

Island of  Guernsey

Ordinance of the States. **XII**

1953

Made	13th April, 1953.
Came into Operation	..	15th April, 1953.
Laid before the States	..	29th April, 1953.

The Export of Tomatoes (Packing and Grading) Ordinance, 1953.

THE STATES LEGISLATION COMMITTEE, under and by virtue of the powers conferred upon them by paragraph (3) of Article sixty-six of the Reform (Guernsey) Law, 1948, and upon the representations of the States Committee for Horticulture, hereby order:—

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpretation.

“the Board” means the Guernsey Tomato Marketing Board incorporated under the Tomato Marketing (Guernsey) Law, 1952;

“the Committee” means the States Committee for Horticulture;

“export” means export by way of trade;

“inspector” means a person appointed by the States Board of Administration to execute and perform the powers and duties of an inspector under this Ordinance;

“marked” means marked with a legible and waterproof mark;

“pound” means pound avoirdupois;

“round” means that the circumference of any section taken at right angles to a line running from stem to eye is approximately circular;

“tomatoes” means fresh tomatoes grown in and intended for export from Guernsey.

Containers
and Weight
of tomatoes
therein.

2. (1) A person shall not deliver, cause to be delivered or attempt to deliver, tomatoes to the Board for export unless they are packed in containers designed to contain six or twelve pounds of tomatoes.

(2) The weight of tomatoes in a container delivered or attempted to be delivered as aforesaid shall—

(a) in respect of a container designed to contain six pounds, be not less than six pounds net;

(b) in respect of a container designed to contain twelve pounds, be not less than twelve pounds net.

Quality of
of tomatoes
delivered for
export.

3. A person shall not deliver, cause to be delivered or attempt to deliver, tomatoes to the Board for export unless at the time of delivery or attempted delivery they are clean, firm, of merchantable quality, free from any defect which may affect keeping quality and have reached but not exceeded a state of maturity whereby it can reasonably be expected that within seventy-two hours after the day of such delivery or attempted delivery those tomatoes will have ripened satisfactorily.

4. (1) For the purposes of this Ordinance, tomatoes shall be graded in accordance with the provisions of this section. Grading of tomatoes.

(2) Subject to the provisions of subsections (3), (4) and (5) of this section, the grades of tomatoes shall be—

- (a) SELECT SUNRISE, being tomatoes having a diameter exceeding $2.3/16$ inches but not exceeding $2\frac{1}{2}$ inches;
- (b) SELECT STAR, being tomatoes having a diameter exceeding $1.13/16$ inches but not exceeding $2.3/16$ inches;
- (c) SELECT DIAMOND, being tomatoes having a diameter exceeding $1.9/16$ inches but not exceeding $1.13/16$ inches;
- (d) SELECT CIRCLE, being tomatoes having a diameter exceeding $1.5/16$ inches but not exceeding $1.9/16$ inches;
- (e) TRIANGLE, being tomatoes each of which weighs more than one and one-third ounces;
- (f) SQUARE, being tomatoes each of which weighs not less than two thirds of an ounce.

(3) The tomatoes in the SELECT SUNRISE, SELECT STAR, SELECT DIAMOND and SELECT CIRCLE grades shall be free from disease and blemishes including those known to prevent full red coloration on maturity, smooth skinned and round.

(4) The tomatoes in the TRIANGLE grade shall be free from disease, and reasonably free from blemishes, distortion, discoloration and damage.

(5) The tomatoes in the SQUARE grade may be blemished, and discoloured up to one third of the area of the tomato, but shall be fit for human consumption.

(6) The Committee shall as soon as may be after the coming into force of this Ordinance and may from time to time thereafter prescribe in respect of each grade of tomatoes a symbol (hereafter in this Ordinance referred to as a "prescribed symbol").

Packing of
tomatoes.

5. (1) The provisions of the section shall have effect in relation to the packing of tomatoes delivered to the Board for export.

(2) Tomatoes shall be packed in a container—

- (a) which is of a type approved by the Committee;
- (b) which is clean and in good condition;
- (c) on the outside of each end of which is marked thereon or on the outside of a label securely attached thereto the prescribed symbol relating to the grade of the tomatoes; and
- (d) the interior of which is lined with not less than two sheets of packing paper, each of which shall be not less than eighteen inches long and not less than fourteen inches wide, of the colour appropriate to the grade of the tomatoes.

(3) The colour of packing paper appropriate to each of the several grades of tomatoes shall be as follows:—

<i>Grade of tomatoes</i>	<i>Appropriate colour of packing paper</i>
(a) SELECT SUNRISE	PINK
(b) SELECT STAR	PINK AND WHITE
(c) SELECT DIAMOND	YELLOW
(d) SELECT CIRCLE	BLUE
(e) TRIANGLE	WHITE
(f) SQUARE	GREEN

(4) No paper other than packing paper as aforesaid shall be placed in a container of tomatoes.

(5) Where any outdoor grown tomatoes are packed in a container there shall be marked on that container or on the outside of a label securely attached thereto the words "OUTDOOR GROWN".

(6) The presence in a container of tomatoes of packing paper appropriate to a grade of tomatoes shall, for the purposes of this Ordinance, constitute a declaration that all the tomatoes in that container conform with the requirements of the grade of tomatoes to which that colour is appropriate and it shall be a contravention of this Ordinance if any of the tomatoes in that container do not so conform.

(7) Where the end or a label attached to the end of a container of tomatoes is marked with a prescribed symbol, the presence of that symbol shall, for the purposes of this Ordinance, constitute a declaration that all the tomatoes in that container conform with the requirements of the grade of tomatoes to which that symbol relates and it shall be a contravention of this Ordinance if any of the tomatoes in that container do not so conform.

6. A person shall not, save under special or general authority in that behalf of the States Supervisor, export, cause to be exported or attempt to export, tomatoes otherwise than from the Harbour of Saint Peter Port.

Place of
export of
tomatoes.

7. (1) An inspector, on the production by him, if required, of a certificate of his appointment signed by the States Supervisor, may at all times at any place from which tomatoes may lawfully be exported examine all tomatoes and the containers thereof which have been delivered to the Board for export and the Board shall afford such inspector reasonable facilities for such inspection.

Powers and
duties of
inspectors.

(2) An inspector, at such times and place as aforesaid, may open or cause to be opened and may examine and weigh the contents of any container in which tomatoes so delivered are packed and may order the removal of any load or consignment of tomatoes or of any part thereof from its place or position to any other place or position at or near the place of export at which such load or consignment is and may order the unloading or separation of any such load or consignment.

(3) If on examining or weighing any container or the contents thereof it shall appear to an inspector that any of the provisions of this Ordinance has been contravened the inspector shall forthwith report the matter in writing to the States Supervisor and the inspector may, in his discretion, take action in one or other of the following manners, that is to say:—

(a) he may forbid the exportation of such container and its contents;

(b) he may order that the load or consignment or any part thereof of which such container forms part be returned for repacking to the person to whom the Board is accountable for the proceeds of the sale thereof (which person is hereafter in this section referred to as "the owner") and may require that the load or consignment or part thereof, after repacking, be presented to him for inspection.

(4) An inspector may, as respects any tomatoes and the containers thereof examined by him under the foregoing provisions of this section, seize any such tomatoes and the containers thereof as he may deem necessary for the purposes of any prosecution under the provisions of this Ordinance.

(5) Where an inspector takes any action under subsections (3) and (4) of this section he shall forthwith inform the Board and the owner of the action taken.

8. Nothing in this Ordinance shall apply in relation to any tomatoes or the container thereof which are the subject of any experiment conducted by the Board in pursuance of paragraph (b) of subsection (1) of section two of the Tomato Marketing (Guernsey) Law, 1952. Saving.

9. Any person whose name or in respect of whom the number assigned by the Board appears upon a container in respect of which or in respect of the contents of which there is a contravention of this Ordinance shall be deemed for the purposes of a prosecution under this Ordinance to be responsible for such contravention. Proceedings.

10. Any person who— Penalties.

- (a) contravenes any of the provisions of this Ordinance; or
- (b) impedes or obstructs an inspector in the exercise of his duties under this Ordinance; or
- (c) refuses or neglects to obey a lawful order given by an inspector in the execution of his duties under this Ordinance;

shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent offence to a fine not exceeding one hundred pounds.

11. This Ordinance shall come into force on the fifteenth day of April, 1953. Commencement.

JAMES E. LE PAGE,

Her Majesty's Greffier.