

CHAPTER 154

FRUIT EXPORT AND MARKETING

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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.

(Inserted by Ordinance 31 of 1927, s. 2; amended by Ordinance 2 of 1945, s. 37.)

FIRST SCHEDULE

(Repealed by Act 9 of 1983, s. 5.)

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SECOND SCHEDULE

(Repealed by Act 9 of 1983, s. 5.)

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Controlled by Ministry of Primary Industries

CHAPTER 154

FRUIT EXPORT AND MARKETING

SECTION 9—FRUIT EXPORT AND MARKETING REGULATIONS

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*Regulations 4 November 1931, 14 July 1932, 19 October 1932, 5 January 1933,
23 August 1939, 14 March 1945, 19 July 1946, 26 April 1949,
26 July 1951, 13 December 1958, 29 October 1959,
Legal Notices Nos. 112 of 1970, 80 of 1983*

PART I—PRELIMINARY

Short title

1. These Regulations may be cited as the Fruit Export and Marketing Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—
- “agent” means any person, association or company which exports or attempts to export or negotiates for the export of produce on behalf of the owners thereof;
 - “banana buyer's licence” and “licence” means a licence issued by the Permanent Secretary by virtue of subsection (2) of section 12 of the Act;
 - “fruit exporter's licence” means a licence issued by virtue of section 7 of the Act;
 - “germinable seeds” means viable seeds which under the proper conditions of temperature and moisture will germinate;
 - “inert matter” means dead, diseased, insect infested seeds and damaged seeds of the Mauritius bean, seeds other than Mauritius bean seeds, and dust, stones and other foreign matters;
 - “inspector” means a fruit inspector appointed by the Minister under the Act;
 - “licensed buyer” and “licensee” means the holder of a licence issued by virtue of subsection (2) of section 12 of the Act;
 - “licensed exporter” means the holder of a fruit exporter's licence issued by virtue of section 7 of the Act;
 - “Permanent Secretary” means the Permanent Secretary for Primary Industries;
 - “Produce Inspector” means the person occupying that post from time to time in the Ministry of Primary Industries;
 - “quota” means the number of cases or bunches of bananas which may be supplied from any area or by any holder of a fruit exporter's licence for export to New Zealand or Australia at or during any specified time; (*Amended by Regulations 14 July 1932; 19 October 1932.*)

Prescribed kinds of fruit

2A.—(1) The kinds of fruit specified in column 2 of the following table, and

the quantities respectively specified in column 3 of that table, are prescribed for the purposes of section 6 of the Act:—

Column 1 Item No.	Column 2 Kind of fruit	Column 3 Quantity (net)
1.	Arrowroot	10 kg
2.	Bananas	10 kg
3.	Citrus fruits	10 kg
4.	Cocoa	5 kg/month
5.	Coconuts	10 kg
6.	Coffee	5 kg/month
7.	Cucumbers	10 kg
8.	Egg-fruit	10 kg
9.	Green ginger	10 kg
10.	Kumalas	10 kg
11.	Mangoes	5 kg
12.	Mauritius beans	5 kg
13.	Pawpaws	5 kg
14.	Peanuts	10 kg
15.	Pineapples	10 kg
16.	Pumpkins	10 kg
17.	Taro	15 kg
18.	Water melons	20 kg
19.	Yaqona	5 kg/month
20.	Yams	15 kg

(2) A reference in the table in paragraph (1) to a quantity in relation to a period of time shall be read, in relation to an act of exportation by a person of fruit of the kind in relation to which the reference is made, as a reference to a quantity of fruit of that kind that, taken with any other fruit of that kind exported by that person during the specified period ending on the date of that act of exportation, is equal to the quantity specified in relation to that period.

(Inserted by Legal Notice 80 of 1983.)

PART II—GENERAL

Application of Part

3. This Part shall apply to all fruit exported from Fiji.

Fruit exporter's licence

4.—(1) A fruit exporter's licence shall be valid for such period, not exceeding 12 months, as is specified in the licence, being a period ending on 31 December in the year of its commencement.

(Substituted by Legal Notice 80 of 1983.)

(1A) The prescribed fee for the purposes of subsection (1) of section 7 of the Act is \$5.

(Inserted by Legal Notice 80 of 1983.)

Production of licence

(2) A licensed exporter must produce his licence when required so to do by an inspector who may retain it long enough to take any necessary and lawful action relating to it:

Provided that, in the case of a person exporting through an agent the licence shall be deposited with the agent who shall produce it when required by an inspector for the purposes of this regulation.

Certificate to be furnished by licensed exporter

5. All fruit to be exported must be accompanied by a certificate as set out in the First Schedule signed by the licensed exporter, setting forth the shipping marks, the quantity, the date when the fruit was removed from the plants, the race of the grower, the tikina and province in which the fruit was grown, and certifying that the fruit, or the plants on which it was grown, were previously treated in accordance with the provisions of any regulations made under the Plant Quarantine Act and notices issued thereunder. Such certificates shall be furnished to the inspector prior to or at the time the fruit is presented for inspection: (Cap. 156.)

Provided that the Produce Inspector may accept a certificate in the form set out in the First Schedule signed by the agent of a licensed exporter which agent shall be held responsible for the correctness of the particulars set out therein.

Marks

6. All fruit and the cases, bags or other containers in which it is packed for export shall be branded in a manner approved by the Produce Inspector with a registered brand prior to submission for inspection.

Certificate to be given by inspector

7. On the shipping receipt for any shipment of fruit being presented to an inspector, he shall, if the provisions of these Regulations have been complied with and he is satisfied that the fruit is free from disease and properly packed and marked, issue a certificate as set out in the Second Schedule stating that to the best of his knowledge and belief it is free from disease and properly packed and marked.

Fumigation of fruit

8. An inspector may order the fumigation of any fruit and such fruit shall not be shipped until it has been fumigated to the satisfaction of an inspector.

Conditions to which fruit for export must conform

9. All fruit shipped by any licensed exporter must conform to the following conditions:—

- (a) it must be harvested from plants which have been treated in accordance with the law;
- (b) every bunch of bananas shall consist of not less than eight hands of well developed fruit, and (in common with fruit of every kind) shall be clean and undamaged either by water or otherwise, and shall be in all other respects satisfactory to an inspector;
- (c) bananas shall not be cut more than six days prior to the advertised sailing date of the vessel by which they are intended to be exported and shall not be packed more than five days prior to the advertised sailing date of such vessel;

- (d) the Permanent Secretary or the Produce Inspector may require any fruit to be graded. Such fruit shall be graded to the satisfaction of an inspector. The licensed exporter shall provide all labour required for the grading of such fruit;
- (e) all fruit exported in containers shall be packed in cases, crates or bags of a size, make and condition approved by the Permanent Secretary or by an inspector;
- (f) all punts and other vessels conveying fruit for export shall be floored, properly dunnaged and provided with tarpaulins or other covers and ventilators or windsails to the satisfaction of an inspector. Tarpaulins should be so constructed as to allow of their adjustment in order to make the punts or other vessels air-tight for the purpose of fumigation:
- Provided that all fruit carried in auxiliary cutters must be so stacked as to allow a clear space of at least six inches between the cases and engine room bulk heads;
- (g) all tomatoes and cucumbers intended for export shall be brought in a green and thoroughly unripe condition to a place directed by the Produce Inspector where they shall be packed under the supervision of an inspector. Such fruit shall be conveyed to the place selected for packing in such receptacles as the Produce Inspector shall direct;
- (h) all coconuts intended for export shall be bagged in clean bags which have not been used previously for any purpose. Coconuts, with the exception of consignments to New Zealand which shall not be husked and shall have the calyx unbroken, shall be husked and shall indicate the presence of fluid when shaken;
- (i) all kumalas, yams, taro, egg-fruit, pumpkins, water melons, peanuts, pineapples, pawpaws, green ginger, arrowroot and other fruit intended for export shall be brought in bags or in cases which have not been previously used for any purpose, to a place directed by the Produce Inspector where they shall be examined by an inspector;
- (j) all mandarins, oranges and grapefruit intended for export shall be treated in accordance with the provisions of Part IV and shall be brought in sound and marketable condition satisfactory to an inspector to a place directed by the Produce Inspector where they shall be packed under supervision of an inspector. All other fresh fruits intended for export shall be conveyed to a place directed by the Produce Inspector in cases where they shall be examined by an inspector.

(Amended by Regulations 19 October 1932.)

Powers of inspector

10. An inspector shall have power to control the berthing and unloading of all vessels carrying fruit to the port of shipment, the stowing of such fruit on any wharf in any shed, and to open or require to be opened for the purpose of examination any case, crate or bag of fruit intended for shipment, and any attempt to interfere with an inspector or his assistants in the exercise of this power or refusal to obey an order of an inspector shall be deemed to be an infringement of these Regulations.

(Substituted by Regulations 19 October 1932.)

Rejected fruit

11. Fruit rejected by an inspector shall not be exported, and an inspector may order such fruit to be removed forthwith from the place of inspection.

Registration of brands

12. A licensed exporter shall register his brands with the Permanent Secretary and no fruit shall be exported unless marked with a registered brand. The registration of any brand may be cancelled by the Permanent Secretary at any time.

Notice of intention to ship

13. A licensed exporter may not commence shipping fruit until he has—
(a) presented the fruit for inspection at such place as an inspector shall direct:

Provided that fruit shall be inspected only between sunrise and sunset unless the Produce Inspector consents in writing to inspect such fruit at any other time;

(b) informed an inspector when he wishes to commence shipping, the quantity which he proposes to ship, the name of the steamer, and the place of the intended shipment:

Provided that in the case of a licensed exporter intending to ship fruit at a port other than Suva he shall notify the Permanent Secretary of his intention to ship at least fourteen days prior to the advertised sailing date of the vessel by which it is intended to export the fruit;

(c) complied with the provisions of the Act and with these Regulations and with all instructions given to him by an inspector in accordance with these Regulations.

Rejection of fruit

14. An inspector may reject the whole or any portion of fruit intended for shipment which in his opinion contains an undue proportion of fruit, unsuitable for shipment and the Permanent Secretary or the Produce Inspector may in their discretion refuse to the exporter of such fruit permission to repack the same and again present it for shipment. A licensed exporter shall not ship or attempt to ship any fruit which has been rejected by an inspector.

Handling, loading and stowing of fruit

15. All fruit shall be handled, loaded into vessels and stowed therein to the satisfaction of an inspector.

PART III—EXPORT OF MAURITIUS BEANS

Definition of "seed"

16. For the purpose of this Part, "seed" means the seed of the Mauritius bean (*Stizolobium aterrimum*).

Export of seeds

17. No exporter shall be permitted to export seeds containing less than 60 per cent of germinable seeds, nor more than 2 per cent of inert matter, exclusive of the packages in which they are contained.

Notice of intention to export

18. Intending exporters of seeds shall deliver to the Permanent Secretary or an inspector, not less than 14 days prior to the advertised date of departure of the vessel by which it is intended to export the seeds, written notice of his intention to export, whereupon the Permanent Secretary or an inspector shall take or cause to be taken such samples as are necessary for examination of the said seeds.

Powers of Permanent Secretary

19. The Permanent Secretary or an inspector shall be and is hereby empowered—

- (a) to take samples of any seeds intended for export;
- (b) to require that seeds intended for export shall be stored or kept under such conditions as shall prevent damage or deterioration thereto;
- (c) to require bags containing seeds intended for export to be marked and/or sealed in such manner as he shall direct.

Issue of certificate

20. The Permanent Secretary or an inspector shall issue a certificate in the form set out in the Third Schedule in respect of all shipments of seeds which have been examined and found to comply with the provisions of regulation 17.

PART IV—EXPORT OF CITRUS FRUITS*Notice of intention to export*

21. A licensed exporter shall give to the Permanent Secretary at least twenty-one days' notice in the form set out in the Fourth Schedule of his intention to export oranges, mandarins and grapefruit.

Storage of fruit in fly-proof sheds

22. Oranges, mandarins and grapefruit shall be stored in fly-proof sheds, constructed to the satisfaction of an inspector, for such period as the Permanent Secretary shall direct. Such sheds shall, during the time oranges and mandarins and grapefruit are stored therein, be under the control of an inspector and shall not be opened without the consent of an inspector.

Wrapping and packing of fruit

23. All citrus fruits intended for export shall, if the Permanent Secretary so directs, be graded, wrapped and packed to the satisfaction of an inspector, and shall be otherwise treated in such manner as the Permanent Secretary by written notice may direct.

Instructions may be issued

24. The Permanent Secretary shall be empowered to issue instructions by notice in the Gazette providing for—

- (a) the method of harvesting the fruit;
- (b) the conditions under which the fruit may be handled and transported;
- (c) the times during which the fruit may be received at an approved fly-proof store;
- (d) the construction and management of fly-proof sheds;
- (e) the grading, curing, washing, sizing, wrapping, packing, fumigation or other treatment of the fruit.

PART V—TERMS AND CONDITIONS OF BANANA BUYERS' LICENCES

Application of Part

25. This Part refers only to the terms and conditions governing the issue of banana buyers' licences under the provisions of subsection (2) of section 12 of the Act.

Application for banana buyer's licence

26. Any person desiring to obtain a banana buyer's licence shall make written application to the Permanent Secretary for such licence. The Permanent Secretary shall have power to issue or refuse such licence. The fee for such licence shall be \$10. The licence shall as nearly as circumstances permit be in the form set out in the Fifth Schedule.

Licence valid in area specified in licence only

27. A banana buyer's licence shall be valid only for the prescribed area specified in the licence.

Licence may not be transferred without permission

28. The holder of a banana buyer's licence shall not assign, mortgage, sublet or otherwise dispose of the licence or of his interest under the licence without the consent in writing of the Permanent Secretary.

Expiry of licence

29. Each licence shall remain valid for such period not exceeding two years, as the Permanent Secretary shall determine.

Licensee to deposit \$200

30. The licensee shall deposit with the Chief Accountant the sum of \$200 or a bank guarantee therefor, which shall be held by the Chief Accountant until the expiration of one calendar month after the termination of the licence:

Provided that if the said sum or any part thereof is attached after judgment in which a Fijian banana grower has recovered any sum in respect of a sale or contract to sell bananas to the licensee the amount so attached shall be deemed to be immediately due and payable and shall be paid into court.

Licensee shall purchase all bananas

31. The licensee so long as he is the only person holding a banana buyer's licence in the area shall purchase, at not less than the minimum price fixed in accordance with regulation 33, all Fijian grown bananas to the extent of the quota allotted to the area by notice in writing by the Permanent Secretary, of the standards of maturity and quality as defined in these Regulations produced in the area and delivered and offered for sale to him by a Fijian producer at a packing station declared in accordance with regulation 40. The bananas shall be purchased in the area at such times as the licensee with the approval of the Produce Inspector shall appoint:

Provided that the licensee shall not purchase any bananas which an inspector, on the matter being referred to him in accordance with regulation 47, may consider to be unfit for export.

(Substituted by Regulations 14 July 1932; amended by Regulations 19 July 1946.)

Licensee not obliged to purchase from Fijian who exports

32. Notwithstanding anything in regulation 31 a licensee shall not be obliged to purchase bananas grown by any Fijian who has exported bananas during the preceding twelve months:

Provided that the export of bananas by a Fijian prior to the issue of a banana buyer's licence in respect of the area in which they were grown shall not be deemed to be an export by a Fijian for the purposes of this regulation.

Banana Board to fix prices

33. The Minister* may appoint a Board to be known as the Banana Board which shall fix, from time to time by notice in the Gazette, the minimum prices to be paid for bananas grown by Fijians and purchased by the licensee under the licence.

(Amended by Regulations 14 March 1945; Legal Notice 112 of 1970.)

Shipping prevented by act of God, etc.

34. In the event of it being impossible for the licensee to ship bananas delivered to him in accordance with the provisions of regulation 31 through act of God, strikes (local or foreign), breakdown of steamers, lack of cargo space, or any other circumstances beyond the control of the licensee then the licensee shall, if, in the opinion of the Commissioner, he has not given the Fijian producers sufficient notice not to cut and send bananas to a prescribed packing station and if the Fijian producers or the Fijian agents so desire, purchase the bananas at a minimum rate equivalent to half the rates fixed under the provisions of regulation 33.

Payment for bananas

35. The licensee shall pay for all bananas purchased by him in cash at the time of delivery of the bananas to him at a prescribed packing station.

Bananas to be purchased from producer or Fijian representative

36. The licensee shall not purchase bananas grown by Fijians in a notified area from any person other than an actual producer or an accredited Fijian representative of a Fijian grower.

Disposal of bananas

37. The licensee shall dispose of all bananas purchased by him under his licence to such person or persons as the Minister shall, by notice in the Gazette, direct.

(Inserted by Regulations 23 August 1939; amended by Legal Notice 112 of 1970.)

Minister may cancel licence

38. Notwithstanding anything in regulation 29, the Minister may cancel any licence if the licensee—

- (a) commits an offence against the Act or against any regulation made under the Act;
- (b) commits any breach of any of the conditions under which the licence was issued;

* Delegated to Permanent Secretary by notification 11 November 1965.

(c) is reported by the Produce Inspector to have packed, shipped or attempted to ship fruit unsuitable for export.
(Amended by Legal Notice 112 of 1970.)

PART VI—PURCHASE AND PACKING OF BANANAS IN PROCLAIMED AREAS

Application of Part

39. This Part shall apply only to bananas produced by Fijians in areas in respect of which banana buyers' licences have been issued.

Declaration of packing stations

40. The Permanent Secretary may, from time to time by notice in the Gazette, prescribe the stations in each area at which bananas grown by Fijians in areas notified under section 12 of the Act shall be packed. Such bananas shall not be packed elsewhere than at a prescribed station within the area in which they were grown, provided that the Permanent Secretary may permit by writing under his hand the packing of such bananas at a prescribed station or stations outside the area.

Buyer or agent to pack bananas at station in his area

41. A licensed buyer or any person acting as an agent for any grower shall pack bananas only at a prescribed station in an area for which a buyer's licence has been issued:

Provided that if in the opinion of the Permanent Secretary there are not sufficient suitable places for packing within such area the Permanent Secretary may permit by writing under his hand the packing of bananas at a prescribed station or stations outside the area.

Notification of intention to pack

42. A licensed buyer or any person acting as an agent for any grower shall give in writing to the Permanent Secretary or to the Produce Inspector at least ten days' notice of the date on which he intends to pack fruit at any prescribed packing station.

Bananas to be brought to stations in bunches

43. All bananas grown by Fijians in notified areas intended for sale to a licensee or for export through an agent shall be brought to a prescribed station in bunches:

Provided that the Produce Inspector may, by writing under his hand, permit bananas from such areas as he shall deem advisable, to be brought to a prescribed station in hands.

(Amended by Regulations 14 July 1932.)

Bananas to be purchased and packed in the presence of an inspector

44. Bananas shall be purchased and packed at a prescribed packing station in the presence of an inspector:

Provided that the Produce Inspector may permit, by writing under his hand, the packing of bananas in the absence of an inspector.

Fijian growers to be notified of dates of packing

45. A licensed buyer shall notify the Fijian growers in the area in respect of which he holds a licence, at least seven days prior, of the dates on which bananas shall be packed at prescribed packing stations and the number of cases to be packed. Written notice in the Fijian language to the turaga-ni-koro of every village in such area shall be deemed to be sufficient notice to the growers.

(Amended by Regulations 14 July 1932.)

Buyer to be responsible for quality of fruit

46. A holder of a banana buyer's licence or an agent shall assume the responsibility for seeing that all bananas packed by him or on his account in the notified area in which he is operating are of good quality and of uniform grade and size, free from disease and suitable for the market to which they are to be exported. He shall have at least one representative approved by the Permanent Secretary or the Produce Inspector in attendance at each packing station.

(Amended by Regulations 19 July 1946.)

Duties of inspectors

47. Under Parts V and VI the duties of an inspector shall be—

- (a) to act as a referee and when appealed to by the licensed buyer or the Fijian grower, in the event of any dispute, to give a decision which would be final as to the suitability of any fruit offered for sale at a prescribed station. An inspector shall have the power to reject any fruit offered for sale whether he be appealed to as provided for in this regulation or not. Any fruit rejected by an inspector shall not be purchased or exported;
- (b) to make such reports as the Permanent Secretary may from time to time direct and otherwise to act under the instructions of the Permanent Secretary or the Produce Inspector in a manner consistent with the provisions of these Regulations.

(Amended by Regulations 14 July 1932.)

PART VII—AGENTS*Application of Part*

48. This Part shall apply to all persons or undertakings acting as agents for the growers of fruit, and to all fruit exported or intended to be exported by growers through agents.

Agent's permit

49. No person shall act as an agent for the export of fruit unless he has first obtained a permit in the form set out in the Sixth Schedule from the Permanent Secretary to do so:

Provided that if the applicant holds a commission agent's licence the Permanent Secretary may not withhold the issue of such permit without the consent of the Minister but may cancel any permit issued under this regulation upon the conviction of the holder thereof of any breach of the Act or of the provisions of these Regulations.

An agent's permit shall be valid only for the area in respect of which it is issued and until 31 December of the year of its issue.

(Amended by Regulations 14 July 1932; Legal Notice 112 of 1970.)

Deposit to be made

50. All persons acting as agents shall deposit with the Chief Accountant the sum of \$200 in respect of each area for which they hold a permit, or a bank guarantee therefor, which shall be held by the Chief Accountant until the termination of one calendar month after the expiration of the permit:

Provided that if the said sum or any part thereof is attached after judgment in which a grower has recovered any sum in respect of non-fulfilment of the terms of any arrangement entered into for the shipment of fruit the said sum shall be deemed to be immediately due and payable and shall be paid into court.

(Amended by Regulations 14 July 1932.)

Responsibility of agent

51. An agent shall assume the responsibility for seeing that all fruit packed is of good quality and of uniform grade and size, free from disease and suitable for the market to which it is to be exported. He shall have at least one representative approved by the Permanent Secretary or the Produce Inspector in attendance at the place where such fruit is packed and shall be responsible for seeing that the fruit is packed at such places as the Permanent Secretary or the Produce Inspector shall direct and that the provisions of regulation 9 are complied with.

Certificate to accompany fruit

52. The fruit intended to be exported through agents must be accompanied by a certificate as set out in the Seventh Schedule signed by the agent setting forth the names of the growers of the fruit, the marks of each individual's fruit and the town or location at which the fruit was grown.

Production of documents

53. An agent may be required by the Permanent Secretary to produce for inspection all original documents relating to his transactions as an agent for Fijian growers and the Permanent Secretary shall be empowered to retain such documents for a sufficient time to enable lawful action to be taken in connexion therewith.

PART VIII—FEES

Fees

54. There shall be levied, collected and paid in to the Consolidated Fund inspection fees as provided hereunder

Bananas (per case)	c. 2
Bananas (per bunch)	2
Mauritius Beans, Pineapples, Melons, Pawpaws, Pumpkins, Coconuts, Kumalas, Taro, Yams, Green Ginger, Oranges, Mandarins, Lemons, Limes, Grapefruit, Peanuts, and other fruit excluding Bananas, Tomatoes and Cucumbers (per case, crate or bag)	2
Melons and Pumpkins—loose (per half dozen or portion thereof) ...	2
Tomatoes and Cucumbers (per case)	2

Such fees shall be paid at the Customs in the same manner as and in addition to any export duty or tax levied.

(Amended by Regulations 26 April 1949; 26 July 1951.)

PART IX—PENALTIES

Penalty and cancellation of licence

55. Every person who infringes any of these Regulations shall be liable on

conviction to a fine not exceeding \$40, or in default of payment to imprisonment for a term not exceeding three months, and to the forfeiture of the fruit in respect of which such infringement takes place. If the person so convicted of an offence against these Regulations is the holder of a fruit exporter's licence or agent's permit, such licence or permit may be cancelled by the Permanent Secretary.

(Amended by Regulations 14 July 1932.)

Enforcement of penalty on company

56. Where the defendant in any proceedings under these Regulations is a limited liability company or other corporation any fine imposed shall be recoverable by distress.

FIRST SCHEDULE

(Regulation 5)

CERTIFICATE OF EXPORTER

I hereby certify that the fruit specified in the following list intended for shipment to _____ per _____ was cut from plants which have been treated in accordance with the provisions of regulations made under the Plant Quarantine Act and notices issued thereunder, that it was harvested on the date set opposite each shipping mark and that the particulars of place at which it was packed, marks, race of grower and the tikina and province are true and correct.

Mark	Quantity	Date harvested	Grower's race, i.e., European, Fijian, Indian or Chinese	Place at which packed	Tikina and province in which fruit was grown

Signature of Licensed Exporter

I hereby certify that _____ of _____ is the owner of the above fruit, that I am his authorised agent and that the above particulars are true and correct.

Signature of Agent

SECOND SCHEDULE

(Regulation 7)

DEPARTMENT OF AGRICULTURE, FIJI, INSPECTOR'S CERTIFICATE

I hereby certify that the fruit specified in the following list has been shipped in accordance with the provisions of the Fruit Export and Marketing Act and Regulations pertaining thereto and that to the best of my knowledge and belief it is sound, free from disease and properly packed and marked.

Owner

Shipping marks	Quantity and description

Steamer:

To:

Date:

Fruit Inspector

THIRD SCHEDULE

(Regulation 20)

DEPARTMENT OF AGRICULTURE, FIJI, INSPECTOR'S CERTIFICATE

I certify that I have examined samples from a consignment of _____, 19____
bags of Mauritius bean seeds marked _____ intended for export per
s.s. _____ to _____ on _____ and that the consignment com-
plies with the regulations made under the Fruit Export and Marketing Act, namely,
that they contain not less than 60 per cent of germinable seeds nor more than 2 per

cent of inert matter, and that the bags containing the seeds have been marked, sealed and stored in accordance with the above quoted regulations.

Fruit Inspector

FOURTH SCHEDULE

(Regulation 21)

NOTICE OF INTENTION TO EXPORT CITRUS FRUIT

I hereby give notice that I propose to ship citrus fruit as set out herein per
s.s. _____ to _____ on _____

Estimated quantity	Variety	Plantation, tikina and province in which to be harvested

Licensed Exporter

FIFTH SCHEDULE

(Regulation 26)

BANANA BUYER'S LICENCE

_____ of _____ is hereby licensed to purchase all bananas produced by Fijians in the following area:—

This licence expires on the _____

This licence is issued under the provisions of the Fruit Export and Marketing Act and regulations issued thereunder.

Permanent Secretary for Primary Industries

SIXTH SCHEDULE
(Regulation 49)

AGENT'S PERMIT

_____ of _____ is hereby permitted to act as an agent for exporters of fruit.

This permit expires on 31 December.

Permanent Secretary for Primary Industries

SEVENTH SCHEDULE
(Regulation 52)

AGENT'S CERTIFICATE

I _____ hereby certify that I am the authorised agent of the growers set out herein and that the particulars of names of growers, quantities of fruit, marks and places of production set out in the following list are true and correct in every particular:—

Name of grower	Marks	Quantities and description of fruit	Area in which fruit was grown

For shipment per s.s. _____ to: _____
Date: _____

Agent

SECTION 9—FRUIT EXPORT AND MARKETING REGULATIONS
REGULATION 33—MINIMUM PRICE OF BANANAS

Notice 4 October 1948

The minimum price to be paid for bananas grown by Fijians and purchased by licensed banana buyers under their licences for export to Canada shall be—
Each bunch of 8 hands or over 40c per bunch

SECTION 9—FRUIT EXPORT AND MARKETING REGULATIONS

REGULATION 40—BANANA PACKING STATIONS

Notices 2 October 1946, 21 April 1954

The following places are hereby prescribed as Banana Packing Stations for the Banana Buyers' Areas notified under section 12 of the Fruit Export and Marketing Act:—

<i>Area</i>	<i>Packing Stations</i>
No. 1 Rewa and Suva.....	Kings Road, beside 11th milestone (Toga). Princes Road— Bus stop, Sawani village. Navutoka Bridge. Baulevu Road— Baulevu Landing. Naitasiri Landing. Queens Road— Nakalokolevu village (12th milestone). Kasavu and Navu villages in Province of Naitasiri.
No. 2 Waidina.....	Rukuruku, Naivikasa, on Waidina River. Tausa, at junction of Waidina and Rewa Rivers.
No. 3 Tailevu South.....	Kings Road (20 mile) at junction with Logani track. Kings Road, Verata village. " Matasawalevu village. Kadavulevu Road—At points nearest to east of the villages of Ovea, Cautata, Mokani, Dravo, Naila, Vunivaivai, Muaana, Visama. Nausori-Wainibokasi Road for the villages of Natoga- dravu, Naselai. Wainibokasi River landing. Nadali-Kuku Road for Kuku village. Bau District villages of— Draubuta, Nabitu, Naimalavau, Vaturua, Naselai, Buretu. Vuci-Raralevu-Korociriciri Road for villages of Vi- quwawa, Raralevu.
No. 4 Tailevu North	Kings Road from Matameivere Trigonometrical Sta- tion to Natokalau village. Beside the road from Waidawara to its junction with Kings Road. Wainivesi Road for Naicicula village. Beside Korovou to Londoni Road.
No. 5 Vunidawa	Qerelevu, Vatukarasa, Natavea, Natuva and Navolau villages on Wainibuka River.
No. 6 Tailevu West.....	Kings Road from the village of Wailotua to the village of Naqia.
No. 7 Upper Wainibuka	Kings Road—the villages of Lewaki, Nailega, Navi- gali.

- No. 8 NavuaQueens Road from Nabukavesi Bridge to Galoa village.
- No. 9 Kadavu.....Villages of—Daku, Gasele, Rakiraki, Levuka, Naka-saleka, Kavala, Lawaki, Solotavui, Vabea, Nari-koso, Nabouwalu, Tiliva, Lagalevu, Matasawalevu, Nukuvou, Vacacla, Tubaganu, Kadavu, Molitua, Vukavu, Yakava.
- No. 11 Lomaiviti SouthVillages of—Qarani, Sawaieke, Nawaikama, Levuka, Lekanai, Nailega, Naiviqele.
- No. 12 Koro Island.....Villages of—Mudu, Nakudu, Yanuca, Nasinivaca, Nagaidamu, Nasau, Natuatua, Nacamaki, Nabuna, Vatutele, Navaga, Kadi.
- No. 13 Sigatoka.....Beside the—(a) Bilalevu Road, from the village of Mavua to Vunasalu; (b) Queens Road—from the village of Vunasalu to a point nearest to Vuninui village.

(Amended by Regulations 21 April 1954.)

SECTION 12—BANANA BUYERS' AREAS

Proclamation No. 19 of 1956

The following areas are prescribed to be areas within which it shall be unlawful for any person not being the holder of a banana buyer's licence to purchase for export bananas grown by Fijians:—

1. *The Rewa and Suva Areas*—The tikina of Noco, Rewa and Suva in the Province of Rewa; the tikina of Naitasiri in the Province of Naitasiri.
2. *The Waidina Area*—The tikina of Namosi in the Province of Namosi; the tikina of Waimaro and Lomaivuna in the Province of Naitasiri (excepting the village of Nasavu, Waidracia, Naluwai, Nabaitavo and Serea) and including the villages of Natuva and Nameka in the tikina of Verata in the Province of Tailevu.
3. *The Tailevu South Area*—The tikina of Bau and Nakelo in the Province of Tailevu.
4. *The Tailevu North Area*—The tikina of Verata (excluding the villages of Vatukarasa, Natuva and Nameka) and the tikina of Sawakasa in the Province of Tailevu.
5. *The Wainimala Area*—The tikina of Wainimala and Matailobau, also the villages of Nasavu, Waidracia, Naluwai and Nabaitavo in the tikina of Lomaivuna and the village of Serea in the tikina of Waimaro, all in the Province of Naitasiri and the village of Vatukarasa in the tikina of Verata in the Province of Tailevu.
6. *The Tailevu West Area*—The tikina of Wainibuka in the Province of Tailevu and the villages of Soa and Nakorowaiwai in the tikina of Nakorotubu in the Province of Ra.
7. *The Upper Wainibuka Area*—The tikina of Nakorotubu (excluding the villages of Soa and Nakorowaiwai) Nalawa and Saivou in the Province of Ra.
8. *The Navua Area*—The whole Provinces of Namosi and Serua excepting the tikina of Namosi and the coastal section of the tikina of Serua containing the villages of Navutulevu, Naboutini, Namaqumaqua, Vunaniu, Korovisilou and Serua.

9. *The Beqa Area*—The island of Beqa in the Province of Rewa.
10. *The Kadavu Area*—The whole island of Kadavu.
11. *The Ovalau Area*—The islands of Ovalau and Moturiki in the Province of Lomaiviti.
12. *The Lomaiviti South Area*—The islands of Gau, Nairai and Batiki in the Province of Lomaiviti.
13. *The Koro Area*—The island of Koro in the Province of Lomaiviti.
14. *The Nasigatoka Area*—The Province of Nadroga and Navosa excluding the tikina of Malolo and including the village of Narata, Rararua and Tore in the tikina of Nawaka in the Province of Ba and also the coastal section of the tikina of Serua containing the villages of Navutulevu, Naboutini, Namaqumaqua, Vunaniu, Korovisilou and Serua in the Province of Serua.
15. *The Nasavusavu Area*—The tikina of Wailevu and Nasavusavu in the Province of Cakaudrove.
16. *The Viti Levu West Area*—The Province of Ba (excluding the villages of Narata, Rararua and Tore in the tikina of Nawaka) and including the tikina of Malolo in the Province of Nadroga and Navosa and the tikina of Rakiraki in the Province of Ra.
17. *The Lau Area*—The islands of Moala, Totoya, and Matuku in the Province of Lau.

Controlled by Ministry of Primary Industries