



**BERMUDA
1961 : 49**

**IMPORTATION OF FRUITS, VEGETABLES
AND FLOWERS ACT 1961**

ARRANGEMENT OF SECTIONS

1	Minister may prohibit importation of fruits, vegetables and flowers	2	Gazette notice; saving for certain shipments
2A	Commercial importers	3	Penalty
		4	[omitted]

[17 April 1961]

[preamble and words of enactment omitted]

Minister may prohibit importation of fruits, vegetables and flowers

1 Subject to this Act the Minister responsible for the environment ("the Minister") may prohibit the importation of specified fresh fruits, vegetables and flowers into Bermuda during any particular period in any year.

[Section 1 amended by 1994:25 effective 18 July 1994; and by 2002:18 s.2 & Sch effective 1 April 2002]

Gazette notice; saving for certain shipments

2 With respect to the prohibition authorized by section 1—

- (a) the imposition or revocation of such prohibition shall be notified in the Gazette at least seven days before such imposition or revocation is expressed to take effect;
- (b) such prohibition shall not be applicable to any consignment of fruits vegetables or flowers in respect of which the importer satisfies the Minister by the production of documents or otherwise that the shipment

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thereof was prior to the date on which such prohibition was notified as provided in this section;

- (c) section 6 of the Statutory Instruments Act 1977 [*title 1 item 3*] shall not apply.

[Section 2 amended by 1994 : 25 effective 18 July 1994]

Commercial importers

2A (1) Without prejudice to his powers under section 1, the Minister may at any time, if he thinks fit, exercise those powers, in relation to commercial importers only, under and in accordance with this section; and, where he acts under this section, the following provisions shall have effect—

- (a) notwithstanding section 2, he may give notice of the imposition or revocation, as the case may be, of the prohibition to all commercial importers by means of a letter or telefax expressed to have immediate effect;
- (b) where such a notice imposes a prohibition, it shall not have effect in relation to any consignment of fruits, vegetables or flowers which a commercial importer satisfies the Minister was already on order when the importer received the notice;
- (c) section 2 of this Act shall not have effect, and section 6 of the Statutory Instruments Act 1977 shall not apply, in relation to the matters dealt with by the notice.

(2) "Commercial importer" in this section means a person who for financial reward or gain imports fresh fruits, vegetables or flowers into Bermuda.

(3) For the purpose of exercising his powers under this section, the Minister shall institute and maintain a register of commercial importers, and shall register them by recording in a book, in relation to each of them, his name and address, and such other information relating to him as the Minister deems necessary or expedient for that purpose.

(4) Before a person begins for financial reward or gain to import fresh fruits, vegetables or flowers into Bermuda, he shall make application in writing to the Minister to be registered under subsection (3), and shall supply to the Minister such particulars relating to himself as the Minister may require for that purpose.

(5) Where a person, without having made application as

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required by subsection (4), for financial reward or gain imports any fresh fruits, vegetables or flowers into Bermuda at a time when a notice imposing a prohibition (being a prohibition relating to the fresh fruits, vegetables or flowers in question) on all commercial importers is in force under subsection (1), the importation shall be in contravention of this section for the purposes of section 3, notwithstanding that that person is not registered at the time under subsection (3).

[Section 2A inserted by 1994 : 25 effective 18 July 1994]

Penalty

3 Where a consignment of fruits, vegetables or flowers is imported into Bermuda in contravention of section 1 or 2A—

- (a) there shall be levied a penalty equivalent to twice the "cost insurance and freight" value of the consignment in addition to any other import duty payable on the consignment under the Customs Tariff Act 1970; and
- (b) the consignment shall be forfeited to the Crown.

[Section 3 substituted by 1994 : 25 effective 18 July 1994]

Repeal

4 *[omitted]*

[Amended by

1968 166

1977 35

1994 25

2002 18]