Customs House Agents Licensing Regulations,1984

Notification No. 85-Cus., dated 19-3-1984 as amended Notification No. 230/86-Cus., dated 3-4-1986 as amended by Notification No. 240/84-cus., dated 17-9-1984, No. 74/91-Cus. (N.T.) dated 15-11-1991, No. 35/92-Cus.(N.T.) dated 5-5-1994, No. 44/97-Cus.(N.T.), dated 15-9-1997, No. 71/97-Cus.(N.T.), dated 19-12-1997, No. 29/99-Cus.(N.T.), dated 11-5-1999

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 & Customs hereby makes the following regulations, namely :-

1. Short title and commencement.-

(1) These regulations may be called the Customs House Agents Licensing Regulations, 1984.

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

2. Definitions.-

In these regulations, unless the context otherwise requires, -

(a) "Act" means the Customs Act, 1962 (52 of 1962);

(b) "company" means a company as defined in the Companies Act, 1956 (1 of 1956);

(c) "Custom House Agent" means a person licensed under these regulations to act as agent for the transaction of any business relating to the entry or departure of conveyances or the import or export of goods at any customs station;

(d) "firm", "firm name", "partner" and "partnership" have the meanings respectively assigned in the Indian Partnership Act, 1932 (9 of 1932), but the expression "partner" shall also include any person who, being a minor, has been admitted to the benefits of partnership;

(e) "form" means a form appended to these regulations;

(f) "section" means a Section of the Act;

(g) The expressions "Commissioner" and "Customs Station", shall have the same meanings as in the Customs Act, 1962 (52 of 1962).

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3. Licence where not required.-

No licence under these regulations shall be required by :-

(a) an importer or exporter transacting any business at a Customs Station solely on his own account;

(b) any employee of any person or a firm transacting business generally on behalf of such person or firm; and

(c) an agent employed for one or more vessels in order solely to enter or clear such vessels for work incidental to his employment as such agent.

4. Invitation of application.-

The Commissioner may invite applications for the grant of such number of licences as assessed by him, to act as Customs House Agents in the month of January every year by means of a notice affixed on the notice board of each Customs Station as well as through publication in at least two newspapers having circulation in the area of his jurisdiction specifying therein the last date of receipt of application. Such application shall be for clearance work within the jurisdiction of the said Commissioner.

5. Application for licence.-

(1) An application for a licence to act as a Custom House Agent in a Customs Station shall be made in Form A and shall *inter alia* contain the name and the address of the person applying; and

(2) If the applicant is a firm -

(a) the name and address of every partner of the firm, the firm"s name, and

(b) the name of the partner or the duly authorised employee, who will actually be engaged in the clearance of goods or conveyances through the customs.

(3) If the applicant is a company -

(a) the name of each director, manager, managing director, and
(b) the names of director, manager or the duly authorised employee, who will actually be engaged in the clearance of goods or conveyances through the customs.

6. Conditions to be fulfilled by the applicant.-

The applicant or the person referred to in clause (b) of sub-regulations (2) and (3) of Regulation 5 as the case may be, shall prove to the satisfaction of the Commissioner that:

(a) the applicant is a graduate from a recognised University and is an employee of a licensee and that he possesses a permanent pass in Form G prescribed under regulation 20 and has the experience of work relating to clearance of goods through the Customs, for a period of not less than three years in the capacity of such a passholder :

Provided that the Commissioner may relax the possession of permanent pass in Form G to one year for reasons to be recorded in writing.

(b) the applicant has financial viability supported by a certificate issued by a Scheduled Bank or such other proof acceptable to the Commissioner evidencing possession of assets of the value of not less than Rs. 1 lakh in the case of applicants for the grant of licence in respect of any one of the Customs Stations at Bombay, Calcutta, Madras, Cochin, Kandla, Goa, Mangalore, Tuticorin or Visakhapatnam and not less than Rs. 50,000/- in the case of each of the other Customs Stations, situated at places other than those specified above :

Provided that in cases where a Commissioner''s jurisdiction extends to more than one Customs Station, the Commissioner may issue one licence for all the Stations or more than one such Station to be specified in the licence, waiving the need for separate compliance of the provisions of clauses (a) and (b) above for such additional Customs Stations. The Commissioner may also waive the need for separate compliance of the requirement of Regulation 11 in such cases :

Provided further that in places where there is more than one Commissioner exercising jurisdiction over different Customs Stations and Custom House Agents licensed under the Custom House Agents Licensing Regulations, 1965 have been operating in the said Customs Stations on the basis of one licence, it shall be. open to such Agents to obtain a temporary licence under Regulation 8 from the Commissioner, other than the one who has issued them the existing licence, without being required to comply with the requirements of Regulation 6 in regard to financial viability or the requirements as to fresh deposit in terms of Regulation 11.

7. Scrutiny of applications for licence.-

On receipt of application under Regulation 5, the Commissioner may make enquiries for verification of the particulars set out in the application and also such other enquiries as he may deem necessary including enquiries about the reliability and financial status of the applicant.

8. Grant of temporary licence.-

(1) Any applicant whose application is received within the last date specified in Regulation 4 and who satisfies the requirements of Regulations 5 and *6,* shall be permitted to operate as Custom House Agent at the Customs Station for which the application is made initially for the period of one year against temporary licence granted by the Commissioner in this regard in Form B.

Provided that when evidence is produced to the Commissioner that the applicant has already availed of two chances for qualifying in the written or oral examination prescribed in these regulations and would like to avail of the third chance as soon as the next examination is held in terms of Regulation 9 and that the applicant has been able to account for the minimum volume of work prescribed for such agents in the course of one year''s working, the Commissioner may extend the aforesaid period of one year for which the temporary licence has been granted by another six months or such further period not exceeding one year to enable the applicant to avail of the third chance for qualifying in the examination in terms of Regulation 9. While granting such extension, the Commissioner of Customs shall satisfy himself that the requirements of Regulations 10(l)(a) and 10(l)(b) had been fully met by the applicant.

(2) Any person, whose application for grant of temporary licence under sub-regulation (1) of regulation 8 is rejected by the Commissioner of Customs may represent to the Chief Commissioner of Customs or Chief Commissioner of Customs and Central Excise, as the case may be against such order rejecting the grant of a temporary licence, within 30 days of the communication of the impugned order.

(3) In case the number of applicants fulfilling the conditions prescribed under regulation 6 is more than the number of licences to be issued as assessed under regulation 4, the Commissioner may adopt seniority in experience as *''G''* pass holder of such applicants as the criterion to give precedence to the applicants :

Provided that if more than one applicant has the same period of experience, the applicant who is older in age shall get precedence.

9. Examination of the applicant.-

(1) The holder of a temporary licence in the case of an individual and the person or persons who will be actually engaged in the work of clearance of goods through customs on behalf of the firm or company holding a temporary licence, as the case may be, shall be required to qualify in examination, at the earliest opportunity. Such person or persons shall be eligible to appear in the examination as soon as a temporary licence is granted and shall be permitted to avail of three chances within a period of 2 years from the date of issue of the temporary licence on payment of prescribed examination fee of Rs. 500/- for each examination. -

(2) The examination referred to in sub-regulation (1) shall include a written and oral examination and will be conducted twice every year. Each applicant would be permitted to avail of a maximum of three chances to qualify in the said examination but all such chances should be availed of within a maximum period of 2 years from the date of grant of temporary licence.

Explanation: A person who qualifies in the written examination, but fails in the oral test linked to it, shall be treated as having failed in that chance; but he will not be required to appear in the written examination in the subsequent chances.

(3) The examination may include questions on the following :-

(a) preparation of various kinds of bills of entry and shipping bills;

(b) arrival entry and clearance of vessels;

(c) tariff classification and rates of duty;

(d) determination of value for assessment;

(e) conversion of currency;

(f) nature and description of documents to be filed with various kinds of bills of entry and shipping bills;

(g) procedure for assessment and payment of duty;

(h) examination of merchandise at the Customs Stations;

(i) provisions of the Trade and Merchandise Marks Act, 1958 (43 of 1958);

(j) prohibitions on import and export; (k) bonding procedure and clearance from bond;

(l) re-importation and conditions for free re-entry;

(m) drawback;

(n) offences under the Act;

(o) the provisions of allied Acts including Imports and Exports (Control) Act, 1947 (18 of 1947), Foreign Exchange Regulation Act, 1973 (46 of 1973), Indian Explosives Act, 1884 (4 of 1884), Arms Act, 1959 (54 of 1959), Opium Act, 1878 (1 of 1878), Drugs and Cosmetics Act, 1940 (23 of 1940), Destructive Insects and Pests Act, 1914 (2 of 1914), Dangerous Drugs Act, 1930 (2 of 1930) in so far as they are relevant to the clearance of goods through customs;

(p) procedure in the matter of refund of duty paid, appeals and revision petitions under the Act.

(4) The Commissioner shall also satisfy himself whether the licensee in Form B , See Form 48 in Part 5, if he is an individual, possesses, or in the case of a firm or company, the persons who will be actually engaged in the work relating to clearance of goods through customs on behalf of that firm or company, possess satisfactory knowledge of English and the local language of the Customs Station:

Provided that in the case of persons deputed to work exclusively in the docks, knowledge of English will not be compulsory. Knowledge of Hindi will be considered as an additional or desirable qualification.

(5) The holders of a regular licence under regulation 10 may authorise one of their employees or partners or directors, to appear for the examination referred to in sub-regulation (1), on behalf of such holders of regular licence in addition to the person of their agency who has passed the examination referred to in sub-regulation (1).

10. Grant of regular licence.-

The Commissioner shall, on receipt of an application in Form C, grant a regular licence in Form D on payment of a fee of Rs. 5000/- to such holder of a temporary licence who qualifies in an examination referred to in Regulation 9 and whose performance is found to be satisfactory with reference, *inter alia,* to the following:-

(a) quantity or value of cargo cleared by such licensee conforming to norms as may be prescribed by the Commissioner;

(b) absence of instances of delay either in the clearance of goods or in the payment of duty for any reason attributable to such licensee and any complaints of misconduct including non-compliance of any of the obligations specified in Regulation 14.

(2) The Custom House Agents who are granted regular licences under Regulation 10, shall be eligible to work in all Customs Stations subject to fulfilment of the following requirements :

(a) the licensee shall make an application to the Commissioner of the concerned Customs Station where he intends to transact business for purposes of registering himself and his authorised staff;

(b) he fulfils the conditions stipulated in clause (b) of Regulation 6 relating to financial soundness and possesses the ability to provide adequate warehousing and transport facilities at the place of clearance of goods and production of evidence relating to availability of sufficient clientele at his disposal;

(c) he shall also be required to enter into a separate bond in Form D for due observation of these regulations and to furnish a separate Bank Guarantee for each Customs Stations as stipulated under Regulation 11; he shall produce evidence of knowledge of the local language of the Customs Stations, at which he wishes to conduct business;

(d) on fulfilment of the aforesaid conditions, the Commissioner of the Customs Station at which the licensee intends to transact business shall grant a licence in Form "D" authorising him to transact business at that Customs Station : Provided that no separate licence would be required in places where in addition to a Custom House handling imports by sea, there is also an International airport to handle imports by air even if under the jurisdiction of a different Commissioner.

(3) The Commissioner may reject an application for the grant of regular licence to act as Custom House Agent if the holder of the temporary licence fails to qualify in the examination in terms of Regulation 9, or the holder of temporary licence on evaluation of his performance in terms of Regulation 10 is not considered suitable due to any other reason to be stated in the order passed by the Commissioner.

(4) Any person aggrieved by the order of the Commissioner passed under sub-regulation (3) of regulation 10 may represent to [the Chief Commissioner of Customs or Chief Commissioner of Customs and Central Excise, as the case may be against such order within 30 days of the communication of the impugned order.

(5) The Chief Commissioner may, on his own motion or otherwise call for and examine the records of any proceedings in which the Commissioner has passed any order under sub-regulation (3) for the purpose of satisfying himself "as to the legality, propriety or correctness of such order and may pass such orders as he may deem fit. No order under this sub-regulation shall be made so as to prejudicially affect any person unless such person is given reasonable opportunity for making a representation and being heard in his defence, if he so desires."

(6) No order shall be made under sub-regulation (5) or sub-regulation (2) of regulation 8 in relation to an order passed by Commissioner under sub-regulation (3) or sub-regulation (1) of regulation 8, as the case may be, after the expiry of one year from the date on which such order was passed by the Commissioner.

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11. Execution of bond and furnishing of security.-

(1) Before granting a temporary licence under Regulation 8 or a regular licence under Regulation 10, the concerned Commissioner shall require the applicant to enter into a bond in Form E and, if necessary, a surety bond in Form F for due observance of these Regulations and shall also require him to furnish a bank guarantee, postal security or National Savings Certificate, in the name of Commissioner of Customs, for an amount of Rs. 25,000/- for carrying out of business of Custom House Agent at a Customs Station referred to in clause (b) of Regulation 6 and Rs. 10,000/- in the case of other customs stations.

(2) For carrying on of business as Custom House Agents at more than one customs station falling within the jurisdiction of different Commissioners, a separate bond accompanied by bank guarantee, postal security or National Savings Certificate shall be required to be executed.

(3) If the applicant furnishes postal security or National Savings Certificate, the same shall be pledged in the name of the Commissioner and the applicant shall get the benefit of the interest accruing on it.

12. Period of validity of a regular licence.-

(1) A licence granted under regulation 10 shall be valid for a period of five years, but may be renewed from time to time in accordance with procedure provided in sub-regulation (2).

(2) The Commissioner of Customs, may, on application made by the licensee, before the expiry of the validity of the licence under sub-regulation (1), renew the licence for a period of five years from the date of expiration of the original licence granted under regulation 10 or of the last renewal of such licence, as the case may be, if the performance of the licensee is found to be satisfactory with reference, *inter alia,* to the following :- (a) quantity or value of cargo cleared by such licensee conforming to norms as may be prescribed by the Commissioner;

(b) absence of instances of delay either in the clearance of goods or in the payment of duty for any reason attributable to such licensee and any complaints of misconduct including non-compliance of any of the obligations specified in regulation 14. (3) The fee for renewal of a licence under sub-regulation (2) shall be Rs. 3,000/-

13. Licence not transferable.-

Every licence granted or renewed under these Regulations shall be deemed to have been granted or renewed in favour of the licensee and no licence shall be sold or otherwise transferred.

14. Obligations of Custom House Agent.-

A Custom House Agent shall :

(a) obtain an authorisation from each of the companies, firms or individuals by whom he is for the time being employed as Custom House Agent and produce such authorisation whenever required by an Assistant Commissioner of Customs or Deputy Commissioner of Customs;

(b) transact business in the Customs Station either personally or through an employee duly approved by the Assistant Commissioner of Customs or Deputy Commissioner of Customs, designated by the Commissioner;

(c) not represent a client before an officer of Customs in any matter to which he, as officer of the Department of Customs gave personal consideration, or as to the facts of which he gained knowledge, while in Government service;

(d) advise his client to comply with the provisions of the Act and in case of non-compliance, shall bring the matter to the notice of the Assistant Commissioner of Customs or Deputy Commissioner of Customs;

(e) exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any work related to clearance of cargo or baggage;

(f) not withhold information relating to clearance of cargo or baggage issued by the Commissioner of Customs from a client who is entitled to such information;

(g) promptly pay over to the Government, when due, sums received for payment of any duty, tax or other debt or obligations owing to the Government and promptly account to his client for funds received for him from the Government or received from him in excess of Governmental or other charges payable in respect of the clearance of cargo or baggage on behalf of the client;

(h) not procure or attempt to procure directly or indirectly, information from the Government records or other Government sources of any kind to which access is not granted by proper officer;

(i) not attempt to influence the conduct of any official of the Customs Station in any matter pending before such official or his subordinates by the use of threat, false accusation, duress or the offer of any special induce-ment or promise of advantage or by the bestowing of any gift or favour or other thing of value;

(j) not refuse access to, conceal, remove or destroy the whole or any part of any book, paper or other record, relating to his transactions as a Custom House Agent which is sought or may be sought by the Commissioner;

(k) maintain records and accounts in such form and manner as may be directed from time to time by an Assistant Commissioner of Customs or Deputy Commissioner of Customs and submit them for inspection to the said Assistant Commissioner of Customs or Deputy Commissioner of Customs or an officer authorised by him whenever required;

(l) ensure that all documents prepared or presented by him or on his behalf are strictly in accordance with orders relating thereto;

(m) ensure that all documents, such as bills of entry and shipping bills delivered in the Customs Station by him show the name of the importer or exporter, as the case may be, and the name of the Custom House Agent, prominently at the top of such documents;

(n) in the event of the licence granted to him being lost, immediately report the fact to the Commissioner;

(o) ensure that he discharges his duties as Custom House Agent with utmost speed and efficiency and without avoidable delay; and

(p) not charge for his services as Custom House Agent in excess of the rates approved by the Commissioner from time to time under Regulation 25.

15. Change in directors ofcompany, etc.-

In case a company holding a licence under Regulation 10, undergoes any change in the directors, managing director or managers, such change shall be forthwith communicated by such licensee to the Commissioner.

16. Change in constitution of any firm or a company.-

(1) In the case of any firm or a company, being a licensee, any change in the constitution thereof shall be reported by the firm or the company, as the case may be, to the Commissioner as early as possible and any such firm or a company, indicating such change shall make a fresh application to the said Commissioner within thirty days for the grant of licence under regulation 5 or regulation 10, as the case may be. On scrutiny of such application the Commissioner may grant to the firm or a company, as the case may be, a fresh licence of the category held by the applicant prior to the change in constitution, if there is nothing adverse against him.

Provided that the existing firm or a company, if it moves an application to that effect may be allowed to carry on the business of Customs House Agent till such time as a decision is taken on the fresh application of the firm or the company.

17. Change in the constitution of a concern.-

(1) Where a licence granted or renewed under these Regulations in favour of a person, not being a firm or a company, changes the constitution of his concern to a firm or a company, such new firm or new company may, pending the grant of a regular licence in accordance with these Regulations, be permitted to act as Custom House Agent with the approval of the Commissioner of Customs.

(2) Notwithstanding anything contained in sub-regulation (1), where a licence granted or renewed under these Regulations in favour of a person has ceased to be in force because of the death of that person, his legal heir who has been assisting in the work of clearance of goods through customs and is employed as such under Regulation 20, may be granted a licence if there is nothing adverse against him and if he qualifies in the examination referred to in Regulation 9.

18. Engagement of persons qualified in the examination referred to in regulation 9, etc.-

(1) A person who has qualified in the examination referred toin regulation 9 may engage himself in the work relating to the clearance of goods through customs on behalf of a firm or a company licenced under regulation 10 provided that at any given time he shall not so engage himself on behalf of more than one such firm or company.

(2) Any change in the persons qualified in the examination referred to in regulation 9 and actually engaged in the work in the customs station on behalf of a licencee firm or company shall be communicated forthwith by the firm or the company, as the case may be, to the Assistant Commissioner of Customs or Deputy Commissioner of Customs and no new person other than the one who is qualified in the examination referred to in regulation 9 shall be allowed to work in the Customs Station as a duly authorised employee on behalf of that firm or company.

19. Maintenance and inspection of accounts.-

(1) A licensee required to maintain accounts under these Regulations shall maintain such accounts :

(a) in an orderly and itemised manner and keep them current; and

(b) reflect all financial transactions as Custom House Agent. (2) He shall keep and maintain on file a copy of each of the documents, such as, bill of entry, shipping bill, transhipment application, etc. and copies of all his correspondence and other papers relating to his business as Custom House Agent.

(3) All records and accounts required to be maintained under these Regulations shall be preserved for at least five years and shall be made available at any time for inspection of officers authorised to inspect such records and accounts.

20. Employment of persons.-

(1) A licensee may, having regard to the volume of business transacted by him, employ one or more persons to assist him in his work as Custom House Agent.

(2) Appointment of a person referred to in sub-regulation (1) shall be made only after obtaining the approval of the Assistant Commissioner of Customs or Deputy Commissioner of Customs designated by the Commissioner for this purpose and in the matter of granting approval, he shall take into consideration the antecedents and any other information pertaining to the character of such person.

(3) Appointment of a person referred to in sub-regulation (1) shall be subject to the condition that he shall, within six months from the date of his appointment, pass an examination conducted by the said Assistant Commissioner of Customs or Deputy Commmissioner of Customs or by a Committee of Officers of Customs to be appointed by him for the purpose, and the examination shall be such as to ascertain the adequacy of knowledge of such person regarding the provisions of the statutes subject to which goods and baggage are cleared through the Customs :

Provided that where any person fails to pass the examination within the period referred to in sub-regulation (3), the Assistant Commissioner of Customs or Deputy Commissioner of Customs may, by order in writing, permit such person, to appear again for the examination, but no such order shall be made in favour of a person who had been given the opportunity to appear for the examination four times :

Provided further that a person referred to in sub-regulation (1) shall have passed the 10th standard of the Central Board of Secondary Education or its equivalent before his employment under that sub-regulation.

(4) Notwithstanding anything contained in sub-regulation (3), a person who has worked under a Custom House Agent and passed the examination referred to in sub-regulation (3), may, on his appointment under any other Custom House Agent with the approval of the Assistant Commissioner of Customs or Deputy Commissioner of Customs, be exempted from passing the examination again.

(5) Where the Custom House Agent has authorised any person employed by him to sign documents relating to the business of such agent on his behalf, he shall file with the Assistant Commissioner of Customs or Deputy Commissioner of Customs, a written authority in this behalf and give prompt notice in writing, if such authorisation is modified or withdrawn.

(6) The Assistant Commissioner of Customs or Deputy Commissioner of Customs shall issue an identity card to every employee of a Custom House Agent, -

(i) in Form G, in case he has passed the examination referred to in sub-regulation (3),

(ii) in Form H, in case he has not passed such examination,

(iii) and every such person shall, at all times when he transacts the work at the Customs Station, carry such card with him and produce it for inspection on demand by any officer of the Customs Station. (7) The Custom House Agent shall exercise such supervision as may be necessary to ensure the proper conduct of any such employees in the transaction of business as agent and be held responsible for all acts or omissions of his employees in regard to their employment.

21. Suspension or revocation of licence.-

(1) The Commissioner may, subject to the provisions of Regulation *23,* suspend or revoke the licence of a Custom House Agent so far as the jurisdiction of the Commissioner is concerned and also order for forfeiture of security on any of the following grounds :-

(a) failure of the Custom House Agent to comply with any of the conditions of the bond executed by him under Regulation 11;

(b) failure of the Custom House Agent to comply with any of the provisions of these regulations, whether within the jurisdiction of the said Commissioner or anywhere else;

(c) any misconduct on his part whether within the jurisdiction of the said Commissioner or anywhere else which in the opinion of the Commissioner renders him unfit to transact any business in the Customs Station. (2) Notwithstanding anything contained in sub-regulation (1), the Commissioner may, in appropriate cases, where immediate action is necessary, suspend the licence of a Custom House Agent where an enquiry against such agent is pending or contemplated.

22. Prohibition.-

Notwithstanding anything contained in Regulation 21, the Commissioner may prohibit any Custom House Agent from working in one or more sections of the Customs Station, if he is satisfied that such agent has not fulfilled his obligations as laid down under Regulation 14 in relation to work in that section or sections.

23. Procedure for suspending or revoking licence under Regulation 21.-

(1) The Commissioner shall issue a notice in writing to the Custom House Agent stating the grounds on which it is proposed to suspend or revoke the licence and requiring the said agent to submit within such time as may be specified in the notice not being less than forty-five days, to the Assistant Commissioner of Customs or Deputy Commissioner of Customs nominated by him, a written statement of defence and also to specify in the said statement whether the Custom House Agent desires to be heard in person by the said Assistant Commissioner of Customs or Deputy Commissioner of Customs.

(2) On receipt of the written statement from the Custom House Agent, or where no such statement has been received within the time-limit specified in the notice referred to in sub-regulation (1), the Assistant Commissioner of Customs or Deputy Commissioner of Customs may inquire into such of the grounds as are not admitted.

(3) The Assistant Commissioner of Customs or Deputy Commissioner of Customs shall, in the course of inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material to the inquiry in regard to the grounds forming the basis of the proceedings and he may also put any question to any person tendering evidence, for or against the Custom House Agent, for the purpose of ascertaining the correct position.

(4) The Custom House Agent shall be entitled to cross-examine the persons examined in support of the grounds forming the basis of the proceedings and where the Assistant Commissioner of Customs or Deputy Commissioner of Customs declines to examine any person on the grounds that his evidence is not relevant or material, he shall record his reasons in writing for so doing.

(5) At the conclusion of the aforesaid inquiry, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall prepare a report of the inquiry recording his findings.

(6) The Commissioner of Customs shall furnish to the Custom House Agent a copy of the report of the Assistant Commissioner of Customs or Deputy Commissioner of Customs and shall require the Custom House Agent to submit within the specified period not being less than sixty days any representation that he may wish to make against the findings of the Assistant Commissioner of Customs or Deputy Commissioner of Customs.

(7) The Commissioner shall, after considering the report of the inquiry, and the representation thereon, if any, made by the Custom House Agent, pass such orders as he deems fit.

(8) Any Custom House Agent aggrieved by any decision or order passed under regulation 21 or sub-regulation (7) of regulation 23, may appeal under section 129A of the Customs Act, 1962, to the Customs and Central Excise Gold (Control) Appellate Tribunal established under section 129(1) of Customs Act, 1962.

24. Grant of licence no right to accommodation.-

The grant of a licence under these Regulations does not confer any right to accommodation in a Customs Station.

25. Fixing of clearance charges.-

(1) The Commissioner may from time to time and in consultation with the recognised Custom House Agents" Association, if any, registered at a Customs Station, notify the rates that may be charged by a Custom House Agent for his service rendered in relation to clearance of goods and conveyance through Customs. The Custom House Agent shall strictly conform to the rates so notified.

(2) Each Custom House Agent shall enrol himself as a member of the Custom House Agents" Association if there is one registered in the Customs Station and recognised by the Commissioner of Customs.

26. Repeal.-

(1) The Custom House Agents" Licensing Regulations, 1965, are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Custom House Agents (Licensing) Regulations, 1965, shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

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