



**FRUIT AND VEGETABLES EXPORT AMENDMENT
REGULATIONS 1993**

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 1st day of November 1993

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to Section 16 of the Plants Act 1973, the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations:

ANALYSIS

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Title 2. Registration of Growers 3. Export to conditions 4. Export of fruit and vegetables if no minimum grade determined | <ol style="list-style-type: none"> 5. Procedure where any fruit or vegetables are found to be diseased or otherwise fail to comply with requirements 6. Examination of fruit and vegetables |
|---|---|

REGULATIONS

1. Title - These regulations may be cited as the Fruit and Vegetables Export Amendment Regulations 1993 and shall be read together with and deemed part of the Fruit and Vegetables Export Regulations 1982 (hereinafter referred to as "the principal regulations").

2. Registration of Growers - Part II of the principal regulations is revoked, and substituted with the following -

PRICE - \$1.50

"PART II
REGISTRATION OF GROWERS

8. Growers of fruit and vegetables for export to be registered - (1) Every grower of fruit and vegetables for export shall be registered by applying to the Secretary on an application form that the Secretary may prescribe from time to time.

(2) The grower making the application shall provide all information required by the Secretary as prescribed in the application form.

9. Granting of registration - (1) The Secretary when granting registration to any grower under these regulations shall satisfy himself that the grower has provided all information required and that the grower will be able to produce the fruit and vegetables in respect of which registration is being granted.

(2) The Secretary shall provide every grower upon registration such information to enable the grower to produce fruit and vegetables suitable for export under these regulations.

(3) Registration granted to any person under these regulations shall remain in force for a period of 5 years unless that persons registration is sooner revoked under regulation 14.

10. Register of Growers - (1) The Secretary when granting registration to any grower under these regulations shall maintain a register of all growers so registered which shall include the grower's name, address, and the site or sites the grower intends to grow or grows fruit or vegetables for export.

(2) The register shall also include the registered mark of the grower granted under regulation 11 of these regulations.

11. Registered Marks - (1) In granting registration to any grower under these regulations, the Secretary shall allot a distinctive mark to every grower which shall be known as the registered mark of that grower.

(2) The registered mark may consist of numerals or letters or both at the discretion of the Secretary.

(3) The registered mark so allotted to a grower shall be affixed by the grower to every container of fruit and vegetables submitted by the grower for export, in such manner as may be determined from time to time by the Secretary.

12. One mark per Grower - The Secretary shall not allot more than one registered mark to the same grower, unless there are circumstances which in the opinion of the Secretary may warrant such course of action.

13. Suspension of Registration - (1) The Secretary, or any person so appointed for the purpose by the Secretary may suspend the registration of any grower if he believes the grower has failed to comply with any direction or programme prescribed by the Secretary for the production of fruit and vegetables for export under these regulations.

(2) The Secretary may also suspend the registration of any grower if, in his opinion, the grower is unable to meet the necessary requirements in the production of fruit and vegetables for export, under normal horticultural practices.

(3) The suspension of any grower shall not exceed a period of 30 days from the date suspension was issued.

(4) The Secretary or the person appointed for that purpose shall in writing inform a grower immediately of that grower's suspension, and the grower shall not submit any more fruit or vegetables for export.

14. Revocation of registration - (1) The Secretary may revoke the registration of any grower for any of the following reasons:

(a) The grower has submitted fruit and vegetables for export from sites not registered under these regulations;

(b) The grower has been consistently suspended under regulation 13 within the previous 12 months;

(c) Serious quarantine pests have been found in fruit and vegetables submitted by the grower for export.

(2) The Secretary shall in writing inform a grower immediately of his decision to revoke that grower's registration.

(3) Revocation of the registration of any grower shall be for a period of not less than 6 months or may be reinstated earlier at the discretion of the Secretary.

15. De-registration not to affect growers right to re-apply for re-registration - The de-registration of any grower shall not affect his right to re-apply for re-registration under regulation 8 and 9 of these regulations."

3. Export to conditions - Regulation 20 of the principal regulations is amended by deleting the words "but nothing in regulations 23 to 25 of these regulations shall apply to any consignment consisting of less than 50 kilograms of fruit and vegetables not consigned to be sold."

4. Export of fruit and vegetables if no minimum grade determined - Regulation 25 of the principal regulations is amended by adding after the words "of these regulations" the words - "Branding need not apply to any consignment consisting of not less than 50 kilograms of fruit and vegetables not consigned to be sold."

5. Procedure where any fruit or vegetables are found to be diseased or otherwise fail to comply with requirements - Regulation 31 of the principal regulations is amended by deleting sub-clause (2), and substituting the following new subclauses -

"(2) For the purpose of controlling pests or diseases which may affect export crops, an Inspector may enter any property and by notice in writing require the grower on that property to treat or remove any diseased, pestiferous or neglected plants, and if the grower does not comply with the notice within such time (being not less than 7 days) as shall be specified in the notice, the Inspector may treat, destroy or otherwise dispose of the plants at the expense of the grower.

(3) Should the grower not be traced then the landowner will be presumed to be responsible.

(4) Every person who fails to comply with a written direction given by an Inspector under these regulations commits an offence."

6. Examination of fruit and vegetables - Regulation 32 (1) of the principal regulations is amended by omitting the first sentence and substituting the following -

"Subject to Section 19 of the Plants Act 1973, an Inspector may for the purposes of these regulations at any time and at any place, examine any growing crop intended for export, or any fruit or vegetables intended for export, or any package of fruit and vegetables presented for export."

T. Bishop
Clerk of the Executive Council

These Regulations are administered by the Ministry of Agriculture

BY AUTHORITY:

