
CHAPTER 116**FRUIT EXPORT ACT***Act No. 7 of 1932*

AN ACT TO REGULATE THE EXPORT OF FRUIT

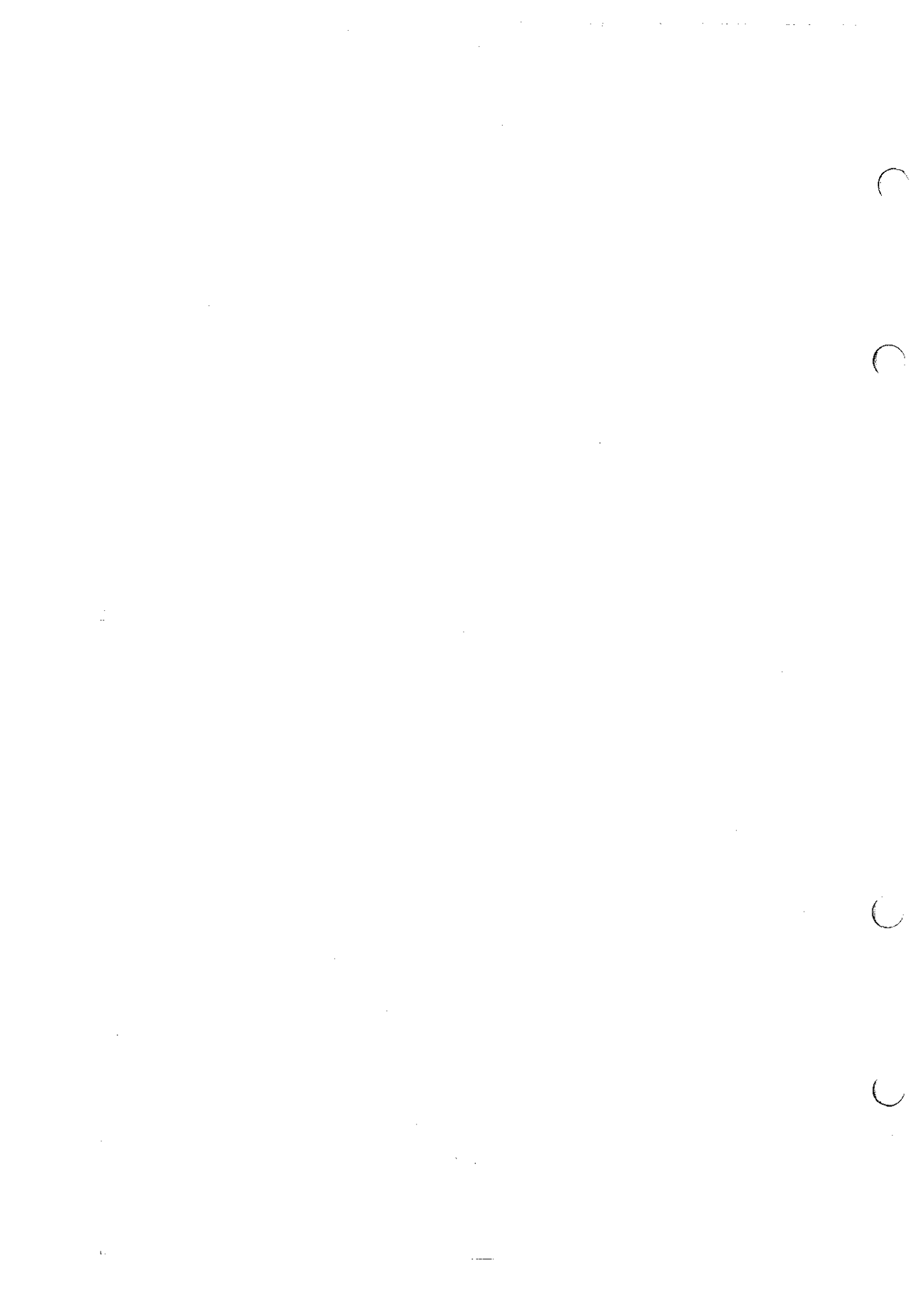
[15th August, 1932]

1. This Act may be cited as The Fruit Export Act. Short title.

 2. In this Act or in any regulations made hereunder unless the Interpretation.
context otherwise requires—
 - “fruit” means bananas and such other species of fruit and produce as the Prime Minister with the consent of Cabinet shall declare to be fruit;
 - “inspector” means the Director of Agriculture and any other inspector appointed by the Prime Minister with the consent of Cabinet under this Act.

 3. It shall be lawful for the Prime Minister with the consent of Regulations.
Cabinet to make regulations to govern the export of fruit and in particular to prescribe the way in which fruit shall be packed and its inspection, inspection fees, packing stations, standards of quality and the duties of inspectors.

 4. Any person exporting or attempting to export fruit contrary to Offence and
penalty.
the provisions of any regulations made under the provisions of this Act shall be guilty of an offence and shall be liable to a fine not exceeding \$100 and in default of payment to imprisonment for any period not exceeding 6 months.
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CHAPTER 116

FRUIT EXPORT

SECTION 3—(1) Fruit Export Regulations

Made by the Prime Minister on 10th March, 1934

G. 27/34, 151/52, 167/54, G.S. 5/83, Act 46 of 1988

1. (1) The Minister of Agriculture, Forests and Fisheries may from time to time by writing addressed to the Director of the Commodities Board prescribe the places (hereinafter called packing stations) where fruit may be packed, and he may also by writing addressed to the Director of the Commodities Board direct that any such packing station shall be closed.

(2) It shall be unlawful, except with the consent in writing of the Director of the Commodities Board to pack fruit in any place other than a packing station and it shall be unlawful to pack any fruit except under the supervision of an inspector duly appointed.

(Amended, Act 46/1988.)

2. The Director of the Commodities Board with the consent of the Minister of Agriculture, Forests and Fisheries, shall appoint such inspectors to each station and elsewhere as shall be necessary. *(Amended, G. 167/54 and Act 46/1988.)*

3. Every packer shall comply at all times with all instructions issued by the Minister of Agriculture, Forests and Fisheries and the Director of the Commodities Board relative to the packing of fruit and shall carry out all lawful orders of the inspector. *(Amended, Act 46/1988.)*

4. Every packer shall pack only such fruit as has been approved by the inspector, and shall, when the inspector has certified that the fruit is properly packed, but not before, close or fasten the case or other container in the manner prescribed from time to time by the Director of the Commodities Board. *(Amended, Act 46/1988.)*

5. One inspector at least shall be appointed for each packing station, and at every other place where fruit may with the consent of the Director of the Commodities Board be packed. *(Amended, Act 46/1988.)*

6. It shall be the duty of the inspector so appointed to inspect all fruit on arrival at the packing station, or all fruit intended to be packed at any other place where the Director of the Commodities Board has authorized packing, and it shall be lawful for the inspector to reject all fruit which in his opinion is unsuitable for export. *(Amended, Act 46/1988.)*

7. It shall be the duty of the inspector to inspect all cases or other containers when packed and if satisfied that they are packed in accordance with the instructions as to packing issued by the Director of the Commodities Board he shall authorize the packer to close or fasten the case or container,

and when so closed or fastened, the inspector shall mark the case or container with his distinguishing mark indicating that the contents of the case or container have been passed by him as suitable for export:

Provided that it is the packer's duty at all times to ensure that the fruit packed by him and the method of such packing complies with these regulations and it shall be no defence to a prosecution for a breach of these regulations to plead that a case or container bears the distinguishing mark of an inspector as aforesaid. (*Amended, G. 167/54 and Act 46/1988.*)

8. Inspectors shall have the general supervision of all work in connection with the selection and packing of fruit at the packing stations, or at other places where fruit may be packed, to which they are appointed, and shall, when necessary, arrange for the erection of a shelter shed to ensure that the fruit shall be packed in a clean state.

9. Every inspector shall at all times comply with the instructions of the Minister of Agriculture, Forests and Fisheries or Director of the Commodities Board, and any inspector who fails so to comply shall, in addition to any other penalties imposed, be liable to instant dismissal. (*Amended, Act 46/1988.*)

10. It shall be lawful for the Director of the Commodities Board or any other person authorized by the Minister of Agriculture, Forests and Fisheries to open or cause to be opened any case or container containing fruit intended for export and to prohibit the export of fruit which is unsuitable for export. (*Amended, Act 46/1988.*)

11. It shall be an offence to export or attempt to export fruit which has not been examined and approved by an inspector.

12. An inspection fee of one seniti per case shall be paid in respect of each case of fruit exported. (*Amended, G. 167/54.*)

13. (1) It shall be an offence to export or to attempt to export bananas except in cases approved by the Director of the Commodities Board. (*Amended G.S. 5/83 and Act 46/1988.*)

(2) It shall be an offence to export or to attempt to export any other fruit except in such cases or containers as may from time to time be prescribed by the Minister of Agriculture, Forests and Fisheries. (*Amended, G. 167/54 and Act 46/1988.*)

14. It shall be an offence to pack or attempt to pack bananas which are less than 127mm. in length measured on a straight line from stem to tip or which are not all of the same variety. (*Amended G.S. 5/83.*)

15. Notwithstanding anything hereinbefore contained it shall be lawful with the consent in writing of the Director of the Commodities Board and subject to such conditions as he may impose to export bananas in bunches. Such conditions shall prescribe an inspection fee of one seniti per bunch. Any person who exports or attempts to export contrary to the conditions imposed shall be guilty of an offence. (*Amended, Act 46/1988.*)

16. It shall not be lawful (until such time as the Minister of Agriculture, Forests and Fisheries with the consent of Cabinet by notice published in the

Gazette shall declare) to export or to attempt to export fruit except through the agency of the Government, provided that nothing herein contained shall apply to persons exporting fruit with the consent in writing of the Director of the Commodities Board solely for private purposes and not by way of business. (*Amended, G. 167/54 and Act 46/1988.*)

17. The Minister of Agriculture, Forests and Fisheries with the consent of Cabinet shall, from, time to time, prescribe the prices to be advanced for fruit exported through the agency of the Government. (*Amended, Act 46/1988.*)

18. An account shall be kept of all advances paid and the Treasurer shall publish annually not later than thirty-first of March an audited statement of expenditure and receipts in connection with the export and sale of fruit in the preceding year. The expenditure statement shall include the cost of cases, inspection fees, freight and all charges whatsoever incurred in connection with the export and sale of the fruit.

19. Any person guilty of an offence under these regulations shall be liable on conviction to a fine not exceeding \$100 and in default of payment to imprisonment for any period not exceeding 6 months. (*Added, G. 167/54.*)

(2) Export (Fruit and Vegetables) Regulations

Made by the Prime Minister on 28th November, 1938

G. 185/38

1. It shall be lawful for any person to export pineapples, papayas (pawpaws), water melons, kumaras, potatoes, pumpkins, cucumbers, tomatoes, cabbage, beans, vegetable marrows, egg-plant fruit and avocado pears; but such produce before shipment shall be inspected by an inspector of the Agricultural Department, and there shall be paid in respect thereof an inspection fee of 2 seniti per case, container or package of such produce so exported.

2. Such produce as aforesaid may be exported on consignment through the agency of the Government and there shall be payable in respect thereof a sum equivalent to 2½ per centum of the nett proceeds realised from the sale of such produce.

**SECTION 3—(3) Fruit Packing Stations Prescribed under Regulation 1 of the
Fruit Export Regulations**

Prescribed by the Prime Minister on 6th February, 1948

G. 52/48

Towns. Ng. Kolo.	Packing Station. Fa'oaki'anga.	Towns. Ng. Kolo.	Packing Station. Fa'oaki'anga.
Kolomotu'a Kolofo'ou Ma'ufanga Puke Hofoa Haveluloto Tofoa	} NUKU'ALOFA	Kolovai 'Ahau Kanokupolu Ha'atafu Ha'avakatolo Fo'ui	} KOLOVAI
Nukunuku Matahau Fatai Lakepa	} NUKUNUKU	Nukuleka Manuka Navutoka Talafo'ou Makaunga	} NUKULEKA
Houma Vaotu'u Ha'akame Ha'alalo	} HOUMA	Pea Ha'ateiho Tokomololo Mataliku 'Utulau	} PEA
Te'ekiu Masilamea Fahefa	} TE'EKIU	Matatoa Lotoha'apai Veitongo	}
Vaini Nukuhetulu Folaha Longoteme Malapo Nualei Kauvai	} VAINI	Tatakamotonga Lapaha Haveluliku Holonga Hoi	} MU'A
Pelehake Fua'amotu Nakolo Hamula Ha'asimi Lavengatonga Fatumu	} PELEHAKE	Kolonga Afa Niutoua	} KOLONGA