

**SUBSIDIARY LEGISLATION 85.01****POTATO EXPORT REGULATIONS**

29th January, 1935

*GOVERNMENT NOTICE 28 of 1935, as amended by Government Notice 91 of 1938; and Legal Notices 39 of 1968 and 26 of 1998.*

- 1.** The title of these Regulations is Potato Export Regulations. Title.
- 2.** In these Regulations unless the context otherwise requires - Interpretation.
- "sound tubers" means tubers which show no blemishes and no traces of rot or other defects which may detract from the outward appearance of the tubers or from their suitability for human consumption. In respect of the spring crop, exported before the 20th April, cracks or discontinuity of skin, and consequent variations in colour shall not be deemed to be defects, provided that they do not considerably affect the appearance of the tubers;
- "whole tubers" means tubers free from cuts, holes and insect damage;
- "clean tubers" means tubers free from soil and other foreign matter.
- 3.** Tubers intended for export shall be sound, whole, clean and free from sprouts. The export of green, sunburnt or wrinkled tubers, or of tubers otherwise damaged is prohibited. Requirements for export.
- 4.** For the purpose of export, potatoes shall be classified as follows - Classification.
- (a) according to crop as -
- (i) winter crop potatoes,
- (ii) spring crop potatoes.
- "Winter crop potatoes" means potatoes sown in autumn from locally grown seed;
- "spring crop potatoes" means potatoes sown in winter from imported seed.
- (b) According to shape and type as -
- (i) yellow fleshed kidney (Y.K.),
- (ii) yellow fleshed round (Y.R.),
- (iii) white fleshed kidney (W.K.),
- (iv) white fleshed round (W.R.).
- (c) According to size as -
- (i) Grade A,
- (ii) Grade B,
- (iii) Grade C.
- 5.** (a) For round shaped potatoes - Round shaped potatoes.  
Substituted by:  
G.N. 91 of 1938.
- "Grade A" tubers are those which pass through a square gauge of six centimetres across but which do not pass through a square

gauge of three point four centimetres across.

"Grade B" tubers are those which do not pass through a square gauge of six centimetres across.

"Grade C" tubers are those which pass through a square gauge of three point four centimetres across but which do not pass through a square gauge of two point five centimetres across.

(b) For kidney shaped potatoes:

"Grade A" tubers are those of a length greater than three point seven centimetres but not more than nine centimetres.

"Grade B" tubers are those of a length greater than nine centimetres.

"Grade C" tubers are those of a length greater than three point two centimetres but not more than three point seven centimetres.

Permission of the  
Director of  
Agriculture.

**6.** No "Grade C" potatoes shall be exported without the special permission of the Director of Agriculture, who may give such permission in seasons when the growth of the tubers is below normal.

Packing.

**7.** Containers shall be new, clean, dry and sufficiently strong as to warrant arrival at their destination in good condition. Bags shall be of jute or hemp.

Markings.

**8.** On the outside of every container shall be marked in indelible and easily visible characters not less than five centimetres in height the following:

- (i) the grade of the tubers (A, B or C);
- (ii) the mark Y.K, Y.R., W.K., or W.R. to show the shape and type;
- (iii) the official number of the broker (if any);
- (iv) the name and/or mark of the exporter;
- (v) the words "Malta Produce",

and, when required by the importer, a lead seal, as directed by the Director of Agriculture or other duly authorised officer.

No marks shall be  
stamped or printed  
in red.  
*Substituted by:*  
*G.N. 91 of 1938.*

**9.** No marks shall be stamped or printed in a red colour, which colour is hereby reserved for the official marks of the Department of Agriculture, with the exception of the marking of packages of Grade B potatoes as prescribed in regulation 10.

Distinguishing of  
potatoes in  
containers.  
*Substituted by:*  
*G.N. 91 of 1938.*

**10.** When potato containers are sealed in the country after packing and before delivery to the quay, the grades of potatoes packed in different containers shall be distinguished as follows:

(a) "Grade A" shall be distinguished by the absence of red or blue coloured marks.

"Grade B" shall be distinguished by means of a red coloured mark as detailed hereunder.

"Grade C" shall be distinguished by means of a blue coloured mark as detailed hereunder.

(b) Baskets or bags containing Grade B or Grade C potatoes shall be marked by tying a piece of tape or

ribbon of the appropriate colour to the top of the container. The piece of tape or ribbon used shall be sufficiently large as to permit an easy identification of the grades of potatoes in different containers.

- (c) Casks, half-casks and boxes containing Grade B or Grade C potatoes shall be clearly marked with a cross of the appropriate colour on one end of the container; the marking of the cross shall extend across the end and shall be made with paint or grease pencil or some equally clear and indelible marking material.

**11.** Containers packed with different grades of potatoes shall not be exported under the same shipping mark. Containers with different grades.

**12.** All the marks enumerated in regulation 8 (except the number of the broker) together with the number and nature of the packages shall appear on the bill of lading. Bill of lading.

**13.** Every consignment of potatoes shall, before shipment, be examined by an Inspector of the Department of Agriculture. Inspection.

**14.** The inspector may, at his discretion, examine any number or all of the packages in any consignment, provided that when the inspector refuses to issue a licence for export he must inspect at least twenty per cent (one fifth) of the packages in the consignment in question. Inspector may examine packages.

**15.** Any consignment approved for export shall be liable to a new inspection if the consignment is not shipped within a week of the previous inspection. Consignment to be re-inspected if not shipped within one week.

**16.** Application for inspection shall be made to an inspector or to the Director of Agriculture at least twenty-four hours before shipment: Application for inspection.

Provided, however, that application may be made at shorter notice, at the risk of the exporter.

**17.** Every application for inspection shall specify the name of the exporter, the number and nature of the packages, and the destination of the goods. Application to specify name of exporter, etc.

**18.** No application shall be considered unless the packages are exhibited in the Potato Export Control Warehouse or in some other place provided or approved for the purpose by the Director of Agriculture. Exhibition of packages.

**19.** Inspection shall cease half an hour before sunset, unless otherwise authorised by the Director of Agriculture. Inspection to cease half an hour before sunset.

**20.** The following fees shall be charged for packages submitted for inspection: Fees for packages submitted for inspection.

- (i) for each package having a net weight greater than one hundredweight, two mils;
- (ii) for each package having a net weight of one hundredweight or less, one mil:

Provided that the fee for the inspection of any one consignment shall not be less than 12c5m.

Issue of licence if goods found to be fit for export.

**21.** If the goods when inspected are found to conform in all respects with these Regulations and to be fit for export, the Director of Agriculture shall issue, free of charge, a licence to that effect. Such licence shall certify that the potatoes have been examined and, when such is the case, sealed by the Department of Agriculture, and found to comply in all respects with the regulations governing the export of potatoes.

Further fee if sealing of bags is required.

**22.** Whenever the sealing of the containers is required by the importer, a further fee of two mils shall be charged for every seal used.

Other classifications.

**23.** To meet the requirements of any particular trade or of any special demand the Director of Agriculture may permit the export of potatoes which are classified, graded, packed and marked otherwise than as specified in these Regulations.

Public weigher to register weight of every consignment.

**24.** (1) The public weigher who weighs potatoes for export shall register the weight of every consignment in a serially numbered book, obtainable from the Department of Agriculture at cost price. Such books shall be made up with foil and triplicate counterfoils; and the counterfoil copies of each note of weight shall be delivered on request to the seller, the purchaser and the broker, if any, and the public weigher shall himself keep the original.

(2) Every note of weight shall show -

- (i) the name and address of the seller;
- (ii) the name and address or official number of the broker;
- (iii) the name and address, or business name of the exporter;
- (iv) the number and nature of the packages in any consignment;
- (v) the weight of the consignment;
- (vi) the date of weighing;
- (vii) the net price per *qantar* as stated by the grower; and
- (viii) the weigher's signature.

Book to be returned to the Department of Agriculture.

**25.** Every such book with all the foils and the remaining counterfoils shall be returned to the Department of Agriculture before the end of August.

Certificates of registration and licences.  
Amended by:  
L.N. 26 of 1998.  
Cap. 85.

**26.** The certificates of registration of exporters and the licences of brokers shall, subject to the provisions of the Agricultural Produce (Export) Ordinance, be valid for one year, and shall be renewable during the month of September. A fee of twenty liri shall be charged for the issue or renewal of any such certificate or licence.

Board of Reference.  
Amended by:  
L.N. 39 of 1968.

**27.** The Board of Reference shall be composed of the Director of Agriculture or an officer of the Department of Agriculture acting on his behalf as Chairman and two members chosen from a panel of ten persons engaged in the produce export trade. The panel shall be nominated by the Minister responsible for Agriculture before the beginning of each export season. On each Board of Reference one

of the panel members shall be selected by the complainant and one by the Chairman. No panel member shall sit on the Board in connection with any produce in which he has an interest.

**28.** A fee of 5c per package shall be deposited with the inspector by the exporter requiring reference to a Board of Reference, provided that the minimum fee in this connection shall be three liri.

Fee in case of  
reference to the  
Board.

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