



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 14.06

## EXPORTATION OF FRUIT ACT and Subsidiary Legislation

### Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986

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**CHAPTER 14.06**  
**EXPORTATION OF FRUIT ACT**

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## CHAPTER 14.06

### EXPORTATION OF FRUIT ACT

AN ACT TO MAKE PROVISION RESPECTING THE PACKING OF, AND STANDARDS TO BE OBSERVED BY PERSONS INVOLVED IN THE EXPORTATION OF, FRUITS; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

#### Short title.

1. This Act may be cited as the Exportation of Fruit Act.

#### Interpretation.

2. In this Act—

“fruit” means and includes limes, grapefruit, oranges, mangoes, avocado pears, lemons, pineapples, tomatoes, Irish potatoes and also any other fresh fruit, nut or vegetable which the Minister may hereafter declare by Notice to come under the operation of this Act;

*(Amended by Act 6 of 1976)*

“container” includes any barrel, crate, package, bag or other outer covering which may be so described in any regulation to be made hereunder;

“fruit inspector” means the Chief Agricultural Officer or an Agricultural Officer assigned by the Chief Agricultural Officer to exercise the powers of inspection of fruit and to discharge the duties of a fruit inspector under this Act;

*(Substituted by Act 7 of 1976)*

“Minister” means the Minister responsible for Agriculture;

*(Inserted by Act 7 of 1976)*

“packing place” means any place notified in manner provided by section 3.

*(Definitions of “export” and “exportation” deleted by Act 7 of 1976)*

#### Packing.

3. (1) All fruit for export shall be packed at such place or places as may be specified by notice in the *Gazette*, and such packing shall be done under the supervision of a fruit inspector.

(2) Any person packing or attempting to pack any fruit in a place other than a packing place commits an offence and shall, on summary conviction, be liable to a penalty not exceeding one hundred and fifty dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

#### Standard containers.

4. All fruit intended for export must be packed and shipped in standard containers as specified in the regulations under this Act.

#### Marking.

5. Every container referred to in section 4 shall be marked legibly and in plain letters on the outside thereof with the name or identification mark of the shipper, and with the name of the variety of the fruit, the number or weight of the fruit and the grade of fruit, contained therein.

**Inspection.**

6. It shall be the duty of the fruit inspector to satisfy himself or herself that all fruit packed or intended to be packed for export is of the proper grade and that the containers used and the markings thereon are in accordance with the provisions of this Act, and to forbid the removal from the packing place for export of any packages which are improperly packed or marked, or of any fruit which is not the proper grade or is packed in containers other than such as are specified by the regulations under this Act.

**Stamping.**

7. On being satisfied that the fruit contained in any package is fit for export, and that all the requirements of section 4 have been complied with the fruit inspector shall stamp such package with a stamp showing that the fruit contained therein has passed inspection by a government fruit inspector.

**Offences.**

8. Any person who removes from any packing place any package of fruit without the sanction of the fruit inspector or who exports or attempts to export any fruit which has not been examined and passed by a fruit inspector as fit for export shall, on summary conviction, be liable to a penalty not exceeding three hundred dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Packing of fruit subject to inspection.**

9. Any owner or shipper of fruit intending to pack any fruit at a packing place shall give reasonable notice to a fruit inspector, or if there is a chief fruit inspector to the chief fruit inspector, and no fruit shall be wrapped or packed until it shall have been inspected and approved by a fruit inspector, and such examination shall include inspection of the containers, and such supervision as is possible of the packing of such fruit.

*(Original section 9 repealed by Act 7 of 1976)*

**Certificate.**

10. (1) If a fruit inspector or the chief fruit inspector as the case requires shall be satisfied that such fruit is fit for export he or she shall issue a certificate to that effect, after the packing of the fruit shall have been completed, and the certificate shall be in the form set out in the Schedule and shall be deemed to be conclusive evidence that the provisions of section 3 have been complied with.

(2) Nothing in this Act shall render the public revenue liable to make good any damage or loss by reason of any act or default of any fruit inspector or chief fruit inspector.

**Packing or attempting to pack rejected fruit an offence.**

11. Any person who packs or attempts to pack for export any fruit after the same has been rejected by a fruit inspector shall be liable, on summary conviction, to a fine not exceeding one thousand dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Removal of rejected fruit.**

12. All fruit rejected by a fruit inspector shall be removed forthwith from the packing place, and any fruit inspector may cause any fruit not so removed to be disposed of as refuse.

**Irregular exportation of fruit and tampering with containers.**

13. (1) No person shall export or attempt to export any fruit unless all the provisions of this Act shall first have been fully complied with, and no person shall wilfully tamper with any standard container or the contents thereof when once such container shall have been fastened up after being examined by a fruit inspector and certified as fit for export.

(2) Any person who contravenes any provision of this section commits an offence and shall be liable, on summary conviction, to pay a fine not exceeding seven hundred and fifty dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Permission to ship fruit to be with-held in certain cases.**

14. The Comptroller of Customs shall refuse to permit the exportation of any fruit not certified by a fruit inspector as fit for export, and may also exercise the like power whenever he or she has reasonable cause to suspect that any certified package of fruit has been tampered with after inspection and certification by a fruit inspector.

**Authority to make regulations.**

15. (1) The Minister may make such regulations as he or she may think fit in respect of the standardization of containers or packages, the grading of fruit, and the method of examination to be employed, the fees payable for examination of fruit, and generally with regard to all details relating to the practical working of this Act.

(2) Any person who contravenes any of the provisions of regulations made under the authority of this Act commits an offence and shall, on summary conviction, be liable to such penalties as are fixed by the said regulations, not exceeding a fine of seven hundred and fifty dollars.

*(Original subsection (2) deleted by Act 7 of 1976)*

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Application of Act.**

16. The provisions of this Act shall not apply to fruit exported to any West Indian Island or to Bermuda.

*(Substituted by Act 7 of 1976)*

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**FIRST SCHEDULE***(Section 10)***CERTIFICATE OF GOVERNMENT FRUIT INSPECTOR**

Name of Owner or Shipper.	Number and Identification mark of package or packages.	Description of Grade. Fruit.
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I hereby certify that I have examined the fruit specified above and that in my opinion it is fit for export.

Dated

*Fruit Inspector*

**SECOND SCHEDULE***(Section 15)***EXPORTATION OF FRUIT REGULATIONS****Short title.**

1. These Regulations may be cited as the Exportation of Fruit Regulations.

**Containers.**

2. Except as hereinafter in these regulations specifically provided, standard containers for the export of fruit shall consist of packages of the following specifications—

- (a) “Barrel” Two-headed barrel of approximately 2? bushels capacity, properly coopered;
- (b) “Three-bushel crate” made of the following material: 4 corner uprights 2½ inches by 18 inches by ⅝ inch thick: 8 end slats 2½ inches by 18 inches by ? inch thick: 16 slats 2½ inches by 22 inches by ⅝ inch thick;
- (c) “Two-bushel crate” made of the following material: 4 corner uprights 2½ inches by 18 inches by ? inch thick: 6 end slats 2½ inches by 13 inches by ? inch thick: 12 slats 2½ inches by 22 inches by ⅜ inch thick;
- (d) “One-bushel crate” made of the following material: Each end to consist of one frame, composed of one part 3/16 inch by 12 inches by 12 inches of not more than three pieces, with four cleats 13/16 inch by 1¼ inches by 12 inches, mortised and tenoned and nailed to part with nails clinched, the whole to make a panelled frame measuring 12 inches by 12 inches; each side, top and bottom to consist of one frame, composed of three slats 1¼ inch by 3½ inches by 17 inches with 2 cleats 3/16 inch by 1½ inches by 12 inches nailed to the slats with nails clinched each to make a frame 17 inches by 12 inches with 3 slats equally spaced:

Provided the inside measurements of the “one-bushel crate” shall be: 15 inches by 12 inches by 12 inches;

- (e) the standard container for the export of tomatoes hereinafter referred to as a "Tomato crate" shall consist of a crate of the following specifications:

2 ends 15 $\frac{3}{4}$  inches by 4 $\frac{1}{4}$  inches by ? inch: 2 sides 17 inches by 4 inches by 3/16 inch: one top framed by manufacturer as follows: 6 slats each 17 inches by 2 $\frac{1}{4}$  inches by 3/16 inch, evenly spaced and firmly nailed (with nails clinched) to 2 cleats each 15 $\frac{3}{4}$  by  $\frac{3}{4}$  inch by  $\frac{1}{4}$  inch-the whole to make a frame 15 $\frac{3}{4}$  by 17 inches: one bottom similar to the top. Each end to have one surface planed and all other surfaces to be smooth sawn.

#### **Fruit to be Packed in Special Standard Containers.**

3. Fruit shall be packed in the following standard containers—

- (a) in "barrels": Irish Potatoes;
- (b) in "three-bushel crates": Cabbage;
- (c) in "one-bushel crates": Beets, carrots, cucumbers, egg-plant, lettuce, onions, Irish and sweet potatoes and other vegetables not authorised to be packed in other sized crates;
- (d) tomatoes only: in "tomato crates."

#### **Grading and Packing.**

4. Not more than one kind of fruit shall be packed in the same container and all fruit shall be cleaned, selected, graded, wrapped and packed according to the direction of a Fruit Inspector.

#### **When Other Packages may be Used.**

5. Notwithstanding anything to the contrary in these regulations the Agricultural Superintendent may in special circumstances allow fruit to be exported in packages other than standard containers.

#### **Destruction of Bad or Diseased Fruit.**

6. Any Fruit Inspector may order any bad or diseased fruit to be destroyed and the same shall be destroyed accordingly provided nevertheless that any person aggrieved by such an order may appeal to the Agricultural Superintendent.

#### **Penalties.**

7. Any person who—

- (a) exports or attempts to export fruit in any container except a container of the kind prescribed by these regulations;
- (b) exports or attempts to export tomatoes in any crate box or package except a tomato crate;
- (c) refuses or neglects the carrying out of any lawful directions given by a Fruit Inspector or the Chief Agricultural Officer;

commits an offence and upon summary conviction, in the case of an offence under paragraphs (a) and (b) be liable to a fine not exceeding three hundred dollars and in the case of an offence under paragraph (3) shall be liable to a fine not exceeding seven hundred and fifty.

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