



## THE COOK ISLANDS FRUIT REGULATIONS 1954

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of September  
1954

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Cook Islands Act 1915, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

#### PART I—PRELIMINARY

##### *Title and Commencement*

1. (1) These regulations may be cited as the Cook Islands Fruit Regulations 1954.

(2) These regulations shall come into force on the day after the date when they are first publicly notified by the Resident Commissioner of Rarotonga.

##### *Interpretation*

2. In these regulations, unless the context otherwise requires,—

“Allottee” means a person to whom an allotment of space is granted by the Director of Agriculture or Resident Agent or by a shipping company:

“Director” means the Director of Agriculture for the Cook Islands:

“Disease” means any form of fungus, bacterium, or virus, or any living stage of any invertebrate animal, which may directly or indirectly injure or cause an unhealthy condition in any fruit or plant:

“To export” means to export from any island of the Cook Group, whether directly or indirectly, to any place beyond the Cook Islands:

“Exporter” means the owner or shipper of any fruit intended for export; and includes every person in possession of or having the custody or control of any such fruit:

- “Fruit” means the edible product of any plant; and includes the peel, skin, or shell of that product, and also the seeds of any plant, whether the fruit is or is not attached to the plant:
- “Infected” means infected with disease; and includes infestation with any insect pest:
- “Inspector” means a person duly appointed as a Fruit Inspector; and includes an Assistant Fruit Inspector; and also includes a Resident Agent at any island:
- “Plant” means any tree, flower, shrub, vegetable, or other vegetation; and includes the seed, spore, or any portion of any such plant:
- “Plantation” means any land used for the purpose of growing or cultivating any plant.

#### *Application*

3. These regulations shall not be in force in Niue.

#### *Inspectors*

4. The Resident Commissioner may from time to time, by writing under his hand, appoint fit persons to be Fruit Inspectors or Assistant Fruit Inspectors for the purposes of these regulations, and may in like manner from time to time determine any such appointment. The production of an instrument of appointment or of a copy of any official public notification thereof shall be *prima facie* evidence that the person named therein is for the time being an Inspector for the purposes of these regulations.

### PART II—INSPECTION, GRADING, AND PACKING OF FRUIT

#### *Inspection of Fruit for Export*

5. (1) No person shall export or attempt to export any fruit unless it has been inspected by an Inspector and unless there has been issued in respect thereof a certificate by an Inspector that the fruit has been duly passed as fit for export.

(2) It shall be the duty of every exporter to allow any Inspector to inspect any such fruit.

(3) All fruit intended for export shall be presented to an Inspector for inspection at such places, on such days, and within such hours as the Director or an Inspector from time to time directs, and an Inspector may refuse to inspect any fruit that is presented for inspection otherwise than in accordance with that direction.

(4) On being satisfied that any fruit is suitable for export as regards quality, maturity, condition, appearance, and in all other respects, and is graded, packed, and marked as required by these regulations, an Inspector shall give to the exporter in respect of the fruit a certificate or certificates that the fruit has been duly passed as fit for export.

(5) An Inspector may refuse to issue a certificate in respect of any fruit that is in his opinion unsuitable for export by reason of being infected, immature, over mature, under grade, over grade, or otherwise unfit for export, or by reason of being badly or improperly packed or marked or packed contrary to any of the requirements of these regulations.

(6) If any fruit which has been examined by an Inspector and passed for export has become prior to its export from the Cook Islands damaged or in the opinion of an Inspector has deteriorated, the owner of the fruit shall, if and when directed by an Inspector to do so, submit the fruit for re-examination, and shall on demand surrender to the Inspector the export certificate issued in respect thereof, if any, and if required by the Inspector, shall cause to be obliterated or cancelled the "passed for export" stamps, if any have been applied to the cases in the line.

(7) If an Inspector is of opinion that a certificate in respect of any fruit should not be given, he shall forthwith give notice in writing to the exporter to that effect, stating the reason for his opinion, and requiring the fruit to be withheld from shipment, repacked to his satisfaction, or destroyed, as he considers necessary.

(8) There shall be paid for that inspection (in respect of every case or package of fruit passed for export) such fees as are prescribed by regulation 20 hereof, and all persons within the meaning of the term "exporter" as defined by these regulations, shall be jointly and severally liable for payment of those fees, and an Inspector may, if he thinks fit, decline to issue any certificate until payment of the fees, and any such fee remaining unpaid after the completion of the inspection may be recovered as a debt due to the Crown.

(9) Every person commits an offence against these regulations who fails to comply forthwith with any notice given by an Inspector under this regulation.

#### *Powers of Inspectors*

6. (1) An Inspector may at any time, enter (by force, if necessary) into any building or vehicle, or upon any plantation, land, or premises, or on board any ship or aircraft, for the purpose of inspecting any plants, fruit, seeds, or produce, or the packages containing the same, or any fruit cases, copra sacks, or other containers for carrying fruit or produce; and the Inspector shall have all such powers and authorities (including power to dig up plants and open any cases, packages, or other containers) as he considers necessary for enabling him to enforce the provisions of these regulations.

(2) If an Inspector considers any plant or fruit, or any case, package, or other container, to be diseased or infected with disease, he may at any time, by notice in writing under his hand, require the owner or person in charge of the same forthwith to take such measures and do such acts as are, in the opinion of the Inspector, necessary in order to eradicate or prevent the spread of the disease.

(3) In the exercise of the powers conferred upon him by the foregoing provisions of this regulation the Inspector may require the removal, treatment, disinfection, destruction, or other disposal of any plant or fruit, or any case, package, or other container, in such manner as he thinks fit.

(4) Every person commits an offence against these regulations who fails to comply forthwith with any notice given by an Inspector under subclause (2) of this regulation or with any requirement of an Inspector under subclause (3) of this regulation.

(5) If any person fails to comply to the satisfaction of an Inspector with a notice given under this regulation or under regulation 5 hereof, it shall be lawful for the Inspector, or any person acting under his

authority, to comply with the notice at the expense in all things of the person to whom the notice was given, and all expenses so incurred shall be payable to the Inspector on demand, and in case of non-payment may be recovered as a debt due to the Crown:

Provided that payment of those expenses shall not relieve any such person from any other liability under these regulations.

#### *Grading and Packing of Certain Fruit*

7. (1) The Minister may from time to time fix limits on the size of oranges which may be passed as fit for export. No oranges shall be passed for export unless they are pocket packed.

(2) No bananas shall be passed as fit for export which are less than 5 in. in length on the concave side.

(3) No tomatoes shall be passed as fit for export which are under the grade of 2 in. in diameter.

(4) No person shall pack for export the fruit known as marios and plantains in the same case with bananas ordinarily exported, or pack for export marios and plantains together in the same case.

(5) No person shall export marios or plantains otherwise than in a case which is plainly marked with the word "marios" or the word "plantains", as the case may be, in the bottom right hand corner of one end.

(6) No person shall pack pineapples for export otherwise than in the condition and manner specified by the Director.

#### *Fruit Cases*

8. (1) No person shall export fruit in any package, case, or other container which in the opinion of an Inspector is insufficiently nailed or is split, broken, or of weak material or construction, or which is not new, clean, sound, and well made.

(2) No person shall export or pack for export from any island of the Cook Group oranges, grapefruit, or bananas otherwise than in a rectangular box case of the type known as the standard citrus case of California, complying with the following requirements:

(a) The inside dimensions shall be 24 in. by 11½ in. by 11½ in., with or without a partition; and

(b) The box shall consist of three pieces 11½ in. by 11½ in. by ¾ in. dressed on both sides and 12 pieces 26 in. by 3¼ in. by ¾ in.:

Provided that on written application being made to him the Director, if satisfied as to its strength, may allow thinner timber to be used for the tops and bottoms of the cases or may allow thin timber adequately strengthened by cleats to be so used.

(3) No person shall export or pack for export from any island of the Cook Group any lemons, mandarins, or tangerines otherwise than in a rectangular box case of the type known as the bushel citrus case complying with the following requirements:

(a) The inside dimensions shall be 17 in. by 11½ in. by 11½ in.; and

(b) The box shall consist of two pieces 11½ in. by 11½ in. by ¾ in., dressed on both sides, and twelve pieces 18½ in. by 3¼ in. by ¾ in.

(4) No person shall export or pack for export from any island of the Cook Group any tomatoes, cucumbers, or mangoes otherwise than in a rectangular box case of the type known as the standard tomato box complying with the following requirements:

- (a) The inside dimensions shall be 18 in. by 7 in. by 7 in.; and
- (b) The box shall consist of two pieces 7 in. by 7 in. by  $\frac{3}{4}$  in. or  $\frac{5}{8}$  in., and four pieces  $19\frac{1}{2}$  in. by  $3\frac{1}{8}$  in. by  $\frac{5}{16}$  in., and two pieces  $19\frac{1}{2}$  in. by 7 in. by  $\frac{5}{16}$  in.

(5) Where no other provision is made by these regulations, no person shall export or pack for export from any island of the Cook Group any fruit in any package, case, or other container which is, in the opinion of an Inspector, unsuitable for the carriage of the particular class of fruit intended to be exported, save that if any particular type of package, case, or other container is for the time being approved by the Director by notice under his hand as suitable for the carriage of any particular class of fruit then, subject always to the provisions of subclause (1) of this regulation, fruit of that class may be exported in a container of a type so approved.

#### *Fumigation*

9. (1) Save where the fruit is specifically exempted from fumigation by order of the Director, no person shall export any fruit whatsoever from any island where fumigation facilities are provided unless the fruit has been placed in the fumigator for fumigation prior to export.

(2) Fruit shall be delivered to and removed from a fumigator at such times as the Director or an Inspector directs from time to time.

(3) The exporter of any fruit shall pay such charges for fumigation as are prescribed by regulation 20 hereof.

#### *Registration of Growers*

10. (1) Every grower of fruit for export shall register his name with the Director or a Resident Agent, who shall thereupon allot to him a number for the purpose of identification. That number shall not be transferable except by the Director by notice in writing.

(2) No person except the person to whom the same has been allotted shall use a number so allotted for any purpose connected with the identification of fruit.

#### *Marking of Cases*

11. (1) No person shall export or attempt to export any fruit unless the case, package, or other container thereof is marked in accordance with these regulations, and an Inspector may refuse to allow to be exported any case, package, or other container not so marked.

(2) All cases shall be marked on one end as follows:

- (a) In the top left-hand corner there shall be marked the "Passed for Export" stamp which shows the number of the packing shed:
- (b) In the case of oranges the size shall be marked in block figures of 3 in. in the centre of the end surrounded by the island distinguishing mark:
- (c) The grower's number as hereinbefore provided shall be marked in the bottom left-hand corner in block figures of  $1\frac{1}{4}$  in.:
- (d) With any other marks prescribed by these regulations.

(3) All sacks, packages, or other containers for fruit or vegetable produce not provided for in subclause (2) of this regulation shall be marked on the side with the grower's number in figures of the sizes above prescribed.

(4) There may be used in conjunction with the aforesaid marks any design or other particulars approved by the Director.

#### *Packing Sheds*

12. (1) All fruit intended for export from the Cook Islands shall be conveyed to and graded and packed in a packing shed approved for the purpose by the Director.

(2) Where in the opinion of the Director any district or island is insufficiently served with existing packing sheds he may require the growers of that district or island to erect within a reasonable time a packing shed of suitable size and design and in a suitable locality.

(3) Where the native growers of any district or island have erected a packing shed, there shall be an annual general meeting held in the month of November each year at which a committee to manage the shed shall be elected and at which a statement of receipts and payments for the foregoing year shall be produced by the Chairman and confirmed by resolution. In any island where a central packing shed only has been erected the growers may by popular vote leave the management of the shed in the hands of the Island Council.

(4) Each Committee or Island Council, as the case may be, shall in respect of its own shed—

- (a) Maintain, enlarge, alter, or improve the same as requested from time to time by the Director, and may call on the registered growers using its packing shed to assist the committee or Island Council in carrying out its obligation hereunder:
- (b) Assist in the management of the shed as required from time to time by the Director or Inspector in charge of the shed.

#### *Shed and Manure Levies*

13. (1) For the purpose of maintaining and improving packing sheds, a levy determined by the Resident Commissioner from time to time, not exceeding 3d. per case or package, shall be made on all fruit packed for export in a packing shed, and shall be collected in the same manner and at the same time as the fees prescribed in regulation 20 hereof. The levy shall be paid into the Cook Islands Treasury, where a separate account shall be kept in respect of each packing shed.

(2) All amounts so collected shall be expended under the supervision of the Director in the maintenance, enlargement, or improvement of the packing shed, payment of rent and other annual charges, or for any purpose in connection with the fruit industry of the Cook Islands, as the Director and the Committee jointly approve.

(3) Where any European grower maintains an approved packing shed on his own plantation, no levy shall be made on fruit grown on that plantation and packed for export in that shed. The grower shall be required at his own expense to maintain his packing shed to the satisfaction of the Director, failing which he may be required to pack his fruit in another shed as directed by the Director.

(4) For the purpose of purchasing manures for distribution to growers, the Resident Commissioner may from time to time make a levy not exceeding 6d. per case or package on all fruit packed for export in a packing shed, and that levy may be made in any or all islands or in respect of any or all fruit, as the Resident Commissioner determines from time to time.

(5) The levy shall be collected in the same manner and at the same time as the fees prescribed in regulation 20 hereof, and shall be paid into the Cook Island Treasury where a separate account shall be kept in the name of each grower.

(6) From time to time the Director shall arrange the purchase of suitable manures and shall distribute the same to the growers according to the credits held in their accounts.

(7) The Resident Commissioner may from time to time exempt from the provisions of subclause (4) of this regulation any European grower who maintains an approved packing shed.

### PART III—PROVISIONS FOR THE IMPROVEMENT OF THE CITRUS INDUSTRY

#### *Eradication of Disease*

14. (1) Every grower shall at all times do whatever is necessary in order to eradicate all diseases from any citrus tree and to prevent the spread of any disease.

(2) The Director or any Inspector may at any time enter upon any land or premises for the purpose of inspecting any citrus tree or exercising any power or authority conferred on him by these regulations.

(3) If the Director or any Inspector declares any citrus tree to be diseased or infected with disease, he shall give notice in writing thereof to the grower, who shall forthwith take such measures and do all such acts as are necessary in order to eradicate or prevent the spread of the disease.

#### *Powers of Director and Inspectors*

15. (1) The Director or any Inspector, in addition to all other powers conferred on him by these regulations, shall have power and authority to direct by notice in writing to any grower that the grower shall do all or any of the following work:

- (a) To cut down any citrus tree which in the opinion of the Director or Inspector is diseased or infected with disease or is too old or unsuitable for profitable bearing or is a young self-sown tree not growing satisfactorily;
- (b) To thin out any clumps of citrus trees so that no citrus tree shall be closer than 10 ft. to any other tree;
- (c) To prune, or to cut out any dead or diseased part of a citrus tree, in such a manner as may be directed by the notice;
- (d) To cut down any citrus tree to such a height as may be directed by the notice;
- (e) To cultivate in such manner as may be directed by the notice the land immediately below any citrus tree;
- (f) To treat, disinfect, spray, or otherwise dispose of any citrus tree.

(2) A notice given under this regulation shall specify the work to be done by the grower, and shall direct that the grower shall commence that work forthwith or within a specified number of days from the date

of the notice, and shall complete the work within a specified time, and thereupon it shall be the duty of the grower to commence and to continue the work until all the requirements of the notice are fully and effectively complied with.

(3) The grower of any tree or of any part thereof cut down or pruned as hereinbefore provided shall forthwith effectively destroy by fire the tree or the part thereof so cut down or the prunings as the case may be.

(4) In the exercise of the powers conferred upon him the Director or any Inspector may remove, treat, disinfect, spray, destroy, or otherwise dispose of any citrus tree in such manner as he thinks fit.

(5) The Director or any Inspector may refuse to pass as fit for export fruit from any citrus tree in respect of which the grower has failed to comply with any notice given under these regulations.

#### *Duties of Growers and Other Persons*

16. (1) It shall be unlawful for any person to tether any horses, cattle, goats, or pigs to any citrus tree or to allow any horse, cattle, goats, or pigs to graze or wander in an enclosed citrus plot unless the animal is muzzled or, in the case of pigs, is ringed.

(2) Every grower who desires to plant new citrus trees shall plant the same in regular rows, and so that all citrus trees shall be at least 24 ft. apart.

(3) Every grower shall at least once in every week collect and effectively destroy by burning or burial all fallen citrus fruit, mangoes, and avocado pears.

(4) Every grower commits an offence against these regulations who fails or neglects to comply with any notice given under regulation 14 or regulation 15 hereof or who fails to comply with the foregoing provisions of this regulation, and the Director or any Inspector may enter upon any land and do the necessary work, with such assistance as may be required, at the expense in all things of the grower, who nevertheless shall not thereby be relieved from his other liabilities under these regulations.

(5) All such expenses incurred by the Director or any Inspector shall be paid by the grower on demand, and on default of payment may be recovered as a debt due to the Crown.

### PART IV—TOMATO CULTURE

#### *Tomato Culture*

17. (1) All tomato plants must be raised from the seed in boxes, and all plants found to have been raised in beds may be destroyed, or ordered to be destroyed, by an Inspector.

(2) As soon as the tomato crop has been harvested, the plants and stakes shall be removed from the land upon which the crop was grown and the plants shall be destroyed, and the land shall be ploughed in order to prevent disease.

(3) No person shall raise, grow, or harvest tomatoes, or cause or suffer tomatoes to be raised, grown, or harvested, otherwise than in conformity with the provisions of this regulation.



## PART V—MISCELLANEOUS

*Service of Notices*

18. Any notice to be given to any person under these regulations may be given either by delivering the same personally to him or by leaving it at or posting it addressed to him at his usual place of abode, or by affixing the same in some conspicuous place on the land to which the notice relates.

*Offences and Penalties*

19. (1) It shall be the duty of every Inspector duly appointed for any island or district to see that all directions given by the Director under these regulations are duly carried out, and generally to assist the Director in enforcing the provisions of these regulations.

(2) Every person commits an offence against these regulations who directly or indirectly obstructs, hinders, or interrupts, or threatens, or assaults, or uses abusive or improper language to, an Inspector, or other authorized officer, whilst in the performance of his duty under these regulations.

(3) Notwithstanding the enforcement by the Director or an Inspector of any of the powers vested in him by these regulations, every person who directly or indirectly by himself, his servant or agent, offends against any of the provisions of these regulations or fails faithfully to observe or perform any duty or obligation thereby imposed on him, commits an offence against these regulations.

(4) Every person who commits an offence against these regulations is liable to a fine not exceeding £20.

*Fees*

20. (1) The fees for inspection, fumigation, and destruction of fruits or plants under these regulations shall be as follows:

(a) Inspection (and fumigation where necessary) of fruit at all islands, 6d. per case, kit, package, or bunch:

(b) Destruction by an Inspector or other authorized person of any fruit, 6d. per case, kit, package, or bunch.

(2) The Resident Commissioner may from time to time and for such period or periods as he determines, reduce all or any of the foregoing fees.

(2) The fees for inspection and fumigation as hereinbefore prescribed shall, if not otherwise paid, be payable by the master, agent, or owners of the ship by which the fruit is to be exported. The Collector or other proper officer of Customs shall have power to detain the ship until he is satisfied that the full amount of fees has been or will be paid. All such fees shall be paid into the Cook Islands Account at Rarotonga. The Resident Commissioner may authorize the Treasurer of the Cook Islands Administration at Rarotonga to pay to the master, agent, or owners of the ship by which the fruit is exported a commission not exceeding £5 per cent on all fees so paid into the Cook Islands Account at Rarotonga by the master, agent, or owners of the ship.

*Application of Fines and Fees*

21. All fines, fees, and other money recovered or received under these regulations shall be paid into the Cook Islands Treasury, and shall (except where otherwise provided) form part of the general revenue of the Cook Islands.

*Revocations and Savings*

22. (1) The regulations specified in the Schedule to these regulations are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

## SCHEDULE

## REGULATIONS REVOKED

Title	Reference to <i>Gazette</i> or Statutory Regula- tions Serial Number
The Cook Islands Fruit Regulations 1928	<i>Gazette</i> , 19 July 1928, page 2231.
The Cook Islands Fruit Regulations 1928, Amendment No. 1	<i>Gazette</i> , 27 November 1928, page 3334.
The Cook Islands Fruit Regulations 1928, Amendment No. 2	<i>Gazette</i> , 7 February 1929, page 347.
The Cook Islands Fruit Regulations 1928, Amendment No. 3	<i>Gazette</i> , 16 April 1931, page 995.
The Cook Islands Fruit Regulations 1928, Amendment No. 4	<i>Gazette</i> , 23 March 1933, page 485.
The Cook Islands Fruit Regulations 1928, Amendment No. 5	<i>Gazette</i> , 21 September 1933, page 2419.
The Cook Islands Fruit Regulations 1928, Amendment No. 6	<i>Gazette</i> , 5 July 1934, page 2092.
The Cook Islands Fruit Regulations 1928, Amendment No. 7	<i>Gazette</i> , 2 May 1935, page 1234.
The Cook Islands Fruit Regulations 1928, Amendment No. 8	Serial number 1952/53.

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations consolidate and amend the Cook Islands Fruit Regulations 1928 and the amendments of those regulations. The principal changes are as follows:

(a) The regulations omit regulations 2 of the 1928 regulations imposing restrictions on the importation of plants and fruit into the Cook Islands.

(b) Regulation 5 (6) is a new provision, and provides for the re-examination of fruit already passed for export where before export it has become damaged or is likely to have deteriorated.

(c) Regulation 7 contains new provisions as to the grading and packing of certain kinds of fruit.

(d) Regulation 8 contains new provisions as to the specifications of fruit cases used for packing various kinds of fruit.

(e) Regulation 9 provides for the fumigation of all kinds of fruit, where facilities for fumigation are available, unless the Director of Agriculture grants exemption.

(f) Regulation 10 re-enacts the provisions of the 1928 regulations as to the allocation of registered numbers to growers, but omits the provisions as to registration of growers' brands.

(g) Regulation 12 contains new provisions relating to packing sheds.

(h) Regulation 13 contains new provisions for the making of levies for the purchase of manure for distribution to growers.

(i) The regulations omit regulation 13 of the 1928 regulations, which regulates the time and method of picking and handling fruit intended for export.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 September 1954.

These regulations are administered in the Department of Island Territories.