

# CHAPTER 23

## BANANA ACT

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• Act • Subsidiary Legislation •

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### ACT

Chapter No.25 of 1958

#### Amended by

Act No. 9 of 1971  
Act No. 22 of 1972  
Act No. 41 of 1979  
Act No. 4 of 1984  
Act No. 10 of 1990  
Act No. 15 of 1992  
Act No. 42 of 1994  
Act No. 3 of 1997  
Act No. 24 of 2000

#### ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment of Grenada Banana Co-operative Society.
- 3A. Powers of the Society.
- 3B. Seal and the authentication thereof.
4. Membership of Society.
5. Right of appeal to magistrate.
6. Composition, powers and functions of the Society.
7. Annual general meeting of the Society.
8. Power to fill vacancies.
9. Vacancies shall not invalidate acts of committee.
10. Disqualification for membership of committee.
11. Voting.
12. Register of members.
13. Tenure of office, etc., of members of the Committee.
14. Dissolution of committee.
15. Appointment of chairperson, etc.
16. Duties of chairperson.
17. Minutes to be received in evidence.
18. Power of committee to make rules.
19. *Repealed.*
20. Bananas delivered to become property of Society.
21. Excess of revenue to be placed in reserve fund.
22. Secretary and treasurer of Society to be appointed.
23. Appointment of junior officers and employees.
24. Officers and employees may be required to furnish security.
25. *Repealed.*
26. Funds of the Society, allowances, expenses, and loans to members.
27. Audit.
28. Penalty for offences.

29. Arbitration.
30. Members not responsible for failure to deliver bananas through loss by accident or restraint.
31. No liability of any individual member of Society.
32. Inspection of banana cultivation.
33. Minister may give directions to committee.

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## **CHAPTER 23 BANANA ACT**

### **An Act to establish a statutory body to control the production of bananas, and for purposes incidental thereto.**

[Cap. 25 of 1958 amended by Act No. 9 of 1971, Act No. 22 of 1972, Act No. 41 of 1979, Act No. 4 of 1984, Act No. 10 of 1990, Act No. 15 of 1992, Act No. 42 of 1994, Act No. 3 of 1997, Act No. 24 of 2000.]

[16th March, 1955.]

#### **1. Short title**

This Act may be cited as the Banana Act.

#### **2. Interpretation**

In this Act—

“bananas” means bananas cultivated for marketing;

“chairperson” means the chairperson of the committee;

“committee” means the committee of management of the Society;

“member” means a member of the Society;

“Minister” and “Ministry” means, respectively, the Minister or Ministry responsible for agriculture;

“secretary” means the secretary of the Society;

“Society” means the Grenada Banana Co-operative Society constituted and established by this Act;

“WIBDECO” mean the Windward Islands Banana Development and Exporting Company Limited, a company incorporated under the Commercial Code (Companies) of St. Lucia and registered in Grenada.

#### **3. Establishment of Grenada Banana Co-operative Society**

There is hereby established a body corporate to be known as the Grenada Banana Co-operative Society which shall be entitled to make contracts and to sue and be sued in its name, to acquire by purchase or otherwise, hold and dispose of all kinds of property, real and personal.

#### **3A. Powers of the Society**

The Society shall have the power—

(a) to export bananas;

(b) to provide extension and import services to its members in such manner as the Society determines;

- (c) to rehabilitate banana plantations and to stimulate the production and export of bananas; and
- (d) to finance loans which are commercially reasonable as to their terms and conditions to members and other qualified participants in the export banana industry.

### **3B. Seal and the authentication thereof**

(1) The Society shall have an official seal which shall be in the custody of the chairperson or other members of the committee or the secretary, as determined by the committee.

(2) The seal of the Society shall be authenticated by the signatures of the chairperson or any other member authorised by the committee to sign and the secretary, and such seal shall be officially and judicially noticed.

(3) All documents, other than those documents required by law to be under the seal of society, and all decisions of the committee shall be signified under the hand of the chairperson or any other member duly authorised to sign by the committee and the secretary.

### **4. Membership of Society**

(1) All growers of bananas shall be entitled to membership of the Society.

(2) Every applicant for membership of the Society shall apply in writing to the secretary and shall state his or her qualifications for membership. The committee shall thereupon consider the application at its next meeting and decide whether or not the applicant shall be admitted to membership and the secretary shall notify him or her accordingly within seven days of the holding of the meeting.

### **5. Right of appeal to magistrate**

(1) Upon application made by any person to the secretary for membership the applicant may be required to furnish such evidence of his or her qualifications for membership as may be required by the committee.

(2) Any person whose application for membership is rejected by the committee may appeal to the magistrate of the district in which that person resides, and if he or she shall satisfy such magistrate of his or her eligibility for membership of the Society, the magistrate shall make an order directed to the chairperson requiring that such person, upon his or her complying with the regulations controlling the admission to membership of eligible persons generally, be forthwith admitted a member of the Society.

(3) Notice of the hearing by the magistrate of the appeal shall be served upon the secretary not less than seven clear days before the date fixed for the hearing.

(4) The chairperson shall be liable to a penalty of fifty dollars for each day after the day of receipt by him or her of the order of the magistrate during which he or she shall fail to admit the applicant to membership of the Society the applicant having complied with all conditions precedent to the admission of eligible persons to membership of the Society. The decision of the magistrate shall be final.

(5) The committee shall not entertain applications for admission to membership which have already been refused by the committee until the expiration of one year from the date of the refusal.

### **6. Composition, powers and functions of the Society**

The committee shall consist of not less than eight or more than ten persons, shall be the governing and executive body of the Society, and shall control the affairs thereof.

## **7. Annual general meeting of the Society**

(1) A general meeting of the Society shall be held in April of each year, hereinafter referred to as the annual meeting.

(2) The Committee shall organise the annual general meeting referred to in subsection (1) and shall give at least one month's notice in the *Gazette* of the said meeting.

(3) At the annual general meeting referred to in subsection (1) the Committee shall present to the said meeting the duly audited financial statements of the Society in respect of the immediately preceding period of twelve months.

(4) At the annual general meeting referred to in subsection (1) members of the Society shall elect from amongst themselves six members so elected to the Committee shall forthwith be submitted by the Secretary to the Governor-General.

(5) Within fourteen days of the said six members being elected to the Committee under subsection (4), the Governor-General shall nominate at least two but not more than four other persons to serve as members of the Committee who shall hold office during his or her pleasure. In the selection of such persons, the Governor-General may have regard to the advisability of ensuring representation of small growers on the Committee. At least one officer of the Public Service shall be nominated under this subsection to the Committee and shall be eligible for re-election.

## **8. Power to fill vacancies**

If no persons or an insufficient number of persons offer themselves for election to the committee or are elected thereto, or if any vacancy in the committee through any other reason shall occur, the Minister may nominate one or more members to fill such vacancy or vacancies.

## **9. Vacancies shall not invalidate acts of committee**

No act or proceeding of the committee shall be invalid by reason of any vacancy.

## **10. Disqualification for membership of committee**

A member of the committee shall, *ipso facto*, cease to be a member thereof if he or she is absent from any three consecutive meetings of the committee without leave.

## **11. Voting**

Subject to the voting powers of the chairperson contained in section 16(2), all matters proposed for the decision of the committee are to be determined by a majority of the votes of the members present and voting.

## **12. Register of members**

(1) Subject to any rules made hereunder with respect to any procedure pertaining to the writing up of registers of members, the secretary shall in the month of April in every year, compile in alphabetical order a register of the names of all members. Such register shall be signed by the chairperson and committed to the custody of the secretary. A copy of the register shall be displayed in the office of the Society in such manner as will enable all persons interested therein readily to inspect the same at all reasonable hours.

(2) On or before the 31st day of March in each year, the chairperson shall having given prior notice to the Minister, revise the register to reflect new and lapsed membership.

(3) The register of members so prepared and revised shall be used in all matters to be decided by the votes of members and no person whose name does not appear on the register of members shall be entitled to vote upon any matters connected with the Society.

### **13. Tenure of office, etc., of members of the Committee**

(1) If any member of the committee, other than the member who is a public officer, refuses to obey or conform with the rules and decisions of the committee it shall be lawful for the committee, by resolution, passed by the affirmative votes of not less than five members of the committee, after affording such member a full opportunity of defending himself or herself, to expel such member and to declare his or her seat vacant, and his or her seat shall, *ipso facto*, become vacant accordingly.

(2) Any member of the committee may, by giving fourteen days notice in writing to the chairperson, resign his or her office. The chairperson may resign his or her chairpersonship by giving fourteen days notice in writing addressed to the secretary.

(3) Any notification of the fact and circumstance of any vacancy in the committee shall be published by the secretary in the *Gazette*, and notified to the Minister with all dispatch.

(4) Any vacancy in the committee may at any time be filled by the Minister.

### **14. Dissolution of committee**

(1) If the committee, in the judgement of the Minister, makes default in the performance of the duties imposed upon it by this Act or by any other written law, or exceeds or abuses its powers, it shall be lawful for the Minister by an Order, published in the *Gazette*, to dissolve the committee.

(1A) Without prejudice to anything contained in subsection (1), it shall be lawful for the Minister by an Order published in the *Gazette* to dissolve the committee if he or she is of the opinion that such dissolution is warranted by the economic and other like circumstances pertaining to the viability of the banana industry.

(2) In case of such dissolution the following consequences shall ensue, namely—

- (a) all members of the committee shall, from the date of such Order, vacate their offices;
- (b) all the powers and duties of the committee shall, until the formation of a new committee under this Act, be exercised by such person as the Minister may appoint in that behalf, and any payment made to that person for his or her service shall be a charge upon the funds of the Society hereinafter mentioned;
- (c) any contracts or other obligations lawfully entered into by the committee before its dissolution shall be carried out, as far as possible, by such person aforesaid who shall, for those purposes, be deemed to be the agent of the Society;
- (d) if such Order for dissolution shall be made the public officer nominated as aforesaid shall perform the duties of the committee until the end of the period of twelve months which shall expire on the thirteenth day of April next after such nomination when the new committee to be constituted as hereinbefore provided shall come into being.

### **15. Appointment of chairperson, etc.**

(1) The chairperson shall be appointed by the Minister.

(2) The chairperson of the committee shall be, *ex officio*, chairperson of the Society.

(3) The Minister may appoint a deputy chairperson who shall preside and have all the powers of the chairperson when the chairperson is absent.

#### **16. Duties of chairperson**

(1) The chairperson shall preside at every meeting of the committee and shall have such other powers and perform such other duties as may, from time to time, be assigned to him or her by committee rules.

(2) The chairperson shall have an original vote and, in case of an equal division of votes on any question before the committee, a second or casting vote.

#### **17. Minutes to be received in evidence**

(1) A minute of the proceedings at a meeting of the committee signed at the same or the ensuing meeting by the chairperson or by a member describing himself or herself as or appearing to be chairperson thereof shall be received in evidence without further proof in all courts and for all other purposes whatsoever.

(2) Until the contrary has been proved, every meeting of the committee in respect of the proceedings whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.

#### **18. Power of committee to make rules**

(1) The Committee may, with the approval of the Minister, make rules for the good management of the affairs of the Society generally and in particular with respect to the following matters—

- (a) the time and place of its meetings and of general meetings of the Society;
- (b) the mode of convening its meetings and the general meetings of the Society;
- (c) the attendance of its members;
- (d) the form and order of its debates and of the debates at general meetings of the Society;
- (e) the powers and duties of its officers and employees;
- (f) the general regulation of the proceedings of the committee and of the Society, and the mode of conducting the business of the committee, and of the Society;
- (g) regulating the purchase, the price to be paid for and the receipt of bananas by the Society;
- (h) regulating the grading and selection of bananas by the Society;
- (i) regulating the time and manner of disposal of bananas delivered to the Society and rejected for export;
- (j) regulating the handling and export of bananas by the Society and the marketing thereof, and imposing a cess or levy on bananas;
- (k) regulating the manner in which the accounts of the Society shall be kept;
- (l) controlling the finances of the Society and regulating the time at and the terms under which payments to members and other persons shall be made;
- (m) regulating the conditions of membership of the Society including the fixing of any fees payable on admission to membership and periodically thereafter and the disciplining of members; and

- (n) regulating and controlling every other matter within the scope of the Society's operations whether the same shall be of the same kind as any of the matters hereinbefore particularly mentioned or otherwise.

(2) Such rules may create offences and prescribe penalties for the contravention of any of the provisions thereof not exceeding a fine of one thousand dollars or imprisonment for a term not exceeding six months.

(3) No such rule shall be made, or, when made, shall be altered or revoked, unless special notice of such intended making, alteration, or revocation has been given at a meeting of the committee held at least seven days before that at which the making, alteration or revocation is proposed, and unless special notice in writing thereof has also been given to the members of the committee at least three days before such latter meeting.

(4) The making, alteration or revocation of rules which shall relate to the meetings of the Society or shall purport to regulate the proceedings of the Society shall not be binding upon the Society until the same has been confirmed by a general meeting of the Society held not less than fourteen days after the making, alteration or revocation of such rules by the committee, and then only if special notice in writing of the making, alteration or revocation of such rules shall have been given in the notice convening the general meeting or to the members of the Society at least three clear days before the day of the general meeting.

#### **19. *Repealed.***

#### **20. Bananas delivered to become property of Society**

All bananas delivered to the Society shall become the property of the Society and the rights of the member or the grower of the bananas and of all other persons claiming through, under or against such member or grower shall be none other than a right to receive such sums as shall be payable by the Society to the persons entitled to receive the same to be determined in relation to the price paid by the Society for such bananas.

#### **21. Excess of revenue to be placed in reserve fund**

(1) Any excess of the revenues of the Society for any financial year thereof over the sums properly chargeable to their revenue account shall be placed in a reserve fund.

(2) The amount of the reserve fund and the uses to which it shall be applied shall be determined by the committee after consultation with the Minister.

#### **22. Secretary and treasurer of Society to be appointed**

(1) The committee may, with the approval of the Minister—

- (a) appoint fit and proper persons to be secretary and treasurer respectively;
- (b) from time to time, fix or alter the salaries to be paid to the secretary and to the treasurer from the funds of the Society; and
- (c) suspend or dismiss either or both of them:

Provided that notwithstanding the dissolution or other determination of the committee, the secretary and treasurer shall continue to hold office until their employment as such has been terminated by the Minister.

(2) The Minister may call upon the committee to give reasons why any of the said officers should not be suspended or dismissed, and upon consideration thereof direct the committee to suspend or dismiss them upon such terms and conditions as may be deemed fit. In the event of the committee failing to comply with such direction within three

months or such shorter period as may be set out in the direction, the Minister may proceed to suspend or dismiss the said officers.

(3) The secretary shall be the chief executive officer of the Society and shall have all such powers and perform all such duties as are or may be conferred upon him or her by this or any Act, or by any regulation or order of the committee. He or she shall attend the meetings of the Society and of the committee and shall keep the minutes of the proceedings at every such meeting.

(4) In the case of the illness or absence of the secretary, the committee may, with the consent of the Minister, appoint some fit and proper person to be assistant secretary.

(5) The assistant secretary shall hold office during the pleasure of the committee.

(6) All things required or authorised by law or any regulation or order of the committee to be done by the secretary may be done by the assistant secretary.

(7) An assistant secretary, while acting for the secretary, may receive remuneration to be drawn from the remuneration of the secretary or to be paid from the funds of the Society as the committee shall determine.

### **23. Appointment of junior officers and employees**

(1) The committee may, from time to time, appoint such other officers and employees as may be required for the efficient administration of the affairs of the Society.

(2) Every such officer or employee shall hold office during the pleasure of the committee.

(3) Every such officer or employee shall receive such remuneration and shall perform such duties as may, from time to time, be assigned to him or her by the committee.

### **24. Officers and employees may be required to furnish security**

(1) The committee may require any officer or employee appointed hereunder to give such security as may be thought proper for the true and faithful performance of the duties of his or her office, and for the due accounting for paying over and delivering all monies, goods and chattels which may come into his or her hands in virtue of his or her office.

(2) No officer or employee of the Society shall be entitled to more than a month's notice of the termination of his or her employment, and the committee shall have no power to make any agreement for service involving any longer notice, or any claim for pension or compassionate allowance, except the same shall be authorised by the Minister.

(3) If the secretary or any other officer or any employee appointed by the committee shall, directly or indirectly, have any pecuniary interest in any agreement or contract which shall be entered into by the Society or any matter affecting the committee, such secretary, officer or employee shall report the circumstances of his or her interest to the committee through the chairperson as soon as practicable after he or she becomes aware of him or her having such interest; and in default of him or her so reporting, he or she shall be liable to summary dismissal from the service of the Society.

### **25. *Repealed.***

### **26. Funds of the Society, allowances, expenses, and loans to members**

(1) The funds of the Society shall consist of any monies granted to the Society by Parliament or granted or loaned by any other Government or person, and of monies donated or bequeathed to the Society and all monies payable to the Society under any of the provisions of this Act or otherwise.

(2) The Society may borrow money for the carrying out of its purposes and may charge in any manner all property of the Society of every nature and kind whatsoever and

all its funds and all the revenues of the Society present and future with the repayment of money borrowed for such purposes.

(3) The Society may advance money to producers on such terms as the committee may think fit subject to the approval of the Minister.

(4) The committee may pay such allowances and expenses as shall be approved by the Minister.

(5) The committee may provide loans towards the establishment and development of approved agro-industries on terms to be agreed between the committee and the Minister.

## **27. Audit**

(1) The accounts of the Society shall be audited in each financial year by an independent, qualified and experienced auditor or firm of auditors appointed by the Committee with the approval of the Minister.

(2) The Committee, officers and staff of the Society shall make available to the auditors of all books, ledgers, deeds, contracts, accounts, vouchers and other like documents which are required for the purposes of subsection (1), and the auditor may require any person holding or accountable for any such document to appear before him or her and give a signed statement or information in relation to any such document.

## **28. Penalty for offences**

(1) Any person who is guilty of an offence against this Act shall, on summary conviction, where no other penalty has hereinbefore been provided, be liable to a penalty of one thousand dollars and, in default of payment, to imprisonment for six months.

(2) Every proceeding instituted against any such offender shall be taken in the name and at the instance of the secretary or of any other person authorised by the committee, or in the name and at the instance of the Chief of Police.

## **29. Arbitration**

(1) In the event of any dispute or difference arising between a member and the Society in connection with the selection, grading or rejection by the Society of any bananas the dispute or difference shall be heard and determined by two arbitrators one of whom shall be a member of the committee nominated by the secretary and one a member of the Society nominated by the member aggrieved. The member desiring the arbitration shall, within four hours of the rejection of the fruit, serve a notice in writing on the secretary intimating his or her desire, and such notice shall be accompanied by a deposit of two dollars, which sum or part thereof at the discretion of the arbitrators may be retained and be placed to the credit of the Society in the event of the arbitrators deciding in favour of the Society.

(2) On receipt of the notice and deposit, the secretary shall nominate his or her arbitrator, who shall within eight hours proceed with the reference, failing which the arbitrator of the member aggrieved may proceed to act alone and his or her decision shall be final and binding on both parties.

(3) In the event of the decision of the arbitrators or of the arbitrator acting alone under subsection (2) being in favour of the member aggrieved the deposit of two dollars shall be refunded to the member aggrieved.

(4) In the event of failure of agreement to determine any such dispute or difference by arbitration, the matter shall be referred to the Chief Technical Officer (Agriculture) or any officer deputed by him or her as referee, and his or her decision as to the dispute or difference, and as to the retention of the deposit aforesaid by the Society, shall be final and binding on both parties.

**30. Members not responsible for failure to deliver bananas through loss by accident or restraint**

(1) No member shall be held responsible for failure to deliver bananas on account of destruction of the cultivation of fruit by hurricane or other inevitable casualty, loss by fire, theft, or unnatural restraint, inability to provide transportation, or unforeseen accident or cause beyond the control of the member.

(2) The Society shall likewise not be held responsible for failure to accept any bananas through loss or inability arising from any of the above-mentioned accidents or causes or any disability whatsoever arising from occurrences beyond the control of the Society.

**31. No liability of any individual member of Society**

There shall be no liability of any individual member of the Society to contribute to the expenses of the Society in the event of any failure to provide funds or of insufficient funds to meet any just debts or expenditure incurred by or on behalf of the Society, or any member thereof duly authorised by or on behalf of the Society, or for any pecuniary losses arising from the working of the Society, or for any default or any suit for or against any person or persons.

**32. Inspection of banana cultivation**

The committee may in writing request the Chief Technical Officer (Agriculture) to enter into a banana cultivation of any description whatsoever whether of the varieties specified in section 2 or otherwise and whether the property of a member of the Society or not, for the purpose of determining the variety or quality of bananas grown thereon, the condition of the bananas and the method of reaping. The Chief Technical Officer (Agriculture) when so requested shall, by himself or herself or his or her nominee, be at liberty, at all reasonable times, after giving reasonable notice of his or her intention, to enter and inspect such cultivation.

**33. Minister may give directions to committee**

The Minister may, after consultation with the committee, give to the committee directions of a general character as to the exercise and performance of their functions under the provisions of this Act in relation to matters appearing to the Minister to concern the public interest, and the committee shall give effect to any such directions.

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**CHAPTER 23  
BANANA ACT**

**SUBSIDIARY LEGISLATION**

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*List of Subsidiary Legislation*

1. Banana Rules
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**Banana Rules**

## SRO 10 of 1959

### ARRANGEMENT OF RULES

1. Citation.
  2. Transport of bananas.
  3. Vehicles conveying bananas.
  4. Certificate of registration.
  5. Number of persons on vehicle.
  6. Exposure of bananas.
  7. Loading bananas into lighters.
  8. Receiving bananas for export.
  9. Suspension or cancellation of permit.
  10. Statement to be delivered.
  11. Banana book.
  12. Production of banana book.
  13. Time for cutting bananas.
  14. Rejected bananas.
  15. Penalty for offences.
- Schedule. Forms

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### BANANA RULES

[Section 18. SRO 10 of 1959.]

[25th April, 1959.]

#### 1. Short title

These Rules may be cited as the Banana Rules.

#### 2. Transport of bananas

(1) No person shall carry bananas intended for export on any vehicle unless such vehicle is registered with the Society as being suitable for the transport of fruit.

(2) No person shall despatch, load or drive a vehicle containing bananas intended for export on which the fruits project over the sides thereof, unless such vehicle is provided with wings for the support of such fruit.

(3) No person shall transport bananas intended for export unless such bananas are thoroughly padded or sleeved in approved paper wrappers, and fruit shall be stored on vehicles between layers of soft, clean banana trash.

(4) No person shall sit, stand or lie upon bananas intended for export while such fruit is in transit for shipment, nor shall any driver or person in charge of a vehicle in which bananas are being transported for shipment permit any person to stand, sit or lie on such bananas.

(5) No person shall deliver bananas intended for export which are not clean and free from foreign matter such as nests, twigs, grass, mud or dirt.

(6) No person shall place any article on bananas in a truck intended for export unless such article is used or intended to be used for the protection of such bananas:

Provided that bananas clearly marked "not for export" may be placed in such a truck.

#### 3. Vehicles conveying bananas

(1) The body of vehicles conveying bananas intended for export shall be rigid and shall be so constructed as to preclude the fruits stored thereon being damaged by any uprights or other fixture on such vehicles.

(2) The inside of the body of vehicles intended for conveying bananas for export shall be so padded with banana trash or rubberised fibre on the sides and floor thereof as to prevent the fruits loaded thereon from being bruised.

#### **4. Certificate of registration**

(1) Upon application by the owner or other person for the registration of a vehicle intended to be used in the transportation of bananas intended for export, the Committee shall cause such vehicle to be inspected by one of its officers who shall certify that such vehicle is suitable for such purpose before the issue to such owner or other person of a certificate of registration.

(2) Such certificate may be suspended at the discretion of the Committee if satisfied that there has been delivered from such vehicle bananas having transport bruises exceeding five per cent on each of six successive trips or that bananas on such vehicle have been persistently handled in a careless manner.

#### **5. Number of persons on vehicle**

The driver of any vehicle conveying bananas intended for export shall not permit persons to ride on the tray thereof other than the accredited loaders thereof who shall not exceed five in number.

#### **6. Exposure of bananas**

(1) Bananas intended for export shall not be left exposed to the direct rays of the sun after having been cut, but shall be adequately covered to the satisfaction of a duly authorised officer of the Society or, of the Ministry of Agriculture.

(2) Bananas found exposed to the direct rays of the sun after having been cut for export may be marked by a duly authorised officer of the Society or of the Ministry of Agriculture.

#### **7. Loading bananas into lighters**

Bananas intended for export shall not be stacked or loaded into a lighter, boat or other vessel unless such lighter, boat or vessel is adequately padded to the satisfaction of an officer of the Society or of the Ministry of Agriculture and such bananas shall be adequately protected from the direct rays of the sun while stacked thereon.

#### **8. Receiving bananas for export**

(1) The following rules shall apply in relation to bananas received for export—

- (a) any person who intends to purchase, receive or transport bananas intended for export in the capacity of an itinerant buyer or agent shall first obtain from the Committee a permit authorising him or her to do so, and such bananas shall be delivered by him or her at an approved receiving station;
- (b) such permit shall prescribe the area within which such itinerant buyer or agent may operate, and such itinerant buyer or agent shall not operate outside the area prescribed by the permit;
- (c) the Society may, in its discretion, limit the number of permits for any area according to requirements;

- (d) a receipt in the form in the Schedule hereto shall be issued by such itinerant buyer or agent to every producer of bananas showing the number of stems delivered, the weight of each stem, the total weight of all stems delivered and the price paid or to be paid to the producer therefor;
- (e) a duplicate copy of every receipt so issued as aforesaid shall be sent by the itinerant buyer or agent to the Secretary of the Society within forty-eight hours of delivery of such bananas by the producer and shall be filed by the Secretary.

(2) The Committee may, from time to time, specify the rates for freight and commission to be paid by producers for services rendered by itinerant buyers or agents, and shall be at liberty to vary such rates.

## **9. Suspension or cancellation of permit**

The Committee may, in its discretion, suspend or cancel a permit issued under the provisions of rule 8 of these Rules.

## **10. Statement to be delivered**

(1) Any person delivering bananas at a reception station shall hand in a statement to the officer of the Society thereat showing the name of the producer, the number of stems delivered and the name of the property where the bananas were produced.

(2) Any person delivering bananas intended for export at a reception station in a vehicle containing bananas from more than one producer shall deliver to an officer of the Society at the reception station a signed statement showing the names of the producers and the number of stems received from each such producer, and in addition shall show the weights accepted from each producer. This statement shall be delivered to the Secretary before payment is made to the person in whose name the bananas were delivered.

## **11. Banana book**

(1) The Committee shall issue a banana book, in the form contained in the Schedule hereto, upon application by a producer containing—

- (a) the description, area and situation of the land cultivated in bananas and the number of stools;
- (b) the estimated production of bananas in stems in the ensuing year; and
- (c) the nature of tenure of the land.

(2) Every producer delivering bananas at a reception station or to an itinerant buyer or to an agent or to any other person or society shall present the banana book issued to him or her in which shall be recorded by the person accepting delivery of the bananas the particulars called for in the book.

(3) No new banana book shall be supplied to any producer for the replacement of a book unless the book already in use is returned to the Committee for cancellation.

(4) Any person who uses or authorises the use of a banana book other than the banana book issued to him or her shall be guilty of an offence against these Rules.

(5) Every producer who ceases to produce bananas intended for export shall return his or her banana book to the Committee for cancellation.

(6) In the event of the loss of a book, the producer shall swear to an affidavit setting forth, to the satisfaction of the Society, the circumstances under which such book was lost. Upon such satisfaction, the Committee shall cause a new book to be issued on payment of a sum not exceeding one dollar in the discretion of the Society for such replacement.

(7) No person shall wilfully destroy or mutilate a banana book or make a false entry therein.

**12. Production of banana book**

(1) Any Police Officer or Officer of the Ministry of Agriculture or of the Society may demand the production of a banana book and may make a copy of any entry therein, and may also retain such book upon giving a receipt therefor to the producer or other person from whom such book is taken. Any such officer taking custody of a banana book shall immediately inform the Secretary of the purpose for which the book is so retained.

(2) If any person having the custody or control of any such book neglects or refuses to produce or deliver up such book as aforesaid, he or she shall be guilty of an offence against these Rules.

**13. Time for cutting bananas**

No person shall cut bananas intended for export before the time specified for such cutting on each cutting day, and such time shall not be more than forty-eight hours before the time at which the reception station closes.

**14. Rejected bananas**

(1) No person shall offer to the Society for sale or acceptance for export any bananas which have been previously rejected for export, or attempt to deliver for export such rejected bananas except with the written permission of the Society. Any bananas rejected for export may be marked on the stem by a duly authorised Officer of the Society or of the Ministry of Agriculture:

Provided that such mark shall not render the hands on the stem to be unsaleable.

(2) All rejected bananas shall be returned to the person who delivered them.

**15. Penalty for offences**

Any person who contravenes the provisions of rule 2(1), 2(2), 2(3), 2(6), 7, 8(1)(a), 10 or 12(2) of these Rules shall be guilty of an offence against these Rules and shall, on summary conviction, be liable to a fine not exceeding one hundred and fifty dollars or to a term of imprisonment not exceeding one month; and any person who contravenes the provisions of rule 2(4) or 11(4) of these Rules shall be guilty of an offence against these Rules and shall, on summary conviction, be liable to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding two months.

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**Schedule**

*Forms*

FORM 1

BANANA ACT

BANANA RULES

*Grenada Banana Co-operative Societies Banana Producers Book*

[Rule 11.]

No. ....





Scott Street,  
St. George's,  
Grenada.

....., 20.....

This certifies that Truck No. .... owned by ..... of  
..... has been inspected and is hereby registered as a suitable vehicle  
to transport bananas for export.

The conditions are as follows—

- (a) The body of the truck must be rigid and must have inner boards lathing, or close boarding to prevent the fruit from being damaged by any uprights inside the body of the truck.
- (b) The inside of the body of the truck must be properly padded with banana trash or rubberised fibre on the sides and on the floor to prevent fruits from being bruised.
- (c) The Society may suspend a certificate of registration issued to a vehicle for the transport of bananas if any driver of the vehicle at any time delivers bananas having transport truck bruises exceeding 5 per cent on each of six successive trips, or handles bananas on the truck in a careless manner, or, if the body of the vehicle at any time does not fulfil the requirements of (a) and (b) above.

.....

*Secretary, G.B.C.S.*

FORM 6

BANANA ACT

BANANA RULES

*Grenada Banana Co-operative Societies Permit to Receive Bananas for Export*

[Rule 8.]

Scott Street,  
St. George's,  
Grenada.

....., 20.....

Mr./Mrs./Ms ..... of ..... is hereby authorised to receive  
or to purchase bananas for export in the under-mentioned areas—

{	Description of	.....
	Areas	.....
		.....

Dated the ..... day of ....., 20 .....

.....

*Secretary, G.B.C.S.*

*Note.*—This permit may be suspended or cancelled at any time.

FORM 7

BANANA ACT

BANANA RULES

*Grenada Banana Co-operative Societies Application for a Banana Book*

[Rule 11.]

I, ....., residing at ..... do hereby declare that I am owner/  
lessee/occupier of ..... Acre ..... Roods of land situate at .....  
in the Parish of ..... cultivated in Banana estimated to produce ..... stems  
and containing ..... stools at the date of this application, and that production for the  
ensuing twelve months is estimated to be ..... stems from ..... stools.

Dated this ..... day of ....., 20 .....

.....

*Signature of Applicant*

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