Circular No. 36/95-Cus.
dated 10/4/95

F.No. 401/2/90-Cus. III

Government of India
Ministry of Finance
Department of Revenue (C.B.E.C.), New Delhi

I am directed to forward herewith a copy of Customs Notification No. 17/ 95-Customs (N.T.), dated 13.3.1995, notifying the Import Manifest (Vessels) Amendment Regulations, 1995 which seek to amend the Import Manifest (Vessels) regulations, 1971. The said Amendment Regulations would come into effect from *1st of July,* 1995.

2. It may be noted that the said Amendment Regulations seek to amend the formats of the various applications, declaration etc. which are presently required to be filed in terms of Regulation 3 of the Import Manifest (Vessels) Regulations, 1971. Further, a new form is provided now (Form I) as being an application for entry inwards. The new formats have been designed on the basis of the IMO-FAL Convention and have been aligned to the extent possible with the format prescribed by the Convention.

3. In this regard particular attention is to be paid to Regulation 4 which specifies the sizes of the Forms as follow :

Forms I, II, IV and V : 210 X 297 millimeters

Form III : 430 X 340 millimeters

The sizes of the Forms have also been taken with reference to the IMOFAL recommendations, again suitably modified to take into account the change in format necessary on account of our own requirements. In accordance with this decision sample formats of these Forms in accordance with the overall size and also the sizes of the individual boxes of the Forms have been prepared. These may be seen at Annexure "A". The key shown in each of the Forms is a guide to the individual specification of each box, margin etc. Adherence to the key is to be necessarily ensured.

4. As may be noted, the Import Manifest (Vessels) Regulations, 1971, as now amended lists out certain documents/ applications which are to be filed compulsory be the Master of the Vessel or the Steamer Agent of the vessel. It is however observed that in practice, the Customs Houses are insisting upon a host of declarations/ certificates, other than those listed as per the said Regulations. Some of these documents being accepted by the customs at present have their origins in other statues such as the Merchant Shipping Act, 1880. Accordingly the matter regarding the efficacy or otherwise of insistence by the Customs on the various documents has been examined afresh in the background of the IMO-FAL Convention in consultation with the Ministry of Surface Transport and other Government agencies/ Departments concerned.

5. Based on the aforeindicated study, the Board has identified certain Declarations/ Certificates which are being presently filed in certain Customs Houses and decided that these are no longer separately required to be filed as far as the *Customs is concerned* though the information contained therein may have to be indicated in the relevant forms prescribed in the Regulations.

These Declarations / Certificates are as follows :

(a) Arms and Ammunition Declaration,
(b) Certificate for payment of Export duty/cess in case of transshipment cargo form one port to another and to foreign port'
(c) Certificate from Health Officer;
(d) Certificate from Sanitary Officer;
(e) Certificate from the Boarding Officer regarding receipt of documents like vessels store lists etc.;
(f) Certificate regarding Engine and Deck stores;
(g) Certificate that ships crew do not possess more than Rs. 60 Indian currency;
(h) regarding foreign currency on board;
(i) Disbursement Certificate regarding Indian Currency on board for payment of wages etc.;
(j) Explosives Declaration;
(k) Gold and Silver Declaration;
(l) Port Officers Entry Certificates;
(m) Vessels registers;

(n) No Indian crew Certificate;

(o) Opium and Dangerous drugs Certificate / Declaration;

(p) No Monkey Certificate;

(q) Overside Discharge Certificate;

(r) Discharge Guarantee for Containers to be landed;

(s) Certificate regarding nationality of crew;

(t) Vessels Appraisal Certificates;

(u) Arrival Report;

(v) Light Dues Certificate;

(w) Light Dues Receipt;

(x) Certificate of customs officer regarding Indian Currency on board;

It is reiterated that the non essentiality of the aforeindicated forms/ documents/ certificates is only as far as Customs is concerned and does not reflect upon their requirement or otherwise by an other Statutory agency.

6. At the same time, certain other Declarations / Declarations / Certificates, which are presently being taken by the Customs Houses from the Master of Vessels/ steamer agent have been indentified. The Ministry of Surface Transport, however supports the continuance of these Declarations/ Certificates as they serve certain statutory purpose. Accordingly, the following Declarations/ Certificates, as listed below, may be continued to be accepted and disposed of as per the existing practice of the Customs Houses:

(a) Deck Cargo Declaration/ Certificate;

(b) Copy ot the Last Port Clearance;

(c) Amendment Application; (when relevant)

(d) Income Tax Certificate in case of Export Cargo;

(e) Certificate for Nil Export Cargo;

(f) Port Trust 'No Demand' Certificate;

(g) Immigration Certificate;

(h) Application for sign on/off crew; (when relevant)

(i) Application for checking the baggage crew who are going to sign on; (when relevant)

I respect of any other certificate / declaration, the relevance thereof and need for its continuation may be discussed with the concerned statutory authority.

7. The Board has desired that the requirement or otherwise of the many declaration/ certificates as detailed about may be brought to the notice of all the required declarations/ certificates may be insisted upon by the Customs and all others may be dispensed with.

8. Further, Board desires that it may be ensured by all Collectors concerned that he issue of the Import Manifest (Vessels) Regulations, 1995 with its implications in terms of the new Forms as per Regulation 3 and 4 may be brought to the notice of all steamer agents and others concerned immediately. The date of implementation of the said Regulation must also be highlighted so that all concerned are ready in time and the transition to the new scheme is smooth. In particular, the format of the Forms and the specifications as indicated as per Annexure "B" must be ensured. In this regard the concerned Department officers are also to be suitably educated so that adherence to the legal provisions is ensured.

9. For Implementing Boards orders, suitable Public Notice/ Trade Notice may be issued. Necessary Standing Order/ Departmental Order may also be issued for briefing the concerned Department officers. Any procedural difficulty noticed in this regard may be informed to the Board.

Sd/-
S.M. . Batnagar
Under secretary to the Govt. of India

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