



GRENADA

ACT NO. 28 OF 1998

I assent,



DANIEL CHARLES WILLIAMS

12th November, 1998.

Governor-General.

An Act to provide for the exportation of fresh produce and matters connected therewith.

[20th November, 1998].

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows:

1. This Act may be cited as the

Short title.

EXPORTATION OF FRESH PRODUCE ACT, 1998.

2.—(1) In this Act—

Interpretation
and application.

“approved standards” means specifications declared by order of the Bureau to be approved standards and published in the *Gazette*;

“Bureau” means the Grenada Bureau of Standards established by section 3 of the Standards Act;

“Director” means the Director of the Grenada Bureau of Standards or any persons whom the Director authorizes to act on his behalf.

“fit for export” means any fresh produce that meets approved standards and is suitable for export without being prejudicial to the agricultural interest of Grenada if shipped;

“fresh produce” means any fruit, nut, vegetable, root crop, flowers, plant or other plant material declared by the Minister by order to be fresh produce;

“Inspector” means an Inspector appointed under section 25(1) of the Standards Act;

“licence” means a licence to export fresh produce granted under section 5;

“Minister” means the Minister responsible for Agriculture;

“package” means all products made of materials of any nature to be used for the containment, protection, handling, delivering and presentation of fresh produce, from the producer to the user or consumer;

“packing house” means a packing area in a house or building approved by the Director under section 7;

“stamp” means the Bureau's stamp.

(2) This Act does not apply to the export of nutmegs, cocoa and bananas.

PART II

LICENSING OF EXPORTERS OF FRESH PRODUCE

3. No person shall carry on the business or trade of exporting fresh produce unless that person has obtained a licence under this Act. Prohibition on export of fresh produce.

4.—(1) Any person requiring a licence shall apply in writing to the Director and shall set forth in such application— Application for licence.

- (a) his trading name, address and identification number;
- (b) the location of the packing house where he proposes to clean, grade, store and pack fresh produce and the name of fresh produce which he desires to deal in;
- (c) whether his application is for an original licence or for the renewal of a licence.

(2) The prescribed non-refundable application fee shall accompany such application.

(3) The prescribed annual licence fee shall be paid on approval of the application.

(4) The Director shall make such enquiries as he may deem necessary in order to determine whether the applicant has sufficient and suitable place for the cleaning, storing, grading, and packing of produce.

Determination of application for licence.

5.—(1) Unless the applicant for a licence has satisfactory facilities for the cleaning, grading, storing and packing of fresh produce, based on the relevant approved standard, the Director may refuse to grant such licence to such applicant.

(2) In every case in which an application for a licence under the Act is refused, the Director shall give the applicant a notice in writing of such refusal within fourteen days of receipt of the application.

Revocation of Licence.

6. The Director may, after hearing a licensee, revoke a licence for breach of any of the terms and conditions of the licence or for any contravention of this Act.

PART III

PACKING, INSPECTION AND EXPORT OF FRESH PRODUCE

Packing house.

7.—(1) After the commencement of this Act fresh produce for export shall only be packed at a packing house approved by the Director.

(2) The Director shall inspect or cause to be inspected an area of a house or building which is intended to be used as a packing house and if he is satisfied that the area contains the facilities for a packing house may approve and register the same as packing house for the purposes of this Act.

8. All fresh produce intended for export must be packed and shipped in standard packages in accordance with the approved standard and every such package shall be marked legibly and in plain letters on the outside thereof in accordance with the approved standards.

Standard packages.

9. An Inspector shall satisfy himself that the packages used and the markings thereon are in accordance with section 8 of this Act, and may stop the export of any packages which is improperly packed or marked, or which is packed in a package other than one specified.

Inspection.

10. On being satisfied that the fresh produce contained in any package is fit for export, and that all the requirements of sections 7 and 8 of this Act have been complied with, the Inspector shall issue a certificate with the Bureau's stamp showing that the fresh produce contained therein has passed inspection.

Issue of certificate.

11.—(1) Any owner or exporter of fresh produce shall give reasonable notice to the Inspector of his requirement for inspection.

Notice of inspection.

(2) An examination under subsection (1) shall include the inspection of the containers and the fresh produce.

12.—(1) No person shall export any fresh produce unless—

Limitation of export of fresh produce

- (a) the exporter holds a valid licence issued under this Act;
- (b) the produce is packed as required by this Act;
- (c) such fresh produce is accompanied by a certificate in the prescribed form.

Power of
verification.

13.—(1) A Customs Officer, an Inspector or a Police Officer, may, for the purpose of verifying the contents of any package that is certified fit for export, open such a package and examine the contents thereof.

(2) The contents of any package which does not comply with this Act may be seized by the person exercising the power of verification under subsection (1).

PART IV

OFFENCES AND PENALTIES

Export of
fresh produce
without
licence.

14. A person who exports or attempts to export fresh produce without a licence commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars.

Improper
shipping.

15. A person who attempts to ship any fresh produce which has not been inspected and determined as being fit for export commits an offence and shall be liable on summary conviction to a fine of five thousand dollars which shall be paid before he is allowed to continue exporting.

Packing
rejected fresh
produce.

16. A person who packs or attempts to pack any fresh produce after the same has been rejected by the Inspector commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars which shall be paid before the next shipment.

Irregular
export of
fresh produce

17.—(1) No person shall—

- (a) export or attempt to export any fresh produce unless there is compliance with this Act, or

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- (b) wilfully tamper with any standard package or the contents after such package was examined by an Inspector and certified as fit for export.

(2) A person who contravenes this section commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars.

PART V

MISCELLANEOUS

18.—(1) All fees paid under this Act shall be paid into the Consolidated Fund. Consolidated Fund.

(2) All such fees shall be credited to a special account which shall be held exclusively for defraying the cost of fresh produce inspection and the development of the fresh produce trade.

19.—(1) The Minister may make rules or regulations with respect to— Regulations.

- (a) the standardization of packages;
- (b) the grading of fresh produce;
- (c) the procedure for inspection of fresh produce;
- (d) the fees payable under this Act;
- (e) the forms that may be required for the purposes of this Act; and
- (f) any matter that is necessary to give effect to the provisions of this Act.

(2) A fine not exceeding ten thousand dollars may be attached to rules or regulations made under subsection (1).

Repeal of
Cap. 97.

20. The Exportation of Fruit Act, Cap. 97 is hereby repealed.

Commencement.

21. This Act shall come into operation on such date as the Governor-General appoints by proclamation.

Passed by the House of Representatives this 22nd day of September, 1998.

ABEL NEWTON
Clerk to the House of Representatives.

Passed by the Senate this 9th day of October, 1998.

ABEL NEWTON
Clerk to the Senate.

GRENADA

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