

Act No. 16 of 1985

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Declaration of the Authority.
4. Functions and duties of the Authority.
5. Establishment and function of the committee.
6. Powers of the Authority, and indemnity.
7. Duty of enforcement, obstruction, etc.
8. Boxing and field packing restrictions.
9. Licensing powers of Authority.
10. Certain offers for sale prohibited, marking, etc.
11. Exportable bananas to be dealt with in the manner prescribed unless exempted.
12. Authority exempted from tax and duty.
13. Power of Authority to make regulations.

CHAPTER 24

BANANA (PROTECTION AND QUALITY CONTROL) ACT

An Act to make provision for the protection and quality control of bananas.

[Act No. 16 of 1985.]

[16th August, 1985.]

1. Short title

This Act may be cited as the Banana (Protection and Quality Control) Act.

2. Interpretation

(1) In this Act—

“Association” means the Grenada Banana Co-operative Society incorporated under section 3 of the Banana Act, Chapter 23;

“Authority” means the Windward Islands Banana Growers Association;

“bananas” means the fruit of the varieties of bananas known as Robusta, Puerto Rique, Poyo, Lacatan, Giant Cavendish, Valery, and such other varieties as may be prescribed by the Authority;

“boxing plant” means a boxing plant operated by a person licensed pursuant to section 8;

“buying companies” means Geest Industries Limited or Geest Industries (W.I.) Limited and any other person having for the time being a statutory or contractual right to purchase exportable bananas from the Association;

“buying companies” means Geest Industries Limited or Geest Industries (W.I.) Limited and any other person having for the time being a statutory or contractual right to purchase exportable bananas from the Association;

“exportable bananas” means bananas that have been reaped or harvested from a holding during a cutting period and are not rejectable;

“field-packed” means packed for export in accordance with the regulations relating to field packing;

“grower” means a person for the time being in possession or control of a holding and who is registered by the Association as a grower;

“holding” means a parcel of land, registered by the Association, on which bananas intended for export are grown;

“inland buying depot” means a place at which boxed bananas are delivered by growers for sale to the Association;

“Minister” means the Minister for the time being responsible for agriculture;

“reception depot” means a place at which exportable bananas are delivered to the buying companies;

“rejectable bananas” means bananas that are liable to be rejected in accordance with the regulations;

“vehicle” means motor lorry, truck, or other similar conveyance, being used during a cutting period to transport bananas to an inland buying depot, a boxing plant or a reception depot.

3. Declaration of the Authority

The Windward Islands Banana Growers Association, a company incorporated under the laws of Dominica, is declared to be the Banana (Protection and Quality Control) Authority.

4. Functions and duties of the Authority

(1) The functions and duties of the Authority are—

(a)

to administer and carry out the provisions of this Act;

(b)

to institute and approve standards and other measures to protect and maintain the quality of exportable bananas;

(c)

to make recommendations to the Governments of Dominica, Saint Lucia, Saint Vincent and the Grenadines, and Grenada, concerning the carrying out of the provisions of this Act and the introduction and implementation of such standards and other measures.

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

5. Establishment and function of the committee

(1) A committee is hereby established, to be known as the Banana (Protection and Quality Control) Committee, comprising—

(a)

a Chairperson, being the Managing Director of the Association or his or her nominee;

(b)

the General Manager of each of the members of the Association;

(c)

a person nominated by the agreement of the Ministers of each of the Governments of Dominica, Saint Lucia, Saint Vincent and the Grenadines, and Grenada;

(d)

the Director of Research of the Association; and

(e)

a person nominated by the buying companies.

(2) The function of the committee is to advise the Authority concerning matters within the purposes and scope of this Act.

6. Powers of the Authority, and indemnity

(1) For the purpose of examining the condition of any place where exportable bananas are handled and of bananas received thereat, and generally for the purpose of performing its functions and duties, the Authority and its duly authorised agents may at any time during a

cutting period or within twelve hours thereof and thereafter enter, with or without the assistance of police officers, any holding, inland buying depot, boxing plant, field packing shed, reception depot, vehicle, or ship engaged for the transportation of bananas.

(2) No action, suit, prosecution or other legal proceedings may be instituted against the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of its duties under this Act.

7. Duty of enforcement, obstruction, etc.

(1) It is the duty of every police officer and rural constable to assist the Authority and its agents and employees in the enforcement of the provisions of this Act.

(2) A person who knowingly obstructs, hinders, molests or assaults a police officer, rural constable, agent or employee of the Authority, whilst engaged in the performance of a duty or the exercise of a power imposed or conferred by or under this Act is guilty of an offence and liable, on summary conviction, to a fine of five hundred dollars.

8. Boxing and field packing restrictions

Except with the permission of the Authority—

(a)

exportable bananas shall not be boxed without the supervision of a person licensed under this section to operate a boxing plant or to engage in field packing or the authorised agent of such a person;

(b)

a person licensed under this section to engage in field packing shall not cause or permit the boxing of bananas that have been received or obtained from a person who is not so licensed.

9. Licensing powers of Authority

(1) A person may apply to the Authority for a licence to operate a boxing plant on his or her holding or to engage in the field packing of bananas; the Authority may, having regard to such factors and circumstances as are prescribed, grant or refuse to issue such a licence.

(2) A licence granted under subsection (1) may be revoked by the Authority upon the conviction of the licensee of any offence under this Act.

10. Certain offers for sale prohibited, marking, etc.

(1) During a reception period rejectable bananas shall not be offered for sale to the Association or the buying companies, or the agents thereof, and any such offer made shall be rejected forthwith by the offeree.

(2) A person who, without the permission of the Authority, sells or offers to sell to the Association or its agents rejectable bananas an offer for sale of which has previously been rejected in accordance with subsection (1), is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

(3) During a period beginning forty-eight hours before the commencement of a cutting period and ending at the end of the cutting period the Authority or its authorised agents are empowered to mark or otherwise identify rejectable bananas belonging to a grower, but not so as to damage or destroy the same.

11. Exportable bananas to be dealt with in the manner prescribed unless exempted

(1) Exportable bananas shall be grown, harvested, processed, packed, handled, and transported in the manner prescribed by regulations.

(2) A person who contravenes subsection (1) shall be guilty of an offence and liable, on summary conviction, to a fine of five hundred dollars.

(3) The Authority may, in the interests of research, or with the object of devising new or improved methods of handling bananas, by certificate under its common seal exempt a grower, research officer or other person from any or all of the requirements of the regulations as shall be specified in the certificate for such period as shall be so specified.

12. Authority exempted from tax and duty

All materials, equipment, stores, motor vehicles and other goods acquired by the Authority shall be exempt from tax and customs and other duties.

13. Power of Authority to make regulations

(1) Subject to subsection (2) the Authority may make regulations generally for the better carrying out of the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations—

(a)

prescribing anything which under the foregoing provisions of this Act it has power to prescribe;

(b)

governing the treatment, selection, rejection, processing, handling, storage and transportation of exportable bananas;

(c)

regulating field packing and the operations carried on at boxing plants; and

(d)

making provision for protecting exportable bananas and for maintaining and enhancing the quality thereof.

(2) Regulations made by the Authority shall neither be published in the *Gazette* nor have effect until after they have been approved by the Minister and such regulations shall not be made to operate retrospectively but shall come into force on the date of publication or on such later date as may be specified therein.

(3) The regulations contained in the subsidiary legislation shall have effect and shall remain in force until amended by regulations made and approved under this section.