

LAWS OF DOMINICA

**BANANA (PROTECTION AND
QUALITY CONTROL) ACT**

CHAPTER 58:41

**Act
15 of 1986**

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-2	1/1995
3-8	1/1991
9-22	1/1995

**Index
of
Subsidiary Legislation**

	Page
Banana (Protection and Quality Control) Regulations	10

CHAPTER 58:41

**BANANA (PROTECTION AND
QUALITY CONTROL) ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Interpretation.
 3. Establishment of the Authority.
 4. Functions and duties of the Authority.
 5. Establishment and functions of the Committee.
 6. Certain privileges of the Authority.
 7. Police duties.
 8. Boxing of bananas.
 9. Prohibition against the sale or purchase of rejectable bananas.
 10. Bananas to be dealt with in the prescribed manner.
 11. Exemptions from duties and taxes.
 12. Regulations.
-

CHAPTER 58:41

BANANA (PROTECTION AND
QUALITY CONTROL) ACT

15 of 1986. **AN ACT to provide for the proper harvesting, handling, transporting and shipping of bananas with a view to ensuring a good marketable quality of these fruits and matters connected therewith.**

Commencement. [3rd July 1986]

Short title. **1. This Act may be cited as the –**
BANANA (PROTECTION AND
QUALITY CONTROL) ACT.

Interpretation. **2. In this Act –**

“Authority” means the Banana (Protection and 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 licensed 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 or Geest Industries (W.I.) Limited or the person or persons who for the time being have the statutory or contractual right to purchase exportable bananas from the Corporation;

“Corporation” means the Dominica Banana Marketing Corporation established under the Dominica Banana Marketing Corporation Act.

“cutting period” means either the period commencing not more than thirty-six 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 Saint Lucia, Saint Vincent, Dominica and Grenada;

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

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

“island” means the Commonwealth of Dominica;

“member associations” means the members of WINBAN;

“Minister” means the Minister responsible for Agriculture;

“reception period” means the period from time to time publicly announced or advertised by or for and on behalf of the Corporation for the delivery of bananas to the Corporation 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;

(b) has breached the terms and conditions under which the licence was issued.

Prohibition
against the sale
or purchase of
rejectable
bananas.

9. (1) During a reception period, rejectable bananas shall not be offered for sale to the Corporation or its agent or to buying companies or their agents and any such offer shall be rejected by the Corporation or its agents or by the buying companies or their agents respectively.

(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 bananas belonging to a grower.

(3) Any person who without the permission of the Authority sells or offers for sale to the Corporation or its agents or to the buying companies or their agents any rejectable bananas the offer for sale of which was previously rejected under subsection (1) and any person who aids or abets the sale or offer for sale is liable on summary conviction to a fine of five hundred dollars.

Bananas to be
dealt with in the
prescribed
manner.

10. (1) Subject to subsection (2), 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 this section for the period specified in the licence.

(3) Any person who contravenes subsection (1) is liable on summary conviction to a fine of five hundred dollars.

Exemptions from
duties and taxes.

11. (1) All materials, equipment, stores, vehicles and other goods acquired by the Authority are exempt from import duty.

(2) The income of the Authority is exempt from liability to income tax.

Regulations.

12. (1) Subject to subsection (2), the Authority may make Regulations relating to –

(a) anything which under this Act is to be prohibited.

- (b) the proper treatment, selection, rejection, processing, packing, stacking, handling, storage and transportation of exportable bananas;
- (c) boxing plants, operations thereat and field packing;
- (d) any measures whatsoever to protect exportable bananas and to maintain and enhance the quality there; 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 Cabinet and when so approved shall come into force on such date as may be specified in the Regulations; and as from such date, the Regulations shall have the same force and effect as if they were contained in and formed part of this Act.

(3) The Banana (Protection and Quality Control) Regulations (formerly contained in the Schedule to this Act) shall be deemed to have been made and approved under this section and shall come into force upon the passage of this Act and shall remain in force and effect until varied or revoked by other Regulations made and approved under this section.
