

(351)

THE FRUIT EXPORT ORDINANCE, 1931.

WESTERN SAMOA.

No. 4, 1931.

AN ORDINANCE

made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act, 1921.

1. This Ordinance may be cited as "The Fruit Export Ordinance, 1931" and shall come into force on the first day of April, 1931. Short title.

2. In this Ordinance except where a contrary intention appears

Interpretation.

"Administrator" means the Administrator of Western Samoa;

"Bill of lading" includes any receipt given in lieu thereof by the master, mate, owner or agent of any vessel;

"Case" means a case constructed of material approved by the Inspecting Officer not exceeding in thickness one inch at each end and one half inch elsewhere and

(a) in respect of bananas having an outside measurement of thirty-six inches in length by ten inches in breadth by twelve inches in depth or such other outside measurements as may be substituted therefor by the Administrator by proclamation published in the Gazette;

(b) in respect of other fruit having such outside measurements as may be prescribed by the Administrator by proclamation published in the Gazette.

"Fruit" means bananas and pineapples and such other species of fruit as the Administrator (acting under the powers vested in him by this Ordinance) shall declare to be fruit;

"Gazette" means "The Western Samoa Gazette";

"Inspecting Officer" means the person duly appointed by law to discharge the functions assigned to the inspecting officer under the provisions of this Ordinance.

## PART I. Licenses.

3. (1) No person shall commence or carry on as principal or agent the trade or business of a fruit exporter except in pursuance of a license issued under this Ordinance.

Fruit exporters to be licensed.

(2) Any person who acts in breach of any of the provisions of this section commits an offence and shall be liable to a fine of one hundred pounds or to imprisonment for six months in respect of each offence.

4. (1) Every person shall be deemed to carry on the business of a fruit exporter who

- (a) exports fruit from Samoa;
- (b) buys fruit for the purpose of exporting it from Samoa;
- (c) buys fruit for the purpose of selling or otherwise disposing of it for export from Samoa;
- (d) receives fruit for the purpose of exporting it from Samoa;
- (e) receives fruit for the purpose of selling or disposing of it for export from Samoa.

Interpretation of fruit exporter.

(2) The provisions of this section shall not apply to the New Zealand Reparation Estates or to any person

- (a) while acting as agent or servant for a licensed fruit exporter;
- (b) while acting as common carrier for a licensed fruit exporter;
- (c) who is exempted under the provisions of section twelve hereof.

5. Licenses under this Ordinance shall be issued by the Collector of Customs upon the payment of the sum of two pounds and shall be for a period ending on the next succeeding thirty-first day of March. Collector of Customs to issue licenses.

6. The Administrator may from time to time by Proclamation published in the Gazette create fruit buying districts and may from time to time fix the minimum prices to be paid by fruit exporters for fruit grown by Samoans in each or any district. Administrator may proclaim fruit buying districts.

7. (1) Every fruit exporter buying fruit from a Samoan shall pay for the same in cash at the time of taking delivery. Fruit exporter to pay cash to Samoans.

(2) Every fruit exporter shall keep a record book in the form set out in the First Schedule hereto and shall correctly enter therein in respect of all fruit purchased for export (whether from a Samoan or a European)

Fruit exporter to keep records

- (a) The names and addresses of the persons from whom the fruit exporter purchased or acquired such fruit;
- (b) The number of cases and bunches of each species of fruit purchased or acquired from each person and the prices paid therefor respectively;
- (c) The dates on which the fruit exporter took delivery of such fruit.

(3) All entries required to be made under the last preceding subsection shall be made immediately delivery has been taken of the fruit purchased for export.

(4) Every fruit exporter shall upon demand produce his record book for inspection by the Inspecting Officer or any person acting under his authority.

(5) Any person who acts in breach of any of the provisions of this section commits an offence and shall be liable to a penalty of fifty pounds for each offence.

8. (1) Every fruit exporter shall within two days after the exportation by him from Samoa of any fruit deliver to the Inspecting Officer a statement in the form set out in the Second Schedule hereto showing in respect of such fruit the particulars set out in paragraphs (a), (b) and (c) of the last preceding section and

(a) The name of the ship in which such fruit was exported;

(b) The date of the export thereof;

(c) The total number of cases and bunches of each species of fruit exported.

(2) Every fruit exporter who fails to deliver the statement referred to and within the time specified in the last preceding subsection or who delivers a statement which is false or misleading in any particular commits an offence and is liable to a fine of fifty pounds.

9. (1) The Administrator may from time to time by Proclamation published in the Gazette

(a) prohibit for such time as he shall think fit the exportation of any species of fruit which has been or may be grown by any person other than a Samoan;

(b) restrict the exportation of fruit which has been or may be grown by any person other than a Samoan to such quantities and species and for such time as he shall think fit.

(2) Any person who exports or attempts to export any fruit in breach of any of the provisions of any proclamation made under this section commits an offence and shall be liable to a penalty of one hundred pounds.

#### PART II. (Inspection).

10. (1) No person shall export fruit from Samoa unless and until the same has been inspected and passed for export by an officer (hereinafter called 'the Inspecting Officer') duly appointed in that behalf.

(2) No person shall issue a bill of lading in respect of fruit to be exported from Samoa unless the person applying therefor shall have first produced a certificate under the hand of the Inspecting Officer that the fruit has been inspected and passed by him for export.

(3) Any person who acts in breach of any of the provisions of this section commits an offence and shall be liable to a penalty of fifty pounds.

Fruit exporter to furnish statements to Inspector.

Administrator may prohibit or restrict export of fruit not grown by Samoans.

No exportation before inspection.

11. (1) The Inspecting Officer shall not pass any fruit for export until the inspection fee in respect thereof at the rate hereinafter prescribed has been paid nor shall he pass for export any fruit which

Provisions as to Inspector's powers.

- (a) in his opinion is unfit for export;
- (b) is prohibited from export by regulations made under this Ordinance;
- (c) is improperly packed;
- (d) is packed in any receptacle other than a case as defined in section two of this Ordinance.

(2) There shall be payable by the exporter the sum of three pence per case and three half pence per bunch of fruit inspected by the Inspecting Officer.

#### PART III. (General)

12. (1) The Inspecting Officer may by writing under his hand exempt from the provisions of this Ordinance any person who desires to export not more than ten cases of fruit in any one shipment and who satisfies him that the proposed exportation is for private purposes and not by way of business.

Exemption in respect of small quantities.

(2) An exemption granted by the Inspecting Officer under this section shall not apply to more than one shipment.

13. (1) The Administrator may by proclamation published in the Gazette declare that any species of fruit shall be fruit within the meaning of this Ordinance.

Powers of Administrator.

(2) Any such proclamation may be varied or revoked at any time.

14. The Administrator may from time to time by proclamation published in the Gazette make regulations for the purpose of

Administrator may make regulations.

- (a) licensing fruit buying depots,
- (b) prohibiting the purchase of fruit for export at any place other than a licensed fruit buying depots,
- (c) prescribing the fees to be paid upon the issue of a fruit buying depot license,
- (d) fixing standards or grades of quality of fruit to be exported and prohibiting the export of fruit which does not comply with a prescribed standard or grade,
- (e) regulating the packing of fruit and the marking of cases to describe the class of quality or grade of the fruit contained therein,
- (f) regulating and prescribing all matters which in his opinion are necessary for the promotion of the fruit export industry or the protection of growers of fruit for export or any class of such growers.

15. The fifty-first section of "The Revenue Ordinance, 1929" is hereby repealed.

## FIRST SCHEDULE.

"The Fruit Export Ordinance, 1931."

## Fruit Purchase Record Book.

Name of persons from whom fruit purchased.	Address of such persons (give name of village & district).	Dates on which exporter took delivery of fruit.	Name of fruit purchased.	Number of cases of fruit purchased.	Number of bunches of fruit purchased.	Price paid to Seller.	
						per case.	per bunch.

## SECOND SCHEDULE.

"The Fruit Export Ordinance, 1931."

Statement by (state name of Fruit Exporter) of particulars of fruit exported from Samoa per (state name of ship) on (state date of export).

Total Number of cases of bananas exported ... ..  
 Total Number of bunches of bananas exported ... ..  
 Total Number of cases of each kind of other fruit exported .....

Name of persons from whom fruit was purchased.	Addresses of such persons (give name of village & district).	Dates on which exporter took delivery of fruit.	Name of fruit purchased.	Number of cases of fruit purchased.	Number of bunches of fruit purchased.	Price paid to Seller.	
						per case.	per bunch.

Assented to this twenty-fourth day of March, 1931.

(L.S.)

S. S. ALLEN

Administrator.