



CONTAINER IMPORT REGULATIONS 1993

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 1st day of

November

1993

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to Sections 10 and 31 of the Plants Act 1973, the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations:

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title 2. Interpretation 3. Responsibility of ship's master, owner or operator 4. Restrictions on containers arriving from overseas | <ol style="list-style-type: none"> 5. Removal of containers from port of entry 6. Offences and Penalties |
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REGULATIONS

1. Title - These regulations may be cited as the Container Import Regulations 1993.

2. Interpretation - (1) In these regulations, unless the context otherwise requires,

"Container" means an article of transport equipment, such as a lift van, movable tank, sea freighter, flat top, ro-ro container, ISO container, or similar structure, either rigid or collapsible, which is -

(a) of a permanent character and suitable for repeated use;

- (b) specially designed to facilitate the carriage of goods (including plants) by one or more methods of land, sea or air transport without intermediate repacking;
 - (c) fitted with devices permitting its ready handling and its transfer from one method of transport to another;
 - (d) designed to be easy to fill and empty;
 - (e) having an internal volume of one cubic metre or more;
- and shall include the normal accessories and equipment of the container, when imported and used exclusively with it, but shall not include any vehicle or any ordinary packing case, crate, box or other similar article used for packing;

"Master", in relation to any vessel, means the person in charge or apparently in charge of the activities of that vessel;

"Owner", in relation to a vessel, means any person exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any powers or duties of an owner whether on his own behalf or on behalf of another, and includes a person who is the owner jointly with any other person or persons, and any manager, director or secretary of any body corporate;

"Operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer, and master;

"Permit to land" means the permit to land prescribed in the First Schedule to the Plant Quarantine Regulations 1993;

"Pest", means any form of plant life or animal life, or any pathogenic agent, injurious or potentially injurious to plants or plant products;

"Port of entry", means any place of entry into the Cook Islands as prescribed under the Customs Act 1913;

"Quarantine Container Declaration", means a declaration to be prescribed by the Secretary for the purposes of these regulations.

(2) Unless the context otherwise requires, terms and expressions used in these regulations shall have the same meanings as in the Plants Act 1973.

3. Responsibility of ship's master, owner, or operator - (1) It shall be the responsibility of the master, owner or operator of any vessel who imports or carries any container into the Cook Islands to ensure that every such container is free from infestation by the Giant African Snail (*Achatina fulica*).

(2) The ship's master or owner shall be liable for any costs incurred for the eradication of any infestation of the Giant African Snail on his ship or on any container brought into the Cook Islands on his ship.

(3) If in the opinion of the Secretary infestations by the Giant African Snail cannot be treated or eradicated, he may refuse the off loading of any container or cargo until such time the pest is eradicated to the satisfaction of the Secretary.

4. Restrictions on containers arriving from overseas - (1) Every container arriving from overseas before it is landed on any wharf, shall be inspected by an Inspector.

(2) Any container found contaminated by any plant material, soil or pest in, on, or adhering to it, shall be cleaned with water under high pressure, or subjected to such treatment to the satisfaction of an Inspector as he may direct, before the container is released to its owner or to such other person as may have the right to possession or command of it.

(3) All costs for the cleaning or treatment of any container shall be paid by the importer of the container or the owner of the goods in the container.

5. Removal of containers from port of entry (1) No person shall remove any container from any port of entry or wharf area unless an Inspector has authorised its removal.

(2) Every container imported into the Cook Islands shall be accompanied by a Container Declaration in the prescribed form and that container shall not be removed from the wharf area or port of entry (as the case may be) unless a permit to land has been issued by an Inspector authorising its removal.

(3) If a container is found to be contaminated by plant material or other thing the subject of these regulations, that container shall be subject to such treatment to the satisfaction of an Inspector and the cost of such treatment shall be borne by the owner or importer of the container or the owner or importer of the goods in the container.

(4) Any container imported without a Quarantine Container Declaration shall not be removed from the port of entry unless an Inspector upon examination is satisfied that no risk of introducing pests exists, where-upon he may issue a conditional permit to land authorising the removal of the container, which container shall thereafter be opened only in the presence of an Inspector.

(5) Where an Inspector is required to inspect a container at any place other than a port of entry, the owner of the contents of the container shall pay for such inspection, a fee of \$15 by remitting it to the Secretary.

6. Offences and penalties - Every person commits an offence against these regulations, and shall be liable on conviction to a fine not exceeding \$500 who -

- (a) Off loads any container on any wharf without the authority of an Inspector;
- (b) Removes or attempts to remove any container from any wharf or port of entry into the Cook Islands, without first having obtained permission to do so from the Secretary or an Inspector;
- (c) Fails to comply with any direction given under these regulations;
- (d) Acts in contravention of, or fails to comply in any respect with the provisions of these regulations or any instruction, order, requirement, permit, authority, or notice given, issued, or imposed under these regulations;

T. Bishop

Clerk of the Executive Council

These Regulations are administered by the Ministry of Agriculture.

BY AUTHORITY:

RAROTONGA, COOK ISLANDS: Printed by the Cook Islands Government - 1993.

