Commencement: 15 February 1982

COCOA REGULATIONS

Order 5 of 1982
Order 50 of 1983

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To provide regulations for the better carrying out of the provisions of the Cocoa Act, Cap. 139.

1. Interpretation

In these regulations unless the context otherwise requires -

“abnormal or foreign odour” means an odour that is abnormal or foreign to good cocoa beans;

“bean fragment” means a piece of cocoa bean equal to or less than half the original bean;

“broken bean” means a bean of which a fragment is missing, the missing part being equivalent to less than half the bean;

“cocoa fermentary” means a facility used for cocoa processing;

“coupled beans” means 2 or more beans strongly adhering to each other;

“defective bean” means a cocoa bean which is either insect or mite damaged or germinated or flat or coupled;

“director” shall have the same meaning as in the Cocoa Act, Cap. 139;

“dry cocoa” means cocoa beans which have been evenly dried and the moisture content of which is not more than 8 per cent;

“flat bean” means a cocoa bean of which the cotyledon is too thin to cut to give a surface of cotyledon;

“foreign matter” means matter extraneous to cocoa beans, including any part of the cocoa other than cocoa or cocoa beans;

“germinated beans” means a cocoa bean the shell of which has been pierced, slit or broken by growth of the seed germ;

“insect-damaged bean” means a cocoa bean, the internal parts of which are found to contain insects at any stage of development or to show signs of damage caused thereby, which are visible to the naked eye;

“mite-damaged bean” means a cocoa bean, the internal parts of which are found to contain mites at any stage of development or to show signs of damage caused thereby, which are visible to the naked eye;

“mouldy beans” means a cocoa bean on the internal parts of which mould is visible to the naked eye;

“slaty bean” means a cocoa bean which shows a slaty colour on half or more of the surface exposed by a cut lengthwise through the centre.

2. Licences

(1) Applications for a licence for a cocoa fermentary or for a cocoa dealer shall be in the form set out in Schedule 1.

(2) Licences for a cocoa fermentary or for a cocoa dealer shall be in the form set out in Schedule 2.

(3) The fee payable for the issue of a licence shall be VT 2,500.

(4) The operator of a cocoa fermentary shall be deemed to be a cocoa dealer and shall not be required to pay an additional fee to operate as a dealer.

3. Bagging of cocoa beans

Cocoa beans intended for export shall satisfy the following requirements -

(a) they shall be contained in bags which shall be new, sound, clean and insect free;

(b) the gross weight of each bag shall be 63.5 kg;

(c) the mouth of each bag shall be sewn in such a manner that there shall be no opening at the mouth through which beans can escape or be added to. A tail shall be left for the attachment of a seal so that when a seal is attached the bag cannot be opened without obviously disturbing the seal or breaking the thread used to sew the mouth of the bag.

4. Re-bagging of cocoa beans

(1) A Cocoa Inspector upon discovering that any bag containing cocoa beans is damaged, unserviceable or not conforming to the requirements of regulation 3, shall transfer the contents of such bag to a new bag.

(2) The costs of transferring cocoa beans from one bag to another shall be met by the exporter of the beans.

5. Marking of bags

(1) Bags of cocoa beans intended for export shall bear the marks provided in subregulation (2) which shall be made in black indelible ink, each letter being not less than 60 mm nor more than 80 mm high, and 6 mm thick.

(2) The following words and marks shall be made in separate lines one beneath the other –

(a) the word "VANUATU";

(b) the words "COCOA BEANS" or "FEVES DE CACAO";

(c) the identification mark or name; and

(d) the registration number of the fermentary, dealer or exporter.

(3) There shall be left a clear space of 150 mm between the top of the bag and the first line; and a space of 26 mm between each line.

6. Sampling

The sampling of cocoa beans shall be carried out in the following manner:

(a) samples shall be taken through the meshes of the bags by means of a stab sampler inserted at random;

(b) the amount of sample shall be at the rate of not less than 300 beans per tonne of cocoa beans or part thereof:

Provided that in respect of 1 bag a sample of not less than 100 beans shall be taken;

(c) samples shall be taken from 1 bag in 4 of each batch of bags submitted for grading:

Provided that if 8 bags or less are submitted for grading in 1 batch, samples shall be taken from 1 bag in every 2 of the batch;

(d) samples shall be thoroughly mixed and then divided into 4 approximately equal heaps, 1 of which shall be further subdivided in like manner into 4 heaps and the process of subdivision by quartering of 1 heap in every 4 continued until a heap of little more than 100 bean is reached.

The first 100 beans from this last heap, irrespective of size and condition shall then be counted off;

(e) the 100 beans shall be weighed to determine mean weight per bean. Each bean shall then be cut lengthwise through the middle and shall be tested by assessing the defects with the naked eye of 1 half only of each bean cut. The number of defects will then be a direct percentage of the total beans;

(f) when a bean is defective in more than one respect it shall be recorded in 1 category only – the most objectionable. A mouldy bean shall be deemed more objectionable than a slaty bean and a slaty bean deemed to be more objectionable than a defective bean (insect/mite damaged, germinated, flat or coupled bean);

(g) both halves of the 100 cut beans shall be ground and subjected to odour assessment.

7. Standards of Vanuatu Export Cocoa

(1) Cocoa beans intended for export as Vanuatu Export Cocoa, Grade 1 shall satisfy the following standards, that is to say that such cocoa beans shall:

(a) be dry cocoa which has been through a fermenting and drying process approved by the Director;

(b) be free from abnormal or foreign odours;

(c) contain not more than:

(i) 3 per cent by count of mouldy beans;

(ii) 3 per cent by count of slaty beans;

(iii) 3 per cent by count of defective beans (insect/mite damaged, flat, germinated and coupled beans);

(iv) 1 per cent by weight of foreign matter;

(d) have no more than 1,000 beans to the kilogram;

(e) be contained in bags and marked in accordance with regulations 3 and 5.

(2) Cocoa beans intended for export as Vanuatu Export Cocoa, Grade II, shall satisfy the following standards, that is to say that such cocoa beans shall:

(a) be dry cocoa which has been through a fermenting and drying process approved by the Director;

(b) be free from abnormal or foreign odours;

(c) contain not more than:

(i) 4 per cent by count of mouldy beans;

(ii) 8 per cent by count of slaty beans;

(iii) 6 per cent by count of defective beans (insect/mite damaged, flat, germinated and coupled beans);

(iv) 1 per cent by weight of foreign matter;

(d) have no more than 1,100 beans to the kilogram;

(e) be contained in bags and marked in accordance with regulations 3 and 5.

8. Inspection marks

(1) There shall be an inspection mark to be applied to bags of cocoa beans conforming to Vanuatu Export Cocoa standards which shall be:

(a) made in red indelible ink;

(b) in the form of 1 solid equilateral triangle for Grade I, and 2 solid equilateral triangles for Grade II, each side of the triangle being not less than 100 mm long; and

(c) made with the apex of the triangle pointing to the top of the bag.

(2) There shall be an inspection mark to be applied to bags of cocoa beans rejected as not conforming to Vanuatu Export Cocoa standards which shall be:

(a) made in indelible green ink; and

(b) in the form of a stripe along the mouth of the bag.

9. Sealing of bags

(1) Bags containing cocoa beans conforming to Vanuatu Export Cocoa standard shall be sealed by or under the authority of a Cocoa Inspector by a metal plomb attached to the top of the bag in such a manner as to prevent the bag being opened without obviously disturbing the seal.

(2) the plomb on 1 face shall have the letters "VAN".

10. Certification of inspection of cocoa beans

(1) The prescribed certificate of inspection for cocoa beans shall be as follows:

(a) for beans of Vanuatu Export Cocoa standard -

(i) Grade I, as set out in Schedule 3 with the words VANUATU EXPORT COCOA GRADE I printed in faint red letters across the face of the certificate;

(ii) Grade II, as set out in Schedule 4 with the words VANUATU EXPORT COCOA GRADE II printed in faint red letters across the face of the certificate;

(b) for substandard cocoa as set out in Schedule 5 with the word SUBSTANDARD printed in faint green letters across the face of the certificate.

(2) All cocoa beans presented for export shall be accompanied by a certificate issued by a Cocoa Inspector in accordance with section 11 of the Cocoa Act, Cap. 139.

SCHEDULE 1

(Regulation 2)

REPUBLIC OF VANUATU

COCOA REGULATIONS

APPLICATION FOR LICENCE

To: The Director of Agriculture.

I HEREBY apply for a licence to operate a cocoa fermentary and as a cocoa dealer.*

1. Name: _____

2. Address: _____

3. Location: _____

4. Attached is a plan or sketch with measurements of premises and facilities where it is intended to conduct business.

5. Attached is VT 2,500 licence fee.

Date: _____ _____
Signature of Applicant

**Strike out "a cocoa fermentary and" if applying for dealers licence only.*

SCHEDULE 2

(Regulation 2)

REPUBLIC OF VANUATU

COCOA REGULATIONS

Licence No.: _____

LICENCE FOR COCOA FERMENTARY AND A COCOA DEALER*

_____ of _____

is licensed as a Cocoa Fermentary and a Cocoa Dealer* until 31 December 20 _____.

This licence is issued subject to the following conditions and/or restrictions:

_____

_____

_____

_____

Licence fee of VT2,500 paid on _____ .

Receipt No. _____ Date of Issue: _____

_____
Director of Agriculture

**Strike out "a Cocoa Fermentary and" if licence is for a Cocoa Dealer only.*

SCHEDULE 3

(Regulation 10)

REPUBLIC OF VANUATU

COCOA REGULATIONS

CERTIFICATE OF INSPECTION FOR VANUATU COCOA BEANS No. _____

TO: The General Manager
Vanuatu Commodities Marketing Board
PORT VILA

IT is certified that the consignment of cocoa beans, details of which appear hereunder has been examined by me under the Cocoa Act, Cap. 139 and meets the prescribed standards for VANUATU EXPORT COCOA, GRADE I, which are:

(a) the cocoa beans have been through a fermenting and drying process approved by the Director;

(b) the cocoa beans are free from abnormal or foreign odours;

(c) the cocoa beans contain not more than –

(i) 3 per cent by count of mouldy beans;

(ii) 3 per cent by count of slaty beans;

(iii) 3 per cent by count of defective beans (insect/mite damaged, flat, germinated and coupled beans);

(iv) 1 per cent by weight of foreign matter.

(d) there are not more than 1,000 beans to the kilogram;

(e) the cocoa beans are contained in marked bags as prescribed in regulations 3 and 5.

_____ _____
Date Cocoa Inspector
Official stamp

Place and date of examination _____

Name of consignee _____

Marks _____

Total number of bags in consignment _____

Number of bags containing VANUATU EXPORT COCOA GRADE I _____

Present location _____

Intended date and vessel of shipment _____

SCHEDULE 4

(Regulation 10)

REPUBLIC OF VANUATU

COCOA REGULATIONS

CERTIFICATE OF INSPECTION FOR VANUATU COCOA BEANS No. _____

TO: The General Manager
Vanuatu Commodities Marketing Board
PORT VILA

IT is certified that the consignment of cocoa beans, details of which appear hereunder has been examined by me under the Cocoa Act, Cap. 139 and meets the prescribed standards for VANUATU EXPORT COCOA, GRADE II, which are:

(a) the cocoa beans have been through a fermenting and drying process approved by the Director;

(b) the cocoa beans are free from abnormal or foreign odours;

(c) the cocoa beans contain not more than –

(i) 4 per cent by count of mouldy beans;

(ii) 8 per cent by count of slaty beans;

(iii) 6 per cent by count of defective beans (insect/mite damaged, flat, germinated and coupled beans);

(iv) 1 per cent by weight of foreign matter.

(d) there are not more than 1,100 beans to the kilogram;

(e) the cocoa beans are contained in marked bags as prescribed in regulations 3 and 5.

_____ _____
Date Cocoa Inspector
Official stamp

Place and date of examination _____

Name of consignee _____

Marks _____

Total number of bags in consignment _____

Number of bags containing VANUATU EXPORT COCOA GRADE II _____

Present location _____

Intended date and vessel of shipment _____

SCHEDULE 5

(Regulation 10)

REPUBLIC OF VANUATU

COCOA REGULATIONS

CERTIFICATE OF INSPECTION FOR SUBSTANDARD COCOA BEANS No. _____

TO: The General Manager
Vanuatu Commodities Marketing Board
PORT VILA

The consignment of cocoa beans, details of which appear hereunder, has been examined by me and found not to conform to the standards prescribed under the Cocoa Act, Cap. 139 for VANUATU EXPORT COCOA, GRADE II, which are:*

☐ (a) the cocoa beans have been through a fermenting and drying process approved by the Director;

☐ (b) the cocoa beans are free from abnormal or foreign odours;

(c) the cocoa beans contain not more than –

☐ (i) 4 per cent by count of mouldy beans;

☐ (ii) 8 per cent by count of slaty beans;

☐ (iii) 6 per cent by count of defective beans (insect/mite damaged, flat, germinated and coupled beans);

☐ (iv) 1 per cent by weight of foreign matter.

☐ (d) there are not more than 1,100 beans to the kilogram;

☐ (e) the cocoa beans are contained in marked bags as prescribed in regulations 3 and 5.

_____ _____
Date Cocoa Inspector
Official stamp

Place and date of examination _____

Name of consignee _____

Marks _____

Total number of bags in consignment _____

Number of bags containing VANUATU SUBSTANDARD COCOA _____

Present location _____

Intended date and vessel of shipment _____

**Mark defect/s with a cross in box.*