



Jersey

EXPORT OF AGRICULTURAL PRODUCE (JERSEY) ORDER 1972

Revised Edition

01.160.14

Showing the law as at 1 January 2006

This is a revised edition of the law



Jersey

EXPORT OF AGRICULTURAL PRODUCE (JERSEY) ORDER 1972

Arrangement

Article

1	Interpretation	7
2	Power to prohibit the harvesting or export of specified agricultural produce	8
3	Export of specified agricultural produce direct to a retailer	8
4	Provisions as to approval of containers etc.	8
5	Provisions as to licences	9
6	Provisions as to examination and export	12
7	Power of entry and examination	14
8	Returns and information	14
9	Saving for small quantities	15
10	Presumption	15
11	Proof in certain proceedings	15
12	Citation	15

SCHEDULE 1 **16**

SPECIFIED AGRICULTURAL PRODUCE	16
--------------------------------	----

SCHEDULE 2 **17**

SPECIFICATIONS	17
PART 1	17
GENERAL	17
Marking of containers	17
Restriction on marking of containers	17
PART 2	17
CALABRESE	17
Grading and quality	17

General	18
Quality variations	18
Presentation	19
Lining of containers.....	19
Marks on containers	19
PART 3	20
CAPSICUMS	20
Grading and quality	20
General	22
Size and quality variations	23
Presentation	23
Marks on containers	24
PART 4	25
CAULIFLOWER	25
Quality and Grading.....	25
General	26
Size and Quality Variations.....	27
Presentation	27
Marks on labels affixed to containers.....	27
PART 5	29
COURGETTES	29
Quality and Grading.....	29
Size and Quality Variations.....	30
Presentation	30
Marks on containers	30
PART 6	32
PARSLEY	32
Quality requirements	32
Quality variations	32
Presentation	32
Marks on containers	32
PART 7	33
POTATOES	33
Grading	33
Marks on containers	34
PART 8	34
TOMATOES	34
Application of Part 8	34
Grading and quality	34
Grading	35
Size and quality variations	37

Covers and markings	37
---------------------------	----

Supporting Documents

ENDNOTES	39
Table of Legislation History	39
Table of Renumbered Provisions.....	41
Table of Endnote References.....	42



Jersey

EXPORT OF AGRICULTURAL PRODUCE (JERSEY) ORDER 1972¹

THE ENVIRONMENT AND PUBLIC SERVICES COMMITTEE, in pursuance of Article 16 of the Agricultural Marketing (Jersey) Law 1953,² orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires –

“destructive insect” and “pest” have the meanings respectively assigned to them by the Destructive Insects and Pests (Jersey) Law 1960;³

“export” means export by way of trade or business;

“field officer” means a person appointed by the Minister for Planning and Environment to advise licensees on the grading and packing for export of any specified agriculture produce;

“inspector” means a person appointed by the Minister for Planning and Environment to act as such for the purposes of this Order, and includes the senior produce inspector;

“Law” means the Agricultural Marketing (Jersey) Law 1953;⁴

“licence” means a licence granted under the provisions of Article 4 authorizing the holder to pack for export the specified agricultural produce to which the licence relates;

“licensee” means a holder of a licence for the time being in force;

“senior produce inspector” means an officer in an administration of the States for which the Minister for Planning and Environment is assigned responsibility, being an officer designated to act as a senior produce inspector;

“specified agricultural produce” means agricultural produce for the time being specified in Schedule 1.

2 Power to prohibit the harvesting or export of specified agricultural produce

- (1) The Minister for Planning and Environment, where satisfied that it is necessary to do so for diminishing the disadvantages which might result from a superfluity of any specified agricultural produce on the market or in the interests of the export trade of Jersey in respect of any specified agricultural produce, may prohibit for such time as the Minister for Planning and Environment thinks necessary –
 - (a) the harvesting generally of the specified agricultural produce:
Provided that the Minister for Planning and Environment may, at his or her absolute discretion, allow any such produce or specific variety, class or grade thereof to be harvested for such purposes and subject to such conditions as the Minister for Planning and Environment may specify;
 - (b) the export, either generally or to any particular market or place, of the specified agricultural produce or any variety, class or grade thereof.⁵
- (2) No prohibition imposed or exemption granted under the provisions of this Article shall take effect before it is announced on B.B.C. Radio Jersey, a commercial radio station operating in Jersey or Channel Television.⁶
- (3) Any such prohibition or exemption shall also be announced automatically by a recording played to persons dialling such telephone number as shall be made available for this purpose by the Minister.⁷

3 Export of specified agricultural produce direct to a retailer⁸

- (1) Where the Minister for Planning and Environment is satisfied that it is expedient so to do for the encouragement of the export trade in relation to the shipment of specified agricultural produce direct to a particular retailer who desires such produce which he or she retails to the public to be graded, packed or marked to suit the retailer's own requirements, the Minister for Planning and Environment may by licence exempt the export of such produce direct to the retailer from all or any of the requirements of this Order as to the grading, packing and labelling of such produce.
- (2) In this Article "packing" includes the container in which produce is packed.

4 Provisions as to approval of containers etc.

- (1) For the purposes of this Order, the Minister for Planning and Environment may from time to time approve the type of container in which any specified agricultural produce shall be packed for export, and different types of container may be approved in respect of different grades, qualities or varieties of the specified agricultural produce.
- (2) Where, under the provisions of this Article, a type of container is approved, the Minister for Planning and Environment –
 - (a) shall specify –

- (i) the type of cover or fastening which shall be used to close the container, and different types, or different colours, of cover may be specified in respect of different grades, qualities or varieties of specified agricultural produce,
 - (ii) the minimum weight or the minimum number, as the case may be, of the specified agricultural produce, or of any grade, quality or variety thereof, which shall be packed for export in the container;
- (b) may specify –
 - (i) permitted variations in the minimum weight or the minimum number, as the case may be, of the specified agricultural produce, or of any grade, quality or variety thereof, which shall be packed for export in the container,
 - (ii) that the container shall be lined in such manner, with such material of such colour as may be specified, and different colours or combinations of colours may be specified in respect of different grades, qualities or varieties of the specified agricultural produce.⁹

5 Provisions as to licences

- (1) No person shall pack for export any specified agricultural produce unless he or she is a licensee, nor otherwise than in accordance with the conditions subject to which the licence was granted:

Provided that any licence granted under the Export of Agricultural Produce (Jersey) Order 1965¹⁰ and subsisting immediately before the coming into force of this Order, shall continue to have effect as if it had been granted under this Order.

- (2) An application for the grant of a licence shall be made to the Minister for Planning and Environment in writing in such form as the Minister for Planning and Environment may require.
- (3) The Minister for Planning and Environment, before granting a licence, shall satisfy himself or herself that –
 - (a) the applicant is a fit and proper person to be a licensee;
 - (b) the premises on which the applicant proposes to pack for export the specified agricultural produce to which the licence is to relate are suitable for the purposes of such packing,

and, in any case where the Minister for Planning and Environment is not so satisfied, the grant of the licence shall be refused.

- (4) A licence shall be in such form as the Minister for Planning and Environment may determine and shall designate the premises on which the licensee shall pack for export specified agricultural produce.
- (5) A licence shall be granted subject to the following conditions, that is to say that the licensee –
 - (a) shall pack for export specified agricultural produce only on the premises designated in pursuance of paragraph (4);

- (b) shall pack for export specified agricultural produce, or any grade, quality or variety thereof, only in a container which is –
 - (i) of a type for the time being approved in respect of the specified agricultural produce, or of the grade, quality or variety thereof,
 - (ii) clean and in good and sound condition,
 - (iii) lined, if so required, in manner specified in pursuance of Article 4(2)(b)(ii),
 - (iv) covered with a cover or closed with a fastening specified in pursuance of Article 4(2)(a)(i);
 - (c) subject to the provisions of Article 4(2)(b)(i) shall not pack for export in any container a lesser weight or a lesser number, as the case may be, of specified agricultural produce than the minimum weight or the minimum number specified in respect of the container in pursuance of Article 4(2)(a)(ii);
 - (d) shall not pack for export specified agricultural produce –
 - (i) which is not in reasonably clean and sound condition,
 - (ii) otherwise than in accordance with such standards of grading and quality as may be specified, in relation to the specified agricultural produce in Schedule 2;
 - (e) shall not knowingly pack for export specified agricultural produce which is affected with disease or with any destructive insect or pest;
 - (f) shall comply with the restriction specified in Part I of Schedule 2 and the requirements specified in that Schedule as to the proper marking of specified agricultural produce for export with the distinctive number of the licence granted to the licensee in respect of the specified agricultural produce, the indication so specified of the grading, quality or variety of the specified agricultural produce and, if so specified, with the net weight or number of the specified agricultural produce packed in the container;
 - (g) shall comply with such other conditions as the Minister for Planning and Environment may think necessary for the better regulation of the export of the specified agricultural produce, being conditions endorsed on the licence or otherwise notified to the licensee.¹¹
- (6) Notwithstanding the provisions of this Article, the Minister for Planning and Environment may at the request of the applicant designate, in addition to any premises designated in pursuance of paragraph (4), any agricultural implement commonly known as a harvester, subject to such further conditions as the Minister for Planning and Environment may think necessary.
- (7) Subject to the provisions of paragraphs (8) and (9), a licence shall remain in force for the period specified therein.
- (8) Where, in the opinion of the chief executive officer of the administration of the States for which the Minister for Planning and Environment is assigned responsibility in respect of this Law, a licensee has contravened

any condition subject to which a licence was granted to him or her, the chief executive officer may suspend the licence for a period of 72 hours.

- (9) Where a licence has been suspended under the provisions of paragraph (8), the Minister for Planning and Environment may extend the suspension for such period as he or she thinks fit, or may revoke the licence.
- (10) The Minister for Planning and Environment may suspend a licence for such period as he or she thinks fit, or may revoke a licence, in any case where –
 - (a) the licensee is convicted of an offence under the Law in respect of specified agricultural produce;
 - (b) the Minister for Planning and Environment is satisfied that the conduct of the licensee in relation to the packing for export or the export of any specified agricultural produce is, or is calculated to be, prejudicial to the agricultural industry or the export trade of Jersey.
- (11) The Minister for Planning and Environment shall, before exercising the powers under paragraph (9) or (10)(b), give to the licensee an opportunity of being heard in person or by an advocate or a solicitor.
- (12) Where, under the provisions of this Article the grant of a licence is refused, or a licence is suspended or revoked, the Minister for Planning and Environment shall cause notice of such refusal, suspension or revocation to be served on the applicant or, as the case may be, on the licensee.
- (13) Where, under the provisions of this Article, a licence –
 - (a) is suspended, the licence shall cease to be in force throughout the period of its suspension;
 - (b) is revoked, the licence shall cease to be in force forthwith on the revocation thereof,and it shall be the duty of the licensee to deliver up the licence to the Minister for Planning and Environment forthwith on receiving the notice served on him or her in pursuance of paragraph (12).
- (14) A person aggrieved by a decision of the Minister for Planning and Environment refusing, revoking or suspending a licence may, within the 14 days next following the day on which notice was served on him or her in pursuance of paragraph (12), appeal to the Inferior Number of the Royal Court, in term or in vacation, on the ground that the decision was unreasonable having regard to all the circumstances of the case, and the decision of the Court on the appeal shall be final and without further appeal, but without prejudice to the right of the Court to refer the matter to the Superior Number of the Royal Court.
- (15) Where –
 - (a) under the provisions of paragraph (3)(a), the grant of a licence is refused; or

- (b) under the provisions of paragraph (9) or (10), a licence is suspended or revoked,

and no appeal against the refusal, suspension or revocation is entered in accordance with the provisions of paragraph (14), or an appeal so entered is dismissed or abandoned or fails for want of prosecution, the Minister for Planning and Environment may refuse the grant of any further licence to be in force at any time within the period of 12 months next following such refusal or revocation or within the period for which the licence was so suspended, as the case may be –

- (i) to, or for the benefit of, the person whose application was refused or, as the case may be, was the holder of the licence so suspended or revoked:

Provided that a licence shall not be deemed to be granted for the benefit of such a person as aforesaid by reason only that, if the licence were to be granted, that person would be entitled to receive from the licensee, in respect of any premises designated in pursuance of paragraph (4), a rental which, in the opinion of the Minister for Planning and Environment, is fair and reasonable in respect of a tenancy of those premises,

- (ii) in respect of the premises designated in the licence so suspended or revoked, or any other premises in the ownership, or in the occupation, of such a person as aforesaid, unless the applicant satisfies the Minister for Planning and Environment that, if the licence were to be granted, the specified agricultural produce would be packed for export wholly under the control, and solely for the benefit, of the applicant to the exclusion of such a person as aforesaid.

6 Provisions as to examination and export

- (1) No person shall export, or attempt to export, any specified agricultural produce otherwise than from the Port of St. Helier, St. Peter's Airport or such other port as may from time to time be approved by the Minister for Planning and Environment for the purposes of such export.
- (2) Notwithstanding the provisions of paragraph (1), no person shall, except as the Minister for Planning and Environment may otherwise provide, export or attempt to export any specified agricultural produce otherwise than from the Port of St. Helier unless he or she has given notice to the senior produce inspector, in such manner and before such time as the Minister for Planning and Environment may require, of his or her intention to do so.
- (3) Any person having in his or her custody or under his or her charge, for the purposes of export, any specified agricultural produce shall, if such a requirement is specified in Schedule 2 or if so required by an inspector, submit such specified agricultural produce for examination and, if so required by an inspector, such person shall –
 - (a) remove the specified agricultural produce, or any part thereof as may be so required from the place where it is to such other place as an inspector may direct;

- (b) unload the specified agricultural produce, or any part thereof as may be so required, from any vehicle in which it is being conveyed;
 - (c) open, if so required, any container in which the specified agricultural produce is packed for export and remove such specified agricultural produce therefrom;
 - (d) give all such assistance as may be so required.
- (4) If, on an examination under the provisions of paragraph (3), an inspector is of the opinion that there has been a contravention of a condition of licence within the meaning of Article 5(5), he or she shall forthwith report the matter to the senior produce inspector.¹²
- (5) Where, on a reference under paragraph (4), or otherwise, the senior produce inspector is satisfied that there has been such a contravention as aforesaid in respect of any specified agricultural produce packed for export, he or she shall, but without prejudice to any proceedings in respect of the contravention, do any or all of the following things, that is to say –
 - (a) prohibit the export of the specific agricultural produce, or of that part thereof, in respect of which there has been such a contravention;
 - (b) retain in his or her custody any samples of the specified agricultural produce on which he or she based his or her conclusion that there has been such a contravention;
 - (c) require the person having the specified agricultural produce in his or her custody or under his or her charge to remove it to such place as the senior produce inspector may direct;
 - (d) require the licensee –
 - (i) to dispose of the specified agricultural produce in such manner as the senior produce inspector may direct, or
 - (ii) to re-pack for export such specified agricultural produce, under the supervision of an inspector, or of a field officer, and for the purposes of this sub-paragraph, where the contravention consists of, or includes, a failure to comply with the condition set out in Article 5(5)(f), the person by or on behalf of whom the specified agricultural produce was consigned for export shall be deemed, unless the contrary is proved, to be the licensee,

and shall, as soon as may be, deliver to the chief executive officer of the administration of the States for which the Minister for Planning and Environment is assigned responsibility in respect of this Law a report in writing setting out particulars of the contravention, the action taken by him or her under the provisions of this paragraph and any other relevant matters.¹³

7 Power of entry and examination

- (1) An inspector, on production if so required of evidence of his or her appointment, may –
 - (a) enter on any land and examine and take samples of any crop growing in the land;
 - (b) enter on and examine any premises used, or intended to be used, for the packing for export of any specified agricultural produce;
 - (c) enter on any premises where he or she has reasonable grounds for believing that there is any specified agricultural produce packed, or intended to be packed, for export, and may examine and take samples of such specified agricultural produce;
 - (d) enter on any land or any premises for the purposes of Article 6(5)(d).
- (2) It shall be the duty of the occupier of any land or any premises to which this Article applies and of the persons in the employment of the occupier, to render to an inspector all such reasonable assistance, and furnish the inspector with all such information, as he or she may require for the purpose of exercising his or her powers under this Article.
- (3) A field officer, on production if so required of evidence of the field officer's appointment, may enter on any land where he or she has reasonable grounds for believing that there is any specified agricultural produce packed, or intended to be packed, for export, and may examine, and give advice on the grading and packing of, such specified agricultural produce.

8 Returns and information

- (1) The Minister for Planning and Environment, and any person authorized in that behalf by the Minister for Planning and Environment, may require any person engaged by way of trade or business in the growing, packing, buying, selling, exporting or otherwise dealing with any specified agricultural produce to furnish to such authority or person, within such time and in such manner, as may be specified in the requirement, such returns and other information relating to his or her dealings with the specified agricultural produce as may be so required.
- (2) No person to whom a return or other information is furnished in pursuance of this Article shall, without the authority of the person by whom the return or other information was furnished, published such return or other information except –
 - (a) to the Minister for Planning and Environment;
 - (b) to any person authorized by the Minister for Planning and Environment to prepare statistical or other information;
 - (c) for the purposes of any proceedings under the Law or under this Order.

9 Saving for small quantities

Nothing in this Order shall apply where the total weight of any specified agricultural produce to be exported, and consigned to one person, does not exceed 15 pounds (7 kg).

10 Presumption

For the purposes of this Order, any specified agricultural produce packed in a container shall, until the contrary is proved, be presumed to be packed for export.

11 Proof in certain proceedings

For the purposes of any proceedings under Article 23(1)(b) of the Law for a contravention of the conditions of a licence set out in Article 5(5), the report of the senior produce inspector delivered in pursuance of Article 6(5) shall, until the contrary is proved, be deemed to be proof of the contravention.¹⁴

12 Citation

This Order may be cited as the Export of Agricultural Produce (Jersey) Order 1972.

SCHEDULE 1

(Article 1)

SPECIFIED AGRICULTURAL PRODUCE¹⁵

Calabrese
Capsicums
Cauliflower
Courgettes
Parsley
Potatoes
Tomatoes

SCHEDULE 2

(Article 5(5))

SPECIFICATIONS**PART 1¹⁶****GENERAL****Marking of containers**

Every container in which specified agricultural produce is packed for export shall be marked, either on the container itself, its lid or cover, or any label affixed to the container, lid or cover, with the words “British Produce”.

Restriction on marking of containers

No container in which specified agricultural produce is packed for export shall be marked with the word “organic” or any other word or words likely to be construed as meaning that the produce within the container has not been exposed to, or has had restricted exposure to, artificial fertilizers, pesticides or other chemicals during its cultivation, harvesting and packing unless the licence of the person packing the produce authorizes such marking and the marking and produce comply with any conditions endorsed on the licence or otherwise notified to the licensee in respect of such marking.

PART 2¹⁷**CALABRESE****Grading and quality**

Subject to permitted variations in quality specified in this Part calabrese for export shall be graded in accordance with the sizes specified in Table A of this Part and with the quality requirements specified in Table B of this Part in respect of the particular class designation under which the calabrese are to be exported.

TABLE A	
Class I	Class II
Stalks must be of a minimum diameter of 12.5 mm and a maximum of 42 mm and strong enough to support the floret.	Stalks may be less than 12.5 mm in diameter but not more than 42 mm and must be strong enough to support the floret.
The ratio of head/floret width to maximum stalk diameter must not be less than 2.1.	The ratio of head/floret width to maximum stalk diameter must not be less than 1.1.

TABLE B		
QUALITY REQUIREMENTS		
Characteristics	Class I	Class II
Development and Maturity	The florets: – Must be firm and compact, and of close texture.	The florets: – Must be firm and reasonably compact, and of reasonably close texture.
Colour	Must be dark green or purple green in colour.	May be light green in colour.
Shape	May be flat but must be regular in shape.	May be flat.
Non-progressive damage and blemish	The calabrese: – Must be free from any disease spotting, and damage by pest and disease, frost and bruising.	The calabrese: – Must be free from bruising and any disease spotting, and damage by pest and disease. Slight discolouration caused by frost is allowed.

General

Calabrese in both classes must be fresh, clean, whole, sound and free from contamination, excess moisture and any foreign taste or smell. All calabrese within a container must be of the same type.

Quality variations

In any container the following quality variations are permitted in respect of calabrese not meeting the requirements of the class marked on the label –

in the case of Class I, an amount of calabrese by number or weight not exceeding 5% meeting the requirements of Class II; and

in the case of Class II, an amount of calabrese by number or weight not exceeding 5% not meeting the requirements of that Class but fit for human consumption.

Presentation

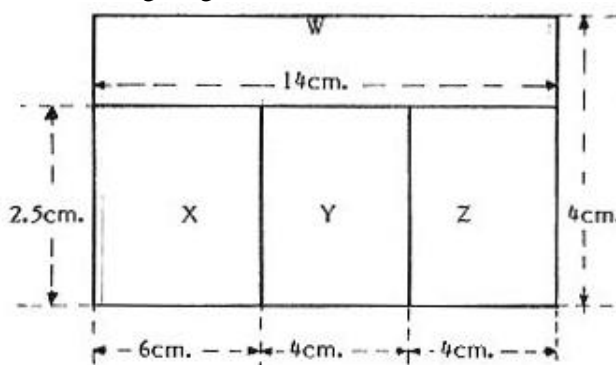
All calabrese at the time it is packed for export must be pre-cooled to such maximum temperature as may from time to time be specified by the Minister for Planning and Environment in a notice published in the Jersey Gazette. Where presented with leaves, not more than 5 small leaves may be retained close to the head. The overall length of the calabrese including the stalk must not be more than 17.5 cm and the stalk must be cut cleanly across the butt. The majority of the heads of the calabrese, other than pre-packed calabrese, within a container must be visible and those calabrese visible must be representative of the calabrese packed in the container as a whole. The net weight of calabrese packed in each container shall be at least 10 lb or 15 lb depending on the type of container used. Branching of calabrese is not permitted for export.

Lining of containers

Every container in which 15 lb or more of calabrese is packed for export shall be lined with clean waterproof paper in such a way as to ensure that the calabrese is protected when the lid of the container is closed.

Marks on containers

Every container in which calabrese are packed for export shall bear a label securely affixed to one end thereof in the form and of the minimum dimensions shown in the following diagram –



Every such label shall be clearly and indelibly marked in the following manner –

- (a) in the space marked “W” there shall be inserted in block letters each not less than 8 mm in height the words “JERSEY CALABRESE”;

- (b) in the space marked “X” there shall be inserted in figures each not less than 12 mm in height, the number of the licence for the time being in force granted to the person by whom the calabrese were packed for export;
- (c) in the space marked “Y” (and in no other place on the cover or the container) there shall be inserted in block letters and in roman numerals each not less than 8 mm in height the appropriate class designation;
- (d) in the space marked “Z” there shall be inserted in figures and in letters each not less than 8 mm in height the minimum net weight of the calabrese packed in the container.

PART 3¹⁸

CAPSICUMS

Grading and quality

Subject to permitted variations in size and quality specified in this Part capsicums for export shall be graded in accordance with –

- (a) the sizes specified in Table A of this Part in respect of the particular type of the capsicums to be exported;
- (b) the quality requirements specified in Table B of this Part in respect of the particular class designation under which the capsicums are to be exported.

TABLE A

Type of capsicum	Size (Transverse diameter at shoulder of capsicum)		Size (Transverse diameter at widest part of capsicum)		Code Range	Class designations under which capsicums may be packed	Minimum length
	minimum (mm.)	maximum (mm.)	minimum (mm.)	maximum (mm.)			(mm.)
Elongated	40	60			A	Class I and Class II	
	60	80			B	Class I and Class II	
	30	None			C	Class II	
Square blunt	60	80			A	Class I and Class II	
	80	100			B	Class I and Class II	
	50	None			C	Class II	
Square tapering	50	70			A	Class I and Class II	
	70	90			B	Class I and	

Type of capsicum	Size (Transverse diameter at shoulder of capsicum)		Size (Transverse diameter at widest part of capsicum)		Code Range	Class designations under which capsicums may be packed	Minimum length
						Class II	
	40	None			C	Class II	
Flattened			60	80	A	Class I and Class II	
			80	100	B	Class I and Class II	
			55	None	C	Class II	
Peperoncini						Class I and Class II	50
General	Where packed within the Code Range A and Code Range B specified in Table A, all elongated capsicums within a container must be reasonably uniform in length.						

TABLE B		
QUALITY REQUIREMENTS		
Characteristics	Class I	Class II
General quality	Capsicums – Must be of good quality.	Capsicums – Must retain the essential characteristics of quality and presentation and must be of marketable quality.
Ripeness, development and colour	Must be mature and of the normal shape, development and colouring for the variety, with due regard to the degree of ripeness. The capsicums in each container must be reasonably uniform in ripeness and colour; capsicums which are of mixed colours shall not be deemed to be uniform in colour.	May be slightly mis-shapen. Slight defects in development are allowed.
Soundness	Must be firm.	Must not be soft or withered.
Non progressive damage and blemish	Must be free from any significant blemish.	May show slight healed injuries up to 2 cm long provided the injury is elongated, and may show dry superficial cracks which in aggregate do not exceed 3 cm in length.
Stalk	Must have their stalk attached. The stalk must be cleanly picked or cut from the plant and the calyx must be intact.	Must have their stalk attached. The stalk may be damaged.

General

Capsicums in both classes must be fresh, clean, whole, sound, well-developed and free from frost damage, unhealed injuries, sunburn, abnormal external moisture and any foreign taste or smell. All capsicums within a container must be of the same variety or type.

Size and quality variations

In any container the following size and quality variations are permitted in respect of capsicums not meeting the requirements of the size range and class marked on the label, provided that such variations shall not in aggregate exceed those hereinafter specified –

Size variations –

in the case of Class I –

an amount of capsicums not exceeding 10% by number or weight may be within a margin of 5 mm above or below the size marked on the container, provided that no more than 5% of capsicums by number or weight shall be below the minimum size prescribed for the variety or type packed in the container; and

in the case of Class II –

- (i) where packed within the size range prescribed in the fifth column of Table A for Class I capsicums, an amount of capsicums not exceeding 10% by number or weight may be within a margin of 5 mm above or below the size marked on the container, provided that no more than 5% of capsicums by number or weight shall be below the minimum size prescribed for the variety or type packed in the container, and
- (ii) where packed outside the size range prescribed in the fifth column of Table A for Class I capsicums, an amount of capsicums not exceeding 5% by number or weight may be up to 5 mm below the minimum size prescribed for the variety or type packed in the container.

Quality variations –

in the case of Class I –

an amount of capsicums by number or weight not exceeding 10% meeting the requirements of Class II; and

in the case of Class II –

an amount of capsicums by number or weight not exceeding 10% not meeting the requirements of that class but fit for human consumption.

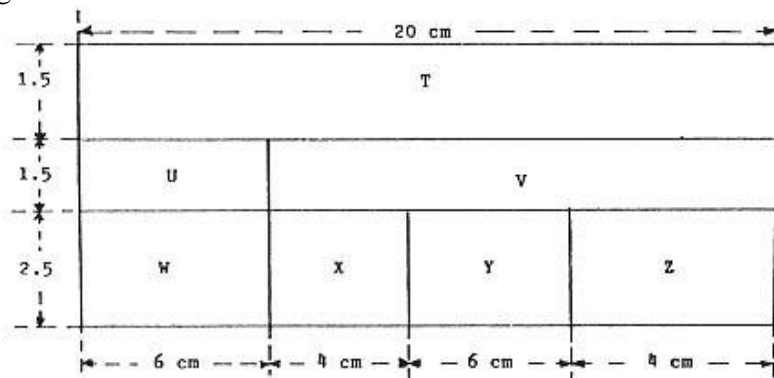
Presentation

All capsicums within a container must be uniformly presented and those capsicums which are visible must be representative of the capsicums packed in the container as a whole.

The net weight of capsicums packed in each container shall be at least 5 kg

Marks on containers

The outside of one end or side of every container in which capsicums are packed for export shall bear a label, either securely affixed thereto or forming part of the cover thereof, of the minimum dimensions shown in the following diagram –



Every such label shall be clearly and indelibly marked in the following manner –

- (a) in the space marked “T” there shall be inserted in block letters each not less than 8 mm in height the description “JERSEY CAPSICUMS”;
- (b) in the space marked “U” there shall be inserted in block letters each not less than 8 mm in height –
 - (i) where the capsicums packed in the container are wholly green in colour, the description “GREEN”;
 - (ii) where the capsicums packed in the container are wholly or partly red in colour, the description “RED”;
- (c) in the space marked “V” there shall be inserted in block letters each not less than 8 mm in height the name of the variety of the capsicums packed in the container;
- (d) in the space marked “W” there shall be inserted in figures each not less than 12 mm in height the number of the licence for the time being in force granted to the person by whom the capsicums were packed for export;
- (e) in the space marked “X” (and in no other place on the label or on the container) there shall be inserted in block letters and roman numerals each not less than 8 mm in height the appropriate class designation;
- (f) in the space marked “Y” there shall be inserted in block letters and figures as appropriate, each such letter and figure being not less than 8 mm in height –
 - (i) where the capsicums are packed within the code range A and code range B specified in Table A, the minimum and maximum diameters of the capsicums packed in the container,
 - (ii) where the capsicums are packed within the code range C specified in Table A, the description “UNSIZED”;

- (g) in the space marked “Z” there shall be inserted in letters and figures each not less than 8 mm in height the minimum net weight of the capsicums packed in the container.

PART 4¹⁹

CAULIFLOWER

Quality and Grading.

Subject to the permitted variations in size and quality specified in this Part cauliflower for export shall be graded in accordance with the following sizes and with the requirements hereinafter specified in respect of the particular class designation under which the cauliflower is to be exported –

TABLE A				
Number packed in container	Diameter of Curd/Size of arc of curd			Class designations under which cauliflower may be packed
	Transverse diameter at smallest part of curd (cms)	Transverse diameter at widest part of curd (cms)	Minimum arc size of curd (cms)	
6–12	–	16.5–20.0	–	Extra class, class I or class II
8–16	–	14.0–16.5	–	Extra class, class I or class II
11	12.0	14.0	–	Extra class, class I or class II
24	–	12.0–14.0	–	Extra class, class I or class II
30	–	–	13.0	Class II

TABLE B			
QUALITY REQUIREMENTS			
Characteristics	Extra Class	Class I	Class II
Development and Maturity	The curds must be firm and compact, well shaped and of very close texture.	The curds must be firm and of close texture. Very slight woolliness is allowed	The curds may be slightly loose. Slight woolliness is allowed
Colour	Must be uniformly white or creamy white	Must be white to ivory. Slight colour defects are allowed	May be yellowish in colour
Shape	Must be well shaped	May have slight defects	May be slightly misshapen
Progressive Defects	Must be free from any blemish and injury	Must be free from any blemish and injury	Must be free from any blemish and injury
Non-progressive damage and blemish	Must be free from any damage and blemish	Must be free from any disease spotting, damage by pests and disease, frost and bruising	Must be free from frost damage and may not have more than 5 interposing green leaves. The curds may also have 2 of the following defects – slight traces of damage by pests slight traces of damage by disease slight bruising providing that these defects are not sufficient to affect the keeping qualities of the cauliflower or to affect seriously its market value.

General

Cauliflowers in all classes must be fresh, whole, sound, clean and free from all blemishes (subject to the special provisions for Classes I and II) contamination, excess moisture and any foreign taste or smell. All cauliflowers within a container must be of the same type.

Size and Quality Variations

In any container the following size and quality variations are permitted in respect of cauliflowers not meeting the requirements of the size range and class marked on the label, provided that such variations shall not in aggregate exceed those hereinafter specified –

Size variations In the case of Classes Extra, I and II, an amount of cauliflowers not exceeding 5% by number may correspond to the size immediately above or below that marked on the label on the container, provided that no curd shall measure less than 10cm in diameter, an amount of cauliflowers not exceeding 10% by number may be outside the size range marked on the label on the container;

Quality Variations In the case of Class Extra, an amount of cauliflowers not exceeding 10% but meeting the requirements of Class I;
in the case of Class I, an amount of cauliflowers not exceeding 5% but meeting the requirements of Class II; and
in the case of Class II, an amount of cauliflowers not exceeding 10% not meeting the requirements of that class but fit for human consumption;

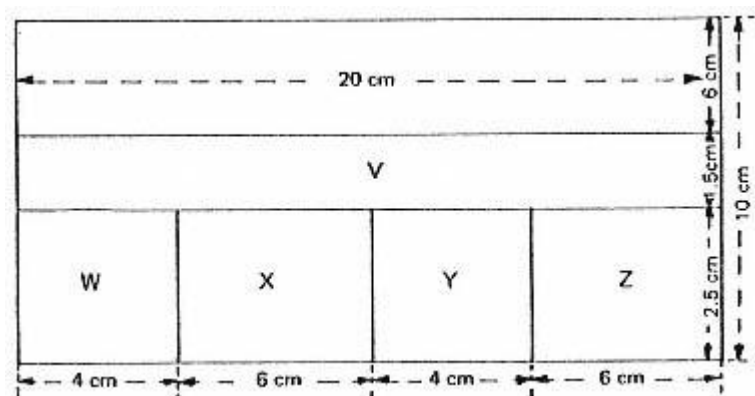
Aggregate of Size and Quality Variations In the case of Classes Extra, I and II, the aggregate shall not exceed 5%, the aggregate shall not exceed 15%.

Presentation

All cauliflowers within a container must be uniformly presented. Where presented without leaves, not more than 5 untrimmed small and tender pale green leaves may be retained close to the head; all other leaves must be removed and the inedible part of the stalk cut off. Where presented with leaves, the leaves must either be untrimmed or all trimmed in a similar manner; they must be present only in sufficient numbers to protect the curd and the stalk must be cut off at a point slightly below the leaves. For all cauliflowers the basal cut must be made straight across the butt.

Marks on labels affixed to containers

Every container in which cauliflowers are packed for export shall bear a label securely affixed thereto –



- measuring not more than 20 cm by 10 cm and in the form shown in the following diagram –
- of the colour respectively specified in the following Table in relation to the number and class of cauliflowers packed in the container –

Number packed in container	Class	Colour of label to be used
6–12	Extra I or II	wholly or partly green
8–16	Extra I or II	wholly or partly green
11–24	Extra or I	wholly orange
11–24	II	wholly or partly red
30	II	wholly or partly blue

Every such label shall be clearly and indelibly marked, in the following manner –

- in the space marked “V” there shall be printed in block letters each not less than 8 mm in height the words “JERSEY CAULIFLOWER”;
- in the space marked “W” there shall be printed in figures each not less than 12 mm in height an accurate statement of the number of cauliflowers packed in the container;
- in the space marked “X” there shall be printed or stamped in figures each not less than 12 mm in height, the number of the licence for the time being in force granted to the person by whom the cauliflowers were packed for export;
- in the space marked “Y” (and in no other place on the label or on the container) there shall be printed or stamped in roman numerals each not less than 8 mm in height the class designation;
- in the space marked “Z” there shall be printed in block letters and figures each not less than 8 mm in height the word “DIAMETER” and the size range of the cauliflowers packed in the container.

Where the colour of the label to be used is wholly orange, the markings shall be black.

PART 5²⁰**COURGETTES****Quality and Grading**

Subject to the permitted variations in size and quality specified in this Part courgettes for export shall be graded in accordance with the sizes and dimensions specified in Table A of this Part and with the quality requirements specified in Table B of this Part in respect of the particular class designation under which the courgettes are to be exported.

TABLE A		
Length of Courgette		Size
Minimum	Maximum	
100 mm	140 mm	Small
140 mm	170 mm	Medium
170 mm	200 mm	Large

TABLE B		
QUALITY REQUIREMENTS		
Characteristics	Class I	Class II
General Quality	Must be of good quality, fresh, firm, whole, dry, in clean and sound condition and smooth skinned.	Must be fresh, firm, whole, dry, in clean and sound condition and reasonably free from distortion and discolouration.
Colour	Must be dark green but must not be mottled.	May be mottled but must be dark green or light green and the courgettes in each container must be uniform in colour.
Shape	Must be well shaped and cylindrical.	May be slightly misshapen or club-shaped.
Variety	Must, in each container, be all of the same variety.	Must, in each container, be all of the same variety.
Progressive Defects	Must be free from any blemish or injury.	Must be free from any blemish or injury.
Non-progressive Damage and Blemish	Must be free from any significant blemish.	May have slight hail spotting or slight fruit rubbing provided these defects do not seriously detract from the overall

TABLE B		
		appearance.

Size and Quality Variations

In any container the following size and quality variations are permitted in respect of courgettes not meeting the requirements of the size range and class marked on the label, provided that such variations shall not in aggregate exceed 10% –

Size Variations – an amount of courgettes not exceeding 10% by number or weight may correspond to the size immediately above or below that marked on the label on the container;

Quality Variations – in the case of Class I, an amount of courgettes not exceeding 10% meeting the requirements of Class II; and

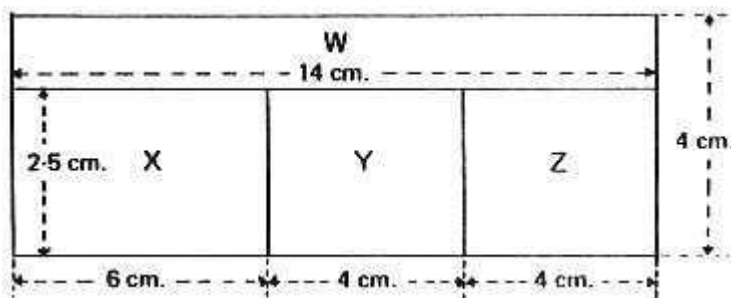
in the case of Class II, an amount of courgettes not exceeding 10% not meeting the requirements of that class but fit for human consumption.

Presentation

All courgettes within a container, other than a bulk container of a type approved by the Minister for Planning and Environment, shall be packed in rows and those courgettes visible shall be representative of the courgettes packed in the container as a whole.

Marks on containers

Every container in which courgettes are packed for export shall bear a label on one end only, either securely affixed thereto or forming part of the cover thereof, in the form and of the minimum dimensions shown in the following diagram –



Every such label shall be clearly and indelibly marked in the following manner –

- (a) in the space marked “W” there shall be inserted in block letters each not less than 8 mm in height the words “JERSEY COURGETTES”;
- (b) in the space marked “X” there shall be inserted in figures each not less than 12 mm in height, the number of the licence for the time being in force granted to the person by whom the courgettes were packed for export;
- (c) in the space marked “Y” (and in no other place on the cover or the container) there shall be inserted the appropriate class designation;
- (d) in the space marked “Z” there shall be inserted the length of the courgettes in millimetres and the corresponding size for that length as indicated in Table A of this Part.

The outside of the cover of every container in which courgettes are packed for export shall have printed thereon –

- (a) in block letters the description “JERSEY COURGETTES” –
 - (i) in respect of the top of the cover in letters each being not less than 4 cm in height;
 - (ii) in respect of both sides and that end of the cover on which the label required by this Part does not appear in letters each being not less than 2.5 cm in height;
- (b) The statement “NET WEIGHT 12lb/5.4 Kilo.

PART 6²¹**PARSLEY****Quality requirements**

Subject to permitted variations in quality specified in this Part parsley for export shall be graded in accordance with the requirements hereinafter specified.

Characteristics	Quality requirements
General quality	The sprigs of parsley – Must be of good quality, fresh, clean, sound and free from contamination, excess moisture and any foreign taste or smell.
Development and Maturity	Must not be over-mature or in seed.
Colour	Must be wholly green in colour.
Non-progressive damage and blemish	Must be free from any disease spotting, and damage by pest and disease, frost and bruising.

Quality variations

In any container a quality variation is permitted in respect of an amount of parsley not exceeding 5% not meeting the quality requirements but fit for human consumption.

Presentation

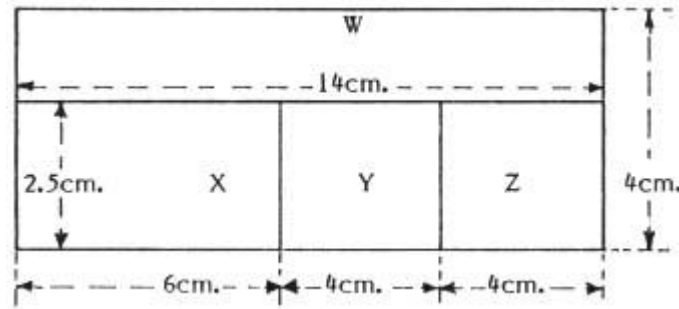
All sprigs within a container must be uniform in colour and between 15 cm and 25 cm in length. Where the sprigs are severed from the plant by a cut made across the butt, the cut must be clean and straight. The sprigs must be packed in bunches. The net weight of parsley packed in each container must be at least 10 lb and there must be at least 20 bunches. Where the parsley is packed in a container other than a plastic bag the bunches must be packed in an upright position.

Marks on containers

Every container in which parsley is packed for export shall have a label –

- (a) in the case of containers other than plastic bags, securely affixed to one end or side of the container; and
- (b) in the case of plastic bags, placed inside the bag,

in the form and of the minimum dimensions shown in the following diagram –



Every such label shall be clearly and indelibly marked in the following manner –

- (a) in the space marked “W” there shall be printed in block letters each not less than 8 mm in height the description “JERSEY PARSLEY”;
- (b) in the space marked “X” there shall be inserted in figures each not less than 12 mm in height, the number of the licence for the time being in force granted to the person by whom the parsley was packed;
- (c) in the space marked “Y” there shall be printed in block letters and roman numerals each not less than 8 mm in height the description “CLASS 1”;
- (d) in the space marked “Z” there shall be inserted in figures and letters each not less than 8 mm in height the minimum net weight of the parsley packed in the container.

PART 7²²

POTATOES

Grading

Potatoes shall be packed for export in 2 grades, namely ware and midsize.

Before such date as the Minister for Planning and Environment may from year to year determine, potatoes which exceed 10 cm in length shall not be packed for export in the ware grade.

Potatoes shall not be packed for export in the midsize grade unless they comply with the following conditions, that is to say –

- (a) that, before such date as the Minister for Planning and Environment may from year to year determine (hereinafter referred to as “specified date”) they do not exceed 4.5 cm in length;
- (b) that after the specified date –
 - (i) they have been riddled through a mechanical grader of a type approved by the Minister for Planning and Environment, and

- (ii) unless otherwise specified by the Minister for Planning and Environment, they have been graded as being no less in diameter than 19 mm nor more than 32 mm.

For the purposes of this Part of this Schedule the word “diameter” means the longest transverse diameter taken at right angles to a line running from the rose end to the heel end.

Marks on containers

Containers, other than sacks, in which mids are packed for export shall be closed with a cover coloured red.

Where mids are packed in sacks, each sack shall be marked on the outside in red, in letters each not less than 5 cm in height, with the description “MIDS”.

The outside of every container in which potatoes are packed for export shall bear the following particulars clearly and indelibly marked –

- (a) the words “Jersey Potatoes” or the words “Jersey Royal Potatoes”; and
- (b) the distinctive number of the licence granted to the person by whom such potatoes were packed for export.

In the case of containers other than sacks such words and distinctive number shall be shown on a label firmly affixed to such container in letters and figures not less than 12 mm in height.

In the case of sacks such letters shall be not less than 3 cm in height and such figures shall be not less than 12 mm in height.

PART 8²³

TOMATOES

Application of Part 8

This Part applies to tomatoes of the “round” type, and does not apply to tomatoes of the “elongated (plum)” type or the “ribbed” type.

Grading and quality

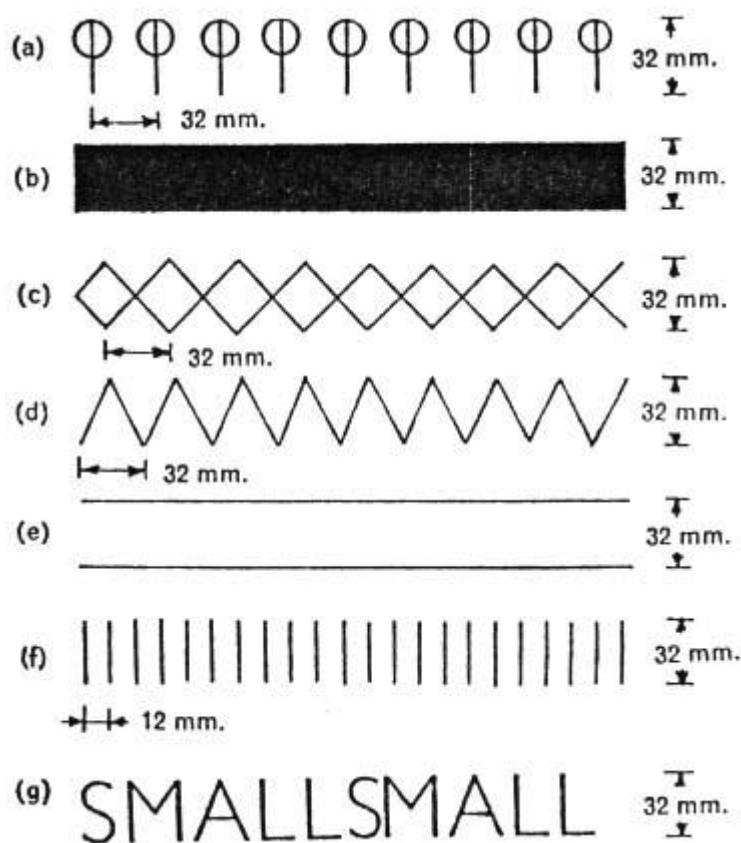
Subject to permitted variations in size and quality specified in this Part tomatoes for export shall be graded in accordance with the sizes and the requirements hereinafter specified in respect of the particular class designation under which the tomatoes are to be exported.

Grading

Diameter of Tomatoes (millimetres)		Class Designation under which tomatoes shall be packed	Code Marking (see diagram below)
minimum	maximum		
67	77	I Round	(a)
57	67	I Round	(a)
47	57	I Round	(b)
40	47	I Round	(c)
35	40	I Round	(d)
40	None	II Round	(e)
40	None	III Round	(f)
20	40	III Small	(g)

The Code Marking hereinbefore specified, in respect of the several grades, shall be –

- (a) marked on the edge of the cover, in such manner as to extend, from 2 only diagonally opposite corners, for one-half of the length of each of the longer sides and for $\frac{1}{3}$ of the length of each of the shorter sides;
- (b) in the form, and of the dimensions, shown in the following diagram, and, except in the case of Code Marking (b), every line shall measure 3 mm in width –



Tomatoes for export –

- (a) shall all be firm, whole, sound, in a clean condition, true to their varietal shape, development and colouring, and free from cracks, contamination, pests and disease; tomatoes which have reached, but not exceeded, a state of maturity whereby they could be expected to have ripened satisfactorily within 72 hours after export, shall be deemed to be firm;
- (b) shall, in each container, be of the same variety and uniform in ripeness and colour; tomatoes which are wholly green shall not be deemed to be uniform in colour;
- (c) in Class I Round shall be smooth-skinned, round and reasonably free from blemishes; tomatoes known as greenbacks shall not be exported in this Class;
- (d) in Class II Round shall be reasonably free from blemishes, distortion, discolouration or damage;
- (e) in Class III Round and Class III Small may, notwithstanding the provisions of sub-paragraphs (a) and (b) of this section, have healed cracks and colour defects, including discolouration of an area not exceeding $\frac{1}{3}$ of the surface of the tomato, so, however, that no colour defect shall be such as to be severely detrimental to the flesh of the fruit and such fruit shall be without blemish or injury which might affect the keeping quality thereof.

Size and quality variations

In any container the following size and quality variations are permitted in respect of tomatoes not meeting the size range and class marked on the label, provided that such variations shall not in aggregate exceed those hereinafter specified –

Size variations –

in the case of Class I Round, an amount of tomatoes not exceeding 10% by number or weight may correspond to the size range immediately above or below that marked on the label, provided that no tomato shall measure less than 33 mm in diameter;

in the case of Class II Round, an amount of tomatoes not exceeding 10% by number or weight may be below the minimum size marked on the label, provided that no tomato shall measure less than 33 mm in diameter;

in the case of Class III Round, an amount of tomatoes not exceeding 10% by number or weight may be below the minimum size marked on the label provided that no tomato shall measure less than 20 mm in diameter;

in the case of Class III Small, an amount of tomatoes not exceeding 10% by number or weight may be below the minimum or above the maximum size marked on the container.

Quality variations –

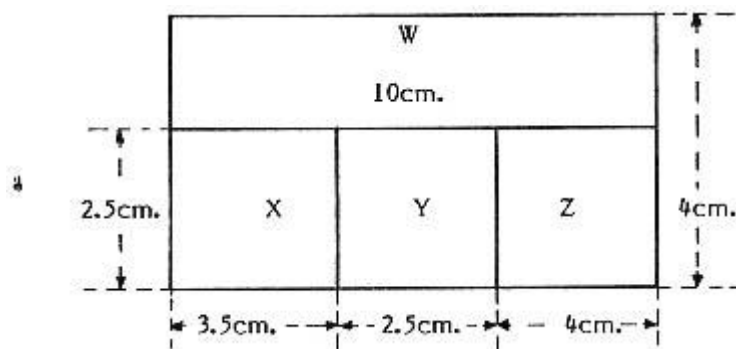
in the case of Class I Round an amount of tomatoes by number or weight not exceeding 10% meeting the requirements of Class II Round;

in the case of Class II Round, Class III Round and Class III Small an amount of tomatoes by number or weight not exceeding 10% not meeting the requirements of those Classes but fit for human consumption.

Covers and markings

Every container in which tomatoes are packed for export shall be covered with paper of a type approved by the Minister for Planning and Environment.

The outside of one end or side of every such container shall bear a label, either securely affixed thereto or forming part of the cover of the container, of the minimum dimensions shown in the following diagram –



Every such label shall be clearly and indelibly marked in the following manner –

- (a) in the space marked “W” there shall be inserted in block letters each not less than 8 mm in height the words “JERSEY TOMATOES”;
- (b) in the space marked “X” there shall be inserted in figures each not less than 12 mm in height the number of the licence for the time being in force granted to the person by whom the tomatoes were packed for export;
- (c) in the space marked “Y” (and in no other place on the label or on the container) there shall be inserted in block letters and roman numerals each not less than 8 mm in height the appropriate class designation;
- (d) in the space marked “Z” there shall be inserted in letters and numerals as appropriate, each such letter and numeral being not less than 8 mm in height –
 - (i) in the case of tomatoes packed in Class I Round and Class III Small the size range in millimetres of the tomatoes packed in the container,
 - (ii) in the case of tomatoes packed in Class II Round and Class III Round the word “UNGRADED” or, where such tomatoes have been graded, the size range in millimetres of the tomatoes packed in the container.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Export of Agricultural Produce (Jersey) Order 1972	R&O.5651	10 May 1972
Export of Agricultural Produce (Amendment) (Jersey) Order 1980	R&O.6809	1 June 1980
Export of Agricultural Produce (Amendment No. 2) (Jersey) Order 1981	R&O.6900	2 February 1981
Export of Agricultural Produce (Amendment No. 3) (Jersey) Order 1984	R&O.7254	1 March 1984
Export of Agricultural Produce (Amendment No. 4) (Jersey) Order 1986	R&O.7553	1 November 1986
Export of Agricultural Produce (Amendment No. 5) (Jersey) Order 1986	R&O.7590	1 January 1987
Export of Agricultural Produce (Amendment No. 6) Order 1987	R&O.7673	1 October 1987
Export of Agriculture Produce (Amendment No. 7) (Jersey) Order 1989	R&O.7870	12 January 1989
Export of Agricultural Produce (Amendment No. 8) (Jersey) Order 1989	R&O.7906	12 April 1989
Export of Agricultural Produce (Amendment No. 9) (Jersey) Order 1993	R&O.8571	19 August 1993
Export of Agricultural Produce (Amendment No. 10) (Jersey) Order 1995	R&O.8779	23 January 1995
Export of Agricultural Produce (Amendment No. 11) (Jersey) Order 1996	R&O.8942	1 July 1996
Export of Agricultural Produce (Amendment No. 12) (Jersey) Order 2003	R&O.80/2003	13 August 2003
Transfer of Functions (Environment and Public Services Committee (No. 2) (Jersey) Act 2004	R&O.133-2004	23 November 2004

States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005
---	--------------	-----------------

Table of Renumbered Provisions

Original	Current
1(1)	1
1(2)	spent, omitted from this revised edition
2(2A)	2(3)
(3)	(4)
2A	3
3	4
4	5
5	6
6	7
7	8
8	9
9	10
10	11
11	spent, omitted from this revised edition
First Schedule	SCHEDULE 1
Second Schedule	SCHEDULE 2
Part I	Part 1
Part IA	Part 2
Part IB	Part 3
Part II	Part 4
Part IIA	Part 5
Part IIB	Part 6
Part III	Part 7
Part IV	Part 8
Third Schedule	spent, omitted from this revised edition

Table of Endnote References

-
- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 01.160*
- ³ *chapter 01.640*
- ⁴ *chapter 01.160*
- ⁵ *Article 2(1) substituted by R&O.132/2005; formerly amended by R&O.7254*
- ⁶ *Article 2(2) substituted by R&O.132/2005; formerly substituted by R&O.7254, amended by R&O.8571*
- ⁷ *Article 2(3) substituted by R&O.132/2005; formerly inserted by R&O.7254, amended by R&O.8571*
- ⁸ *Article 3 inserted by R&O.7254*
- ⁹ *Article 4(2) amended by R&O.6809, R&O.7254*
- ¹⁰ *R&O.4662*
- ¹¹ *Article 5(5) amended by R&O.6809, R&O.7254, R&O.8942*
- ¹² *Article 6(4) amended by R&O.7254*
- ¹³ *Article 6(5) amended by R&O.7254*
- ¹⁴ *Article 11 substituted by R&O.80/2003*
- ¹⁵ *Schedule 1 amended by R&O.6809, R&O.7254*
- ¹⁶ *Schedule 2 Part 1 amended by R&O.7254, R&O.8779, R&O.8942*
- ¹⁷ *Schedule 2 Part 2 inserted by R&O.7254, amended by R&O.7590*
- ¹⁸ *Schedule 2 Part 3 inserted by R&O.7254*
- ¹⁹ *Schedule 2 Part 4 substituted by R&O.6900, amended by R&O.7870*
- ²⁰ *Schedule 2 Part 5 inserted by R&O.6809, amended by R&O.7673*
- ²¹ *Schedule 2 Part 6 inserted by R&O.7254*
- ²² *Schedule 2 Part 7 amended by R&O.7254, R&O.7553, R&O.7906*
- ²³ *Schedule 2 Part 8 substituted by R&O.7254*