



Tonga

RHINOCEROS BEETLE ACT

Chapter 44.12

2016 Revised Edition



RHINOCEROS BEETLE ACT

AN ACT TO PROVIDE FOR THE PREVENTION AND ERADICATION OF THE RHINOCEROS BEETLE AND OTHER PESTS¹

Commencement [21st September, 1912]

1 Short title

This Act may be cited as the Rhinoceros Beetle Act.

2 Power to declare insect pests and prohibited places

The Minister responsible for agriculture with the consent of the Cabinet may by notice in the Gazette declare any insect to be a pest and by like notice may also declare that any place is for the purposes of this Act a prohibited place.²

3 Penalty for introducing rhinoceros beetle or other pest

Any person bringing or introducing into Tonga any live specimen of the rhinoceros beetle or any other pest or any plant, wood, fruit, soil, knowing it to harbour or to be infested with or affected by the rhinoceros beetle or any other pest shall be liable to a fine of not less than \$10 and not exceeding \$60 and in default of payment to imprisonment for a period of not less than one year and not more than 2 years.

4 Plants and articles of native manufacture not to be imported

(1) It shall not be lawful to import into or land in Tonga from any other South Pacific island or any prohibited place any plant, tree, shrub or vegetable or

any articles manufactured from South Pacific island material or any native foods cooked or uncooked:

Provided that the provisions of this subsection shall not apply to anything therein mentioned which has been fumigated at the port of entry on arrival in accordance with the directions of the Chief Executive Officer responsible for agriculture with methyl bromide gas or in such manner as the said Chief Executive Officer shall approve.³

- (2) Any person acting in contravention of this section shall be liable to a fine not exceeding \$100 and in default of payment to imprisonment not exceeding one year.

5 Prohibited articles to be seized and destroyed

Any article the importation of which is prohibited under section 4 hereof found on any vessel coming from a prohibited place shall be seized and taken possession of by any police constable or officer of Customs and shall be destroyed by him.

6 Suspected articles may be seized

An officer of Customs or a police constable may in his discretion seize and detain for the purpose of inspection any article whether prohibited or not which he is of opinion harbours, has been in contact with, or is likely to harbour, or to be infested with, or affected by the rhinoceros beetle or any other pest. And any such article if found to harbour or to be in any manner affected by the rhinoceros beetle or other pest shall be disposed of as the officer in charge of Customs at the place where it is so seized shall order.

7 Baggage, etc., landed from prohibited places to be searched

All clothing, baggage and freight coming from any South Pacific island or any prohibited place shall be thoroughly searched and carefully examined under the direction of an officer of Customs in order to prevent the importation of any articles the importation of which is prohibited by this Act and in order to guard against the introduction of the rhinoceros beetle or any other pest into Tonga.

8 Fumigation of baggage, etc., from prohibited places

Whenever the Collector of Customs at any port shall deem it necessary the master of any vessel bringing any clothing, baggage or freight from any South Pacific island or prohibited place shall fumigate the vessel to the satisfaction of the Collector of Customs and no action shall lie against the master or the Government for the recovery of any damage done to any property fumigated by the order of the Collector.

9 Exceptions

Nothing in this Act shall apply to South Sea island produce consigned to ports beyond Tonga or to articles of native manufacture shipped from Fiji provided the same are accompanied by a certificate of fumigation from the proper officer at the port of embarkation and provided also the rhinoceros beetle or other pest is not existing in Fiji at the time such articles are being exported and provided also the articles were not manufactured in nor shipped from Samoa.

10 Powers of Cabinet in relation to pests⁴

The Cabinet is hereby empowered to make and bring into force such other legislation or regulations of any kind whatever that it may deem necessary or expedient in connection with the prevention and spread of the rhinoceros beetle or any other pest.⁵

ENDNOTES

¹ **1988 Revised Edition Chapter 131**, Acts 15 of 1912, 7 of 1913, 19 of 1916, 23 of 1916, 10 of 1946, 12 of 1947, 7 of 1954, 46 of 1988

Amending Acts	Commencement
Act 42 of 2010	24 November 2010
Lao 5 of 2012	30 November 2012

² Amended by Act 5 of 2012

³ Added by Act 7 of 1954 and Amended by Act 5 of 2012

⁴ Amended by Act 42 of 2010

⁵ Regulations originally made under this Act may now be found in the Diseases of Plants Regulations Cap. 44.10.1