



SAINT VINCENT AND THE GRENADINES

ACT NO. 33 OF 1984

I ASSENT

[L. S.]

SYDNEY D. GUN-MUNRO,
Governor-General.
28th December, 1984

AN ACT for the protection and quality control of Bananas.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:—

[2nd January, 1985]

1. This Act may be cited as the Banana (Protection and Quality Control) Act, 1984. Short title.

2. In this Act, unless the context otherwise requires:— Interpretation.
“Association” means the Windward Islands Banana Association Ltd;

“Authority” means the Banana Quality Control Authority constituted under section 3;

“bananas” means bananas of the varieties or known as robusta, puerto rique, poyo, lacatan, Giant Cavendish, Valery and such other varieties as may be prescribed by the authority;

“boxing plant” means an installation where bananas are dehanded, deflowered, washed, treated and boxed and which is licenced for this purpose under section 8;

"boxing plant operator" means a person who in the opinion of the Authority is competent to operate a boxing plant or to be engaged in the boxing of bananas and who is licensed for this purpose under section 8;

"buying companies" means Geest Industries Limited, Geest Industries (W.I.) Limited or the person who for the time being has the statutory or contractual right to purchase exportable bananas from the Association;

"cutting period" means either the period commencing not more than 36 hours before the announced end of a reception period and ending with the end of the reception period or such other period as may be prescribed by the Authority;

"exportable bananas" means bananas which have been reaped or harvested from a holding during a cutting period and which are not rejectable bananas;

"field packed bananas" means bananas which have been packed for export without being washed and processed in a boxing plant, and which have been grown, harvested and packed in accordance with the regulations for Field Packing;

"field packing" means the process by which bananas are packed for export in accordance with the regulations for Field Packing;

"field pack shed" means a shed which is constructed for the storage of empty and packed cartons for field packed bananas, and which shall so be constructed in accordance with the regulations for Field Packing or in a manner approved by the Authority and which may have facilities for field packing;

"field packer" means a grower who has been licensed by the Authority to be a field packer;

"governments" means the Governments of Dominica, Grenada, Saint Lucia and Saint Vincent and the Grenadines;

"grower" means a person for the time being in possession or control of a holding, and who is registered with the Association;

"inland buying depot (IBD)" means any installation at which boxed bananas are delivered by growers to the Association for purchase;

"island" means Saint Vincent and the Grenadines;
 "member associations" means the members of WINBAN;
 "Minister" means the Minister to whom responsibility for agriculture is assigned;
 "reception period" means the period from time to time publicly announced or advertised by or for and on behalf of the Association for the delivery of bananas to the Association or to the buying companies;
 "reception depot" means a depot at which exportable bananas are delivered to the buying companies;
 "rejectable bananas" means bananas which are rejectable under regulations made under this Act;
 "ship" means any ship engaged to carry exportable bananas;
 "vehicle" means any truck or other mechanical means of conveyance used during the cutting period to carry bananas to an IBD, boxing plant or reception depot;
 "WINBAN" means the Windward Islands Banana Growers Association—A company incorporated under the laws of Dominica.

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| 3. WINBAN is hereby declared and established to be the Banana (Protection and Quality Control) Authority and as such the Authority for the purposes of this Act. | Establishment of the Authority. |
| 4. (1) It shall be the function and duty of the Authority:— | Functions and duties of the Authority. |
| (a) to administer and carry out the provisions of this Act, and consistently therewith to approve standards and to institute measures in behalf of the protection of exportable bananas and the maintenance and enhancement of the quality thereof, and | |
| (b) to make recommendations to the Governments of the islands in regard to the better carrying out of the purpose of this Act and in regard to the measures aforesaid. | |

(2) The Authority may, from time to time delegate any or all of its functions to the Association.

Establishment
and functions
of the
Committee.

5. (1) For the purposes of this Act, there is hereby established a Committee to be known as the Banana (Protection and Quality Control) Committee.

(2) The Committee shall comprise:—

- (i) The Managing Director of WINBAN or his nominee either of whom shall act as Chairman at all meetings of the Committee,
- (ii) The General Managers of member Associations,
- (iii) A nominee of the Ministers of Agriculture of the Governments,
- (iv) WINBAN's Director of Research and
- (v) A nominee of the Buying Company.

(3) No act or proceeding of the Committee shall be invalidated on account of any vacancy in its body.

(4) The functions of the Committee shall be to advise the Authority in regard to all matters within the scope and object of this Act.

Certain
privileges
of the
Authority.

6. (1) For the purpose of examining the condition of boxing plants, holdings, ships and other places where bananas are handled or for the purpose of examining or rejecting bananas received thereat and generally for the purpose of the exercise of the Authority's rights and powers under this Act, the Authority and or its duly authorised agents shall have the right—during any cutting period or within 12 hours therebefore or thereafter—to enter upon any Inland Buying Depot, boxing plant, field pack shed, holding, reception depot, ship, or other places and may exercise that right with or without the assistance of police officers.

(2) No action, suit, prosecution or other proceeding shall be brought or instituted against the Authority in respect of any act done bona fide in the pursuance or execution or intended execution of the provisions of this Act.

7. (1) It shall be the duty of every police officer and of every Rural Constable to assist the Authority and its servants and agents in the enforcement of the provisions of this Act. Police duties.

(2) Any person who obstructs, hinders, molests or assaults any duly identified police officer or servant or agent of the Authority engaged in the performance of any duty or in the exercise of any power imposed or conferred on him by or under any provision of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for one month or to both such fine and imprisonment.

8. (1) Except with the permission of the Authority: Boxing of Bananas.

(a) No exportable banana shall be boxed except under the supervision of a boxing plant operator or field packer or his duly authorised agent;

(b) No field packer shall be allowed to box bananas from any other grower who is not licensed to field pack.

(2) Any grower may apply to the Authority for a licence to erect and operate a boxing plant on his holding or to be engaged in the field packing of bananas and the Authority may—having regard to such factors and circumstances as may be prescribed—grant or refuse such licence.

(3) A licence granted under the provision of subsection (2) of this section may be revoked by the Authority, if in the opinion of the Authority (a) the person to whom the licence is granted has been proved to be incompetent to operate boxing plants or to field pack or has obtained, packed and presented bananas for export knowing that such bananas originated from a holding which is not licensed for field packing, or (b) there has been a material breach of the terms and conditions under which the licence was issued.

9. (1) During a reception period, rejectable bananas shall not be offered for sale to the Association or its agents or to Buying Companies or their agents and any such offer shall be rejected by the Association or its agents or by the Buying Companies or their agents respectively. Prohibition against the sale or purchase of rejectable Bananas.

(2) During a cutting period and within forty-eight hours before the commencement thereof, the Authority or its duly authorised agents shall have the right to mark or otherwise identify (without destroying any part of the bunch of) any rejectable banana belonging to a grower.

(3) Any person who without the permission of the Authority sells or offers for sale to the Association or its agents or to the buying companies or their agents any rejectable banana the offer for sale of which was previously rejected under subsection (1) of this section and any person who aids or abets such sale or offer for sale commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for one month or to both such fine and imprisonment.

Bananas to
be dealt
with in
the
prescribed
manner.

10. (1) All exportable bananas shall be grown, harvested, processed, packed, handled and otherwise dealt with and transported in the prescribed manner.

(2) The Authority may, in the interest of research or with the object of devising and testing new and improved methods of handling bananas, by licence under its common seal exempt any grower, research officer or other person from the provisions of this section for the period specified in the licence, and in that event the provisions of this section shall not apply to that grower, research officer or other person during that period.

(3) Any person who contravenes any of the provisions of subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

Exemptions
from duties
and taxes.

11. (a) All materials, equipment, stores, vehicles and other goods whatsoever, acquired by the Authority are exempt from customs duty and other duties, and taxes.

- (b) The income of the Authority is exempt from liability to Income Tax.

12. (1) The Authority may make regulations—

- (a) prescribing anything which under the provisions of this Act is to be prescribed;
- (b) regarding the proper treatment, selection, rejection, processing, packing, stacking, handling, storage and transportation of exportable bananas;
- (c) regarding boxing plants and operations at boxing plants and field packing;
- (d) providing any measures whatsoever for the protection of exportable bananas and the maintenance and enhancement of their quality; and
- (e) generally the better carrying out of the purposes of this Act.

(2) Regulations made by the Authority shall have no effect until approved by the Minister.

(3) The regulations contained in the Schedule to this Act are made under the provisions of this section.