

## ARRANGEMENT OF SECTIONS

### PART I

#### Preliminary

1. Short title.
2. Interpretation and application.

### PART II

#### Licensing of Exporters of Fresh Produce

3. Prohibition on export of fresh produce.
4. Application for licence.
5. Determination of application for licence.
6. Revocation of licence.

### PART III

#### Packing, Inspection and Export of Fresh Produce

7. Packing house.
8. Standard packages.
9. Inspection.
10. Issue of certificate.
11. Notice of inspection.
12. Limitation of export of fresh produce.
13. Power of verification.

### PART IV

#### Offences and Penalties

14. Export of fresh produce without licence.
15. Improper shipping.
16. Packing rejected fresh produce.
17. Irregular export of fresh produce.

### PART V

#### Miscellaneous

18. Consolidated Fund.
19. Regulations.
20. Repeal of Exportation of Fruit Act.
21. Commencement.

## CHAPTER 97

## **EXPORTATION OF FRESH PRODUCE ACT**

An Act to provide for the exportation of fresh produce, and matters connected therewith.

[Act No. 28 of 1998 amended by Act No. 10 of 2003.]

[15th October, 1999.]

## PART I

### Preliminary

#### 1. Short title

This Act may be cited as the Exportation of Fresh Produce Act.

#### 2. Interpretation and application

(1) In this Act—

“approved standards” means specifications declared by order of the Bureau to be approved standards and published in the *Gazette*;

“Bureau” means the Grenada Bureau of Standards established by section 3 of the Standards Act;

“Director” means the Director of the Grenada Bureau of Standards or any person whom the Director authorises to act on his or her behalf;

“fit for export”, in relation to fresh produce, means that it meets approved standards and is suitable for export without being prejudicial to the agricultural interest of Grenada if shipped;

“fresh produce” means any fruit, nut, vegetable, root crop, flower, plant or other plant material declared by the Minister by order to be fresh produce;

“fresh produce” means any fruit, nut, vegetable, root crop, flower, plant or other plant material declared by the Minister by order to be fresh produce;

“Inspector” means an Inspector appointed under section 25(1) of the Standards Act;

“licence” means a licence to export fresh produce granted under section 5;

“Minister” means the Minister responsible for agriculture;

“package” means all products made of materials of any nature to be used for the containment, protection, handling, delivering and presentation of fresh produce, from the producer to the user or consumer;

“packing house” means a packing area in a house or building approved by the Director under section 7;

“stamp” means the Bureau’s stamp.

(2) This Act does not apply to the export of nutmegs, cocoa or bananas.

### 3. Prohibition on export of fresh produce

No person shall carry on the business or trade of exporting fresh produce unless that person has obtained a licence under this Act.

### 4. Application for licence

(1) Any person requiring a licence shall apply in writing to the Director and shall set forth in such application—

(a)

his or her trading name, address and identification number;

(b)

the location of the packing house where he or she proposes to clean, grade, store and pack fresh produce and the name of fresh produce which he or she desires to deal in;

(c)

whether his or her application is for an original licence or for the renewal of a licence.

(2) The prescribed non-refundable application fee shall accompany such application.

(3) The prescribed annual licence fee shall be paid on approval of the application.

(4) The Director shall make such enquiries as he or she may deem necessary in order to determine whether the applicant has sufficient and suitable place for the cleaning, storing, grading and packing of produce.

### 5. Determination of application for licence

(1) Unless the applicant for a licence has satisfactory facilities for the cleaning, grading, storing and packing of fresh produce, based on the relevant approved standard, the Director may refuse to grant such licence to such applicant.

(2) In every case in which an application for a licence under the Act is refused, the Director shall give the applicant a notice in writing of such refusal within fourteen days of receipt of the application.

## 6. Revocation of licence

The Director may, after hearing a licensee, revoke a licence for breach of any of the terms and conditions of the licence or for any contravention of this Act.

## 6. Revocation of licence

The Director may, after hearing a licensee, revoke a licence for breach of any of the terms and conditions of the licence or for any contravention of this Act.

## PART III

### Packing, Inspection and Export of Fresh Produce

## 7. Packing house

(1) After the commencement of this Act fresh produce for export shall only be packed at a packing house approved by the Director.

(2) The Director shall inspect or cause to be inspected an area of a house or building which is intended to be used as a packing house and if he or she is satisfied that the area contains the facilities for a packing house may approve and register the same as packing house for the purposes of this Act.

## 8. Standard packages

All fresh produce intended for export must be packed and shipped in standard packages in accordance with the approved standard and every such package shall be marked legibly and in plain letters on the outside thereof in accordance with the approved standards.

## 9. Inspection

An Inspector shall satisfy himself or herself that the packages used and the markings thereon are in accordance with section 8 of this Act, and may stop the export of any packages which is improperly packed or marked, or which is packed in a package other than one specified.

## 10. Issue of certificate

On being satisfied that the fresh produce contained in any package is fit for export, and that all the requirements of sections 7 and 8 of this Act have been complied with, the Inspector shall issue a certificate with the Bureau's stamp showing that the fresh produce contained therein has passed inspection.

## 11. Notice of inspection

(1) Any owner or exporter of fresh produce shall give reasonable notice to the Inspector of his or her requirement for inspection.

(2) An examination under subsection (1) shall include the inspection of the containers and the fresh produce.

## 12. Limitation of export of fresh produce

No person shall export any fresh produce unless—

(a)

the exporter holds a valid licence issued under this Act;

(b)

the produce is packed as required by this Act;

(c)

such fresh produce is accompanied by a certificate in the prescribed form.

## 13. Power of verification

(1) A customs officer, an Inspector or a police officer, may, for the purpose of verifying the contents of any package that is certified fit for export, open such a package and examine the contents thereof.

(2) The contents of any package which does not comply with this Act may be seized by the person exercising the power of verification under subsection (1).

## 14. Export of fresh produce without licence

A person who exports or attempts to export fresh produce without a licence commits an offence and shall be liable, on summary conviction, to a fine of ten thousand dollars.

## 15. Improper shipping

A person who attempts to ship any fresh produce which has not been inspected and determined as being fit for export commits an offence and shall be liable, on summary conviction, to a fine of five thousand dollars.

## 16. Packing rejected fresh produce

A person who packs or attempts to pack any fresh produce after the same has been rejected by the Inspector commits an offence and shall be liable, on summary conviction, to a fine of ten thousand dollars.

#### 17. Irregular export of fresh produce

(1) No person shall—

(a)

export or attempt to export any fresh produce unless there is compliance with this Act; or

(b)

wilfully tamper with any standard package or the contents after such package was examined by an Inspector and certified as fit for export.

(2) A person who contravenes this section commits an offence and shall be liable, on summary conviction, to a fine of ten thousand dollars.

#### 18. Consolidated Fund

(1) All fees paid under this Act shall be paid into the Consolidated Fund.

(2) Notwithstanding section 26 of the Standards Act, Chapter 310, all fees to be paid under this Act shall be paid to the Bureau.

#### 19. Regulations

(1) The Minister may make rules or regulations with respect to—

(a)

the standardisation of packages;

(b)

the grading of fresh produce;

(c)

the procedure for inspection of fresh produce;

(d)

the fees payable under this Act;

(e)

the forms that may be required for the purposes of this Act; and

(f)

any matter that is necessary to give effect to the provisions of this Act.

(2) A fine not exceeding ten thousand dollars may be attached to rules or regulations made under subsection (1).

## 20. Repeal of Exportation of Fruit Act

The Exportation of Fruit Act, Chapter 97, of the Laws of Grenada 1990 Edition, is hereby repealed.

## 21. Commencement

This Act comes into force on the 15th day of October, 1999.