

LAWS OF FIJI

CHAPTER 154

FRUIT EXPORT AND MARKETING

TABLE OF PROVISIONS

SECTION

1. Short title
2. Interpretation
3. Appointment of fruit inspector
4. Inspector of fruit empowered to give directions as to shipment
5. Power of inspector to board ship and penalty for obstructing him
6. Restrictions on export of certain fruit
7. Fruit exporter's licence
8. Restriction on export of bananas
9. Regulations
10. If licence cancelled, new licence not to issue
11. Penalty
12. Restriction on purchase of bananas for export

First Schedule—(*Repealed*)

Second Schedule—(*Repealed*)

FRUIT EXPORT AND MARKETING

*Ordinances Nos. 21 of 1906, 3 of 1921, 15 of 1922,
31 of 1927, 41 of 1928, 38 of 1931, 26 of 1933,
2 of 1945, Legal Notices Nos. 112 of 1970,
118 of 1970, Acts Nos. 14 of 1975, 9 of 1983*

AN ACT TO REGULATE THE EXPORT AND MARKETING OF FRUIT

[22 January 1907]

Short title

1. This Act may be cited as the Fruit Export and Marketing Act.
(*Amended by Ordinance 26 of 1933, s. 3.*)

Interpretation

2. For the purposes of this Act the expression "fruit" includes vegetables, trees, plants, shrubs and roots, and the unmanufactured products of trees, plants, shrubs and roots.
(*Inserted by Ordinance 41 of 1928, s. 2.*)

Appointment of fruit inspector

3. It shall be lawful for the Minister to appoint one or more fruit inspectors whose duty it shall be to carry out the provisions of this Act or of any regulations that may be made in pursuance thereof.

(Amended by Legal Notice 112 of 1970.)

Inspector of fruit empowered to give directions as to shipment

4. It shall be lawful for an inspector of fruit to give to any person engaged in the transport or shipment of fruit directions as to the handling of and dealing with such fruit for the purpose of preventing its being injured, and any person wilfully disobeying a direction given to him by such inspector shall be liable to a fine not exceeding \$10 and in default of payment to imprisonment for any term not exceeding one month.

(Inserted by Ordinance 3 of 1921, s. 33; amended by Ordinance 2 of 1945, s. 37; 14 of 1975 s. 36.)

Power of inspector to board ship and penalty for obstructing him

5. It shall be lawful for an inspector of fruit to board any ship or launch or punt or other vessel on which fruit may have been stored for the purpose of being exported and to have access to any place where fruit is stored. Any person obstructing an inspector of fruit in the discharge of his duties shall be liable to a fine not exceeding \$40 or to imprisonment not exceeding three months.

(Amended by Ordinance 15 of 1922, s. 2.)

Restrictions on export of certain fruit

6. A person shall not, either in his own name or by the agency of another person, export from Fiji fruit of a prescribed kind in excess of the quantity prescribed in relation to that kind of fruit unless—

(a) he is the holder of a licence granted under section 7; and

(b) the exportation is in accordance with the regulations and the conditions (if any) specified in the licence.

(Substituted by Act 9 of 1983, s. 3.)

Fruit exporter's licence

7.—(1) Subject to this Act and the regulations, the Permanent Secretary for Primary Industries may, upon receipt of an application in writing in that behalf accompanied by the prescribed fee, grant to a person a fruit exporter's licence.

(2) A licence granted under this section shall be subject to such conditions, not inconsistent with this Act or the regulations, as are specified in the licence.

(3) Without limiting the generality of subsection (2), the conditions specified in a licence granted under this Act may include conditions as to—

(a) the kind or kinds of fruit that the holder is, under the licence, authorised to export;

- (b) the terms of sale (including price) of any such fruit;
- (c) the preparation, grading, packing, labelling and transportation of any such fruit;
- (d) the places to which any such fruit may be exported.

(4) An applicant for the grant of a licence under this section may appeal to the Minister against—

- (a) a refusal to grant a licence; or
- (b) the inclusion in a licence of a condition.

(5) An appeal under subsection (4) shall be instituted by serving on the Minister notice of the appeal not more than one month after the date of delivery to the applicant of notice of the refusal or of the licence, as the case requires.

(6) The Minister shall, within one month after the service on him of a notice under subsection (5), determine the appeal and may, in so doing substitute his decision for that of the Permanent Secretary.

(Substituted by Act 9 of 1983, s. 3.)

Restriction on export of bananas

8. Notwithstanding anything contained in this Act, the Minister may restrict or prohibit during any specified period the export of bananas from Fiji to any particular country, and may specify the agent or agents in any country to whom all bananas exported from Fiji to such country may be consigned for marketing.

(Inserted by Ordinance 26 of 1933, s. 4; amended by Legal Notice 112 of 1970.)

Regulations

9. The Minister may make regulations for the purpose of carrying out the provisions of this Act, and particularly for prescribing—

- (aa) kinds of fruits, and quantities of those kinds of fruits, for the purposes of section **6**;
- (a) the way in which fruit shall be packed;
- (b) inspection of fruit, inspection fees and packing stations;
 - (ba) the fee to be paid under subsection (1) of section **7**;
 - (bb) the form of licences granted under section **7**;
- (c) the conditions to be observed by the holder of a licence;
- (d) the duration and cancellation of licences;

- (e) the duties of inspectors;
- (f) the export of fruit by agents acting on behalf of the growers of such fruit;
- (g) the loading and stowing of fruit in ships in which it is intended to be exported;
- (h) the maximum quantity of bananas which may be exported from Fiji to a particular country during any specified period from any area or by any holder of a fruit exporter's licence;
- (i) the agent or agents in any country to whom all bananas exported from Fiji to such country may be consigned for marketing and the remuneration of such agent or agents; and
- (j) the area within which such regulations shall be in force.
(*Substituted by Ordinance 26 of 1933, s. 5; amended by Act 9 of 1983, s. 4.*)

If licence cancelled, new licence not to issue

10. No new licence shall be issued to any person whose licence has been cancelled except with the approval in writing of the Minister.

(Amended by Legal Notice 112 of 1970.)

Penalty

11. Every person unlawfully exporting or attempting to export any fruit shall be liable to a fine not exceeding \$40 or in default of payment to be imprisoned for three months.

Restriction on purchase of bananas for export

12.—(1) It shall be lawful for the Minister by notification in the Gazette to prescribe areas within which it shall be unlawful for any person to purchase for export bananas grown by Fijians unless he is the holder of a banana buyer's licence.

(Amended by Legal Notice 112 of 1970; 118 of 1970.)

Banana buyer's licence

(2) It shall be lawful for the Permanent Secretary for Primary Industries to grant a banana buyer's licence to one or more persons in respect of any area prescribed as aforesaid. Such licence shall be issued for such period and upon such terms and conditions as may be prescribed by the Minister.

(Amended by Legal Notice 112 of 1970.)

Penalty

(3) Any person not being the holder of a banana buyer's licence who purchases or attempts to purchase for export bananas grown by Fijians in any prescribed area shall be guilty of an offence against this Act and shall be liable to a fine not exceeding \$100 and in default of payment to imprisonment for any term not exceeding six months.