



THE STATUTES OF THE REPUBLIC OF SINGAPORE

CONTROL OF PLANTS ACT 1993

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Control of Plants Act 1993

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An Act to consolidate and amend the law relating to the cultivation, import, transshipment and export of plants and plant products, the protection of plants and plant products against pests and diseases, the control of the introduction of pests into Singapore, the use of pesticides, the measures pertaining to the development and improvement of the plant industry in Singapore and for purposes connected therewith.

[18 February 1994]

PART 1

PRELIMINARY

Short title

1. This Act is the Control of Plants Act 1993.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “authorised analyst” means any person appointed by the Director-General as an authorised analyst under section 3(3);
 - “authorised officer” means any person appointed by the Director-General as an authorised officer under section 3(2);

“Board” means the National Parks Board established by the repealed National Parks Act (Cap. 198A, 1991 Revised Edition) as in force before 1 July 1996 and continued by section 3 of the National Parks Board Act 1996;

“certified pesticide operator” means a person who is certified as a pesticide operator under section 12;

“conveyance” includes any aircraft, vessel, train, vehicle or any other artificial contrivance, whether mechanically propelled or otherwise used or capable of being used as a means of transport on land, water or air;

“Director-General” means the Director-General, Plant Health appointed under section 3(1);

“diseased” means attacked by or infected with any pest;

“fresh fruits and vegetables” means unprocessed and raw fruits and vegetables which are intended for human consumption;

“import”, with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, sea or air from any place which is outside Singapore but does not include the bringing into Singapore by land, sea or air (whether landed or transhipped in Singapore) for the sole purpose of being carried to any other country either by the same or another conveyance;

“label” includes any written, printed, pictorial or other descriptive matter;

“land” includes —

- (a) the surface of the earth and all substances forming the surface;
- (b) the earth below the surface and all substances in the earth;
- (c) all vegetation and other natural products whether or not requiring the periodical application of labour for their production and whether on or below the surface;

(d) all things attached to the earth, or permanently fastened to any thing attached to the earth, whether on or below the surface; and

(e) land covered by water;

“licensed grower” means a person who is issued with a licence under section 10;

“occupier”, in relation to any land, includes every person in actual possession, management or control of the land;

“owner”, in relation to any land, includes every lessee or tenant of the land;

“package” includes every means by which plants, plant products and pests are encased, covered, enclosed, contained or packed for conveyance from one place to another;

“pest” means any species, strain or biotype of plant, animal or pathogenic agent which is or is capable of being injurious to plants or plant products;

“pesticide” means any substance or mixture of substances prepared or used for preventing, destroying, repelling or mitigating any pest and any substance or mixture of substances prepared or used as a plant regulator, defoliant or desiccant;

“pesticide residue” means the remains of any substance resulting from the use of any pesticide, the level of which is prescribed by rules made under this Act;

“phytosanitary certificate” means a phytosanitary certificate mentioned in section 30(1);

“plant” means any species of plant or any part of a plant whether living or dead and includes any vegetable, fruit, flower, leaf, stem, branch, spore, seed, root, cutting, graft, scion and any other part, whether severed or attached, intended for propagation or from which further plants may be propagated;

“plant product” means any product derived from plants, either in their natural, manufactured or processed form;

“premises” includes land;

“prohibited pesticide” means a pesticide not specified in the Ninth Schedule to the Food Regulations;

“prohibited pesticide residue” means the remains of any substance resulting from the use of any prohibited pesticide;

“prohibited plant” means any plant prohibited under section 17;

“sell” includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered or exposed for sale, and “sale” has a corresponding meaning;

“soil” includes earth, water, peat, manure, compost, sand, clay and any other substance capable of supporting plant life, or transmitting any pest, whether or not used or intended to be used as a growing medium, or in any process of manufacture, or as ballast or for any other purpose;

“supply” includes offering or attempting to supply or having in possession for supply or causing or allowing to be supplied;

“toxic chemical residue” means the remains of any chemical substance, other than pesticides, the level of which is prescribed by rules made under this Act;

“tranship”, with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, sea or air from any place which is outside Singapore any plant and then to —

(a) remove or cause to be removed that plant from the conveyance in which it was brought into Singapore; and

(b) return or cause to be returned that plant to the same conveyance or transfer it or cause it to be transferred to another conveyance, for the purpose of export,

whether such plant is to be transferred directly between conveyances or whether it is to be landed in Singapore after it was brought into Singapore and stored, pending export;

“treatment” means disinfection and disinfestation to ensure the removal, sterilisation or killing of any pest by appropriate means.

[8/2002; 10/2019; 2/2020]

Administration of Act and appointment of authorised officer, etc.

3.—(1) The Board is responsible for the administration of this Act and any rules made under this Act, and to that end, the Board must appoint an officer of the Board to be the Director-General, Plant Health.

[10/2019]

(2) The Director-General may, subject to the directions of the Board, appoint any of the following persons to be an authorised officer for the purpose of assisting the Director-General in administering and carrying out the provisions of this Act or any rules made under this Act:

- (a) an employee of the Board;
- (b) an employee of another statutory authority;
- (c) a public officer;
- (d) an auxiliary police officer appointed under the Police Force Act 2004.

[10/2019]

(3) The Director-General may appoint one or more persons with the prescribed qualifications and practical experience to be authorised analysts for the purposes of this Act and any rules made under this Act.

(4) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon the Director-General by any provision of this Act or any rules made under this Act (except the power of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or any rules made under this Act to the Director-General includes a reference to such an authorised officer.

[10/2019]

(5) Any delegation under subsection (4) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Board may specify.

[10/2019]

(6) The Director-General may, for any reason that appears to him or her to be sufficient, at any time revoke a person's appointment as an authorised officer.

[10/2019]

(7) A person mentioned in subsection (2)(d) who is appointed as an authorised officer does not, by virtue only of the appointment, become an employee or agent of the Board.

[10/2019]

Officers deemed to be public servants

4. Every authorised officer is deemed to be a public servant for the purposes of the Penal Code 1871.

Officer to produce identification on request

5. Every authorised officer, when exercising any power under this Act, must declare his or her office and must, if requested by any person in relation to whom the power is sought to be exercised, produce such identification card as the Director-General may provide.

Director-General may authorise public officer, etc., to exercise powers and perform duties

6. A power conferred and duty imposed on the Director-General under this Act or any rules made under this Act may be exercised and carried out by any public officer or officer of the Board or of any other statutory authority generally or specially authorised by name or office by the Director-General and subject to his or her directions.

[10/2019]

PART 2

IMPORT AND TRANSHIPMENT OF FRESH FRUITS AND
VEGETABLES**Prohibition of import or transhipment of fresh fruits or
vegetables without licence**

7.—(1) A person must not import for sale, supply or distribution or tranship any fresh fruit or vegetable except under and in accordance with the conditions of a licence issued by the Director-General.

(2) In deciding whether to grant a licence for the import of any fresh fruit or vegetable, the Director-General may make inquiries and investigations that are reasonable and appropriate in the circumstances so as to be satisfied as to the experience and resources of the applicant in providing a secure and reliable supply in Singapore of the fresh fruit or vegetable, as the case may be.

[10/2019]

(3) Without limiting subsection (2), those inquiries and investigations may include whether the applicant for a licence to import any fresh fruit or vegetable has a procurement plan stating —

- (a) the risks (including assessments of such risks) of any disruption occurring to the import of the fresh fruit or vegetable from the markets from which the fresh fruit or vegetable is to be procured; and
- (b) any plan of action (including preventive strategies) for the purpose of —
 - (i) ensuring, so far as is reasonably practicable, that the applicant can still provide a secure and reliable supply in Singapore of the fresh fruit or vegetable of acceptable quality; or
 - (ii) otherwise reducing or mitigating the effect of any disruption to the supply of the fresh fruit or vegetable from any such market from which the fresh fruit or vegetable is to be procured.

[10/2019]

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Prohibition of import or transhipment of fresh fruits or vegetables without permit

8.—(1) A licensee must not import any fresh fruit or vegetable for sale, supply or distribution unless —

- (a) the licensee has obtained a permit from the Director-General in respect of each consignment of fresh fruits or vegetables to be imported by the licensee and the import of such consignment is carried out in accordance with the conditions of the permit;
- (b) the whole consignment conforms to the description contained in the permit;
- (c) the whole consignment does not contain any prohibited pesticide residue, or levels of pesticide residue or toxic chemical residue exceeding the prescribed levels;
- (d) the whole consignment complies with any sanitary standards that the Minister may prescribe;
- (e) the licensee provides the Director-General with satisfactory evidence that the whole consignment complies with paragraphs (c) and (d); and
- (f) the container of the fruits or vegetables constituting the consignment bears the producer's name and address and such other particulars as may be prescribed.

(2) A licensee must not tranship any fresh fruit or vegetable unless the licensee has obtained a permit from the Director-General in respect of each consignment of fresh fruits or vegetables to be transhipped by the licensee and the transhipment is carried out by the licensee in accordance with the conditions of the permit.

(3) Any licensee who contravenes or fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Subject to subsection (5), in any proceedings for an offence under subsection (3), it is a defence for the person charged (*A*) to prove —

- (a) that the commission of the offence was due to the act or default of another person or some other cause beyond *A*'s control; and
- (b) that *A* took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by *A* or by any person under *A*'s control.

(5) If in any case the defence provided by subsection (4) involves the allegation that the commission of the offence was due to the act or default of another person, the person charged is not, without leave of the court, entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, the person has served on the prosecutor a written notice giving such information as was then in the person's possession identifying or assisting in the identification of that other person.

(6) In this section —

“container” means the basket, carton, bag, box, packet or other receptacle which contains the fresh fruits or vegetables and, where any such receptacle is contained in another such receptacle, includes the latter receptacle;

“licensee” means a person who has obtained a licence as required under section 7 for the import or transshipment (as the case may be) of any fresh fruit or vegetable.

PART 3

CONTROL OF CULTIVATION OF PLANTS

Application of this Part

9. This Part does not apply to —
- (a) the cultivation of any plant for domestic and home gardening purposes; and
 - (b) the cultivation of any plant which is not for sale.

No cultivation of plants without licence

10. A person must not cultivate any plant on any premises except under and in accordance with a licence issued by the Director-General.

Use of pesticide

11.—(1) A person must not use any pesticide in the cultivation of any plant unless —

- (a) the pesticide is registered with the Director-General; and
- (b) the person is a certified pesticide operator or the use is supervised by a certified pesticide operator.

(2) Any person who uses any pesticide in the cultivation of any plant must ensure that —

- (a) the pesticide is properly stored in the prescribed manner;
- (b) the pesticide container is disposed of in the prescribed manner; and
- (c) the pesticide residue on any plant cultivated does not exceed the prescribed level.

Certified pesticide operator

12.—(1) A person who desires to be certified as a pesticide operator may make an application to the Director-General.

(2) The Director-General may certify a person as a pesticide operator if the Director-General is satisfied that —

- (a) the person possesses the prescribed qualifications and practical experience; and
 - (b) the person is in all other respects a fit and proper person to be entrusted to apply or otherwise use pesticides safely.
- (3) Where a person is certified as a pesticide operator, the Director-General must issue the person a certificate to that effect.

Suspension or cancellation of certification of pesticide operator

13. The Director-General may suspend or cancel the certification of a person as a pesticide operator if the pesticide operator —

- (a) uses or supervises the use of any pesticide which is not registered with the Director-General;
- (b) uses or supervises the use of any pesticide otherwise than in accordance with the instructions specified by the manufacturer of the pesticide;
- (c) is responsible for any failure to store any pesticide in the prescribed manner;
- (d) disposes or causes or allows the disposal of any pesticide container otherwise than in the prescribed manner; or
- (e) fails to keep any records of the use of any pesticide that the Director-General may require.

Application for registration of pesticide

14.—(1) Every pesticide for use in the cultivation of any plant must be registered with the Director-General.

(2) An application for registration under subsection (1) must be made in such manner and form and accompanied by such documents and particulars as may be required by the Director-General.

(3) The Director-General may establish one or more committees consisting of any persons that the Director-General may appoint for the purpose of advising him or her on any matters arising out of any application for registration under this section as are referred to any such committee by the Director-General.

Protection of confidential supporting information about innovative pesticides

15.—(1) Where the Director-General receives an innovative pesticide application and confidential supporting information, the Director-General, during the protected period in relation to that confidential supporting information —

- (a) must take reasonable steps to ensure that the confidential supporting information is kept confidential to the Director-General; and
- (b) must not use the confidential supporting information for the purposes of determining whether to grant any other application.

(2) In this section and section 16, unless the context otherwise requires —

“application” means an application for registration of a pesticide under section 14;

“confidential information” includes —

- (a) trade secrets; and
- (b) information that has commercial value that would be, or would be likely to be, diminished by disclosure;

“confidential supporting information” means confidential information given —

- (a) in, or in relation to, an innovative pesticide application; and
- (b) about the pesticide that is or was (as the case may be) the subject of that application;

“Director-General” includes any public officer or officer of the Board or of any other statutory authority authorised under section 6 to carry out registration of pesticides under section 14;

“ingredient” includes a chemical or biological entity;

“innovative pesticide application” means in relation to an application made after 8 January 1999, an application that refers to an active ingredient —

- (a) that is an active ingredient of the pesticide to which the application relates; and
- (b) that has not, before that application is received by the Director-General, been mentioned in any other application as an active ingredient of the pesticide;

“protected period”, in relation to confidential supporting information relating to an innovative pesticide application received by the Director-General, means a period of 5 years from the date the innovative pesticide application is or was (as the case may be) received by the Director-General.

[10/2019]

Circumstances where protection under section 15 does not apply

16.—(1) Despite section 15, the Director-General may, during the protected period in relation to confidential supporting information —

- (a) disclose that confidential supporting information, or use that confidential supporting information for the purposes of determining whether to grant any application other than the application to which it relates or related, as the case may be —
 - (i) with the consent of the applicant who made the application to which the confidential supporting information relates or related; or
 - (ii) if that disclosure or use is, in the opinion of the Director-General, necessary to protect the health or safety of members of the public;
- (b) disclose that confidential supporting information to a Government department or statutory body for the purposes of the Government department or statutory body if, in the opinion of the Director-General, the Government department or statutory body will take

reasonable steps to ensure the confidential supporting information is kept confidential; or

- (c) disclose that confidential supporting information to any one or more of the following:
- (i) the World Health Organisation;
 - (ii) the Food and Agriculture Organisation;
 - (iii) any regulatory agency of a WTO Country;
 - (iv) any committee established under section 14(3);
 - (v) any person or organisation, or a person or an organisation within a class or classes of persons or organisations, approved by any rules made under this Act, if the disclosure is in accordance with such conditions as may be specified in the rules.

(2) The power to grant consent under subsection (1)(a)(i) may be exercised by a person other than the applicant mentioned in that subsection if —

- (a) that applicant —
- (i) has notified the Director-General in writing that that other person may grant that consent; and
 - (ii) has not notified the Director-General in writing that that person's authority to grant that consent has been withdrawn; or
- (b) that applicant's rights in respect of the relevant confidential supporting information have been transferred to that person and the applicant or that other person has notified the Director-General in writing of the transfer.

(3) In this section, "WTO Country" means a country that is a party to the Agreement establishing the World Trade Organisation adopted at Marrakesh on 15 April 1994.

PART 4

PROHIBITED PLANTS

Minister may prohibit cultivation of plants

17.—(1) The Minister may by order prohibit, either absolutely or conditionally, the cultivation of any plant in Singapore.

(2) An order made under subsection (1) may provide that a person must not cultivate any prohibited plant except under and in accordance with a permit issued by the Director-General.

Presumption that owner and occupier permitted growing of prohibited plants

18. If any prohibited plant is found growing on any land in contravention of any order made under section 17, the owner and the occupier of the land are deemed to have permitted the plant to grow unless the owner or the occupier (as the case may be) proves —

- (a) that the plant was planted without the owner's or the occupier's knowledge and consent; and
- (b) that on becoming aware of the existence of the plant the owner or the occupier forthwith effectually eradicated and destroyed it.

Certificate of Director-General to be conclusive evidence

19. A certificate under the hand of the Director-General stating that any plant is a prohibited plant is conclusive evidence of the facts stated in the certificate.

Eradication and destruction of prohibited plants

20.—(1) Any prohibited plant cultivated in contravention of any order made under section 17 may be eradicated and destroyed by the Director-General or any person acting under his or her authority.

(2) The cost of such eradication and destruction is recoverable from the owner or occupier of the land on which the prohibited plant was planted or permitted to grow or from the person who planted it, as a debt due to the Board.

[10/2019]

31.12.2021

PART 5

CONTROL OF PESTS

Power to direct destruction or treatment of plants, etc.

21.—(1) For the purpose of ascertaining whether any pest is present on or in any land or premises, an authorised officer may, upon serving written notice under the hand of the Director-General on the owner or occupier of the land or premises and upon producing, if so requested, an identification card —

- (a) enter the land or premises and examine any plant, plant product, package, soil or article on the land or premises at all reasonable times; and
- (b) take, without payment, any sample of any plant, plant product or soil.

(2) The notice mentioned in subsection (1) must be served on the owner or occupier of the land or premises at least 6 hours before the time of intended entry of the land or premises.

(3) If, as a result of any examination by an authorised officer under subsection (1), it appears to the authorised officer that any land or premises or plant is in a condition favourable to the introduction or spread of any pest or that any plant is diseased — the Director-General may, by written notice under his or her hand addressed to the owner or occupier of the land or premises where that condition exists or where the plant is, direct the owner or occupier of the land or premises to take within a time to be stated in the notice such measures as may appear to the Director-General necessary or expedient for —

- (a) the eradication or the prevention of the spread of any pest, either by destruction or by treatment in a manner to be specified in the notice of that plant or any plant or of any pest or of any tool or utensil used for agricultural or industrial purposes on the land or premises including the cessation of obtaining or abstracting any product from any plant on the land or premises; and

- (b) the treatment of the land or premises or plant or of any tool or utensil used for agricultural or industrial purposes on the land or premises with a view to bringing them into a condition not favourable to the introduction or spread of any pest.

(4) If the owner or occupier of any land or premises fails to comply with a notice under subsection (3) within the time stated for the performance of the acts required to be done, any authorised officer may —

- (a) enter upon the land or premises to which the notice refers;
- (b) cause any person authorised by him or her to enter with such instruments and things as are necessary; and
- (c) proceed to perform all acts required by the notice,

and the costs and expenses thereof are recoverable as a debt due from the owner or occupier to the Board.

[10/2019]

(5) Nothing in subsection (4) affects the liability of any person to prosecution and punishment under subsection (7).

(6) Any person who obstructs or hinders the Director-General or an authorised officer in the exercise of any of his or her powers under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) Any owner or occupier of any land or premises who wilfully fails to comply with the notice under subsection (3) within the time stated shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Placing land under quarantine

22.—(1) Where the Director-General is of the opinion that any plant on any land is diseased, he or she may make an order placing the land or any part of the land in quarantine for any period that the order may prescribe.

(2) So long as an order of quarantine applies to any land, a person must not remove any plant from the land except under and in accordance with the direction of an authorised officer.

(3) Any land placed in quarantine under subsection (1) continues in quarantine until the Director-General certifies that no plant on the land is diseased.

Application for examination of quarantined area

23.—(1) Any owner or occupier of any land quarantined under section 22(1) may apply to an authorised officer to examine the quarantined area with a view to obtaining from the authorised officer the certificate referred to in section 22(3).

(2) The authorised officer must, as soon as possible after receipt of such an application, visit and examine the quarantined area and may charge any fees that may be prescribed for such visit and examination.

Power to order immediate destruction of plants

24.—(1) If in the Director-General's opinion the destruction of any diseased plant is a matter of necessity and extreme urgency, he or she may forthwith make a written order directing the immediate destruction of the plant by any person mentioned in the order.

(2) Such plant must be destroyed accordingly and the cost of the destruction, if incurred by any person other than the owner or occupier of the land where the diseased plant was, must be defrayed by the owner or occupier.

Clearing diseased land

25.—(1) Where it appears to an authorised officer that any plant on any land is diseased and he or she is of the opinion that it is necessary for the prevention of the spread of any pest that the land be entirely cleared of cultivation or cleared of all cultivation of any particular species — the Director-General may, with the approval of the Minister, by written notice addressed to the owner or occupier of the land where the plant is, direct the owner or occupier to fell and burn or otherwise destroy within a time to be stated in the notice and to the satisfaction of the authorised officer all cultivation or all cultivation of the species named in the notice.

(2) The action directed by a notice under subsection (1) may be enforced in the manner provided by section 21(4) for the enforcement of the action directed by a notice under section 21(3).

(3) If the owner or occupier of any land on whom a notice under subsection (1) has been served fails to comply with the notice, the owner or occupier of the land shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day during which the offence continues after conviction.

Compensation

26. Where any cultivation has been destroyed pursuant to a notice issued under section 25(1), the Minister may, in his or her discretion, direct the payment out of the Consolidated Fund of compensation for that cultivation subject to the following provisions:

- (a) no compensation is to be paid for any diseased plant;
- (b) the value of any cultivation is to be taken to be the market value of that cultivation at the time of its destruction and if any question arises as to the market value, the Director-General's decision is final; and
- (c) the Minister may entirely withhold or may reduce the amount of compensation for the destruction of any cultivation if the owner or occupier of the land has done

anything in contravention of, or has failed to comply with, any notice issued under this Part or has by the owner's or occupier's neglect contributed to the introduction of the pest.

Accredited pest control agency

27. The Director-General may register any fit and proper person possessing the prescribed qualifications and practical experience as an accredited pest control agency —

- (a) to carry out, at any place, any inspection, identification, analysis, treatment, detention, destruction or disposal of any plant, plant product, pest, or any soil or other material attached to any plant or plant product under this Act and any rules made under this Act; and
- (b) to issue phytosanitary certificates.

PART 6

EXPORT OF PLANTS

Minister may prohibit export of plants

28.—(1) The Minister may by order prohibit, either absolutely or subject to such conditions as may be specified in the order, the export of any plant from Singapore to any country, territory or place.

(2) An order under subsection (1) may specify that a person must not export any plant except under and in accordance with a permit issued by the Director-General.

Advisory committee

29. The Minister may establish one or more advisory committees consisting of any members that the Minister may appoint, to advise the Minister on the exercise of his or her power to make any order under section 28, and on other subjects connected therewith.

Phytosanitary certificate

30.—(1) Any authorised officer or accredited pest control agency may, on application and on such terms as the Director-General may require, issue a phytosanitary certificate stating that any plant or plant product is free from pests for the purpose of export.

(2) Any person who wilfully —

- (a) gives false information for the purpose of obtaining a phytosanitary certificate;
- (b) falsifies any phytosanitary certificate; or
- (c) uses a phytosanitary certificate with intention of causing it to be believed that a plant or plant product which is not a plant or plant product in respect of which the phytosanitary certificate was issued, is a plant or plant product in respect of which the certificate was issued,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

PART 7**LICENCE AND PERMIT****Application for licence or permit**

31.—(1) An application —

- (a) for a licence under section 7 or 10;
- (b) for a permit under section 8; or
- (c) where provision is made by an order under section 17(1) or 28(1) for the issue by the Director-General of a permit, for a permit under that section,

must be made to the Director-General in such manner and form as the Director-General may require and must be accompanied by the prescribed fee and such particulars, information and documents as the Director-General may require.

(2) On the receipt of an application under subsection (1), the Director-General may —

- (a) issue the licence or permit applied for, with or without conditions; or
- (b) refuse to issue the licence or permit applied for.

(3) Without limiting subsection (2), the Director-General may grant a licence under section 7 or 10 subject to such conditions as the Director-General thinks fit, including but not limited to the conditions necessary or related to ensuring a secure and reliable supply in Singapore of any fresh fruits or vegetables.

[10/2019]

(4) Without limiting subsection (2), the Director-General may, in respect of an application for a licence under section 7 or a permit under section 8 —

- (a) refuse to issue the licence or permit; or
- (b) impose a condition restricting or prohibiting the import or transshipment of any fresh fruit or vegetable from any country, territory, place or farm,

if he or she considers that this is necessary to protect the health or safety of members of the public.

(5) Where the Director-General has refused to issue the licence or permit applied for, he or she must give the applicant written notice of the reasons for his or her refusal.

(6) The Director-General may at any time vary or revoke any of the conditions imposed under subsection (2)(a) or impose new conditions.

(7) Every licence or permit issued under this section —

- (a) must be in the form that the Director-General may determine;
- (b) is valid for the period stated in the licence or permit unless it is sooner revoked under section 32; and
- (c) may, unless it is a permit under section 8, be renewed upon its expiry.

(8) Subsections (1) to (7) apply, with the necessary modifications, to an application for the renewal of a licence under section 7 or 10 or a permit under section 17(1) or 28(1).

Revocation or suspension of licence or permit

32.—(1) The Director-General may at any time revoke or suspend a licence or permit.

(2) The Director-General must, before taking any action mentioned in subsection (1), notify the person concerned of his or her intention to take such action and must give the person concerned an opportunity to submit reasons why such action should not be taken against the person.

(3) Where the Director-General has revoked or suspended a licence or permit under this Act, he or she must give written notice of the suspension or revocation to the person concerned.

(4) Where a permit issued by the Director-General pursuant to an order made under section 17 is revoked or has expired, the person issued with the permit must eradicate and destroy all or any of the prohibited plants planted or cultivated or maintained in pursuance thereof.

(5) Any prohibited plant not eradicated and destroyed under subsection (4) is deemed to have been grown in contravention of section 17.

Appeal

33.—(1) Any person who is aggrieved by —

- (a) the Director-General's refusal to issue or renew a licence or permit under section 31;
- (b) the Director-General's decision to suspend or revoke a licence or permit under section 32,

may, within 7 days of the receipt of the notice informing the person of the refusal, suspension or revocation (as the case may be) appeal in writing to the Minister whose decision is final.

(2) Despite the fact that any appeal under subsection (1) in respect of the suspension or revocation of a licence or permit is pending, such suspension or revocation, unless the Minister otherwise orders, takes effect from the date specified by the Director-General.

PART 8

MISCELLANEOUS

Penalty

34. Any person who —

- (a) contravenes or fails to comply with section 10, 11(1) and (2), 22(2) or 41; or
- (b) contravenes or fails to comply with any order made by the Minister under section 17(1) or 28(1),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Offences committed by body corporate

35. Where —

- (a) an offence under this Act or any rules made under this Act has been committed by a body corporate; and
- (b) it is proved that the offence was committed with the consent or connivance of, or attributable to any neglect by, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such capacity,

he or she, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences committed by agent or employee

36. Where —

- (a) an offence under this Act or any rules made under this Act is committed by any person (A) —

- (i) acting as the agent or employee of another person (*B*); or
 - (ii) being otherwise subject to the supervision or instruction of *B* for the purposes of any employment in the course of which the offence was committed; and
- (b) it is proved that the act that constituted the offence was —
- (i) committed with *B*'s consent or connivance; or
 - (ii) attributable to *B*'s neglect,

B shall (without affecting *A*'s liability) be liable for the offence in the same manner and to the same extent as if *B* had personally committed the offence.

General powers of authorised officers

37.—(1) For the purpose of ascertaining whether any offence under this Act or any rules made under this Act has been or is being committed, any authorised officer may, on producing, if so requested, an identification card —

- (a) enter and inspect any land or premises and examine any plant, plant product, package, soil or article on the land or premises at all reasonable times;
- (b) stop, examine, board, enter or detain any conveyance used for carrying any plant, plant product or package;
- (c) take, without payment, any sample of any plant, plant product or soil;
- (d) seize, remove or detain any plant, plant product, package, pest or soil;
- (e) break open any hold, compartment or container or other receptacle including any place that could be used as a receptacle; or

(f) by written order require any person in Singapore whom the authorised officer has reason to believe to be acquainted with any fact or circumstance relevant to that purpose to attend before the authorised officer to answer any question (to the best of that person's knowledge, information and belief) and to furnish any document or information.

[10/2019]

(2) The person mentioned in subsection (1)(f) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case except only that the person may decline to make, with regard to any fact or circumstance, a statement which would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

[10/2019]

(3) A statement made by any person examined under subsection (1)(f) must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person.

[10/2019]

(4) If any person fails to attend before an authorised officer as required by an order under subsection (1)(f), the Director-General or authorised officer may report the failure to a Magistrate who may issue a warrant to secure the attendance of that person as required by the order.

[10/2019]

(5) The owner or occupier of any land, premises or conveyance must, if requested by an authorised officer, provide reasonable assistance to the authorised officer for the purpose of the exercise of his or her powers under this section and furnish any information relating to the land or premises which is reasonably required by the authorised officer for the purposes of the discharge of his or her duties under this Act.

(6) A police officer may arrest without warrant any person who has committed or whom he or she reasonably suspects to have committed an offence under this Act or any rules made under this Act —

- (a) if the person refuses to give his or her name and address; or
- (b) if there is reason to doubt the accuracy of the name and address, if given.

(7) A person arrested under this section may be detained until his or her name and address are correctly ascertained, except that a person must not be detained longer than is necessary for bringing him or her before a court.

(8) Any person who obstructs or hinders any authorised officer in the exercise of any of his or her powers under this Act or any rules made under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(9) A person —

- (a) who intentionally alters, suppresses or destroys any document or information which the person has been required by or under subsection (1) to furnish;
- (b) who, in furnishing any document or information required by or under subsection (1), makes any statement which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular; or
- (c) who intentionally fails to comply with a lawful demand of an authorised officer in the discharge of the duties by such an officer under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[10/2019]

Power to label for identification

38.—(1) Any authorised officer may, where he or she considers it necessary for the purposes of identification, label permanently or temporarily, any consignment of plants or plant products.

(2) Any person who wilfully counterfeits, alters, defaces, erases or removes any such label shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Power to take samples for analysis

39.—(1) An authorised officer may, for the purposes of ascertaining the presence of prohibited pesticide residue and the levels of pesticide residue or toxic chemical residue contained in any fresh fruit or vegetable —

- (a) enter any premises at all reasonable times to take (without payment) a reasonable sample of fresh fruits or vegetables for analysis by an authorised analyst; and
- (b) detain the whole lot from which the sample is taken under normal storage conditions until a report of the result of the analysis is obtained.

(2) A report of the result of an analysis which is signed by an authorised analyst is admissible in evidence in any proceedings under this Act or any rules made under this Act and, in the absence of evidence to the contrary, is proof of the matters stated in the report.

Power to dispose of, etc., fresh fruits and vegetables

40.—(1) Where any sample of fresh fruits or vegetables is determined by an authorised analyst to contain any prohibited pesticide residue, or any pesticide residue or toxic chemical residue exceeding the prescribed levels, the Director-General may, in his or her discretion, cause the whole lot of fresh fruits or vegetables from which the sample is taken, to be —

- (a) re-exported or returned to its place of origin;

(b) treated in such manner as he or she may direct so as to remove or aid the dissipation of the residue to the prescribed levels; or

(c) disposed of in any manner that he or she may direct.

(2) The cost of, and all expenses incurred in, the re-exporting, returning, treatment or disposal under subsection (1) must be defrayed by the owner, grower or importer of the fresh fruits or vegetables.

Access to documents, books and records

41. Any person who imports for sale or supply or who grows fresh fruits or vegetables must, on demand, afford the Director-General access to, and produce, such documents, books or records relating to or reasonably believed to relate to the fresh fruits or vegetables as the Director-General may require.

Forfeiture

42.—(1) Where any person is convicted of any offence under this Act or any rules made under this Act, the court may order that any article seized under this Act or any rules made under this Act or in respect of which the offence was committed, be forfeited to the Board.

[10/2019]

(2) Where a person who is charged for an offence under this Act or any rules made under this Act is acquitted, the court may order any article seized under this Act or any rules made under this Act to be released to the person from whom the article was seized.

(3) Where the owner of the article cannot be ascertained, the Board may confiscate the article seized.

[10/2019]

(4) Every article so forfeited to the Board must be disposed of in any manner that the Board thinks fit.

[10/2019]

Presumption of ownership

43. Where in any proceedings under this Act or any rules made under this Act a question arises as to the ownership of any plant, plant product, pest or article, the person found in possession of the plant, plant product, pest or article is presumed to be the owner thereof until the contrary is proved.

Service of notices

44.—(1) Where under this Act or any rules made under this Act any notice, order or document is required or authorised to be served on any person, it may be served by —

- (a) delivering it personally or by leaving it with some adult person at the last known place of residence or business of the person to be served;
- (b) leaving it at the usual or last known place of residence or business of the person to be served in a cover addressed to that person, or posting it upon a conspicuous part of those premises; or
- (c) sending it by registered post addressed to the person to be served at the person's usual or last known place of residence or business.

(2) Any notice, order or document required or authorised by this Act to be served on the owner or the occupier of any premises is deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises without further name or description.

Protection from liability

45. No suit or other legal proceedings shall lie against the Director-General or any authorised officer in respect of anything done or omitted to be done in the discharge of their duties under this Act or any rules made under this Act unless the thing was done or omitted to be done in bad faith.

Fees, etc., payable to Board

46. All fees, charges and moneys collected under this Act or any rules made under this Act (except composition sums) must be paid to the Board.

[10/2019]

Composition of offences

47.—(1) The Director-General may compound any offence under this Act or any rules made under this Act which is prescribed as an offence which may be compounded by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

(2) The Minister may prescribe the offences which may be compounded.

(3) Where an offence is compounded under this Act or any rules made under this Act, any article seized must be forfeited to the Board.

[10/2019]

(4) All composition sums collected under this section must be paid into the Consolidated Fund.

[10/2019]

Exemption

48. The Minister may, either generally or in any particular case, and subject to any conditions that the Minister may impose, exempt any person from all or any of the provisions of this Act or any rules made under this Act.

Rules

49.—(1) The Minister may make rules for or with respect to any matter which may be necessary or expedient for carrying out the provisions of this Act.

(2) Without limiting subsection (1), rules may be made —

(a) providing for the powers and duties of the authorised officers;

(b) providing for matters relating to registration, licensing, certification and the issue of permits;

- (c) prescribing the procedure, condition or location for the import or transshipment of any fresh fruit and vegetable;
- (d) providing for matters relating to the taking of samples of fresh fruits and vegetables under section 39 for analysis, and for matters relating to such analysis;
- (e) prescribing the qualifications and practical experience of an authorised analyst;
- (f) prescribing the sanitary standards mentioned in section 8(1)(d);
- (g) providing for the inspection, observation, detention, identification, treatment, destruction, reshipment or disposal of any plant or plant product;
- (h) prescribing the levels of any pesticide residue or toxic chemical residue in or on any plant or plant product;
- (i) providing for the control and eradication of pests and preventing their spread within Singapore;
- (j) prescribing the manner of entry upon any land and the conduct of any examination, inspection, detention, quarantine, treatment or destruction of any plant, plant product, pest, soil or any other article on the land;
- (k) prohibiting or restricting the introduction into Singapore of any plant, plant product, pest, soil or package or other thing which is likely to introduce pests into Singapore;
- (l) prohibiting or restricting the introduction into Singapore of any prohibited plant;
- (m) prescribing treatment for aircraft or any other conveyance arriving from overseas and the procedure to be adopted on their arrival so as to prevent the introduction of any pest into Singapore;
- (n) requiring every person arriving in Singapore from overseas to give a certificate declaring in any form that may be prescribed whether he or she has any plant, plant product, fungus, bacterium, virus or micro-organism or any insect,

mite or other invertebrate animal or any soil in his or her possession;

- (o) providing for the inspection, observation, disinfection, treatment, destruction, reshipment or disposal of any plant introduced into Singapore and the progeny of any such plant or any soil, package or other thing;
- (p) providing for the control of plants kept or grown in isolation or under quarantine conditions;
- (q) prescribing the areas within Singapore where any plant, plant product, pest or package may be landed;
- (r) providing for the detention or the quarantine of any plant, plant product or package suspected of harbouring any pest and prescribing the treatment or the destruction thereof;
- (s) regulating the use of any pesticide in the cultivation of plants;
- (t) prescribing the qualifications and practical experience of a certified pesticide operator;
- (u) providing for matters relating to the registration, labelling, packing, use, storage, disposal and record keeping of any pesticide used in the cultivation of plants;
- (v) providing for the licensing, control, supervision and inspection of any land or premises on which any plant or plant product is grown, produced, processed, sold, stored or used, including prescribing the records that must be kept by a licensed grower or other licensee and the provision of returns and other information by licensed growers or other licensees to the Director-General with respect to fresh fruits or vegetables which are the subject of the activity authorised by the licence;
- (w) providing for the registration, control and supervision of any accredited pest control agency; and
- (x) prescribing the forms, fees or registers for the purposes of this Act.

[10/2019]

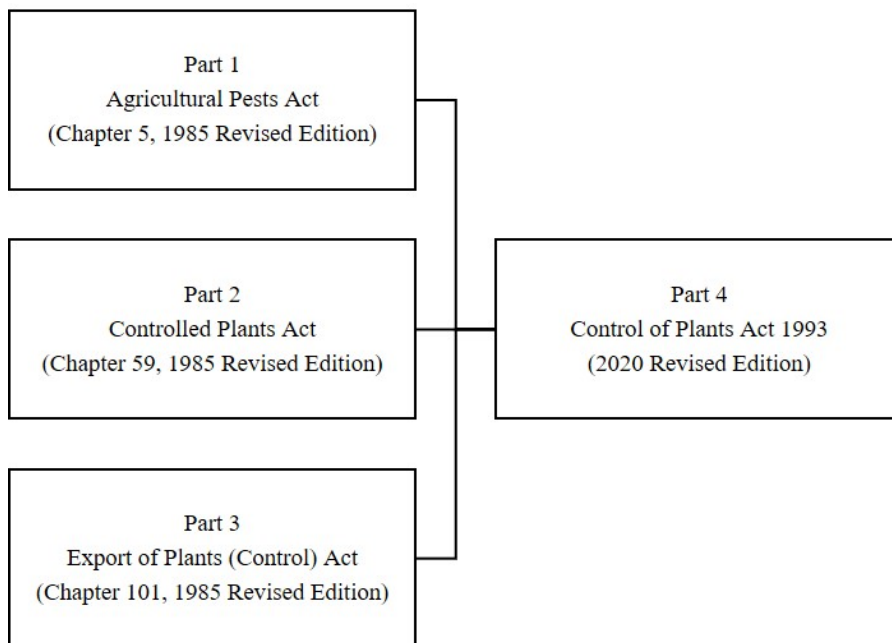
(3) The Minister may, in any rules made under this Act, provide that any contravention of or failure to comply with any provision in the rules shall be an offence and may prescribe a penalty for any such offence of a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years or both.

LEGISLATIVE HISTORY

CONTROL OF PLANTS ACT 1993

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1 AGRICULTURAL PESTS ACT (CHAPTER 5, 1985 REVISED EDITION)

1. Ordinance 25 of 1918 — Agricultural Pests Ordinance, 1918

Bill	:	G.N. No. 1075/1918
First Reading	:	2 September 1918
Second Reading	:	14 October 1918
Notice of Amendments	:	14 October 1918
Third Reading	:	11 November 1918
Commencement	:	21 November 1918

2. 1920 Revised Edition — Ordinance No. 166 (Agricultural Pests)

Operation : 28 November 1921

3. Ordinance 2 of 1924 — Agricultural Pests (Amendment) Ordinance, 1924

Bill : G.N. No. 1866/1923

First Reading : 17 December 1923

Second Reading : 18 February 1924

Third Reading : 14 April 1924

Commencement : 3 May 1924

4. 1926 Revised Edition — Ordinance No. 166 (Agricultural Pests)

Operation : 1 August 1926

5. Ordinance 18 of 1926 — The Agricultural Pests (Amendment) Ordinance, 1926

Bill : G.N. No. 577/1926

First Reading : 17 May 1926

Second Reading : 12 July 1926

Third Reading : 6 September 1926

Commencement : 24 September 1926

6. Ordinance 15 of 1929 — Agricultural Pests (Amendment) Ordinance, 1929

Bill : G.N. No. 951/1929

First Reading : 3 July 1929

Second and Third Readings : 2 September 1929

Commencement : 18 September 1929

7. 1936 Revised Edition — Agricultural Pests Ordinance (Chapter 140)

Operation : 1 September 1936

8. Ordinance 10 of 1950 — Departmental Titles (Alteration) Ordinance, 1950

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill : G.N. No. S 31/1950

First Reading : 22 February 1950

Second Reading	:	21 March 1950
Notice of Amendments	:	21 March 1950
Third Reading	:	21 March 1950
Commencement	:	28 March 1950 (section 2 read with the Schedule)

**9. Ordinance 37 of 1952 — Law Revision (Penalties Amendment)
Ordinance, 1952**

(Amendments made by section 2 read with item 41 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 41 of the Schedule)

10. 1955 Revised Edition — Agricultural Pests Ordinance (Chapter 231)

Operation	:	1 July 1956
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**11. G.N. No. S 223/1959 — Singapore Constitution (Modification of Laws)
Order, 1959**

Commencement	:	3 June 1959
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**12. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of
Laws) (No. 5) Order, 1959**

Commencement	:	20 November 1959
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13. 1970 Revised Edition — Agricultural Pests Act (Chapter 288)

Operation	:	31 August 1971
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14. G.N. No. S 47/1986 — Metrication (Agricultural Pests Act) Order 1986

Commencement	:	21 February 1986
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15. 1985 Revised Edition — Agricultural Pests Act (Chapter 5)

Operation	:	30 March 1987
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PART 2
CONTROLLED PLANTS ACT
(CHAPTER 59, 1985 REVISED EDITION)

16. Ordinance 54 of 1941 — Controlled Plants Ordinance, 1941

Bill	:	G.N. No. 1968/1941
First Reading	:	25 August 1941
Second and Third Readings	:	13 October 1941
Commencement	:	28 October 1941

17. Ordinance 10 of 1950 — Departmental Titles (Alteration) Ordinance, 1950

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill	:	G.N. No. S 31/1950
First Reading	:	22 February 1950
Second Reading	:	21 March 1950
Notice of Amendments	:	21 March 1950
Third Reading	:	21 March 1950
Commencement	:	28 March 1950 (section 2 read with the Schedule)

18. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952

(Amendments made by section 2 read with item 109 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 109 of the Schedule)

19. 1955 Revised Edition — Controlled Plants Ordinance (Chapter 232)

Operation	:	1 July 1956
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20. 1970 Revised Edition — Controlled Plants Act (Chapter 291)

Operation	:	31 August 1971
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21. 1985 Revised Edition — Controlled Plants Act (Chapter 59)

Operation : 30 March 1987

PART 3

EXPORT OF PLANTS (CONTROL) ACT
(CHAPTER 101, 1985 REVISED EDITION)

22. Ordinance 26 of 1939 — Export of Plants (Control) Ordinance, 1939

Bill : G.N. No. 1687/1939

First Reading : 12 June 1939

Second and Third Readings : 28 August 1939

Commencement : 11 September 1939

23. Ordinance 10 of 1950 — Departmental Titles (Alteration) Ordinance, 1950

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill : G.N. No. S 31/1950

First Reading : 22 February 1950

Second Reading : 21 March 1950

Notice of Amendments : 21 March 1950

Third Reading : 21 March 1950

Commencement : 28 March 1950 (section 2 read with the Schedule)

24. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952

(Amendments made by section 2 read with item 95 of the Schedule to the above Ordinance)

Bill : 32/1952

First Reading : 16 September 1952

Second and Third Readings : 14 October 1952

Commencement : 30 April 1955 (section 2 read with item 95 of the Schedule)

25. 1955 Revised Edition — Export of Plants (Control) Ordinance (Chapter 233)

Operation : 1 July 1956

26. 1970 Revised Edition — Export of Plants (Control) Act (Chapter 292)

Operation : 31 August 1971

27. 1985 Revised Edition — Export of Plants (Control) Act (Chapter 101)

Operation : 30 March 1987

PART 4

CONTROL OF PLANTS ACT 1993
(2020 REVISED EDITION)

28. Act 18 of 1993 — Control of Plants Act 1993

Bill : 9/1993
 First Reading : 26 February 1993
 Second and Third Readings : 12 April 1993
 Commencement : 18 February 1994

29. 1994 Revised Edition — Control of Plants Act (Chapter 57A)

Operation : 15 March 1994

30. Act 32 of 1998 — Control of Plants (Amendment) Act 1998

Bill : 31/1998
 First Reading : 29 June 1998
 Second and Third Readings : 31 July 1998
 Commencement : 8 January 1999

31. 1999 Revised Edition — Control of Plants Act (Chapter 57A)

Operation : 1 August 1999

32. Act 16 of 2000 — Agri-food and Veterinary Authority Act 2000

(Amendments made by section 47 read with item (2) of the Schedule to the above Act)

Bill : 11/2000
 First Reading : 21 February 2000
 Second and Third Readings : 17 March 2000
 Commencement : 1 April 2000 (section 47 read with item (2) of the Schedule)

33. 2000 Revised Edition — Control of Plants Act (Chapter 57A)

Operation : 30 December 2000

34. Act 2 of 2020 — Statutes (Miscellaneous Amendments) Act 2020
(Amendments made by section 3 of the above Act)

Bill	:	36/2019
First Reading	:	4 November 2019
Second Reading	:	6 January 2020
Notice of Amendments	:	6 January 2020
Third Reading	:	6 January 2020
Commencement	:	30 November 2005 (section 3)

35. Act 10 of 2019 — National Parks Board (Amendment) Act 2019
(Amendments made by section 10 of the above Act)

Bill	:	4/2019
First Reading	:	15 January 2019
Second and Third Readings	:	12 February 2019
Commencement	:	1 April 2019 (section 10)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
CONTROL OF PLANTS ACT 1993

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2000 Ed.
7—(2)	7—(1A)
(3)	(1B)
(4)	(2)
31—(3)	31—(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
37—(2)	37—(1A)
(3)	(1B)
(4)	(1C)
(5)	(2)
(6)	(3)
(7)	(4)
(8)	(5)
(9)	(6)