

LAWS OF DOMINICA

**BANANA (PROTECTION AND
QUALITY CONTROL) ACT**

CHAPTER 58:41

**Act
15 of 1986**

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CHAPTER 58:41

**BANANA (PROTECTION AND
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CHAPTER 58:41

BANANA (PROTECTION AND
QUALITY CONTROL) ACT

15 of 1986. **AN ACT to provide for the proper harvesting, handling, transporting and shipping of bananas with a view to ensuring a good marketable quality of these fruits and matters connected therewith.**

Commencement. [3rd July 1986]

Short title. **1. This Act may be cited as the –**
BANANA (PROTECTION AND
QUALITY CONTROL) ACT.

Interpretation. **2. In this Act –**

“Authority” means the Banana (Protection and Quality Control) Authority constituted under section 3;

“bananas” means bananas of the varieties or known as robusta, puerto rique, poyo, lacatan, giant cavendish, valery and such other varieties as may be prescribed by the Authority;

“boxing plant” means an installation where bananas are dehanded, deflowered, washed, treated and boxed and which is licensed for this purpose under section 8;

“boxing plant operator” means a person who in the opinion of the Authority is competent to operate a boxing plant or to be engaged in the boxing of bananas and who is licensed for this purpose under section 8;

“buying companies” means Geest Industries Limited or Geest Industries (W.I.) Limited or the person or persons who for the time being have the statutory or contractual right to purchase exportable bananas from the Corporation;

“Corporation” means the Dominica Banana Marketing Corporation established under the Dominica Banana Marketing Corporation Act.

“cutting period” means either the period commencing not more than thirty-six hours before the announced end of a reception period and ending with the end of the reception period or such other period as may be prescribed by the Authority;

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

“field packed bananas” means bananas which have been packed for export without being washed and processed in a boxing plant, and which have been grown, harvested and packed in accordance with the regulations for field packing;

“field packing” means the process by which bananas are packed for export in accordance with the regulations for field packing;

“field pack shed” means a shed which is constructed for the storage of empty and packed cartons for field packed bananas, and which shall so be constructed in accordance with the regulations for field packing or in a manner approved by the Authority and which may have facilities for field packing;

“field packer” means a grower who has been licensed by the Authority to be a field packer;

“governments” means the Governments of Saint Lucia, Saint Vincent, Dominica and Grenada;

“grower” means a person for the time being in possession or control of a holding, and who is registered with the Corporation;

“inland buying depot (IBD)” means any installation at which boxed bananas are delivered by growers to the Corporation for purchase;

“island” means the Commonwealth of Dominica;

“member associations” means the members of WINBAN;

“Minister” means the Minister responsible for Agriculture;

“reception period” means the period from time to time publicly announced or advertised by or for and on behalf of the Corporation for the delivery of bananas to the Corporation or to the buying companies;

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

“rejectable bananas” means bananas which are rejectable under Regulations made under this Act;

“ship” means any ship engaged to carry exportable bananas;

“vehicle” means any truck or other mechanical means of conveyance used during the cutting period to carry bananas to an IBD, boxing plant or reception depot;

(b) has breached the terms and conditions under which the licence was issued.

Prohibition
against the sale
or purchase of
rejectable
bananas.

9. (1) During a reception period, rejectable bananas shall not be offered for sale to the Corporation or its agent or to buying companies or their agents and any such offer shall be rejected by the Corporation or its agents or by the buying companies or their agents respectively.

(2) During a cutting period and within forty-eight hours before the commencement thereof, the Authority or its duly authorised agents shall have the right to mark or otherwise identify (without destroying any part of the bunch of) any rejectable bananas belonging to a grower.

(3) Any person who without the permission of the Authority sells or offers for sale to the Corporation or its agents or to the buying companies or their agents any rejectable bananas the offer for sale of which was previously rejected under subsection (1) and any person who aids or abets the sale or offer for sale is liable on summary conviction to a fine of five hundred dollars.

Bananas to be
dealt with in the
prescribed
manner.

10. (1) Subject to subsection (2), all exportable bananas shall be grown, harvested, processed, packed, handled and otherwise dealt with and transported in the prescribed manner.

(2) The Authority may, in the interest of research or with the object of devising and testing new and improved methods of handling bananas, by licence under its common seal, exempt any grower, research officer or other person from this section for the period specified in the licence.

(3) Any person who contravenes subsection (1) is liable on summary conviction to a fine of five hundred dollars.

Exemptions from
duties and taxes.

11. (1) All materials, equipment, stores, vehicles and other goods acquired by the Authority are exempt from import duty.

(2) The income of the Authority is exempt from liability to income tax.

Regulations.

12. (1) Subject to subsection (2), the Authority may make Regulations relating to –

(a) anything which under this Act is to be prohibited.

- (b) the proper treatment, selection, rejection, processing, packing, stacking, handling, storage and transportation of exportable bananas;
- (c) boxing plants, operations thereat and field packing;
- (d) any measures whatsoever to protect exportable bananas and to maintain and enhance the quality there; and
- (e) generally the better carrying out of the purposes of this Act.

(2) Regulations made by the Authority shall have no effect until approved by the Cabinet and when so approved shall come into force on such date as may be specified in the Regulations; and as from such date, the Regulations shall have the same force and effect as if they were contained in and formed part of this Act.

(3) The Banana (Protection and Quality Control) Regulations (formerly contained in the Schedule to this Act) shall be deemed to have been made and approved under this section and shall come into force upon the passage of this Act and shall remain in force and effect until varied or revoked by other Regulations made and approved under this section.

SUBSIDIARY LEGISLATION**BANANA (PROTECTION AND QUALITY
CONTROL) REGULATIONS****ARRANGEMENT OF REGULATIONS**

REGULATION

1. Short title.
 2. Interpretation.
 3. Boxing plants.
 4. Boxing plant operations.
 5. Field packing operations.
 6. Inland buying depots.
 7. Wharf and ship, loading operations.
 8. Rejectable bananas.
 9. Rejectable cartons.
 10. Carriage of bananas generally.
 11. Carriage of hands.
 12. Carriage of bananas for delivery to reception depots.
 13. Rejection of half of twenty or more cartons.
 14. Revocation of licence.
 15. Drop in wharfage assessment quality rating.
 16. Harvesting before stipulated time.
 17. Presenting rejected bananas.
 18. Publication of particulars when licence is revoked.
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 20. Intimidation or bribery of inspector.
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SUBSIDIARY LEGISLATION**BANANA (PROTECTION AND QUALITY CONTROL) REGULATIONS**15 of 1986.
(Schedule).
[23/1991].*made under sections 4(2) and 12*

[3rd July 1986]

Commencement.

1. These Regulations may be cited as the –

Short title.

BANANA (PROTECTION AND QUALITY CONTROL) REGULATIONS.

2. (1) Words and phrases used in these Regulations shall have the meanings assigned to them in section 2 of the Act.

Interpretation.
[23/1991].

(2) In these Regulations –

“the Banana Standards Manual” means the book of instructions and regulations for boxing plant and field packing operations and banana quality standard specifications and all amendments and revisions of and supplements to that book issued from time to time by the Authority;

“bruise” in relation to a banana means an actively deteriorating damaged tissue caused by the banana coming into contact with another object;

“bunch” means a stem of banana complete with a stalk with its hands;

“cluster” means a portion of a hand containing not less than four nor more than twelve contiguous fingers or such other number of fingers as may be prescribed by the Authority;

“carton” means a box into which bananas are packed for export and which shall be as specified by the Authority;

“crown” means the tissue which connects the hands to the stalk;

“crown pad” means a chemically treated absorbent pad or such other material as may be prescribed by the Authority and used for covering the cut surface of the crown in field packing operations;

“damaged” in relation to a hand or part thereof means having a finger or pedicel broken, bruised or ruptured by physical strain or contact;

“delivered” means delivered for sale to the Corporation, and “delivery” and “delivers” shall be construed accordingly.

“finger” means an individual banana fruit complete with skin and pedicel;

“field pack manual” means the book of instructions and regulations for field packing of bananas and all amendments or revisions of and supplements to that book issued from time to time by the Authority;

“flower” means the parts of the inflorescence attached to the end of each finger;

“deflower” means the removal of the flower;

“hand” means the total natural complement of fingers attached to and supported by the same crown;

“holding” means any parcel of land on which bananas are grown for export and which is registered with the Corporation;

“inspection” means inspection of cartons of bananas by servants or agents of the Corporation prior to purchase, and “inspected”, “inspector” shall be construed accordingly;

“licence” means a licence issued to a grower under section 8(2) of the Act;

“part hand” means a portion of a hand having more than twelve fingers;

“pseudostem” in relation to a banana plant means a false stem consisting of tightly packed leaf sheaths and which is functionally the trunk of the plant and which connects the aerial parts of the plant to its corm;

“scar” means a cured bruise with or without callus tissue;

“sleeve” means the polyethylene tube or other material used to cover the bunch while it is developing;

“snapped” in relation to a banana plant means broken at the pseudostem or stalk;

“stale bananas” means bananas which have been reaped or harvested before the commencement of a cutting period, or which have been harvested from toppled or snapped plants;

“stalk” means that portion of the banana plant which supports and terminates as the main axis of the bunch;

“toppled” in relation to a banana plant means uprooted by the agency of man or otherwise.

Boxing plants.

3. (1) In exercising its discretion to grant to or refuse a grower a licence to erect and operate a boxing plant, the Authority shall have

regard to such factors and circumstances as are specified in the Banana Standards Manual and may have regard to such factors and circumstances as the Authority considers to be relevant and in particular –

- (a) the banana production of the growers holding – such banana production being normally expected to be at least four net tons per shipment;
- (b) the accessibility to vehicles of the proposed site for the erection of the boxing plant and for collection of packed cartons; and
- (c) availability of water which in the opinion of the Authority is considered to be adequate and suitable for boxing operations.

(2) Every boxing plant shall be covered with waterproof roofing material and must in the opinion of the Authority be adequate to protect from water and heat all box components and boxed bananas awaiting shipment.

4. (1) All exportable bananas shall be selected, processed and packed in the manner stipulated in the Banana Standards Manual and shall be delivered to a reception station within thirty-six hours after the harvest thereof or within such period as the Authority may approve.

Boxing plant operations.

(2) Before bananas are packed for export at a boxing plant, the following rules shall be observed unless otherwise stipulated by the Authority:

- (a) the bananas shall be deheaded and selected;
- (b) the hands or clusters shall be deflowered and washed;
- (c) the bananas shall be treated with a fungicide formulation approved by the Authority and in a manner approved by the Authority; and
- (d) the bananas shall be finally selected for quality, and if rejectable, shall not be packed for export.

(3) All exportable bananas shall be packed in a carton or such other manner approved by the Authority.

(4) Exportable bananas packed and awaiting transport to a reception station shall be stored under dry and well ventilated conditions and in a manner approved by the Authority.

(5) Every boxing plant shall be maintained in a sanitary condition and after each shipment all trash, stalks and rejected bananas shall be removed from the boxing plant and the vicinity thereof.

(6) Every boxing plant shall be treated against pests in a manner approved by the Authority.

Field packing
operations.

5. (1) A banana grower may apply to the Authority to be certified as a field packer and the Authority may so certify if it is satisfied that the grower's operations meet the standards and procedures prescribed by these Regulations and directions of the Authority.

(2) A grower engaged in field packing shall adhere to the following:

- (a) in order to ensure that proper disease and pest control are maintained, field sanitation shall be of a high standard, in that proper weed control, proper drainage and recommended plant density shall be maintained and, dead and drying leaves shall be cut off;
- (b) whenever and wherever so required by the Authority, all bananas shall be deflowered and shall be sleeved;
- (c) a shed for the storage of empty and packed banana cartons shall be provided and the shed shall be constructed in a manner as set out hereunder or as otherwise approved by the Authority, that is to say –
 - (i) the shed shall be adequately protected to prevent the wetting of cartons and other materials by rain;
 - (ii) the shed shall be constructed in such manner as to allow free circulation of air for adequate ventilation to prevent the overheating of fruit;
- (d) dehanding and packing of the bananas shall be carried out in a manner approved by the Authority;
- (e) only exportable bananas shall be selected for packing;
- (f) at all stages in the operation latex must be prevented from staining the bananas in a manner approved by the Authority;
- (g) the cut surface of the crown must be treated in the manner approved by the Authority;

- (h) the cartons shall be adequately protected from the rain and sun and must be adequately ventilated;
- (i) the field packer shall comply with the instruction of the Authority in regard to the protection of the boxed bananas against the infestation by pests;
- (j) every field pack shed shall be maintained in sanitary condition and after each shipment all trash, stalks and rejected bananas shall be removed from the field pack shed and the vicinity thereof; and
- (k) every field pack shed shall be treated against pests in a manner approved by the Authority.

6. The inspection and handling of cartons at inland buying depots shall be carried out in the following manner or as approved by the Authority:

Inland buying depots.

- (a) fruit shall be carefully handled during inspection;
- (b) the diothene lining in the carton shall be replaced correctly after inspection;
- (c) cartons shall be handled carefully while being stacked and loaded on to vehicles;
- (d) pallets shall be used for stacking cartons;
- (e) cartons shall not be carried or stacked on their ends, on their sides or upside down;
- (f) the building and surroundings shall be kept in a sanitary condition;
- (g) the building shall be treated against pest in a manner prescribed by the Authority.

7. (1) The inspection and handling of cartons on the wharf and handling during the loading of the ship shall be carried out in the following manner or as approved by the Authority:

Wharf and ship, loading operations.

- (a) fruit shall be carefully handled during inspection;
- (b) the diothene lining in the carton shall be replaced correctly after inspection;
- (c) cartons shall be handled carefully while making up pallets;

- (d) cartons shall not be carried or stacked on their ends, sides or upside down, either on the wharf or the ship;
- (e) cartons or pallets of cartons shall not be left standing uncovered in the rain;
- (f) where facilities allow, bananas shall be loaded on to the ship on pallets;
- (g) due care and attention shall be exercised by persons involved in transferring cartons, whether singly or on pallets from the wharf on to the ship to prevent the loss of or damage to the cartons;
- (h) where possible, cartons shall be stored on pallets on the ship. Where cartons are loaded singly, pallets shall be made up as the cartons are stowed;
- (i) cartons shall be made secure on the ship in a manner approved by the Authority;
- (j) cartons shall not be walked on except where necessary to load the last pallet. In this case, sheets of hardboard shall first be laid on top of the cartons to protect the fruit contained therein.

(2) Wharves shall be maintained in sanitary conditions.

(3) Wharves and ships shall be treated against pests in a manner and at intervals approved by the Authority.

8. (1) A hand or cluster is rejectable –

- (a) if it contains less than four fingers of exportable quality or such other number of fingers as prescribed by the Authority;
- (b) if it cannot be cut (if necessary) to form an acceptable cluster or clusters;
- (c) if all defective fingers thereof as described in subregulation (2) are not removed and the hand cut into acceptable clusters;
- (d) if it is marked with multiple spots which render it unsightly;
- (e) if it is marked by unsightly colourations, such as those from rust thrips, unless the blemish as seen on the outside of the fingers is only faint and diffuse.

Rejectable
bananas.

- (f) if it is affected by leaf spot or other disease to the extent that the fingers thereof are not properly formed or the pulp is soft either wholly or in part;
 - (g) if the crown is cut appreciably smaller than its original size (excessively pared) or is still attached to a piece of the main stalk;
 - (h) if the fingers thereof are excessively curved or otherwise mis-shapen, to the extent that proper packing is made difficult or if it contains twin fingers;
 - (i) if the fingers of the outer whorl are less than the minimum length authorised by the Authority – such length being measured on the outside curve of the finger from the tip to the bottom of the pedicel where it joins the finger;
 - (j) if it is not of the approved exportable grade;
 - (k) if it is stale;
 - (l) if the fruit is noticeably soft or ripening;
 - (m) if it is scorched by the sun or has deteriorated; or
 - (n) if it is otherwise rejectable under rules prescribed in the Banana Standards Manual.
- (2) Defective fingers are those which –
- (a) are damaged;
 - (b) are noticeably bruised;
 - (c) are cut;
 - (d) are markedly scarred;
 - (e) have finger end rot;
 - (f) are markedly stained with dry latex in the case where bananas are delivered by boxing plants or are markedly stained with dry or wet latex where bananas are field packed; or
 - (g) have other blemishes.

9. A carton of bananas is rejectable after inspection at a boxing plant or at a reception depot – Rejectable cartons.

- (a) if it is badly packed, that is to say, if it is clear that the packing has led or will lead to deterioration of the fruit:

- (b) if the lining packing material is absent, of the wrong type, dirty, discoloured, insufficient, excessive or wrongly placed;
- (c) if it is underweight, that is to say, the contents of the standard carton weigh less than as prescribed by the Authority;
- (d) if it contains one or more soft or ripening fingers;
- (e) if it is crushed, badly mis-shapen, excessively bulging, wet, or with the divider badly placed;
- (f) if one or more hand or clusters have serious defects;
- (g) if the ventilation of the carton is substantially impaired; or
- (h) if it is otherwise rejectable under rules prescribed in the Banana Standards Manual.

Carriage of
bananas
generally.

10. (1) Where unpacked bananas are carried on any person's head to a boxing plant or to any other place where bananas are boxed, the bananas shall be carried on a padded container of a design which is acceptable to the Authority.

(2) Bananas shall be protected from the sun and from injury by methods acceptable to the Authority, and under no circumstance should exportable bananas be stacked on the bare ground.

(3) No exportable banana shall be loaded on to any vehicle unless provisions approved by the Authority have been made for the protection of the banana from bruises during its carriage in the vehicle.

(4) The Authority shall have power to prohibit any unsatisfactory practice in regard to the carriage, stacking or loading of bananas in the circumstances referred to in this regulation.

(5) Any vehicle carrying bananas shall comply with the following requirements:

(a) the loading floor of the vehicle shall be flat and rigid and as far as practicable shall have smooth rigid sides without projections and with tie beams to hold the sides firmly together; and

(b) there shall be a smooth and rigid front board separating the driver's cab from the load platform.

(6) Bananas shall be carried in vehicles with due care and attention, having regard to the conditions of the road.

(7) No more than five persons (including the driver and footmen) shall ride or be permitted to ride on a vehicle and no more than three such footmen shall ride or be permitted to ride on the platform reserved for this purpose at the rear of the body of the vehicle.

(8) Persons riding with the load shall on no account sit, stand or lean heavily on the load.

(9) Loaded trucks shall not be parked in the sun for unreasonably long periods.

(10) Bananas may be transported to boxing plants whether as bunches or as hands and by any method which maintains the quality of the bananas and is approved by the Authority.

(11) Bananas intended for field packing shall not be transported on any vehicle.

(12) The load shall be protected from the sun where cartons are being carried and they shall be protected from the rain by an approved cover.

(13) Direct contact between the bananas and the body of the vehicle shall be avoided by the use of appropriate and adequate padding approved by the Authority.

(14) Padding shall be of such material as will not scratch or otherwise damage or adversely affect the bananas in their green or subsequent ripened state.

(15) The hands of bunches shall be separated by soft pads to prevent hands from damaging each other.

(16) Unless otherwise approved by the Authority the maximum height of packing bunches in a vehicle shall be eight tiers.

(17) No article other than those used for the protection of the bananas as approved by the Authority shall be placed on any banana.

11. (1) Hands may be carried in field boxes or other manner Carriage of hands

(2) Field boxes shall be properly stacked in the vehicle as prescribed in the Banana Standards Manual.

(3) Field boxes shall not be stacked so that they make direct contact with underlying fruit.

Carriage of
bananas for
delivery to
reception depots.

12. (1) Vehicles for carrying bananas packed for shipment may have sides and if so, the sides shall be smooth and rigid with no internal projections or large gaps through which boxes might protrude.

(2) Cartons shall be loaded on to the vehicle with care and cartons shall not be allowed to fall on to the floor or on other cartons.

(3) Cartons shall be stacked so that the weight of the load is borne by the carton and not by the fruit within. Cross-stacking should be used as far as possible.

(4) Cartons shall be stacked tightly with no gaps between them. If the width of the truck does not allow this, then a baffle board shall be placed to ensure a tight fit.

(5) Cartons shall not be stacked on their sides or on their ends.

(6) Cartons shall not be stacked more than ten layers high.

(7) No person shall stand or sit and no heavy object shall be placed on stacked cartons such that the weight of the person or object is borne by the fruit therein.

(8) If cartons are loaded on pallets, appropriate steps shall be taken to secure the stability of the pallet load.

(9) The load shall always be fully covered to protect it from both sun and rain.

(10) Unloading shall be carried out with care. Cartons shall not be thrown on the vehicle floor or the ground or be made to slide along the floor of the vehicle.

Rejection of half
of twenty or
more cartons.

13. Where any grower delivers a consignment of more than twenty cartons of bananas and at any time after the first twenty cartons are inspected more than half are rejected –

(a) the inspection shall be immediately discontinued and the remainder of the cartons refused; and

(b) the Corporation shall inform the grower in writing that his licence shall be revoked, if, under paragraph (a) his cartons are refused on three or more occasions within a consecutive 70 deliveries.

Revocation of
licence.

14. The licence of any grower –

(a) who has been written under regulation 13(b); and

(b) whose deliveries thereafter on three or more occasions within five consecutive deliveries have been refused under regulation 13(a),

shall be revoked for six months.

15. (1) Where the wharfage assessment quality rating of a grower is below seventy per cent on three consecutive occasions when he has delivered bananas, a written warning shall be issued to the grower and his holding visited and remedial advice given to him.

Drop in wharfage assessment quality rating.

(2) If the advice given under subregulation (1) is not implemented within two receptions after the advice is given, the grower's licence shall be revoked for three months.

16. Where any grower harvests bananas before the time stipulated in the official announcement of a cutting notice or offers for sale bananas harvested before that time, his entire delivery shall be rejected and his licence shall be revoked for three months.

Harvesting before stipulated time.

17. Where any grower delivers bananas which have previously been rejected, his entire delivery shall be rejected and his licence shall be revoked for three months.

Presenting rejected bananas.

18. The name, address, number and period of revocation of every grower whose licence has been revoked may be published by the Corporation in one of the newspapers of the State.

Publication of particulars when licence is revoked.

19. (1) Where the licence of a grower has been revoked any other grower who during the period of revocation –

Acting on behalf of grower whose licence has been revoked.

(a) knowingly receives bananas from such grower; and

(b) delivers such bananas to the Corporation for sale,

shall have his licence revoked for a period equal to that of the grower whose licence had been revoked.

(2) Where the grower to whom subregulation (1)(a) and (b) applies is found to be acting on behalf of more than one grower whose licence has been revoked his licence shall be revoked for six months.

20. Any grower who intimidates or bribes or attempts to intimidate or bribe a banana inspector for the purpose of influencing the inspection of bananas shall have his licence revoked for six months.

Intimidation or bribery of inspector.

Restoration of
licence.

21. The Corporation may, upon representation made to it by a grower whose licence has been revoked and after considering all the circumstances, restore the licence of the grower.
