

Regulations and other acts

Gouvernement du Québec

O.C. 1366-96, 6 November 1996

Plant Protection Act
(1995, c. 54)

Plant protection

Plant Protection Regulation

WHEREAS the Plant Protection Act (1995, c. 54) was assented to on 7 December 1995;

WHEREAS under section 3 of that Act, the Government shall make regulations determining the diseases and destructive insects in respect of which plant protection measures may be taken;

WHEREAS under section 18 of that Act, the Government may make regulations prescribing the sampling, seizure or confiscation procedures and establish the form and content of any certificate, report or minutes;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 26 June 1996 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has elapsed;

WHEREAS no comments were received;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Plant Protection Regulation, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Plant Protection Regulation

Plant Protection Act
(1995, c. 54, ss. 3 and 18)

1. The following diseases and destructive insects are covered by the Plant Protection Act:

DISEASES

COMMON NAME	SCIENTIFIC NAME
1. Fire blight	<i>Erwinia amylovora</i> (Burr.)
2. European canker	<i>Nectria galligena</i> (Bres.)
3. Black knot	<i>Apiosporina morbosa</i> (Schw.)
4. White pine blister rust	<i>Cronartium ribicola</i> (J.C. Fisch.)
5. Apple scab	<i>Venturia inaequalis</i> (Cooke)
6. Crown gall	<i>Agrobacterium tumefaciens</i> (S & T)
7. Angular leaf spot on strawberry	<i>Xanthomonas fragariae</i> (K. & K.)
8. Red stele of strawberry	<i>Phytophthora fragariae</i> var. <i>fragariae</i> (Hickman)
9. Phytophthora root rot of raspberry	<i>Phytophthora</i> sp.

DESTRUCTIVE INSECTS

COMMON NAME	SCIENTIFIC NAME
1. Plum curculio	<i>Conotrachelus nenuphar</i> (Bbst.)
2. San Jose scale	<i>Quadraspidiotus perniciosus</i> (Comst.)
3. Oystershell scale	<i>Lepidosaphes ulmi</i> (L.)
4. Apple maggot	<i>Rhagoletis pomonella</i> (Walsh)
5. Woolly apple aphid	<i>Eriosoma lanigerum</i> (Hausm.)

COMMON NAME	SCIENTIFIC NAME
6. Roundheaded apple tree borer	<i>Saperda candida</i> (F.)
7. Oblique-banded leaf roller	<i>Choristoneura rosaceana</i> (Harris)
8. White pine weevil	<i>Pissodes strobi</i> (Peck)
9. Bronze birch borer	<i>Agrilus anxius</i> (Gory)
10. Fletcher scale	<i>Parthenolecanium fletcheri</i> (C.)
11. Peach tree borer	<i>Sanninoidea exitiosa</i> (Say)
12. European apple sawfly	<i>Hoplocampa testudinae</i> (Klug)
13. Dogwood borer	<i>Synanthedon scitula</i> (Harr.)

2. An authorized person who witnesses an offence against the provisions of the Plant Protection Act (1995, c. 54) shall immediately prepare an offence report in accordance with the Regulation respecting the form of offence reports, made under the Code of penal procedure (R.S.Q., c. C-25.1).

3. An authorized person shall place a numbered and dated receipt on any lot of property seized or confiscated under the Plant Protection Act. The receipt shall bear, in addition to the authorized person's signature, the particulars indicated in the Form in Schedule I.

Action taken in respect of the seizure or confiscation of property shall be stated in minutes dated and signed by the authorized person and bearing the particulars indicated in the Form in Schedule II.

4. A release of seizure shall be given in writing by any authorized person, where one of the situations provided for in section 21 of the Plant Protection Act occurs or where the property that has been seized must be returned under another Act.

The release shall be dated and signed by the authorized person and shall bear the particulars indicated in the Form in Schedule III.

5. Where any samples are taken, minutes dated and signed by the authorized person shall be drafted immediately.

Those minutes shall bear the particulars indicated in the Form in Schedule IV.

6. All minutes shall be drawn up in triplicate in accordance with the Form in Schedule II or IV, as the case may be.

The first copy shall be sent by the authorized person to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation within 24 hours. One copy shall be left with the owner or custodian of the property that has been taken, seized or confiscated or with his representative. One copy shall be kept by the authorized person.

7. Every sample taken shall be placed under seal and sent, together with the minutes, to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation. If special measures for the preservation of a sample are required, the sample shall be sent immediately to the laboratory where such measures will be taken. Mention of such dispatch shall be made in the minutes. The seals shall be affixed on the container enclosing the samples. Each sample shall bear a numbered tag bearing the particulars indicated in the Form in Schedule V.

8. Within 24 hours of its receipt, the sample shall be forwarded to the laboratory.

On the day following the end of the time period required to complete the analysis, the laboratory shall submit a report to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation containing the particulars indicated in the Form in Schedule VI.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.



Gouvernement du Québec
**Ministère de l'Agriculture, des Pêcheries
 et de l'Alimentation**
 Plant protection

SCHEDULE I

(s. 3)

SEIZURE

Receipt No. _____

Plants Vehicles Equipment _____

(quantity, nature, species)

under the custody of _____

Minutes No. _____

Made at _____ on

--	--	--	--	--	--	--	--

(place)

year month day

Authorized person _____

Address _____ Telephone _____

N.B. S. 17: An inspector may, in the performance of his duties, seize a plant or equipment to which the Act applies, if he has reasonable cause to believe that the plant or the equipment has been used to commit an offence under the Act, or that an offence has been committed in connection with the plant or equipment, or where an owner or a custodian of premises where a plant is found has failed to comply with an order.

S. 19: The owner or custodian of the seized property shall have custody thereof. However, the inspector may, if he considers it expedient, move the seized property to other premises for purposes of custody. The custodian shall also have custody of any seized property produced as evidence, unless the judge having received it in evidence decides otherwise.

Custody of the seized property shall be maintained until it is disposed of in accordance with sections 21 to 25 or, if proceedings are instituted, until the judge disposes of it otherwise.

S. 20: No person may use or remove seized property or allow seized property to be used or removed except with the authorization of the inspector.



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CONFISCATION

Receipt No. _____

Plants _____

(quantity, nature, species)

under the custody of _____

Minutes No. _____

Made at _____ on

--	--	--	--	--	--	--	--

(place)

Year Month Day

Authorized person _____

Address _____ Telephone _____

N.B. S. 8: If the owner or custodian fails to comply with the inspector's notice, the inspector may confiscate the plants and cause them to be destroyed at the expense of the owner or custodian. The sums involved bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu.

S. 11: If the owner or custodian fails to comply with the Minister's order, an inspector may carry out the order or cause it to be carried out at the expense of the owner or custodian.

An inspector may also, where an order for the destruction of plants is not complied with, confiscate the plants for destruction at the expense of the owner or custodian.

The sums involved bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu.



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 Plant protection

SCHEDULE II

(s. 3)

MINUTES

OF SEIZURE

OF CONFISCATION

Name and address of person responsible	Record No.
--	------------

A- REASONS FOR ACTION TAKEN

Considering offence report No. _____ completed on _____
 the minutes of seizure bearing the same number and dated the same day;
 analysis report No. _____ dated _____
 the destruction order dated _____
 the notice of destruction dated _____

Concerning _____
 (name and address of person concerned)

B- NATURE OF ACTION TAKEN

I seized at I confiscated at

 (name and address of person on whose premises the seizure or confiscation is carried out)

Year Month Day

On at o'clock _____, the following plants , vehicles or equipment :

by reason of the offence report , minutes of seizure , analysis report , order , notice of destruction or for any other reason indicated in A.

C- CONFISCATION IN CASE OF REFUSAL TO DESTROY

I have confiscated the following plants, due to the owner's or custodian's refusal to destroy them:

D- RECEIPTS OF SEIZURE OR CONFISCATION

I have affixed on those plants , vehicles or equipment receipts of seizure or confiscation , bearing numbers _____

I have given custody of the object seized to _____
 (name and address of owner or custodian)
 who may not dispose of it or allow its removal without the consent of an authorized person.

E- OTHER OBSERVATIONS

Made in triplicate _____ Submitted to _____
 (place)

Attachment(s)

I have personally observed the facts and taken the action mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E	I have personally observed the facts and taken the action mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E
Authorized person	Authorized person
Surname and given name (in block letters)	Surname and given name (in block letters)
Authorized person's No. or capacity Year Month Day <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Authorized person's No. or capacity Year Month Day <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Signature	Signature



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Ministère de l'Agriculture, des Pêcheries
et de l'Alimentation
Plant protection

SCHEDULE III

(s. 4)

RELEASE

 FULL PARTIAL

Name and address of person responsible	Record No.
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Considering the seizure, _____ carried out on

--	--	--	--	--	--

(minutes No.) Year Month Day

under the Plant Protection Act, of the following:

(plants, vehicles, equipment)

held at that time by _____

(name and address)

and presently under the custody of _____

(name and address)

Considering that, since the date of the seizure and following verification, it has been shown that, in respect of what is listed below:

- the plants vehicles or equipment comply with the Act;
- the owner or custodian has complied with the Act;
- the time period provided for in the Act to institute proceedings has expired;
- the property that was seized must be returned under another Act;

Therefore, release of seizure is granted for the following property:

(plants, vehicles, equipment)

Made in triplicate at _____ on

--	--	--	--	--	--

(place)

Year Month Day

(signature of authorized person)

(address)

(telephone)

(fax)



Gouvernement du Québec
**Ministère de l'Agriculture, des Pêcheries
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Plant protection

SCHEDULE V

(s. 7)

SAMPLE TAG

Minutes No. _____ Sample No. _____

(plant, equipment, soil)

(owner custodian)

_____|_____|_____|_____|_____|_____|
Year Month Day

(signature of authorized person)



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 Plant protection

SCHEDULE VI

(s. 8)

ANALYSIS REPORT

Name and address of person responsible	Record No.
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A- DATA ON SAMPLES TAKEN

Project No. _____ Minutes of sampling No. _____

Laboratory requisition No. _____ dated _____

Offence report No. _____ and signed by _____

Seals No. _____ Samples No. _____

PERSON MENTIONED IN THE MINUTES:

_____ (name and address)

B- DESCRIPTION OF SAMPLES TO BE ANALYZED

_____ (quantity, nature of samples, plants, equipment, soil)

C- CONDITION OF SAMPLES AND SEALS UPON RECEIPT

The samples shipped or delivered to the laboratory by _____

have been received on

--	--	--	--	--	--

 by _____
 Year Month Day

in good condition, in closed containers, with unbroken seals affixed thereto, the whole in relation to the minutes mentioned above.

D- BREAKING OF SEALS AND PRESERVATION OF SAMPLES BEFORE ANALYSIS

I have broken the seals affixed to the containers of the samples and have sent the latter to a room to be kept there until the time of analysis.

E- ANALYSIS AND OBSERVATIONS

(Comments of a scientific nature in accordance with generally accepted practices)

On

--	--	--	--	--	--

, I analyzed the samples described in B
 Year Month Day

and, on the basis of the data and results that I have personally recorded in the document(s) attached hereto, I submit the following findings:

F- CONCLUSIONS

Made in triplicate at _____ (place) Attachment(s)

I have personally observed the facts and taken the action mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F	I have personally observed the facts and taken the action mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F												
Authorized person	Authorized person												
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