragraph 2 shall be repealed by Section 11 of the Plant Quarantine Act (No.2), B.E. 2542 and the following shall be implemented.)

In case there exist any plant pests which may cause serious damages and, if not destroyed in time, will cause more severe damages, the plant quarantine official may order the owner to destroy the plants, plant pests and carriers, or if necessary the plant quarantine official may destroy them by himself. In such case, the Director-General may order the owner to pay all expenses for such destruction as necessary and actually paid.

Section 20

When the Director-General finds that the plant pests according to the declaration under Section 17 have all been destroyed or that necessity no longer exists, such declaration shall be revoked.

(The Provisions of Section 20 bis, Section 20 ter, and Section 20 tetra shall be incorporated herein by Section 12 of the Plant Quarantine Act (No.2), B.E. 2542.)

Section 20 bis

The money obtained from the inspection fees under Section 15 and the additional fees under Section 16 shall not be considered as income under the law of fiscal budget, and shall be used only in those activities specified by this Act, not for any other purposes whatsoever.

Section 20 ter

Any person who does not comply with Section 6 paragraph 2 or is in violation of Section 6bis paragraph 2, Section 9, or Section 18 shall be fined not exceeding 20,000 Baht.

Section 20 tetra

Any person resists or obstructs the plant quarantine official from performing his duties under Section 6ter shall be fined not exceeding 10,000 Baht.

(The provisions of Sections 21, 22, 23, 24, 25, and 26 shall be repealed by Section 13 of the Plant Quarantine Act (No.2), B.E. 2542 and the following shall be implemented.)

Section 21

Any person violates Section 8 or Section 14 or does not comply with Section 10 shall be imprisoned not exceeding one year or fined not exceeding 20,000 Baht, or both.

Section 22

Any person, who does not comply with Section 11 or Section 15 bis paragraph 2, shall be fined not exceeding 2,000 Baht.

Section 23

Any person resists or obstructs the plant quarantine official from performing his duties under Section 12 or Section 13 (1) (2) or (4) or does not comply with the order of the plant quarantine official under Section 13 (3) shall be imprisoned not exceeding six months, or fined not exceeding 10,000 Baht, or both.

Section 24

Any person disobeys or obstructs the plant quarantine official from performing his duties under Section 19 paragraph 2, shall be imprisoned not exceeding six months, or fined not exceeding 10,000 Baht, or both.

Section 25

For all the offences under this Act that are only punishment by fine, the Director-General or any person appointed by him shall have the authority to perform administrative fine.

Section 26

All plants, plant pests or carriers under this Act which are not imported through plant quarantine station or imported or brought in transit in violation of this Act in any respect, or those which are objects of offences in connection with the plant pests control area as provided in Section 8, Section 9, Section 14, or Section 18 shall be confiscated regardless of whether any person is convicted by the order of the court. All matters confiscated by the order of the court shall belong to the Department of Agriculture to be managed under its discretion.

(The provisions of Section 27 shall be repealed by Section 14 of the Plant Quarantine Act (No.2), B.E. 2542 and the following shall be implemented.)

Section 27

The Minister of Agriculture and Cooperatives shall be in charge of the execution of this Act, and shall have the authority to appoint the plant quarantine official, to issue Ministerial Regulations fixing fees not exceeding the rates annexed hereto, to grant exemption of administrative fees, and to prescribe other activities for carrying out this Act.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette.

Rate of Administrative Fees

(The List of Administrative Fees shall be repealed by Section 15 of the Plant Quarantine Act (No.2), B.E. 2542 and the following shall be implemented.)

- (1) An Import and transit permits of prohibited materials 200 Baht per each
- (2) An Import and export permits of plant germplasms 200 Baht per each
- (3) A Phytosanitary certificate 200 Baht per each
- (4) Substitute certificate of phytosanitary certificate 100 Baht per each

Countersigned by

Field Marshal Thanom Kittikachorn

Prime Minister

Plant Quarantine Act B.E. 2507: The Government Gazette, Vol. 81, Part 27, dated 21 March B.E. 2507.

Plant Quarantine Act (2nd Edition) B.E. 2542: The Government Gazette, Vol. 116, Part 39a, dated 18 May B.E. 2542.

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