

THE AGRICULTURAL PRODUCE ACT

REGULATIONS
(under section 23)

THE AGRICULTURAL PRODUCE (PIMENTO) REGULATIONS, 1988

(Made by the Minister on the 16th day of August, 1988)

L.N. 91A/88

1. These Regulations may be cited as the Agricultural Produce (Pimento) Regulations, 1988.

Citation.

2. In these Regulations—

Interpretation.

“the Act” means the Agricultural Produce Act;

“Appeal Panel” means the Panel constituted under regulation 18;

“approved exporter” means a person who has been so declared by the Minister under regulation 5 (1);

“crop year” means the period from the 1st day of April in any year to the 31st day of March in the following year;

“Minister” means the Minister responsible for agriculture;

“pimento” means pimento berries whether whole, ground, cured, uncured, ripe or unripe;

“spice” means pimento together with any combination of cloves, cinnamon, nutmeg or other similar product which are reduced to a powdered form;

“spice manufacturer” means a person who has been so declared by the Minister under regulation 11 (2).

Pimento

3. No person shall, for the purposes of export, offer for sale or sell or purchase—

Sale of pimento.

(a) green pimento berries or pimento which has not been properly cured;

(b) pimento containing ripes, sticks, stones, trash or other foreign matter;

(c) pimento that has been dried upon the ground.

Approved
exporter
to export
pimento.

4.—(1) Subject to paragraph (3) no person other than an approved exporter or the Minister shall export pimento from Jamaica.

(2) An approved exporter shall, before exporting pimento, apply to the Trade Administrator for a licence so to do pursuant to regulation 6.

(3) Any person may export pimento, without a licence where the quantity of pimento being exported at any one time does not exceed a total weight 2 lb.

Applica-
tion for
and
declara-
tion of
approved
exporter.

5.—(1) The Minister may, on the application of any person, by order published in the *Gazette* declare that person to be an approved exporter for the purpose of these Regulations if he is satisfied that—

(a) such person is engaged in the business of growing pimento trees; and

(b) the pimento trees grown by him have, in the crop year immediately preceding his application, produced at least 50 bags of pimento each weighing not less than 143 lb hereinafter referred to as the “minimum quota”.

(2) A person shall not be regarded as meeting the minimum quota if, for that purpose, he purchases or otherwise obtains pimento from an approved exporter or any other person who sells pimento.

(3) A declaration pursuant to paragraph (1) may include such terms and conditions as the Minister thinks fit, and without prejudice to the generality of the foregoing, may include conditions relating to—

(a) the export price chargeable for pimento;

(b) arrangements for receipt and disposal of foreign currency earned in respect of the sale of pimento; and

(c) the extent (if any) to which an approved exporter under this regulation may purchase, for export, pimento produced by other growers.

(4) An application under paragraph (1) shall be made in the form set out as Form 1 in the First Schedule.

Form 1.
First
Schedule.

6.—(1) Application for a licence to export pimento shall be made to the Trade Administrator in the form set out as Form 2 in the First Schedule.

(2) The Trade Administrator shall not grant a licence to any approved exporter unless the Minister or such officer of the Ministry as he may designate certifies—

Applica-
tion to
Trade
Adminis-
trator for
export
licence.
Form 2.

- (a) that he is satisfied that the pimento has been inspected and found fit for export; and
- (b) that there is no objection on other grounds to the grant of a licence.

7.—(1) If it appears to the Minister that an approved exporter has contravened any of the provisions of the Act or Regulations relating to an approved exporter or any term or condition specified in an order referred to in regulation 5 he shall serve upon the approved exporter a notice requiring the approved exporter—

Contra-
ven-
tion of
Act or
Regula-
tions by
approved
exporter.

- (a) to give an explanation thereof;
 - (b) in so far as possible, to do all such things as will make good to the satisfaction of the Minister any default or deficiency arising in consequence of the contravention,
- within such reasonable time not being less than fourteen days from the date of the notice, as may be specified in the notice.

(2) If an approved exporter without reasonable excuse fails to give an explanation or to make good any default or deficiency within the time specified in the notice served upon him under paragraph (1) the Minister may, by order published in the *Gazette*, revoke the declaration made in respect of that exporter under these Regulations.

8. Where a declaration of approved exporter is revoked under regulation 7 (2) the Minister or such officer of the Ministry as the Minister may designate, shall notify the Trade Administrator in writing of the revocation and the Trade Administrator shall, accordingly, cancel any licence granted to that approved exporter.

Procedure
on revoca-
tion of
declara-
tion of
approved
exporter.

9. The Minister shall cause to be kept a register of approved exporters containing—

Register
of
approved
exporters.

- (a) the name and address of every approved exporter;
- (b) the name, if any, description and address of the property of an approved exporter on which pimento trees are grown;
- (c) the acreage of the property under pimento cultivation;
- (d) the dates on which the Minister or such officer of the Ministry as he may designate certifies to the Trade Administrator that an approved exporter ought to be granted an export licence;
- (e) the date on which an approved exporter is so declared;
- (f) the date of revocation of such declaration.

Sale price
of pimento.

10.—(1) The Minister may from time to time fix a minimum export price for pimento below which no approved exporter shall sell.

(2) Every approved exporter shall send to the Minister a copy of each invoice presented by the approved exporter for payment for pimento exported; and such invoice shall bear a certificate by the approved exporter that the price thereon is the true price at which the sale of his pimento is transacted.

Spice

Applica-
tion for
and decla-
ration of
spice
manufac-
turer.
Form 3.
First
Schedule.

11.—(1) Every person who manufactures spice and who is desirous of exporting spice shall make an application to the Minister to be registered as a spice manufacturer for the purposes of these Regulations in the form set out as Form 3 in the First Schedule.

(2) The Minister may, on the application of any person under paragraph (1), by order published in the *Gazette* declare that person to be a spice manufacturer if he is satisfied that the manufacture of the spice conforms with minimum acceptable manufacturing standards for the manufacture of spice.

Exporta-
tion of
spice.

12.—(1) Subject to paragraph (2), no spice manufacturer shall export spice from Jamaica without an export licence granted by the Trade Administrator.

(2) A spice manufacturer may export spice without a licence where the quantity of spice exported at any one time does not exceed a total weight of 2 lb.

(3) A spice manufacturer shall, before exporting spice in quantities in excess of 2 lb apply to the Trade Administrator in the form set out as Form 4 in the First Schedule.

Form 4.

(4) The Trade Administrator shall not grant a licence under paragraph (1) unless the Minister or such officer of the Ministry as he may designate certifies that the spice is of fair merchantable quality.

Inspection
of
premises
of spice
manu-
facturer.

13.—(1) The Minister shall cause, from time to time, an inspection to be made of every premises where a spice manufacturer carries on the business of spice manufacturing.

(2) Where on an inspection of any premises under paragraph (1) it is found that the spice manufacturer breaches minimum manufacturing standards the Minister shall serve a notice on the spice manu-

factorer requiring him to remedy the breach within such time as may be specified in the notice, being not less than fourteen days from the date of the notice.

14.—(1) Where any spice produced or offered for export is found to be not fit for human consumption the Minister shall—

Spice found unfit for human consumption.

- (a) cause the spice to be seized and dumped;
- (b) notify the spice manufacturer that consideration will be given to revoking the declaration of spice manufacturer applicable to him if he fails to satisfy the Minister during a period stated in the notice, not exceeding three months, that spice produced or offered for export by him is consistently fit for human consumption; and
- (c) if not satisfied as stated in sub-paragraph (b) revoke the declaration of that person as a spice manufacturer.

(2) If a spice manufacturer without reasonable cause fails to remedy the breach under paragraph (1) the Minister may, by order published in the *Gazette*, revoke the declaration made in respect of that spice manufacturer.

15. Where a declaration as a spice manufacturer is revoked under regulation 14, the Minister or such officer of the Ministry as the Minister may designate shall notify the Trade Administrator in writing of the revocation and the Trade Administrator shall, accordingly, cancel any licence granted to that spice manufacturer.

Procedure on revocation of declaration as spice manufacturer.

16. The Minister shall cause to be kept a register of all spice manufacturers containing—

Register of spice manufacturers.

- (a) the name and registered address of every spice manufacturer;
- (b) the name, if any, and address of premises on which spice is manufactured;
- (c) the dates on which the Minister or such officer of the Ministry as he may designate certifies to the Trade Administrator that a spice manufacturer ought to be granted an export licence;
- (d) the date on which a spice manufacturer is so declared; and
- (e) the date on which such declaration is cancelled.

Appeals

Appeals.

17. Where—

- (a) a person is aggrieved by the refusal of the Minister to grant an application under regulation 5 (1) or 11 (1); or
- (b) an approved exporter is aggrieved by the revocation of a declaration made in relation to him under regulation 7 (2); or
- (c) a spice manufacturer is aggrieved by the revocation of a declaration made in relation to him under regulation 14 (2), he may appeal in writing to the Appeal Panel within seven days of the date of notification of the refusal of the grant of an application or the revocation of a declaration.

Establishment of Appeal Panel, Second Schedule.

18.—(1) There shall be constituted an Appeal Panel for the purpose of hearing any appeal pursuant to these Regulations and the provisions of the Second Schedule shall apply in relation thereto.

(2) The Appeal Panel shall, in relation to an appeal from the revocation of a declaration, review the circumstances of any alleged breach and shall issue such directives as it thinks fit.

(3) The decision of the Appeal Panel shall be binding on the Minister, as well as on the appellants.

General

Procedure on sale of or removal of business.

19.—(1) Where—

- (a) an approved exporter sells the whole or any part of the property on which he grows pimento trees; or
- (b) a spice manufacturer—
 - (i) removes his spice manufacturing business to other premises; or
 - (ii) sells the whole or any part of his interest in his spice manufacturing business,

the approved exporter or spice manufacturer shall within seven days of the sale or removal inform the Minister in writing thereof.

(2) After being informed of a sale under paragraph (1), the Minister, if in his opinion the circumstances so warrant, may revoke the declaration made in respect of the approved exporter or spice manufacturer, as the case may be.

(3) Every sale or removal as aforesaid shall be noted in the register of approved exporters or the register of spice manufacturers, as the case may be.

20.—(1) Subject to paragraph (2), the Minister may, from time to time, by notice published in the *Gazette*, prohibit the exportation of pimento or spice to any country specified in the notice.

Minister
may
publish
notice.

(2) An approved exporter shall not export pimento to, or a spice manufacturer shall not export spice to, any country specified in the Third Schedule.

Third
Schedule.

(3) A notice under paragraph (1) may amend the Third Schedule.

FIRST SCHEDULE

(Regulations 5 (4), 6(1), 11(1)
and 12 (3))

FORM 1

THE AGRICULTURAL PRODUCE ACT

THE AGRICULTURAL PRODUCE (PIMENTO) REGULATIONS, 1988

Application for Registration as an Approved Exporter

1. Name of Applicant
2. Postal Address
3. Name of owner of property on
which pimento trees grown
4. Address of property
5. If properly leasehold state
date of lease and period
6. Acreage of property
7. Acreage of property under
pimento tree cultivation
8. Estimated number of pimento
trees on property
9. Amount of pimento produced in
crop year immediately preceding
year in which application made
10. Names and business addresses of
purchasing agents to whom crop
sold in previous crop year
11. Address of purchasing
agents' depots

I declare that the information given above is true and that if I should be declared an approved exporter I agree to comply with the terms and conditions which may be attached to such declaration.

.....
Signature of Applicant.....
*Signature of Justice of the Peace or
Minister of Religion*.....
Date.....
Date

FOR OFFICE USE ONLY:

This is to certify that
of has met
the conditions to be recommended to be declared an approved exporter.

.....
Certifying Officer

Date applicant declared approved exporter

FIRST SCHEDULE, *contd.*

FORM 2

THE AGRICULTURAL PRODUCE ACT

Application to Export Pimento

TO THE TRADE ADMINISTRATOR

I of
Name of Applicant *Address of Applicant*

hereby apply for a licence to export bags of pimento to

..... of
Name of company or person to whom pimento is to be exported *Address*

.....
Date *Signature of Applicant*

This is to certify that I have examined the pimento to be exported by
 and found it to be of fair merchantable quality.
Name of Applicant

.....
Date *Chief Inspector of Produce*

This authorizes
Name of Applicant

to apply to the Trade Administrator for a licence to export pimento to

Name of Country

.....
Minister of Agriculture

.....
Date

FOR OFFICE USE ONLY: LICENCE NUMBER.....GRANTED ON THE.....

DAY OF 19.....

LICENCE NOT GRANTED

.....
Date *Signature*

FIRST SCHEDULE, *contd.*

FORM 3

THE AGRICULTURAL PRODUCE ACT

Application for Registration as a Spice Manufacturer

1. Name of Applicant
2. Registered address of Applicant/Company*
3. Address of premises where
spice manufactured
4. Number of persons employed in manufacturing plant
5. Type of spices manufactured
6. Period for which company in operation

I DECLARE THAT THE INFORMATION GIVEN ABOVE IS CORRECT

*Delete whichever is
inapplicable

.....
**Signature of Applicant*
**Signature and post held of person*
signing on behalf of Company

.....
Date

FOR OFFICE USE ONLY:

APPLICATION GRANTED/NOT GRANTED ON THE DAY OF 19.....

.....
Signature

FORM 4

THE AGRICULTURAL PRODUCE ACT

Application to Export Spice

TO THE TRADE ADMINISTRATOR

I of
Name of Company *Business*

..... hereby apply for a licence to export
Address

..... of spice to
Name of Company or person to
whom spice is to be exported

FIRST SCHEDULE, *contd.*

FORM 4, *contd.*

of
Address

.....
Date *Signature and post held of person signing on behalf of Company*

This is to certify that I have examined the spice to be exported by

.....
Name of Applicant

of
Address

and found the spice to be of fair merchantable quality.

.....
Date *Director of Standards Bureau of Standards*

This authorizes
Name of Applicant

to apply to the Trade Administrator for a licence to export spice to

.....
Name of Country

.....
Minister of Agriculture

.....
Date

FOR OFFICE USE ONLY: LICENCE NUMBER GRANTED ON THE.....

DAY OF 19

LICENCE NOT GRANTED

.....
Date *Signature*

Constitution and Procedure of the Appeal Panel

- Constitution of the Panel.
- 1.—(1) The Appeal Panel shall consist of three members of whom—
- (a) one shall be an attorney-at-law;
 - (b) one shall be the Permanent Secretary in the Ministry of Agriculture or his nominee; and
 - (c) one shall be a person appearing to the Minister to represent the growers of pimento trees.
- (2) The Minister shall appoint the members referred to in sub-paragraph (1) by instrument in writing and shall appoint the person referred to in sub-paragraph (1) (a) to be the chairman.
- (3) The Minister may appoint any person to act temporarily in the place of the chairman or any member of the Appeal Panel in the case of the absence or inability to act of the chairman or such member.
- Tenure of office.
2. The appointment of members of the Appeal Panel shall, subject to the provisions of this Schedule, be for a period not exceeding three years and each member shall be eligible for reappointment.
- Resignations.
- 3.—(1) Any member of the Appeal Panel, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Panel.
- (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instrument by the Minister.
- Revocation of appointments.
4. The Minister may at any time revoke the appointment of any member of the Appeal Panel if he thinks it expedient so to do.
- Filling of vacancies.
5. If any vacancy occurs in the membership of the Appeal Panel such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.
- Gazetting of appointments.
6. The names of all members of the Appeal Panel as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- Procedure and meetings.
- 7.—(1) The Appeal Panel shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Panel may determine.
- (2) Minutes in proper form of each meeting of the Panel shall be kept.
- (3) The decisions of the Panel shall be by a majority of votes.
- (4) The validity of the proceedings of the Panel shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

SECOND SCHEDULE, *contd.*

(5) Subject to the provisions of this Schedule the Panel may regulate its own proceedings.

8. There shall be paid to the chairman and other members of the Appeal Panel such remuneration, whether by way of honorarium, salary or fees and such allowances as the Minister may determine.

Remuneration of members.

9. The office of a member of the Appeal Panel shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Office of member not public office.

THIRD SCHEDULE

(Regulation 20)

Countries to which Export of Pimento is Prohibited

Czechoslovakia
 Democratic Republic of Germany
 Hungary
 Poland
 Romania
 Union of Soviet Socialist Republics
 Vietnam
 Yugoslavia