[TO BE PUBLISHED IN THE GAZETTE OF INDIA,

EXTRAORDINARY PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No. 30 / 2010 - Customs (N.T.)

IndiaCode

New Delhi, the 8th April, 2010.
18 Chaitra, 1932 (SAKA).

G.S.R._____(E) - In exercise of the powers conferred by sub-section (2) of section 146 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following regulations, to amend the Customs House Agents Licensing Regulations, 2004, namely:-

1. (1) These regulations may be called the Customs House Agents Licensing (Amendment) Regulations, 2010.

(2) They shall come into force on the day of their publication in the Official Gazette.

2. In the Customs House Agents Licensing Regulations, 2004, (hereinafter referred to as the said Regulation), -

(i) in regulation 8,

(a) in sub-regulation (1) for the words "twice every year", the words "once every year", shall be substituted;

(b) after sub-regulation (8), the following shall be inserted, namely:-

"(9) Notwithstanding anything contained in these regulations, any person who had passed the examination conducted in regulation 9 of the Customs House Agents Licensing Regulation, 1984, and has not yet been granted license under these regulations, upon declaring successful in a written examination conducted on the following subjects, shall be deemed to have passed the examination referred to in regulation 8 for the purpose of these regulations.

(a) The Patents Act, 1970 and Indian Copyright Act, 1957;

(b) Central Excise Act, 1944;

(c) Export promotion schemes;

(d) Procedure on appeal and revision petition;

(e) Prevention of Corruption Act, 1988;

(f) Online filing of electronic Customs declarations;

(g) Narcotic Drugs and Psychotropic Substances Act, 1985; and

(h) Foreign Exchange Management Act, 1999.";

(ii) in regulation 13, after sub-regulation (n), the following shall be inserted, namely:-

"(o) verify antecedent, correctness of Importer Exporter Code (IEC) Number, identity of his client and functioning of his client at the declared address by using reliable, independent, authentic documents, data or information.";

(iii) in regulation 20,

(a) in sub-regulation (2), for the words "suspend the licence", the words "within fifteen days from the date of receipt of a report from investigating authority, suspend the licence", shall be substituted;

(b) after sub-regulation (2), the following sub-regulation shall be inserted, namely:-

"(3) Where a licence is suspended under sub-regulation (2), notwithstanding the procedure specified under regulation 22, the Commissioner of Customs may, within fifteen days from the date of such suspension, give an opportunity of hearing to the Customs House Agent whose licence is suspended and may pass such order as he deems fit either revoking the suspension or continuing it, as the case may be, within fifteen days from the date of hearing granted to the Customs House Agent.";

(iv) in regulation 22,

(a) in sub-regulation (1) for the words "stating the grounds on which it is proposed to suspend or revoke the licence and requiring the said Customs House Agent to submit, within such time as may be specified in the notice, not being less than forty-five days", the words "within ninety days from the date of receipt of offence report, stating the grounds on which it is proposed to suspend or revoke the licence and requiring the said Customs House Agent to submit within thirty days" shall be substituted;

(b) after sub-regulation (1), the following proviso shall be inserted, namely:-

"Provided that the procedure prescribed in regulation 22 shall not apply in respect of the provisions contained in sub-regulation (2) to regulation 20."

(c) in sub-regulation (5), for the words "his findings.", the words "his findings and submit his report within ninety days from the date of issue of a notice under sub-regulation (1)." shall be substituted;

(d) in sub-regulation (6), for the words "sixty days", the words "thirty days", shall be substituted;

(e) in sub-regulation (7), for the words "as he deems fit.", the words "as he deems fit within ninety days from the date of submission of the report by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, under sub-regulation (5).", shall be substituted.

[F. No. 502/5/2008 - Cus.VI]

(Vikas)

Under Secretary to the Government of India

Note: The principal Notification No.21/2004-Customs (N.T.), dated the 23rd February, 2004 was published in the Gazette of India vide G.S.R. 132 (E), dated the 23rd February, 2004 and was last amended by notification No.99/2005-Customs (N.T.), dated the 7th November, 2005 [G.S.R. 653 (E), dated the 7th November, 2005].

IndiaCode