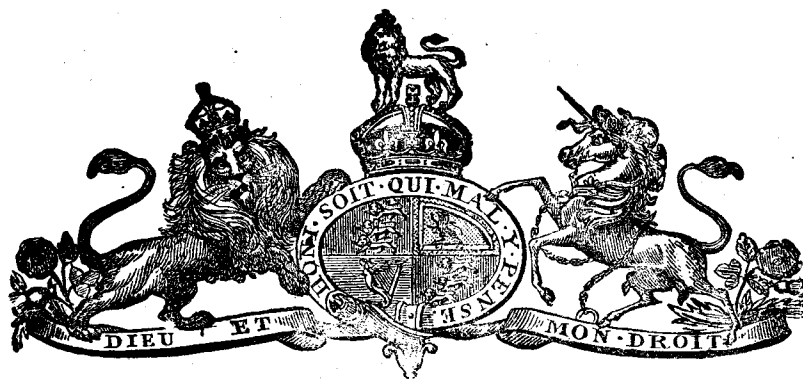


TASMANIA



1909.

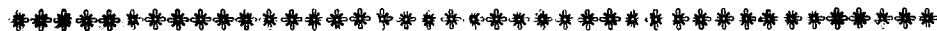
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EDWARDI VII. REGIS.

No. 63.

ANALYSIS.

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| 1. Short title and commencement. | Size of cases for sale or export of pears. |
| 2. Repeal of 54 Vict. No. 29 and 62 Vict. No. 31. | 6. New cases to be used for export. |
| Interpretation. | 7. Enforcement of Act by inspectors. |
| “Case.” | 8. Penalty for contravention. |
| “Fruit.” | Penalty for obstructing inspector, &c. |
| “Sale,” “sell,” or “sold.” | 9. Regulations. |
| 4. Non-application. | 10. Procedure. |
| 5. Size of cases for sale or export of fruit (other than pears). | |



AN ACT to regulate the Size of Cases used A.D. 1909.
 in the Sale, Export, and Transfer of Fruit,
 and for other purposes. [13 January, 1910.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows: -

This Act may be cited as “The Fruit Cases Act, 1909,” and shall come into operation on the First day of *January*. One thousand nine hundred and eleven, Short title and commencement,

4d.]

Fruit Cases.

- A.D. 1909. **2** The following Acts are repealed as from the commencement of this Act, namely :—
 Repeal of 54 Vict. “ The Standard Fruit Case Act ” and
 No. 29 and 62 “ The Standard Fruit Case Act, 1898.”
 Vict. No. 31.
- Interpretation. **3** In this Act, unless inconsistent with the subject-matter or context—
- “ Case.” i. “ Case ” means any box, case, or receptacle used or capable of being used or intended to be used for containing fruit :
- “ Fruit.” ii. “ Fruit ” means apples, apricots, cherries, gooseberries, peaches, pears, plums, quinces, or tomatoes, or any fruit declared by the Governor by notice in the *Government Gazette* to be fruit within the meaning of the Act :
- “ Sale,” “ sell,”
or “ sold.” iii. “ Sale,” “ sell,” or “ sold ” includes barter, and also includes offers or attempts to sell, or exposing or offers for sale, or receiving for sale, or sending, forwarding, or delivering for sale, or causing or suffering, or allowing to be sold, offered, or exposed for sale.
- Non-application. **4** The restrictions contained in this Act shall not apply—
- i. To the sale or export of fruit in a tray, basket, cask, or bucket of any shape or size whatsoever : or
- ii. To the sale or export of fruit in a crate within which there are trays for such fruit.
- Size of cases for
sale or export of
fruit (other than
pears).
First Schedule. **5**—(1.) Where any fruit other than pears is sold in a case or is exported in a case from *Tasmania* to any other place within the Commonwealth, such fruit shall be contained in a single case or half-case of a size and having the measurements specified respectively in Columns Two and Three of the First Schedule of this Act, and any case shall, for the purposes of this Act, be deemed to have the capacity specified respectively in Column Four of the said Schedule.
- Size of cases for
sale or export of
pears.
Second Schedule. (2.) Where any pears are sold in a case, or are exported in a case from *Tasmania* to any other place within the Commonwealth, such pears shall be contained in a single case or half-case of a size and having the measurements specified respectively in Columns Two and Three of the Second Schedule to this Act, and any case shall, for the purposes of this Act, be deemed to have the capacity specified respectively in Column Four of the said Schedule.
- New cases to be
used for export. **6** Where any fruit is exported for sale in a case from *Tasmania* to any place within the Commonwealth, such fruit shall be contained only in a single case or half-case which has not previously been used for any purpose whatever.

Fruit Cases.

7—(1.) All proceedings may be had and taken against any person who offends against any of the provisions of this Act, and all penalties imposed may be sued for and recovered—

A.D. 1909.

Enforcement of Act by inspectors.

- i. By any inspector under "The Vegetation Diseases Act, 1898" (if so authorised by the Minister either generally or specifically) within any part of *Tasmania* : or
- ii. By any inspector of weights and measures : or
- iii. In any city or municipality for which there is no inspector of weights and measures by any inspector of stock, if so authorised by the Chief Inspector of Stock.

(2.) For the purpose of ascertaining whether the provisions of this Act are being complied with, any inspector as aforesaid may at any time board any vessel, or enter any market, shop, store, warehouse, factory, stall, yard, shed, vehicle, stand, or premises whatsoever.

8 If any person—

- i. Sells or exports, or attempts to export, or is concerned in exporting or attempting to export from *Tasmania* fruit in a case, in respect of which any of the provisions of this Act are not complied with : or
- ii. Resists or wilfully obstructs any inspector as aforesaid in the course of carrying out any of the provisions of this Act : or
- iii. Refuses to give information, or wilfully or knowingly gives false information in answer to any reasonable inquiry made by any inspector for the purpose of this Act—

Penalty for contravention.

Penalty for obstructing inspector, &c.

he shall be guilty of an offence against this Act, and shall on conviction in a summary way be liable to a penalty of not more than Five Pounds for a first offence, and of not less than Two Pounds nor more than Fifty Pounds for every subsequent offence.

9 The Governor may make regulations with respect to any matters whatsoever (not contrary to the provisions of this Act) necessary or desirable for the purpose of giving effect to this Act.

Regulations.

10 All offences against the provisions of this Act, and all penalties and sums of money under the provisions of this Act, may be prosecuted and recovered in a summary way before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply.

Procedure.

Fruit Cases.

A.D. 1909.

FIRST SCHEDULE.**SIZES, MEASUREMENTS, AND CAPACITIES OF FRUIT CASES
(FOR OTHER THAN PEARS).**

Column 1. Case.	Column 2. Outside Measurements.	Column 3. Inside Measurements.	Column 4. Capacity.
Single case	Twenty inches long, Nine and a half inches broad, Fifteen inches deep	Eighteen inches long, Eight and two-thirds inches broad, Fourteen and a quarter inches deep <i>No division allowed</i>	Not less than an Imperial bushel of Two thousand two hundred and twenty-three cubic inches, <i>inside measurement</i>
Half-case	Twenty inches long, Nine and a half inches broad, Seven and a half inches deep	Eighteen inches long, Eight and two-thirds inches broad, Seven and an eighth inches deep	Not less than One-half of an Imperial bushel, namely, One thousand one hundred and eleven and a half cubic inches

SECOND SCHEDULE.**SIZES, MEASUREMENTS, AND CAPACITIES OF FRUIT CASES
FOR PEARS.**

Column 1. Case.	Column 2. Outside Measurements.	Column 3. Inside Measurements.	Column 4. Capacity.
Single case	Twenty inches long, Nine and three-quarters inches broad, Fifteen inches deep	Eighteen inches long, Eight and eleven-twelfths inches broad, Fourteen and a quarter inches deep <i>Note.—Each single case for pears shall have an inside division Eighteen inches long, Eight and two-thirds inches broad, and Three-eighths of an inch deep</i>	Not less than Two thousand two hundred and eighty-seven cubic inches, <i>inside measurement</i>
Half-case	Twenty inches long, Nine and a half inches broad, Seven and a half inches deep	Eighteen inches long, Eight and two-thirds inches broad, Seven and an eighth inches deep	Not less than One-half of an Imperial bushel, namely, One thousand one hundred and eleven and a half cubic inches