

LAWS OF DOMINICA

FRUIT TRADE REGULATION ACT

CHAPTER 82:03

**Act
17 of 1951**

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CHAPTER 82:03

FRUIT TRADE REGULATION ACT

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CHAPTER 82:03

FRUIT TRADE REGULATION ACT

1961 Ed.
Cap. 81.
17 of 1951.

AN ACT to control the preparation for export of citrus fruit and other fruit.

Commencement.

[1st October 1951]

Short title.

1. This Act may be cited as the –

FRUIT TRADE REGULATION ACT.

Interpretation.

2. In this Act –

“citrus fruit” means sweet oranges and grapefruit grown in Dominica;

“other fruit” means limes, lemons, mangoes, avocado pears and other fruit crops grown in Dominica;

“packing shed” means any grading and packing shed appointed by the Minister under section 6.

Application.

3. This Act applies to –

(a) all citrus fruit; and

(b) all other fruit grown in Dominica,

but does not apply to citrus fruit and other fruit exported to the Windward Islands, Leeward Islands, Barbados, Trinidad and Tobago, Guyana, French West Indies, Netherlands West Indies and the Virgin Islands of the United States of America.

Citrus and other fruits to be graded and packed at the packing shed.

4. From and after the coming into operation of this Act, all citrus fruit and other fruit intended for export shall, subject to section 3, be graded and packed for export at the packing shed.

Appointment of Fruit Trade Committee.

5. (1) There shall be an Advisory Committee to be designated the Fruit Trade Committee consisting of such persons as the Minister may from time to time appoint.

(2) The Committee may make recommendations to the Minister on any matter connected with export and marketing of citrus fruit and other fruit.

6. The Minister may from time to time appoint any place as a packing shed for the purposes of this Act by publishing notice thereof in the *Gazette*. Packing sheds.

7. No citrus fruit or other fruit shall be removed or exported from the packing shed without the sanction of the manager thereof or his duly authorised representative. Sanction required for removal or export.

8. The Minister may from time to time make Rules and Regulations — Rules and Regulations.

- (a) for the picking, gathering, handling, protection and conveyance of citrus fruit intended for export and all other matters connected therewith;
- (b) for the payment of fees and charges for grading and packing; and
- (c) for the impounding and disposal of immature or defective citrus fruit and other fruit.

9. Any person who removes or attempts to remove any citrus fruit or other fruit from the packing shed contrary to the provisions of this Act or exports or attempts to export any citrus fruit or other fruit contrary to the provisions of this Act is liable on summary conviction to a fine of one thousand dollars or to imprisonment, for six months. Offences and penalties.

SUBSIDIARY LEGISLATION

CITRUS FRUIT REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Gathering of fruit.
3. Notice of intention to pack for export.
4. Protection of fruit.
5. Produce subject to inspection.
6. Rejected fruit to be removed.
7. Rejected fruit not to be packed.
8. Tampering with containers.
9. Minister may refuse exportation.
10. Packing shed to be clean.
11. Grading of fruit.
12. Fees and charges.
13. Non-payment of accounts.
14. Manager to use reasonable care.
15. Regulations to be exhibited.

SCHEDULE.

SUBSIDIARY LEGISLATION

CITRUS FRUIT REGULATIONS

44/1951.

made under section 8

[22nd October 1951]

Commencement.

1. These Regulations may be cited as the –

Short title.

CITRUS FRUIT REGULATIONS.

2. (1) Citrus fruit intended for export shall, at no time during gathering, come into contact with the ground nor be exposed to sun or rain nor stored with any surface moisture thereon, but shall be placed directly into picking bags or boxes or heaped on properly padded surfaces, such padding to be sufficient and to be of such a nature as to prevent injury to the fruit.

Gathering of fruit.

(2) No such fruit shall be placed into picking bags or boxes or heaped on padded surfaces except they have been properly stem-cut with approved clippers.

(3) In order to meet the requirements of any particular trade or of any special demand, the officer in charge of the packing shed or his duly authorised representative may permit citrus fruit to be prepared for export in any manner to meet such requirements or demand.

3. (1) Any exporter of citrus fruit intending to pack the fruit for export shall give reasonable notice in writing of such intention to the officer in charge of the packing shed or his duly authorised representative, subject to any change in movement of ships or transport difficulties.

Notice of intention to pack for export.

(2) On receipt of the notice, the officer in charge of the packing shed or his duly authorised representative shall, after consultation with the exporter, appoint to the exporter an hour and date approximately, when the fruit can be received, provided that in the event of the occurrence of unforeseen circumstances, the officer in charge of the packing shed or his duly authorised representative shall co-operate and do all in his power to assist with the delivery arrangements.

Protection of
fruit.

4. (1) Citrus fruit intended for export as fresh fruit being conveyed in vehicles shall be placed in boxes having smooth inside surfaces or properly padded baskets of rigid construction which shall not be more than thirteen inches deep and shall be so packed within the vehicle as to prevent injury to the fruit.

(2) No person shall –

- (a) stand, sit or lie upon citrus fruit or upon boxes containing such fruit;
- (b) place any article upon the fruit or upon the boxes; or
- (c) transport or carry any person or article upon boxes containing such fruit.

Produce subject
to inspection.

5. (1) Citrus fruit intended for export shall, prior to being packed, be inspected and approved by the officer in charge of the packing shed or his duly authorised representative. The inspection shall include examination of containers and supervision of the packing of the fruit. No citrus fruit shall be packed for export save after such inspection and approval.

(2) If the officer in charge of the packing shed or his duly authorised representative is satisfied that the citrus fruit is fit for export after the packing is complete, he shall issue a certificate to that effect in the Form in the Schedule.

Schedule.

Rejected fruit to
be removed.

6. Rejected citrus fruit not removed within three days of verbal or written notice from the officer in charge of the packing shed or his duly authorised representative will be forfeited and destroyed or otherwise disposed of.

Rejected fruit not
to be packed.

7. No person shall pack or attempt to pack for export or ship or attempt to ship any citrus fruit unless –

- (a) the citrus fruit has been certified fit for export as provided for in regulation 5;
- (b) the citrus fruit has not been rejected by the manager of the packing shed or his duly authorised representative.

Tampering with
containers.

8. No person shall tamper with any container or the contents thereof when once the container has been sealed after inspection by the officer in charge of the packing shed or his duly authorised representative and certified fit for export.

- 9.** The Minister shall refuse to permit the exportation of any citrus fruit unless he is satisfied that –
- Minister may refuse exportation.
- (a) the citrus fruit has been inspected and approved as provided for in regulation 5;
- (b) no citrus fruit certified as provided for in regulation 5 has been tampered with after the certification.
- 10.** The officer in charge of the packing shed or his duly authorised representative shall keep the premises in a clean, uncongested and sanitary condition and shall see that all the machinery and equipment are kept in good condition free from sharp or rough surfaces likely to cause damage to the fruit.
- Packing shed to be clean.
- 11.** All citrus fruit packed at the packing shed shall be graded for quality according to standards defined as follows:
- Grading of fruit.
- (a) "fancy" shall consist of fruit of the same variety, fully coloured and of a similar shape, and shall be firm and approximately not more than five per cent marked;
- (b) "choice" shall consist of fruit fully coloured and of similar shape and shall be firm and approximately not more than fifteen per cent marked;
- (c) "standard" shall consist only of fruits which while conforming to the general requirements are not up to the specifications of "fancy" or "choice";
- (d) "orchard run" shall consist of an assorted collection of fruit of the above grades which, for some reason, cannot be specifically graded.
- 12.** All fees and charges in connection with the preparation and packing for export of citrus fruit shall be paid to the officer in charge of the packing shed or his duly authorised representative for the use of his employers.
- Fees and charges.
- 13.** Any exporter of citrus fruit neglecting to pay within one month of the receipt of his account the fees and charges for grading and packing, the officer in charge of the packing shed or his duly authorised representative may refuse to pack any citrus fruit for such exporter until the charges have been paid but no longer.
- Non-payment of accounts.

Manager to use reasonable care.

14. The officer in charge of the packing shed or his duly authorised representative shall exercise and cause to be exercised the utmost diligence and reasonable care in the handling and preparation for export of citrus fruit.

Regulations to be exhibited.

15. A copy of these Regulations shall be posted up in a conspicuous place in the packing shed and copies thereof shall be available for all growers and exporters of citrus.

Rule 5.

SCHEDULE

FORM

CERTIFICATE OF INSPECTION

| Name of exporter | Number and identification mark on container | Description of citrus fruit | Grade if any |
|------------------|---|-----------------------------|--------------|
| | | | |

I certify that I have inspected the citrus fruit specified herein and that in my opinion it is fit for export.

(Sgd.).....
Officer in Charge of Packing Shed.

Date.....

SUBSIDIARY LEGISLATION

FRUIT TRADE REGULATION (OVERTIME PAY) RULES

30/1958.
[44/1958
6/1966].

made under section 8

[16th December 1958]

Commencement.

1. These Rules may be cited as the –

Short title.

FRUIT TRADE REGULATION (OVERTIME PAY) RULES.

2. (1) Subject to subrule (2), the fees payable in respect of duties performed by the officers of the Government Marketing Depot excluding the Head of Department out of business hours on public holidays shall be as follows:

Overtime pay.
[6/1966].

(a) scale 'A': For work performed at other times than public holidays and at night between 9.00 p.m. and 5.00 a.m. at the rate per hour of one-fortieth of the weekly salary of the officer;

(b) scale 'B': For work performed on public holidays and at night between 9.00 p.m. and 5.00 a.m. at a rate equivalent to "time and a half" – "time" being the rate per hour prescribed in scale 'A'.

(2) Except in the case of illness, or in the case of public holidays no overtime pay shall be paid unless the officer concerned has been on duty for forty-eight hours during the week in respect of which the overtime pay is charged.

