

Island of  Guernsey

Ordinance of the States **VIII**

1961

Made 15th March, 1961.
Coming into Operation .. 20th March, 1961.

The Export of Tomatoes (Packing and Grading) Ordinance, 1961

THE STATES, in pursuance of their Resolution of the fourteenth day of December, nineteen hundred and sixty, and on the representations of the States Committee for Horticulture, hereby order:—

1. (1) Tomatoes delivered to the Board for export shall be packed in a container— Packing of tomatoes.

- (a) which is of a type approved by the Committee;
- (b) which is clean and in good condition;
- (c) which is fully lined in such manner, with such material and of such colour as the Committee may from time to time approve;
- (d) which is covered with a cover of a type approved by the Committee.

(2) There shall be marked on the outside of each end of, or on the outside of a label securely attached to, containers the prescribed symbol appropriate to the grade of tomatoes therein.

(3) There shall be marked on the exterior of the cover of containers commonly known as and hereinafter referred to as "Dutch trays" the name of the grade and the prescribed symbol appropriate to the grade of tomatoes therein.

(4) Containers shall be parcelled together in such numbers and in such manner as the Committee may from time to time require.

(5) Notwithstanding the preceding provisions of this section, tomatoes may, with the consent of the Board, be delivered in single uncovered containers and the Board shall, as soon as may be thereafter, cause containers so delivered to be covered in accordance with the provisions of paragraph (d) of subsection (1) of this section, to be parcelled together in accordance with the provisions of subsection (4) of this section and, in the case of Dutch trays, cause the cover to be marked in accordance with the provisions of subsection (3) of this section.

(6) A person shall not place any material, other than material approved by the Committee under the provisions of this section, in a container of tomatoes delivered to the Board for export.

(7) The presence on the end of, or on a label attached to, a container of a prescribed 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.

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

2. (1) Subject to the succeeding provisions of this section, a person shall not deliver tomatoes or cause tomatoes to be delivered to the Board for export otherwise than packed in containers designed to contain either six or twelve pounds of tomatoes. Containers and weight of tomatoes therein.

(2) Subject to the provisions of the next succeeding subsection, tomatoes of the SMALLS grade delivered to the Board for export after the thirty-first day of May in any year shall be packed in containers designed to contain twelve pounds of tomatoes.

(3) The Committee may, from time to time, by order prohibit the delivery of tomatoes to the Board for export otherwise than in containers designed to contain six pounds of tomatoes.

(4) The weight of tomatoes in a container delivered in accordance with the provisions of this section shall—

- (a) in respect of a container designed to contain six pounds, be not less than six pounds and one ounce net;
- (b) in respect of a container designed to contain twelve pounds, be not less than twelve pounds and two ounces net.

3. A person shall not deliver tomatoes or cause tomatoes to be delivered to the Board for export unless at the time of 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 those tomatoes will have ripened satisfactorily. Quality of tomatoes delivered for export.

4. (1) All tomatoes delivered to the Board for export shall be graded in accordance with the provisions of this section. Grading of tomatoes.

(2) Subject to the provisions of subsections (3) to (6) inclusive of this section, the grades of tomatoes shall be those set out in the left hand column of the First Schedule to this Ordinance and the tomatoes in those grades shall be within the size or weight range, as the case may be, specified in the right hand column of that Schedule in relation to those grades respectively.

(3) Tomatoes in the PINK, PINK AND WHITE, PINK AND WHITE CROSS and WHITE grades shall be free from disease and blemishes including those known to prevent full red coloration on maturity, smooth skinned and round and in each container the tomatoes shall be reasonably uniform as to ripeness and colour.

(4) Tomatoes in the BLUE grade shall be free from disease and reasonably free from blemishes, distortion, discoloration and damage and in each container the tomatoes shall be reasonably uniform as to ripeness and colour.

(5) Tomatoes in the DOMESTIC grade may be blemished and discoloured up to one-third of the area of the tomato but shall be fit for human consumption.

(6) Tomatoes in the SMALLS grade shall be free from disease, blemishes, distortion, discoloration and damage.

(7) The symbols set out in the centre column of the First Schedule to this Ordinance shall, for the purposes of this Ordinance, be the prescribed symbols in relation to the grades of tomatoes set out in the left hand column of that Schedule opposite to those symbols respectively.

Powers and
duties of
inspector.

5. (1) An inspector, on the production by him, if required, of a certificate of his appointment signed

by the President of the Committee may at all times at any place appointed by the Committee for that purpose examine all tomatoes and the containers thereof which have been delivered to the Board for export and the Board or the occupier of any such place so appointed, as the case may be, shall offer such inspector reasonable facilities for such inspection.

(2) An inspector, at such times and place as aforesaid, may open or cause to be opened and may examine, weigh and count 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 any place appointed as aforesaid, at which such load or consignment is and may order the unloading or separation of any such load or consignment.

(3) If on examining any container or the contents thereof it shall appear to an inspector that any of the provisions of this Ordinance have been contravened, 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 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, if redelivered for export, be presented to him for inspection;

and he shall, as soon as may be thereafter, report the matter in writing to the Committee.

(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.

(6) In any case where under the provisions of this section the exportation of a container and the contents thereof has been forbidden by an inspector, or the return of a load or consignment or any part thereof of which such container forms part has been ordered by the inspector, and the container and the contents thereof, or the load or consignment or any part thereof, has not been collected by, or on behalf of, the owner by five o'clock in the afternoon on the second working day next following the day on which such exportation was forbidden or return was ordered, the inspector may, with the approval of the President of the Committee, confiscate and destroy or otherwise dispose of the container and the contents thereof, or the load or consignment or part thereof.

(7) The proceeds of disposal of any container and the contents thereof, or any load or consignment or part thereof disposed of for value after confiscation under the provisions of the last preceding subsection, shall be placed to the credit of the General Revenue of the States and if there be no such proceeds, or if such proceeds are less than the charges or expenses incurred by or on behalf of the inspector in respect

of the detention, removal, storage or destruction or other disposal of the container and the contents thereof, or of the load or consignment or part thereof, the charges and expenses or the difference between the charges and the expenses and the proceeds, as the case may be, shall be payable by and recoverable as a civil debt from the owner.

6. 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, as amended. Saving.

7. Any person whose name or whose identification number assigned to him by the Board appears upon a container, the cover thereof or a label attached thereto, as the case may be, 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. Persons deemed responsible for contraventions.

8. Any person who— Penalties.

- (a) contravenes or attempts to contravene any of the provisions of this Ordinance; or
- (b) impedes or obstructs or attempts to impede or obstruct 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.

Interpreta-
tion.

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

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

“the Committee” means the States Committee for Horticulture;

“export” means export by way of trade;

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

“marked” means marked with a legible and water-proof 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.

Repeals.

10. The Ordinances set out in the Second Schedule to this Ordinance are hereby repealed.

Citation and
commence-
ment.

11. (1) This Ordinance may be cited as the Export of Tomatoes (Packing and Grading) Ordinance, 1961.

(2) This Ordinance shall come into force on the twentieth day of March, nineteen hundred and sixty-one.

FIRST SCHEDULE

Section four

Grading of tomatoes and prescribed symbols

Grade	Prescribed Symbol	Minimum Diameter Inches	Maximum Diameter Inches
Pink		$2\frac{3}{16}$	$2\frac{1}{2}$
Pink and White		$1\frac{29}{32}$	$2\frac{3}{16}$
Pink and White Cross		$1\frac{21}{32}$	$1\frac{29}{32}$
White		$1\frac{13}{32}$	$1\frac{21}{32}$
		Minimum Weight ozs.	Maximum Weight ozs.
Blue		$1\frac{1}{8}$	8
Domestic		$\frac{2}{8}$	None
		Quantity	
Smalls		20 to 30 Tomatoes to One Pound	

SECOND SCHEDULE Section ten

Ordinances repealed

- The Export of Tomatoes (Packing and Grading) Ordinance, 1953.
- The Export of Tomatoes (Packing and Grading) (Amendment) Ordinance, 1955.
- The Export of Tomatoes (Packing and Grading) (Amendment) Ordinance, 1958.
- The Export of Tomatoes (Packing and Grading) (Amendment) Ordinance, 1960.
- The Export of Tomatoes (Packing and Grading) (Amendment) (No. 2) Ordinance, 1960.

R. H. VIDELO,

Her Majesty's Greffier.