

Chapter 234.  
***Quarantine Act 1953.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 234.

***Quarantine Act 1953.***

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# INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

## *Quarantine Act 1953,*

Being an Act relating to quarantine, and for related purposes.

### PART I. – PRELIMINARY.

#### 1. MEANING OF “QUARANTINE”.

In this Act, quarantine has relation to measures for the inspection, exclusion, detention, observation, segregation, isolation, protection, treatment, sanitary regulation and disinfection of persons, vessels, aircraft, vehicles, goods, things, animals or plants, having as their object the prevention of the introduction or spread of disease or pests affecting man, animals or plants.

#### 2. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**aircraft**” includes any vessel that may be used in navigation by air;

“**animal**” means a member of the animal kingdom, other than a human being, or a part or product of any such member;

“**arrival**” means—

- (a) in the case of a sea-going vessel—arrival at a port; or
- (b) in the case of an aircraft—arrival at a landing place; or
- (c) in the case of an inland navigation vessel—arrival at a frontier post; or
- (d) in the case of a road vehicle—arrival at a frontier post;

“**authorized person**” means a person authorized by this Act, or by the Director, a Chief Quarantine Officer or a Quarantine Officer, to do the act in relation to which the expression is used;

**“by authority”** means by the authority of the Director or of an officer performing duty in the matter in relation to which the expression is used;

**“Chief Quarantine Officer”** means a Chief Quarantine Officer appointed under Section 7;

**“the Director”** means the Director of Quarantine appointed by Section 6;

**“disease”**–

- (a) in relation to animals, means a disease parasite or pest that may, directly or indirectly, injure or cause an unhealthy condition in an animal; and
- (b) in relation to plants, means any pest or form of fungus, bacterium, virus or algal disease, or any other organism that may, directly or indirectly, injure or cause an unhealthy condition in a plant;

**“first port of entry”** means a port declared under Section 13(1)(a) to be a first port of entry and, in relation to a vessel or aircraft, means the first port of entry for it;

**“frontier post”** means a place declared under Section 13(1)(c) to be a frontier post;

**“goods”** includes all kinds of movable property;

**“importer”** includes an agent for an importer and a consignee;

**“landing place”** means a place declared under Section 13(1)(b) to be a landing place for aircraft;

**“master”**, in relation to–

- (a) a vessel, means the person (other than a pilot) in charge or command of the vessel; and
- (b) an aircraft, means the pilot in command;

**“medical officer”**, in relation to a vessel or aircraft, means a person on the vessel acting as the medical officer, doctor or surgeon of the vessel or aircraft;

**“officer”** means a Quarantine Officer or other officer appointed in accordance with Section 8;

**“oversea aircraft”** means aircraft other than a Papua New Guinea aircraft;

**“oversea vessel”** means a vessel other than a Papua New Guinea vessel;

**“package”** includes–

- (a) every means by which a plant is cased, covered, enclosed, contained or packed for carriage; and

- (b) soil, compost, hay, straw or admixtures of them or any other substance or material in which plants are growing or packed or that is adhering to a part of the plant or package;

“**packing material**” means material used for or part of a package;

“**Papua New Guinea aircraft**” means an aircraft that does not voyage or ply to or from any place outside the country;

“**Papua New Guinea vessel**” means a vessel that does not voyage or ply to or from any place outside the country;

“**pest**”, in relation to plants, means an insect, invertebrate animal, nematode or mollusc that is destructive or injurious or apt to be destructive or injurious to plants or a weed or a vector of disease;

“**plant**” means a member of the vegetable kingdom or a part of any such member, whether living or dead;

“**port**” includes landing place;

“**port of departure**”, in relation to a vessel or aircraft, means the port at which the vessel or aircraft commenced its current voyage;

“**pratique**”, in relation to a vessel or aircraft, means a certificate of pratique granted by a Quarantine Officer since the last arrival of the vessel or aircraft from a place outside the country, and having effect at the port or place where the vessel or aircraft is or is about to arrive;

“**proclaimed place**” means a place in relation to which a notice under Section 12 is in force;

“**quarantinable disease**”, means plague, cholera, yellow fever, smallpox, typhus or louse-borne relapsing fever, or a disease declared under Section 11 to be a quarantinable disease;

“**quarantine area**” means a part of the country declared under Section 13(1)(i) to be a quarantine area;

“**quarantine line**” in relation to a port, means the line fixed under Section 35(1) to be the quarantine line for that port;

“**Quarantine Officer**” means a Quarantine Officer appointed in accordance with Section 8;

“**quarantine signal**” means the signal referred to in Section 30(2);

“**quarantine station**” means a place declared under Section 13(1)(e) to be a quarantine station, and includes—

- (a) a temporary quarantine station appointed under Section 15; and
- (b) in relation to a person ordered into quarantine, any place or building to which he is removed or in which he is detained under Section 53;

“**the regulations**” means any regulations made under this Act;

“**this Act**” includes the regulations and any notices under this Act;

“**unauthorized person**” means a person not authorized by or under this Act to do the act in relation to which the expression is used;

“**vessel**” includes any craft that may be used in navigation by water.

**3. APPLICATION TO THE STATE.**

This Act does not apply to the State or to, or in relation to, goods imported or brought into the country by the State.

**PART II. – SPECIAL PROVISIONS IN RELATION TO DISEASES.**

**4. EPIDEMICS.**

(1) Where the Minister is satisfied that an epidemic caused by a quarantinable disease or danger of such an epidemic exists in a part of the country, he may, by notice in the National Gazette, declare the existence in that part of the country of the epidemic or of the danger of the epidemic.

(2) On the publication of a notice under Subsection (1), the Minister may, during the period that the notice remains in force, give such directions and take such action as he thinks necessary to control and eradicate the epidemic, or to remove the danger of the epidemic, by quarantine measures or measures incidental to quarantine.

**5. EMERGENCY ACTION.**

(1) Where, in the opinion of the Minister, an emergency has arisen that requires action to be taken not otherwise authorized by this Act, he may take such quarantine measures, or measures incidental to quarantine, as he thinks necessary or desirable for the diagnosis, prevention and treatment of a quarantinable disease.

(2) A person who—

(a) refuses or fails to comply with a direction given in pursuance of Subsection (1); or

(b) hinders or obstructs the taking of any action under that subsection,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**PART III. – ADMINISTRATION.**

**6. DIRECTOR OF QUARANTINE.**

(1) The Departmental Head is the Director of Quarantine.

(2) The Director is, under the Minister, responsible for the administration of this Act.

(3) The Director may, by writing under his hand, delegate any of his powers under this Act (except this power of delegation).

(4) All Chief Quarantine Officers and Quarantine Officers shall have and perform their powers and functions under and subject to the directions of the Director.

(5) The Director has all the powers of a Chief Quarantine Officer or Quarantine Officer under this Act.

**7. CHIEF QUARANTINE OFFICERS.**

(1) There shall be a Chief Quarantine Officer (General), a Chief Quarantine Officer (Plants) and a Chief Quarantine Officer (Animals).

(2) The Chief Quarantine Officers shall be appointed by the Director by notice in the National Gazette and have and shall perform such of the powers and functions of the Director under this Act as are delegated to them respectively by the Director.

**8. QUARANTINE OFFICERS AND OTHER OFFICERS.**

Subject to the *Public Services (Management) Act 1995*, the Minister may, by notice in the National Gazette, appoint Quarantine Officers and other officers for carrying out the provisions of this Act.

**9. TEMPORARY QUARANTINE OFFICERS.**

(1) The Director may appoint temporary Quarantine Officers for such periods as he thinks fit.

(2) Where the Minister has declared, under Section 4, the existence of an epidemic or the danger of an epidemic in a part of the country, a person authorized in writing for the purpose by the Director may authorize, orally or in writing, a person to act during a specified period as a temporary Quarantine Officer in that part of the country.

(3) For the period of his appointment or authority to act, a temporary Quarantine Officer has all the powers of a Quarantine Officer.

**10. DELEGATION.**

In relation to a particular matter or class of matters, or as to a particular province, port or frontier post, the Head of State, acting on advice, may, by writing

under his hand, delegate any of his powers under this Act (except this power of delegation).

**PART IV. – GENERAL PROVISION.****11. QUARANTINABLE DISEASES.**

The Minister may, by notice in the National Gazette, declare a disease to be a quarantinable disease.

**12. PROCLAIMED PLACES.**

The Minister may, by notice in the National Gazette, declare that–

- (a) a place within or outside the country is infected with a quarantinable disease; or
- (b) a quarantinable disease may be brought or carried from or through a place within or outside the country.

**13. DECLARATION OF PORTS OF ENTRY, ETC.**

(1) The Minister may, by notice in the National Gazette–

- (a) declare a port in the country to be a first port of entry for oversea vessels or oversea aircraft; or
- (b) declare any place or area in the country to be a landing place for aircraft; or
- (c) declare a place in the country to be a frontier post; or
- (d) declare a port in the country to be a port where imported animals or plants, or any particular kind of imported animals or plants, may be landed; or
- (e) declare a place on land or sea to be a quarantine station for the performance of quarantine by vessels, aircraft, persons, animals, plants or goods; or
- (f) prohibit the importation into the country of an article likely, in his opinion, to introduce a communicable disease, or a disease or pest affecting persons, animals or plants; or
- (g) prohibit or restrict the importation into a port or place in the country of all or any animals or plants, or any soil or packing material; or
- (h) prohibit the removal of animals, plants or goods from any part of the country to any other part of the country; or
- (i) declare a part of the country in which a quarantinable disease or disease or pest affecting animals or plants exists, or is suspected to exist, to be a quarantine area; or
- (j) declare that a vessel, aircraft, person, animal, plant or goods in a quarantine area, or in a part of the country in which a quarantinable

disease, or a disease or pest affecting animals or plants, exists or is suspected to exist, is subject to quarantine.

(2) The power to declare a first port of entry extends to authorize the declaration of a port to be the first port of entry for—

- (a) all oversea vessels and oversea aircraft; or
- (b) oversea vessels and oversea aircraft from a particular place; or
- (c) a class of oversea vessels or oversea aircraft.

(3) The power of prohibition under this section extends to authorize prohibition generally or with limitations as to place and subject-matter, and absolutely or subject to specified conditions or restrictions.

#### **14. PROHIBITION, ETC., OF IMPORTATION OF CULTURES, ETC.**

(1) Notwithstanding any other law, the Director may, by notice in the National Gazette, prohibit or restrict the introduction into the country of a disease, noxious insect, pest, disease germ, microbe or disease agent, or any culture, virus, substance or article containing, or likely to contain, any disease, noxious insect, pest, disease germ, microbe or disease agent.

(2) The Director may issue a licence in the prescribed form, subject to the conditions (if any) specified in the licence, to a person to import a disease agent, or any culture, virus, substance or article containing, or likely to contain, any disease, noxious insect, pest, or disease germ, microbe or disease agent.

#### **15. TEMPORARY QUARANTINE STATIONS.**

The Minister may, by notice in the National Gazette, appoint a place to be a temporary quarantine station, for such period as he thinks necessary, for the performance of quarantine by any vessel, person, animal, plant or goods.

#### **16. DISINFECTING APPARATUS ON VESSELS AND AIRCRAFT.**

If required by the Director by a written order to do so, the owner or master of a vessel or aircraft going from one part of the country to another part of the country, or of a vessel or aircraft carrying passengers and trading regularly with Papua New Guinea, must cause to be carried on the vessel or aircraft, for such time as is prescribed—

- (a) such prophylactic agents as are prescribed; and
- (b) such efficient disinfecting apparatus or appliances and disinfectants as are approved by the Director.

Penalty: A fine not exceeding K100.00.

**17. PRECAUTIONARY MEASURES FOR VESSELS AND AIRCRAFT FROM PROCLAIMED PLACES.**

(1) The master of a vessel or aircraft that—

- (a) is bound for a port or place in Papua New Guinea; and
- (b) comes from, or calls or touches at, a proclaimed place,

must, while his vessel or aircraft is at the proclaimed place and during the voyage to Papua New Guinea, take, in respect of the vessel or aircraft and her crew, passengers and cargo, all prescribed precautionary measures to prevent the introduction into or spread within the country of a quarantinable disease.

(2) The master of a vessel or aircraft who has failed to comply with Subsection (1) and allows his vessel or aircraft to enter a port or place in the country, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) Where a vessel or aircraft has arrived from a proclaimed place and the prescribed precautionary measures have not been taken, any prescribed measures for the prevention of the introduction or spread of a quarantinable disease may be carried out by a Quarantine Officer with respect to the vessel or aircraft, and her crew, passengers and cargo.

(4) The expense of carrying out any measures under Subsection (3) may be recovered by the State from the owner of the vessel or aircraft as a debt.

**18. FUMIGATION OF VESSELS AND AIRCRAFT.**

When required by a Quarantine Officer by written order to do so, the owner or master of a Papua New Guinea vessel or a Papua New Guinea aircraft or of a vessel or aircraft going from a port in the country to another port in the country, must cause his vessel or aircraft to be cleansed, disinfected, fumigated or submitted to any specified process for the destruction of rats, mice, insects or disease agents, in the presence and to the satisfaction of an officer.

Penalty: A fine not exceeding K100.00.

**19. EXEMPTIONS.**

The Minister may, by notice in the National Gazette, exempt from all or any of the provisions of this Act, for such time and subject to such conditions as he thinks proper—

- (a) a ship of war; or
- (b) a vessel or aircraft trading exclusively between Papua New Guinea ports, or between Papua New Guinea and Australia or any other place specified by the Minister by notice in the National Gazette; or
- (c) a particular vessel or aircraft, or class of vessels or aircraft; or
- (d) any person, animal, plant or goods.

**PART V. – QUARANTINE OF VESSELS, AIRCRAFT, VEHICLES, PERSONS AND GOODS.*****Division 1.******Liability to Quarantine.*****20. VESSELS, ETC., SUBJECT TO QUARANTINE.**

The following vessels, aircraft and vehicles are subject to quarantine:–

- (a) an oversea vessel or oversea aircraft until pratique has been granted or until she has been released from quarantine;
- (b) a vessel or aircraft on board which a quarantinable disease, or a disease that there is reason to believe or suspect to be a quarantinable disease, has broken out or been discovered (notwithstanding that pratique has been granted or that she has been released from quarantine);
- (c) a vessel or aircraft that is ordered into quarantine by a Quarantine Officer;
- (d) a land vehicle or an inland navigation vessel that enters the country by an overland route or by an inland water route.

**21. PERSONS SUBJECT TO QUARANTINE.**

The following persons are subject to quarantine:–

- (a) a person who is on board a vessel or aircraft subject to quarantine, or if it is an oversea vessel or an oversea aircraft, who has been on board the vessel or aircraft since her arrival in the country;
- (b) a person infected with a quarantinable disease;
- (c) a person who has been in contact with or exposed to infection from a person or goods subject to quarantine;
- (d) a person who enters the country by an overland route or an inland water route;
- (e) a person who is, or has been within a period of 14 days, in a quarantine area.

**22. GOODS SUBJECT TO QUARANTINE.**

The following goods are subject to quarantine:–

- (a) goods that are on board a vessel or aircraft subject to quarantine, or, if it is an oversea vessel or oversea aircraft, that have been on board the vessel or aircraft since her arrival in the country;
- (b) goods infected with a quarantinable disease;
- (c) goods that have been in contact with or exposed to infection from a quarantinable disease or from a person or goods subject to quarantine;

- (d) goods imported into the country by an overland route or an inland water route.

**23. REPORT OF ILLNESS AFTER ARRIVAL BY AIR.**

A person who arrives in the country by air and who, within 14 days after his arrival, suffers from an illness or disease must immediately report the fact to a Quarantine Officer.

Penalty: A fine not exceeding K200.00.

**24. DURATION OF LIABILITY TO QUARANTINE.**

Vessels, persons and goods subject to quarantine continue to be subject to quarantine from the time when they became subject to quarantine until they are released or until pratique has been granted.

**25. ENTRY OF OVERSEA VESSELS AND AIRCRAFT.**

The master of an oversea vessel or oversea aircraft arriving in the country who, unless from stress of weather or other reasonable cause, causes the vessel or aircraft to enter a port other than a first port of entry is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

**26. LANDING OF OVERSEA AIRCRAFT.**

The master of an oversea aircraft who, unless from stress of weather or other reasonable cause, allows the aircraft to land in the country at a place other than a landing place is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

**27. RESTRICTION OF ENTRY BY AIR.**

(1) Where the Minister is of the opinion that there is danger of the introduction into the country by aircraft of disease from a place beyond the country, he may, by notice in the National Gazette, declare the place to be a place in relation to which this section applies.

(2) The master or owner of an aircraft who permits the aircraft to enter the country from or through a place specified in the notice under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

(3) The Minister may, by notice in the National Gazette, declare that a person must not, so long as the notice remains in force, enter the country by aircraft from a place beyond the country specified in the notice, unless he has complied with the conditions specified in the notice.

(4) The conditions specified in a notice under Subsection (3) shall be such conditions as the Minister thinks necessary or expedient for avoiding the possibility of the entry into the country of persons suffering from, or capable of communicating, a disease of persons, animals or plants.

(5) A person who enters the country in contravention of a notice under Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

(6) The master and owner of an aircraft by which a person enters the country in contravention of a notice under Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

(7) For the purpose of this section, a person shall be deemed to enter from a place outside the country if he has been in that place within 14 days before his arrival in the country.

## **28. AIRCRAFT LANDING AT PLACE OTHER THAN LANDING PLACES.**

If an aircraft subject to quarantine makes a landing at a part of the country that is not a landing place, the aircraft and the persons, goods, animals or plants on board the aircraft, shall, for the purposes of this Act, be deemed to be ordered into quarantine, and shall be dealt with as prescribed.

## **29. ENTERING BY OVERLAND ROUTE, ETC.**

A person who enters the country by an overland route or by an inland water route otherwise than—

(a) at a frontier post; or

(b) with the prior approval of the Chief Quarantine Officer,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

## **30. QUARANTINE SIGNALS.**

(1) The master of a vessel or aircraft subject to quarantine must—

(a) display the quarantine signal on his vessel before she comes within 5km of a port; and

(b) keep the quarantine signal displayed on his vessel while entering or being in a port or quarantine station.

(2) In the case of an aircraft, on arrival at the first port of entry in the country, and at each landing place subsequently called at for which pratique is not held, the master must cause the aircraft to come to a stop as near as practicable to a spot on the airport or landing place marked by a quarantine signal and remain there until

pratique has been granted, and during that time keep the quarantine signal displayed.

Penalty: A fine not exceeding K200.00.

(3) The quarantine signal is as prescribed, and shall be displayed in the prescribed manner.

### **31. HEALTH REPORTS, ETC.**

(1) The master of an oversea vessel or oversea aircraft arriving at a port in the country must, on being required to do so, make out and deliver to the Quarantine Officer a health report, in the prescribed form, signed by him, and, if the vessel or aircraft carries a medical officer, signed also by the medical officer.

Penalty: A fine not exceeding K200.00.

(2) The medical officer and the master of an oversea vessel or oversea aircraft arriving at a port in the country must truly answer to the best of their respective knowledge all questions put to them by a Quarantine Officer concerning—

- (a) the health of the crew and passengers of the vessel or aircraft during the voyage; and
- (b) the sanitary conditions of the vessel or aircraft during the voyage; and
- (c) the existence of a quarantinable or infectious disease at the ports of departure or call, or on board a vessel communicated with; and
- (d) the presence at any time of animals on the vessel; and
- (e) the presence on the vessel of rags and second-hand clothing or other prescribed articles and the ports or places at which they were put on board the vessel.

Penalty: A fine not exceeding K200.00.

(3) Questions under Subsection (2) may be written or oral, and the Quarantine Officer may require the answers to be given in writing or orally.

(4) A Quarantine Officer may, if he thinks fit, require the medical officer or the master to verify an answer to a question asked under Subsection (2) by a declaration in writing signed by him solemnly declaring the truth of the answer.

(5) A person who makes a false statement in a declaration under Subsection (4) is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

### **32. NOTIFICATION OF OUTBREAK OF DISEASE.**

(1) Where—

- (a) an eruptive disease; or
- (b) a disease attended with fever or glandular swellings; or

- (c) a disease that he believes or suspects, or has reason to believe or suspect, to be a quarantinable disease,

has broken out on board a vessel or aircraft, the master must immediately (unless the vessel or aircraft is actually performing quarantine under the supervision of a Quarantine Officer)–

- (d) notify a Quarantine Officer of the outbreak of the disease; and
- (e) display the quarantine signal on his vessel or aircraft, and keep it so displayed until he is authorized by a Quarantine Officer to remove it or until the vessel or aircraft is released from quarantine.

(2) The master of a vessel or aircraft in port must immediately give written notice to a Quarantine Officer of every case of a prescribed disease that was on his vessel or aircraft when she arrived in the port, or that has arisen on his vessel since she arrived in the port.

Penalty: A fine not exceeding K100.00.

### **33. UNAUTHORIZED PERSONS BOARDING VESSELS AND AIRCRAFT.**

An unauthorized person who–

- (a) goes on board or alongside a vessel or aircraft subject to quarantine or while the quarantine signal is displayed on the vessel; or
- (b) approaches within 30m of a quarantine signal on a landing place,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

### **34. BOARDING OF VESSELS AND AIRCRAFT BY QUARANTINE OFFICERS.**

On being required to do so by a Quarantine Officer, the master of a vessel or aircraft must–

- (a) bring the vessel or aircraft to; and
- (b) by all reasonable means, facilitate the boarding of the vessel or aircraft by the Quarantine Officer.

Penalty: A fine not exceeding K100.00.

### **35. QUARANTINE LINES.**

(1) The Minister may, by notice in the National Gazette, fix the position of the quarantine line for a port.

(2) The master of a vessel or aircraft subject to quarantine who allows the vessel or aircraft to be brought into a part of the port within the quarantine line is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**36. MOORING GROUNDS, ETC., FOR VESSELS AND AIRCRAFT SUBJECT TO QUARANTINE.**

(1) The master of a vessel or aircraft subject to quarantine must, immediately on arrival at or near a port or landing place, bring the vessel or aircraft to a place appointed by the Minister, by notice in the National Gazette, to be a mooring ground or landing place for vessels or aircraft subject to quarantine.

Penalty: A fine not exceeding K200.00.

(2) On the request of the master, owner or agent of a vessel or aircraft subject to quarantine, and on payment of the prescribed fee, the vessel or aircraft may, with the approval of a prescribed Quarantine Officer, be taken for inspection to some place other than the mooring ground or landing place.

**37. LEAVING QUARANTINE AREA OR VESSEL OR AIRCRAFT SUBJECT TO QUARANTINE.**

(1) Except as prescribed, the master of a vessel or aircraft subject to quarantine who—

- (a) leaves, or knowingly or negligently suffers a person to leave, his vessel or aircraft; or
- (b) knowingly or negligently permits any goods, mails or loose letters to be removed from his vessel or aircraft,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) In order to comply with Subsection (1), the master of a vessel or aircraft may detain a person, goods, mail or loose letters on his vessel or aircraft, and may use any means reasonably necessary for that purpose.

(3) A person (other than a Quarantine Officer) who is on board a vessel or aircraft subject to quarantine, or who is in a quarantine area, and who, without being authorized by a Quarantine Officer to do so, leaves the vessel or aircraft, or the quarantine area, as the case may be, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**38. ARREST OF PERSONS LIABLE TO QUARANTINE.**

(1) A member of the Police Force or authorized persons, may without warrant, arrest—

- (a) a person who has, in contravention of this Act, left a vessel or aircraft subject to quarantine, or a quarantine station; or
- (b) a person subject to quarantine (not being a person who is so subject by reason only of being or having been in a quarantine area) who is found in a place not being in or part of a quarantine station.

(2) A member of the Police Force or authorized person, may without warrant arrest a person who is subject to quarantine by reason of having been in a quarantine area and whom he believes to have left that area in contravention of this Act.

(3) A person arrested under this section shall be brought before a magistrate or Quarantine Officer who, on proof to his satisfaction that the person brought before him is subject to quarantine, may—

- (a) order that he be taken to, and by warrant authorize a member of the Police Force or other person to take him to—
  - (i) the vessel or aircraft from which he has landed; or
  - (ii) the quarantine station to perform quarantine; or
  - (iii) the quarantine area from which he came; or
- (b) order that he be dealt with as prescribed.

### **39. MOORING OF VESSELS AND AIRCRAFT FROM PROCLAIMED PLACES.**

(1) A vessel or aircraft arriving at a port from a proclaimed place and not having a certificate of pratique must be moored or berthed in the port in accordance with the directions of a Quarantine Officer or as prescribed.

(2) The master of a vessel or aircraft who permits her to be moored or berthed in a port in contravention of this section is guilty of an offence.

Penalty: A fine not exceeding K100.00.

### **40. PRATIQUE.**

(1) If after boarding an oversea vessel or oversea aircraft that does not have a certificate of pratique a Quarantine Officer is satisfied that the vessel or aircraft is free from infection, he shall immediately give the master a certificate of pratique in the prescribed form.

(2) A certificate of pratique may be expressed to have effect—

- (a) in all ports in the country; or
- (b) only in a specified port or ports, or in the ports in any specified provinces or areas; or
- (c) only for a specified time.

(3) A certificate of pratique may be expressed to have relation to all or any specified measures of quarantine.

(4) Pratique may be granted to a vessel or aircraft that is about to arrive from a port in Australia or such other port as the Minister, by notice in the National Gazette, specifies, if the Director, after the receipt by him of a radio report from the vessel or aircraft stating that no case of quarantinable disease or suspected quarantinable disease has occurred on the vessel or aircraft during the voyage, is of

opinion that its arrival will not result in the introduction or spread of a quarantinable disease.

(5) Pratique may be granted to a vessel or aircraft that is about to arrive from any place if the Quarantine Officer at the port of entry receives a radio report from the medical officer of the vessel or aircraft (being a medical officer who is in possession of such qualifications as are approved by the Director for the purpose) that all persons on board the vessel or aircraft are in good health and that all such persons are in possession of any necessary valid vaccination certificates.

#### 41. QUARANTINE SURVEILLANCE.

(1) Subject to this section, where—

- (a) a vessel or aircraft has arrived at a port from a proclaimed place, or is subject to quarantine; and
- (b) a Quarantine Officer is satisfied that no person on board is actually suffering from a quarantinable disease, but is not satisfied that the vessel or aircraft is free from infection,

the Quarantine Officer may—

- (c) refrain from giving a certificate of pratique; and
- (d) permit the vessel or aircraft to proceed on her voyage without performing quarantine at a quarantine station; and
- (e) permit passengers for the port and their effects to be landed; and
- (f) permit any cargo for the port that is on the vessel or aircraft to be landed.

(2) The vessel or aircraft continues to be subject to quarantine until pratique is granted.

(3) All persons landed under this section—

- (a) continue subject to quarantine for such period as is prescribed; and
- (b) during that period—
  - (i) are subject to quarantine surveillance; and
  - (ii) must comply with the regulations relating to quarantine surveillance.

Penalty: A fine not exceeding K200.00.

(4) All cargo and passengers' effects landed under this section are subject to treatment and disinfection as prescribed.

**Division 2.****Performance of Quarantine.****42. ORDER TO PERFORM QUARANTINE.**

(1) A Quarantine Officer may, by written order, order into quarantine, a vessel or aircraft, person or goods (whether or not subject to quarantine) which in his opinion is or are or is or are likely to be—

- (a) infected with; or
- (b) a source from which a person may be infected with,

a quarantinable disease.

(2) A Quarantine Officer may, by written order, order into quarantine a person who—

- (a) is or has been on board an oversea vessel or oversea aircraft; and
- (b) fails to satisfy the Quarantine Officer that he has, within the prescribed period, been successfully vaccinated or inoculated against any prescribed disease.

(3) If a vessel or aircraft has arrived in the country from a proclaimed place the Quarantine Officer shall (except as prescribed) order her into quarantine.

(4) An order under Subsection (1), (2) or (3) may—

- (a) in the case of a vessel or aircraft, be served on the master of the vessel or aircraft; and
- (b) in the case of a person, be served on the person; and
- (c) in the case of goods, be served on the owner or consignee or a person having possession or custody of the goods.

(5) When an order has been served in accordance with this section, the vessel or aircraft and all persons and goods on board the vessel or aircraft, or the person or goods, as the case may be, shall be deemed to be ordered into quarantine.

**43. COMMUNICABLE DISEASES ON BOARD VESSELS OR AIRCRAFT.**

(1) When a vessel or aircraft, has on board a case of communicable disease, and a Quarantine Officer certifies that measures of quarantine are necessary to prevent the disease from spreading—

- (a) all such measures for the disinfection of the vessel or aircraft and all such other measures of quarantine as are prescribed or as a Quarantine Officer directs, shall be taken; and
- (b) persons suffering from, or suspected to be suffering from, the disease, or who may have been exposed to infection from the disease may be—
  - (i) ordered into quarantine; and

(ii) removed to a quarantine station to perform quarantine.

(2) In a case to which Subsection (1) applies, persons suffering from, or suspected to be suffering from, the disease shall be deemed to be subject to quarantine, notwithstanding that the disease had not been proclaimed to be a quarantinable disease.

(3) In a case to which Subsection (1) applies, a person who—

(a) is suffering from, or is suspected to be suffering from, a communicable disease, and who leaves the vessel or aircraft without the written permission of a Quarantine Officer; or

(b) is in charge of a person suffering from, or suspected to be suffering from, a communicable disease, and who permits the person to leave the vessel or aircraft without the written permission of a Quarantine Officer,

is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

(4) Where a Quarantine Officer has given a certificate under Subsection (1), the master of a vessel or aircraft who knowingly or negligently allows a person who—

(a) is suffering from or is suspected to be suffering from, the disease; or

(b) has been exposed to infection from the disease,

to leave the vessel or aircraft is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

#### **44. CONVEYANCE OF VESSELS AND AIRCRAFT INTO QUARANTINE.**

Where a vessel or aircraft is ordered into quarantine, the master must immediately cause the vessel or aircraft, and all persons and goods on board the vessel or aircraft, to be conveyed into such quarantine station as the Quarantine Officer directs, to perform quarantine.

Penalty: A fine not exceeding K1,000.00.

#### **45. EFFECT OF ORDER INTO QUARANTINE.**

A vessel or aircraft ordered into quarantine shall be deemed to be in quarantine, even if it is not within a quarantine station.

#### **46. PARTICULARS TO BE GIVEN.**

When the vessel or aircraft arrives at the appointed quarantine station, the master shall, on request, produce and deliver to the officer in charge of the quarantine station his passenger list, log, manifest, journal and other ship's papers.

**47. PERFORMANCE OF QUARANTINE BY VESSELS AND AIRCRAFT.**

Subject to this Act, a vessel or aircraft in quarantine shall perform quarantine at the appointed quarantine station, and for that purpose—

- (a) may be detained there by a Quarantine Officer or an authorized person until released in accordance with this Act; and
- (b) whilst so detained is subject to the regulations relating to the performance of quarantine.

**48. MOVING VESSELS OR AIRCRAFT IN QUARANTINE.**

If the master of a vessel or aircraft that is in quarantine moves the vessel or aircraft, or allows her to be moved, otherwise than in accordance with this Act, he is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**49. REMOVAL TO PERFORM QUARANTINE.**

(1) For the purpose of the performance of quarantine, a person on board a vessel or aircraft that is subject to quarantine may be removed from the vessel or aircraft by a Quarantine Officer at a port (notwithstanding that the port is not the port of his destination) and conveyed to and detained in a quarantine station to perform quarantine.

(2) A person removed from a vessel or aircraft under Subsection (1) is entitled to be provided by the State with a free passage to the port of his destination without delay after being released from quarantine.

**50. PERMISSION TO PROCEED ON VOYAGE.**

(1) The Director may, if he thinks fit, permit a vessel or aircraft that is in quarantine to proceed on her voyage with her officers, crew and passengers, or any of them, without performing quarantine at the quarantine station at the port at which she then is.

(2) Permission under Subsection (1) does not release from quarantine, the vessel or aircraft, or her officers, crew or passengers, and while they are in the country and until they are released from quarantine, they—

- (a) shall be deemed to be in quarantine; and
- (b) except as prescribed or as ordered by the Minister, are subject to this Act to the same extent as if they were performing quarantine at a quarantine station.

**51. CLEANSING AND DISINFECTION OF VESSELS AND AIRCRAFT.**

(1) A Quarantine Officer may order a vessel or aircraft in quarantine to be cleansed and disinfected or treated in such manner as he directs, and the master of

the vessel or aircraft must cause her to be cleansed and disinfected or treated accordingly.

Penalty: A fine not exceeding K200.00.

(2) Where a vessel or aircraft ordered into quarantine has to be cleansed, fumigated, disinfected or treated in any manner, a Quarantine Officer may direct the vessel or aircraft to be taken for the purpose to a prescribed place and the master of the vessel or aircraft must cause it to be taken to that place.

Penalty: A fine not exceeding K1,000.00.

## **52. UNAUTHORIZED REMOVAL OF GOODS.**

(1) When a vessel or aircraft is in quarantine an unauthorized person must not land or unship, or move with intent to land or unship, goods from the vessel or aircraft, until the vessel or aircraft is released from quarantine.

Penalty: A fine not exceeding K200.00.

(2) A person who knowingly receives or has in his possession goods landed or unshipped from a vessel or aircraft in contravention of Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) In a prosecution for an offence against Subsection (2), the burden of proving want of knowledge is on the defendant.

## **53. PERFORMANCE OF QUARANTINE BY PERSONS.**

(1) A person ordered into quarantine shall perform quarantine, and for that purpose may—

- (a) be detained on board the vessel or aircraft; or
- (b) be detained on the premises on which he is found; or
- (c) be removed to and detained in a quarantine station; or
- (d) be removed to and detained in a suitable place or building approved by a Quarantine Officer,

until released in accordance with this Act.

(2) While detained as provided for by Subsection (1), the person concerned is subject to the regulations regulating the performance of quarantine and the government of a quarantine station.

(3) A person ordered into quarantine who commits a breach of the regulations regulating the performance of quarantine or the government of a quarantine station is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding three months.

(4) Where a person ordered into quarantine is not, in the opinion of a Quarantine Officer, actually suffering from a quarantinable disease, the Quarantine Officer may release the person under quarantine surveillance.

(5) A person released under Subsection (4) must, while he is under quarantine surveillance, report to such person at such times and places as are directed by a Quarantine Officer.

Penalty: A fine not exceeding K200.00.

(6) A person subject to quarantine—

(a) is under quarantine surveillance; and

(b) must comply with the regulations relating to quarantine surveillance.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding three months.

#### **54. RELEASE FROM QUARANTINE.**

When quarantine has been performed by a vessel, aircraft or person in accordance with this Act, the vessel, aircraft or person shall be released from quarantine without delay.

#### **55. QUARANTINE OF GOODS.**

Goods ordered into quarantine shall undergo quarantine, and for that purpose may be detained on board the vessel or aircraft, or in a quarantine station.

#### **56. TREATMENT AND DISINFECTION OF GOODS.**

(1) Goods ordered into quarantine shall be treated and disinfected as prescribed, and when so treated and disinfected may be released from quarantine.

(2) Subject to Subsection (3), if the Quarantine Officer in charge of goods ordered into quarantine is of opinion that they—

(a) cannot be effectively disinfected; and

(b) ought not to be released from quarantine owing to the danger of infection,

he may cause the goods to be destroyed.

(3) The power conferred by Subsection (2) shall not be exercised without the written approval of the Minister where the value of the goods exceeds K20.00.

#### **57. UNLAWFUL DAMAGE BY OFFICERS.**

An officer who unlawfully destroys or damages goods under his charge in the performance of quarantine is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**PART VI. – QUARANTINE OF ANIMALS AND PLANTS.****58. LANDING OF ANIMALS AND PLANTS.**

A person who imports animals or plants into the country otherwise than at a port declared to be a port where imported animals or plants may be landed is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**59. PERMITS FOR LANDING.**

(1) Imported animals or plants, and soil, compost, manures, organic fertilizers, or admixtures of them, hay, straw, fodder, litter, fittings, clothing, utensils, appliances, packages or packing material used on a vessel or aircraft in connection with imported animals or plants, must not be landed or removed from the vessel or aircraft until a permit for their landing or removal from the vessel or aircraft has been granted by a Quarantine Officer or an authorized person.

Penalty: A fine not exceeding K200.00.

(2) Where a Quarantine Officer thinks it advisable or convenient, he may, before granting a permit under Subsection (1), order the treatment, in such manner as is prescribed or as he thinks proper, of imported animals or plants, or soil, compost, manures, organic fertilizers, or admixtures of them, hay, straw, fodder, litter, fittings, clothing, utensils, appliances, packages or packing material used on a vessel or aircraft in connection with imported animals or plants.

**60. QUARANTINE CONTROL OF IMPORTED ANIMALS, PLANTS, ETC.**

Imported animals or plants, and soil, compost, manures, organic fertilizers, or admixtures of them, hay, straw, fodder, litter, fittings, clothing, utensils, appliances, packages or packing material used on a vessel or aircraft in connection with imported animals or plants, must not be moved, dealt with or interfered with, until released from quarantine, except by authority and in accordance with this Act.

Penalty: A fine not exceeding K200.00.

**61. EXAMINATION OF IMPORTED ANIMALS.**

(1) Before they are delivered to the importer, imported animals must be submitted for inspection to a Quarantine Officer approved by the Director for the purpose.

(2) If an imported animal (other than a camel, horse or dog)–

- (a) comes from a country declared by the Minister by notice in the National Gazette, to be free from disease affecting animals of its kind; and
- (b) is accompanied by a certificate of a veterinary surgeon, at the port of shipment, approved by the Director, certifying that he had examined the

animal before its shipment, and that it was then in good health and free from disease,

and the Director has reported to the Minister that he is satisfied that—

- (c) during the voyage the animal has not suffered from a disease or been exposed to infection; and
- (d) the animal was free from disease at the time of landing; and
- (e) there is no danger of the animal introducing a disease,

the Director may, subject to the regulations, give to the importer a certificate to that effect and allow the animal to be delivered to the importer without being required to perform quarantine.

(3) If an imported animal is not suffering from a disease, the Quarantine Officer may, subject to the regulations, permit it to leave the ship, or if it has been ordered into quarantine the quarantine station, under quarantine surveillance.

(4) An animal under quarantine surveillance must continue under surveillance for such period as is prescribed, and shall be treated and dealt with as prescribed.

(5) During the period referred to in Subsection (4)—

- (a) the owner or person in charge of the animal, must comply with the regulations relating to quarantine surveillance of animals; and
- (b) a Quarantine Officer may at any time order the animal into quarantine.

(6) In all other cases, a Quarantine Officer shall order the imported animals into quarantine or shall destroy them or order their destruction.

## **62. EXAMINATION OF IMPORTED PLANTS.**

(1) Imported plants, and packages, packing material or goods used in connection with imported plants, must before they are delivered to the importer, be submitted for examination by a Quarantine Officer approved by the Director for the purpose.

(2) If the imported plants are found to be free from disease, and the Quarantine Officer is satisfied that they can be delivered to the importer without danger of introducing a disease, he may, subject to the regulations, authorize their delivery to the importer.

(3) If the imported plants are found not to be free from disease, or the Quarantine Officer is not satisfied that they can be delivered to the importer without danger of introducing some disease, he may order the plants into quarantine or may order them to be subjected to such treatment as is prescribed.

## **63. ORDERING INTO QUARANTINE.**

(1) A Quarantine Officer may examine and order into quarantine animals or plants declared by the Minister, by notice in the National Gazette, to be subject to quarantine.

(2) A Quarantine Officer may examine and order into quarantine imported goods or packages that are or are likely to be, in his opinion, infected with a disease affecting animals or plants, or that contain or appear to contain an insect pest or vector of disease.

#### **64. PERFORMANCE OF QUARANTINE.**

Animals, plants and goods ordered into quarantine shall be conveyed to a quarantine station without delay, and be detained there for such period as is prescribed, and while so detained shall be dealt with and treated as prescribed.

#### **65. DESTRUCTION OF DISEASED ANIMALS.**

If a Quarantine Officer prescribed for the purpose certifies that an animal ordered into quarantine is affected with a disease and, in his opinion, is a source of danger to other animals or humans and ought to be destroyed, the Director, after notice to the owner, agent or person in charge (if known), may order it to be destroyed.

#### **66. DESTRUCTION OF DISEASED PLANTS.**

If a Quarantine Officer certifies that any plants or goods ordered into quarantine—

- (a) are affected with—
  - (i) a disease; or
  - (ii) a noxious insect or a pest; or
- (b) have been exposed to infection from—
  - (i) a plant so affected; or
  - (ii) a vector of diseases; or
  - (iii) an article contaminated with a disease; or
  - (iv) a noxious insect or a pest; or
  - (v) weed seeds,

and, in his opinion, are a source of danger to other plants and ought to be destroyed, the Director, after notice to the owner or agent (if known) may order them to be destroyed.

#### **67. COMPENSATION FOR DESTRUCTION OF ANIMALS.**

If an animal (not being an animal that has been brought into the country in contravention of this Act) destroyed under Section 61 or 65 is found not to be diseased, compensation as prescribed by the regulations is payable by the State to the owner.

**PART VII. – EXPENSES OF QUARANTINE.**

**68. EXPENSES OF QUARANTINE.**

(1) Subject to this section, the master, owner and agent of a vessel or aircraft ordered into quarantine, or a vessel or aircraft from which a person is removed to perform quarantine, are severally responsible for—

- (a) the removal of the passengers and crew to the quarantine station; and
- (b) the care and maintenance of the passengers and crew whilst detained at the quarantine station; and
- (c) the conveyance of the passengers from the quarantine station to their ports of destination; and
- (d) the medical surveillance of persons released under quarantine surveillance; and
- (e) the provision of such medical, nursing and other attendance on the vessel or aircraft, and at the quarantine station for or in respect of the vessel or aircraft, as the Minister thinks necessary; and
- (f) the provisions of such launch and patrol services and such supervision as the Minister thinks necessary to ensure the satisfactory performance of quarantine by the vessel or aircraft and the persons and goods on the vessel or aircraft,

and shall supply, to the satisfaction of the Minister, all such service, attendance, meals and other things as are required for those purposes, including domestic and laundry service, medicines, medical comforts, nursing and attendance for the sick.

(2) Subject to this section, the master, owner or agent of the vessel or aircraft may arrange with the Minister for the carrying out of any responsibility under this section and for the payment of the expenses incurred, but in any case the Minister may take such action if he thinks it necessary or convenient to do so and any expenses incurred shall be paid by the master, owner or agent of the vessel or aircraft to the State.

(3) The Minister may direct that, as regards a vessel or aircraft trading exclusively between Papua New Guinea ports, or between Papua New Guinea and Australia or any other place notified by the Minister in the National Gazette, the expenses of carrying out any responsibility under this section shall be borne by the State, and on the issue of such a direction the master, owner and agent of a vessel or aircraft to which the direction relates are exempt from liability for the expenses of carrying out that responsibility.

(4) The Minister may direct that the expenses of overland passengers arising out of the laws relating to quarantine be borne by the State.

(5) A passenger is not liable to compensate the master, owner or agent of a vessel or aircraft for any cost incurred by the master, owner or agent under this

section, and a contract or stipulation purporting to impose any such liability on him is to that extent null and void.

**69. COST OF DISINFECTING GOODS.**

The master, owner or agent of a vessel or aircraft ordered into quarantine, or ordered to be cleaned, fumigated, disinfected or treated, shall pay—

- (a) all costs of removal of cargo or goods from the vessel or aircraft; and
- (b) costs incurred in the cleansing, fumigation, disinfection or treatment of the vessel or aircraft, or of goods or things taken from the vessel or aircraft.

**70. SECURITY.**

Before permitting any persons, goods, personal effects or things to leave or be removed from a vessel or aircraft ordered into quarantine, the Quarantine Officer may require the master, owner or agent of the vessel or aircraft to give security to the satisfaction of the Quarantine Officer that all responsibilities under this Part of the master, owner and agent of the vessel or aircraft, in respect of those persons, goods, personal effects or things, will be faithfully carried out.

**71. PILOTAGE.**

The owners and agents of a vessel or aircraft ordered into quarantine shall pay to the State all charges incurred by the State in connection with the piloting or towing of the vessel or aircraft into or out of port, or from one place to another in port.

**72. PASSAGES OF PERSONS SUBJECTED TO QUARANTINE.**

The owners and agents of a vessel or aircraft subject to quarantine shall pay to the State all expenses incurred by the State in providing with passages to their ports of destination persons removed from the vessel or aircraft in order to perform quarantine.

**73. PAYMENT FOR SUPPLIES WHILE IN QUARANTINE.**

A person detained in quarantine who is not one of the crew or passengers of a vessel or aircraft ordered into quarantine shall, if he is reasonably able to do so and is so required by the Minister, pay to the State the cost of food and medicines supplied to him and those dependent on him during their removal to or detention in quarantine.

**74. PAYMENT FOR SERVICES OF MEDICAL OFFICERS.**

- (1) Where a vessel or aircraft is ordered into quarantine, the Minister may—

- (a) appoint a medical officer to take charge of the crew and passengers of the vessel or aircraft while in quarantine; and
- (b) fix the amount of remuneration to be paid to the medical officer for his services.

(2) The remuneration referred to in Subsection (1) shall be paid to the State by the owners or agents of the vessel or aircraft.

**75. EXPENSES IN RESPECT OF ANIMALS AND PLANTS.**

(1) Any expenses connected with—

- (a) the examination of any animals, plants or goods, their conveyance to a quarantine station and their detention, maintenance and treatment in quarantine, or under quarantine surveillance; or
- (b) the removal, disposal and destruction of any animals, plants or goods ordered to be destroyed under this Act,

shall be paid by the importer or owner of the animals, plants or goods to the State, and are a charge on the animals, plants or goods.

(2) A Quarantine Officer may refuse to grant a permit for the landing or removal of any animals, plants or goods until security is given to his satisfaction for payment of the expenses payable to the State under this section.

**76. CHARGES ON VESSELS AND AIRCRAFT.**

Expenses or charges payable to the State under this Part by the owner or agent of a vessel or aircraft are a charge on the vessel or aircraft, and the vessel or aircraft may be detained by an officer until the expenses are paid.

**77. RECOVERY OF EXPENSES.**

Expenses or charges payable to the State under this Part may be recovered by the State as a debt.

**PART VIII. – GENERAL OFFENCES.**

**78. IMPORTATION CONTRARY TO NOTICES, ETC.**

(1) A person who knowingly imports or brings into any port or place in the country—

- (a) a disease affecting humans, animals or plants; or
- (b) a noxious insect; or
- (c) a pest; or
- (d) a disease germ, microbe or disease agent; or
- (e) any culture, virus, or substance containing a disease germ or microbe or disease agent; or
- (f) any goods; or
- (g) any packages; or
- (h) an animal or plant,

in contravention of this Act is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

(2) In a prosecution for an offence against this section the burden of proving want of knowledge is on the defendant.

**79. IMPORTATION OF PROHIBITED ANIMALS.**

The master or owner of a vessel or aircraft who brings an animal, or permits an animal to be brought in the vessel or aircraft into a port or place in the country in contravention of this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**80. TRESPASSING ON QUARANTINE STATIONS, ETC.**

(1) An unauthorized person who—

- (a) enters or trespasses on a quarantine station; or
- (b) interferes with any animal, plant, package or goods subject to quarantine; or
- (c) removes any part or contents of any plant, animal, package or goods kept, stored or growing at or about a quarantine station,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) An unauthorized person who enters a quarantine station while a person is performing quarantine is subject to quarantine, and may be detained at the quarantine station for the performance of quarantine.

**81. PILOT CONDUCTING VESSEL WRONGLY.**

Unless compelled by stress of weather or other reasonable cause, a pilot who conducts a vessel subject to quarantine into a place other than the proper place for the vessel is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**82. DISEASED VESSEL OR AIRCRAFT ENTERING PORT OTHER THAN FIRST PORT OF ENTRY.**

The master of an oversea vessel or oversea aircraft who, knowing that a quarantinable disease exists on his vessel or aircraft, permits his vessel or aircraft to enter a port, other than a port declared to be a first port of entry, is guilty of an offence unless he proves that it was necessary for the vessel or aircraft to enter the port for the purpose of saving human life.

Penalty: Imprisonment for a term not exceeding three years.

**83. OFFENCES AS TO DOCUMENTS.**

A person who—

- (a) forges a document under this Act, or an official copy of any such document, or the signature of an officer performing a duty under this Act; or
- (b) utters or puts off, knowing it to be forged, a forged document purporting to be a document issued under this Act; or
- (c) fraudulently lends a certificate or document issued under this Act to any other person or allows it to be used by any other person,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding three years.

**84. BRIBING, ASSAULTING, OBSTRUCTING OR INTIMIDATING OFFICERS.**

A person who—

- (a) gives, or offers or promises to give or procure to be given, a bribe, recompense or reward to an officer, to induce him in any way to neglect or not to perform his duty; or
- (b) makes a collusive agreement with an officer to neglect or not to perform his duty; or
- (c) by threats, demands or promises, attempts to influence improperly an officer in the performance of his duty; or
- (d) assaults or, by force, molests, obstructs or intimidates an officer in the performance of his duty,

is guilty of an offence.

Penalty: On summary conviction—a fine not exceeding K200.00 or imprisonment for a term not exceeding six months, or both.

On conviction on indictment—imprisonment for a term not exceeding three years.

**85. MASTERS AND MEDICAL OFFICERS OF VESSELS AND AIRCRAFT MISLEADING QUARANTINE OFFICERS.**

A master or medical officer of a vessel or aircraft who—

- (a) wilfully makes a false statement in answer to a question asked him under this Act by a Quarantine Officer; or
- (b) wilfully misleads a Quarantine Officer in the performance of his duty,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

**86. DERELICTION OF DUTY.**

An officer who—

- (a) wilfully deserts from his duty; or
- (b) knowingly and unlawfully permits any person, vessel, aircraft, animal, plant or goods to depart from, or to be conveyed out of, a quarantine station where he, it or they is or are detained,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

**87. OFFICERS TAKING BRIBES.**

An officer who—

- (a) accepts a bribe, recompense or reward for or on account of any neglect to perform, or non-performance of, his duty; or
- (b) makes a collusive agreement with a person to neglect or not to perform his duty,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding three years.

**88. MALICIOUSLY ORDERING VESSEL, ETC., INTO QUARANTINE.**

A Quarantine Officer who maliciously and without reasonable cause orders any vessel, aircraft, person, animal, plant or goods into quarantine is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

**PART IX. – MISCELLANEOUS.****89. FORFEITURE OF ANIMALS, PLANTS, ETC.**

Animals, plants or goods imported into the country, or brought into any port or place in the country, in contravention of this Act, and all soil, compost, manures, organic fertilizers, or admixtures of them, hay, straw, fodder, litter, fittings, clothing, utensils, appliances, packages or packing material moved or dealt with in contravention of this Act, are forfeited and may be seized by an officer or officer of Customs and disposed of in accordance with the regulations.

**90. DESTRUCTION OF CERTAIN ANIMALS.**

Where the master of a vessel or aircraft fails to comply with the directions of a Quarantine Officer or the prescribed conditions relating to the control or confinement of an animal that has been brought into a port or place in the country but is not intended or permitted to be imported into the country, a Quarantine Officer may destroy the animal.

**91. SEIZURE OF FORFEITED ANIMALS, ETC.**

An officer or officer of Customs, or a member of the Police Force, may–

- (a) seize any animals, plants or goods subject to quarantine that are found outside a quarantine station; and
- (b) convey them to a quarantine station.

**92. INSPECTION.**

(1) A Quarantine Officer may–

- (a) board a vessel or aircraft in a port or place in the country; and
- (b) require a person on board the vessel or aircraft to submit to a prescribed examination; and
- (c) enter and inspect any part of the vessel or aircraft, and all animals, plants and goods on board the vessel or aircraft; and
- (d) inspect the passenger list, log, manifest, journal and other ship's or aircraft's papers.

(2) The master of a vessel or aircraft must, if so required by a Quarantine Officer, produce to him for inspection the passenger list, log, manifest, journal and other ship's or aircraft's papers.

Penalty: A fine not exceeding K40.00.

(3) A person authorized in writing by the Director to act under this subsection may–

- (a) board a vessel or aircraft in a port or place in the country; and

- (b) enter and inspect any part of the vessel or aircraft and all animals, plants and goods on board the vessel or aircraft.

**93. BOARDING OF VESSELS AND AIRCRAFT.**

(1) A Quarantine Officer, or a person authorized under Section 92, boarding a vessel or aircraft may remain on the vessel or aircraft for such time as he thinks necessary or desirable.

(2) The master, if so required by the Quarantine Officer or person who is on a vessel in accordance with Subsection (1), must provide suitable and sufficient food and sleeping accommodation for him.

Penalty: A fine not exceeding K100.00.

(3) If the vessel or aircraft is a passenger vessel or aircraft, the Quarantine Officer or person is entitled to all the privileges and accommodation extended to a first-class passenger.

**94. MUSTER OF CREW, ETC.**

(1) A Quarantine Officer may require the master of a vessel or aircraft to muster in the presence of the Quarantine Officer all passengers and persons on the vessel or aircraft who are not prevented by illness or some other cause from attending the muster.

(2) If the master fails—

(a) to comply with a requirement under Subsection (1); or

(b) to facilitate, by all reasonable means, the inspection by the Quarantine Officer of all persons on the vessel or aircraft,

he is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) Unless prevented by illness or some other cause (proof of which is on him) every person on board the vessel or aircraft must attend the muster.

Penalty: A fine not exceeding K20.00.

(4) A person on board the vessel or aircraft must answer truly to the best of his knowledge all questions asked him by the Quarantine Officer as to his health during the voyage and as to the likelihood of his having been exposed to infection before or during the voyage.

Penalty: A fine not exceeding K20.00.

**95. INQUIRIES BY QUARANTINE OFFICERS.**

(1) A Quarantine Officer may ask the master or medical officer of a vessel or aircraft any questions that he thinks proper to ask concerning sickness on board the vessel or aircraft or its sanitary conditions, and the master or medical officer must

truly answer the questions asked him by the Quarantine Officer to the best of his knowledge, information and belief.

(2) A Quarantine Officer may ask a person subject to quarantine any questions concerning his personal health or liability to infection, and the person must truly answer the questions asked him by the Quarantine Officer to the best of his knowledge, information and belief.

(3) If he thinks fit, a Quarantine Officer may require a person who has been asked questions under this section to verify by statutory declaration the answers given to the questions.

(4) A person who refuses to comply with a requirement under Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

## **96. PRESCRIBED NOTICES.**

(1) A Quarantine Officer may affix the prescribed notices in relation to quarantine—

- (a) on any part of a vessel or aircraft subject to quarantine; and
- (b) on or near a quarantine station; and
- (c) on goods subject to quarantine.

(2) An unauthorized person who removes, defaces or interferes with a notice affixed under this section is guilty of an offence.

Penalty: A fine not exceeding K20.00.

## **97. VACCINATION.**

(1) A Quarantine Officer may require a person subject to quarantine or performing quarantine to be vaccinated or inoculated with a prophylactic or curative vaccine.

(2) A person required under Subsection (1) to be vaccinated or inoculated must submit to be vaccinated or inoculated.

Penalty: A fine not exceeding K10.00.

(3) If the person refuses to submit to be vaccinated or inoculated he may be isolated in a quarantine station for a period not exceeding 14 days and required to bear all expenses incurred in his transport to the quarantine station and maintenance whilst at the station and the cost of all medical, nursing and other attendance.

(4) A Quarantine Officer shall not require a person to be vaccinated or inoculated unless he has reasonable cause to believe that vaccination or inoculation is necessary for the protection of persons subject to quarantine or performing quarantine, or for the prevention of the spread of disease.

**98. CLEANSING AND DISINFECTION OF INSANITARY VESSELS AND AIRCRAFT.**

(1) Subject to the regulations, a Quarantine Officer may order a vessel or aircraft that—

- (a) is in a port in the country; and
- (b) in his opinion, is in an insanitary condition favorable to the spread of communicable disease,

to be cleansed, fumigated, disinfected or treated to his satisfaction.

(2) Subject to the regulations, where a Quarantine Officer orders a vessel or aircraft to be cleansed, fumigated, disinfected or treated under this section he may order the vessel or aircraft to be taken to an appointed place approved by him for that purpose.

(3) The Minister may order a vessel or aircraft in a port or place in the country to be taken to any other port or place in the country for the purpose of cleansing, fumigation, disinfection, treatment or performance of quarantine.

(4) If the master of a vessel or aircraft in respect of which an order is made under this section fails to comply with the order he is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**99. POWER TO ADMINISTER OATHS, ETC.**

A Quarantine Officer may administer oaths or affirmations and take declarations in all cases in which answers to questions asked under this Act are by this Act required to be verified by oath, affirmation or declaration.

**100. AVERMENTS OF PROSECUTION.**

In a prosecution for an offence against this Act the averment of the prosecutor contained in the information shall, in the absence of proof to the contrary, be deemed to be proved.

**101. REGULATIONS.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for—

- (a) regulating the performance of quarantine; and
- (b) regulating and protecting quarantine stations; and
- (c) regulating or preventing ingress to or egress from a quarantine station; and
- (d) prescribing measures of quarantine within a quarantine station; and

- (e) regulating or preventing the removal of animals, plants, mails or goods from a quarantine station; and
- (f) requiring notification to a Quarantine Officer of any case of a quarantinable disease that occurs in the country or a specified part of the country, or in a quarantine station; and
- (g) prescribing precautions to be taken to prevent the ingress to or egress from a vessel of rats, mice, mosquitoes or other vermin, or of species or kinds of animals, pests or insects liable to convey disease; and
- (h) prescribing the measures to be taken by the master or owner of a vessel or aircraft to destroy rats, mice, mosquitoes or other vermin, or species or kinds of animals, pests or insects liable to convey disease, that may be on the vessel or aircraft; and
- (i) prescribing and establishing and maintaining on vessels or aircraft or within a quarantine station conditions unfavourable to, and to the migration of, rats, mice, mosquitoes or other vermin, or species or kinds of animals, pests or insects liable to convey disease, or fixing the time limit for the completion of any work necessary for the purpose of establishing such conditions, and empowering the Government, in case of default by the owner or master, to carry out any such work at the expense of the owner or master; and
- (j) prescribing the precautions to be taken by masters of vessels and aircraft, in respect of the vessels or aircraft and their crews, passengers and cargoes—
  - (i) at proclaimed places; and
  - (ii) on voyages from proclaimed places; and
  - (iii) on voyages between ports within the country,
    - to prevent the introduction into the country, or the spread, of quarantinable diseases; and
- (k) regulating the discharge from vessels or aircraft of water, ballast or refuse; and
- (l) regulating and controlling the sanitary conditions of—
  - (i) vessels and aircraft in, or on, ports or landing places; and
  - (ii) wharf areas and landing places that are, or that are situated in, proclaimed places (including buildings and stores on any such wharf areas and landing places), and refuse dumps on or adjacent to any such wharf areas and landing places; and
- (m) prescribing measures to be taken for the diagnosis and prevention of disease for purposes of, or incidental to, quarantine; and

- (n) prescribing measures to be taken by the masters of aircraft for the spraying or fumigation of the aircraft, internally and externally, before and after landing in the country; and
- (o) providing for the examination by Quarantine Officers of animals or plants for export; and
- (p) providing for the granting of certificates by Quarantine Officers in relation to any vessels, aircraft, animals, plants, packages or goods examined or treated by them or under their supervision; and
- (q) prescribing the fees payable in respect of examinations, services or certificates by Quarantine Officers, and the persons by whom the fees are payable; and
- (r) prescribing the movements of a person subject to quarantine; and
- (s) prescribing measures of disinfection and fumigation, and other measures of quarantine, that persons, animals, plants, packages or goods subject to quarantine shall carry out or be subjected to; and
- (t) prescribing the conditions under which any prophylactic or curative vaccine or serum may be prepared and offered for sale; and
- (u) regulating, for the purposes of this Act and the regulations, navigation by air; and
- (v) requiring and prescribing reports from vessels by radio-telegraphy; and
- (w) regulating traffic within the country and prescribing measures of quarantine in relation to traffic within the country for the prevention of the occurrence or spread of quarantinable or communicable diseases affecting humans, or of diseases or pests affecting animals or plants; and
- (x) prescribing measures for regulating or preventing entry into the country of persons, animals, vehicles, plants, packages or goods by overland routes, or by inland water routes, as far as such measures are necessary to prevent the introduction of a quarantinable disease, a disease affecting plants or a disease affecting animals, into the country; and
- (y) regulating or prescribing conditions for the importation of plants entering the country through the postal service; and
- (z) securing the proper labelling and freedom from weeds, weed seeds and other impurities of plants and weeds imported into the country; and
- (za) for prescribing penalties of fines not exceeding K200.00 for offences against the regulations.