

Customs House Agents Licensing Regulations, 1984

UNION OF INDIA

India

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Rule

CUSTOMS-HOUSE-AGENTS-LICENSING-REGULATIONS-1984 of 1984

- Published on 19 March 1984
- Commenced on 19 March 1984
- [This is the version of this document from 19 March 1984.]
- [Note: The original publication document is not available and this content could not be verified.]

Customs House Agents Licensing Regulations, 1984 Published vide Notification Gazette of India, Extraordinary, Part 2, Section 3(i), dated 19th March, 1984 (w.e.f. 19th March, 1984) G.S.R. 222 (E), dated 19th March, 1984. - 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, 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) "Customs 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 conveyance 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 expression "[Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] and Customs Station", shall have the same meaning as in the Customs Act, 1962 (52 of 1962).

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 Agent 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.] [Substituted by M.F. (D.R.) Notification. No. 44/97-Custom (N.T.), dated 15th September, 1997.]

5. Application for licence.

(1)An application for a licence to act as a Customs 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 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 employees, 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 Reg. 5, as the case may be, shall prove to the satisfaction of the Collector 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 pass-holder. [Substituted by M.F. (D.R.) Notification No. 44/97-Custom (N.T.), dated 15th September, 1997.]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 such other proof acceptable to the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] 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, Bangalore, Tuticorin or Visakhapatnam and not less than Rs. 50,000 in the case of the each of the other customs stations, situated at places other than those specified above :Provided that in cases where a [Commissioner's] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] jurisdiction extends to more than one customs station the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word

'Collector'.] 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] may also waive the need for separate compliance of the requirement of Reg. 11 in such cases :Provided further that in places where there is more than one [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] 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 station on the basis of one licence it shall be open to such agents to obtain a temporary licence under Reg. 8 from the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] other than the one who has issued them the existing licence, without being required to comply with the requirements of Reg. 6 in regard to financial viability or the requirements as to fresh deposit in terms of Reg. 11.

7. Scrutiny of applications for licence.

- On receipt of application under Reg. 5 the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] 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)] [Renumbered by M.F. (D.R.) Notification. No. 74/91-Custom (N.T.), dated 15th November, 1991.] Any applicant whose application is received within the last date specified in Reg. 4 and who satisfies the requirements of Regs. 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 Collector in this regard in Form B:Provided that when evidence is produced to the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] 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 Reg. 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] 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 Reg. 9. While granting such extension, the [Commissioner of Customs] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the words 'Collector of Customs'.] shall satisfy himself that the requirements of Regs. 10(1)(a) and 10(1)(b) had been fully met by the applicant.(2)[] [Inserted by M.F. (D.R.) Notification No. 74/91-Custom (N.T.), dated 15th November, 1991.]. Any person, whose application for grant of temporary licence under sub regulation (15) regulation 8 is rejected by the [Commissioner of Customs] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the words 'Collector of Customs'.] may represent to [the Chief Commissioner of Customs or Chief

Commissioner of Customs and Central Excise as the case may be] [Substituted by M.F. (D.R.) Notification. No. 44/97-Custom (N.T.), dated 15th September, 1997.] 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, in 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.] [Inserted by *ibid.*]

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 the chances three within a period of 2 years from the date of issue of the temporary licence on payment of prescribed examination fee of [Rs. 500] [Substituted by M.F. (D.R.) Notification. No. 35/92-Custom (N.T.), dated 30th April, 1992.] 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 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.] [Inserted by M.F. (D.R.) Notification No. 5/94-Custom (N.T.), dated 28th January, 1994.](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 station,(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 Import and Exports (Control) Act, 1947 (18 of 1947), Foreign Exchange Regulation Act, 1973 (46 of 1973); Indian Explosives Act, 1984 (4 of 1984); Arms Act, 1959 (54 of 1959); Opium Act, 1978 (1 of 1978); Drugs and Cosmetics Act, 1940 (23 of 1940); Destructive Insects and Pests Act, 1914 (2 of 1914); Dangerous Drugs Act, 1930 (20 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] shall also satisfy himself whether the licence in Form B, 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 addition 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).] [Inserted by M.F. (D.R.) Notification. No. 71/97-Custom (N.T.), dated 19th December, 1997.]

10. Grant of regular licence.

(1)The [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] shall on receipt of an application in Form C, grant a regular licence in Form D on payment of a fee of [Rs. 5000] [Substituted by M.F. (D.R.) Notification No. 35192-Custom (N.T.), dated 30th April, 1992.] to such holder of a temporary licence who qualifies in an examination referred to in Reg. 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 licence conforming to norms as may be prescribed by the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] (b)absence of instances of delay either in the clearance of goods or in the payment of duty for any reason attributable to such licences and any complaints of misconduct including non-compliance of any of the obligations specified in Reg. 14. (2)The Custom House Agents who are granted regular licences under Reg. 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] 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 Reg. 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 observations of these regulations and to furnish a separate Bank Guarantee for each customs station as stipulated under Reg. 11; (cc)[he shall produce evidence of knowledge of the local language of the customs station at which he wished to conduct business] [Inserted by Notification No. 240/84 [F. No. 502/8/83 Custom VI], dated 17th September, 1984.] (d)on fulfilment of the aforesaid conditions the Collector 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 place where in addition to a customs 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] (3)The [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] may reject an application for the grant of regular licence to act as Customs House Agent if the holder of the temporary licence fails to qualify in the examination in terms of Reg. 9, or the holder of temporary licence on evaluation of his performance in terms of Reg. 10 is not considered suitable due to any other reason to be stated in the orders passed by the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word 'Collector'.] (4)[] [Inserted by M.F. (D.R.)

Notification No. 74/91-Custom (N.T.), dated 15th November, 1991.] Any person aggrieved by the order of the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word Collector.] 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 communication of the impugned order.] [Substituted by M.F. (D.R) Notification No. 44/97-Custom (N.T.), dated 15th September, 1997.](5)[[Inserted by ibid.] 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 to 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 (2) of 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.

11. [Execution of bond and furnishing of security.] [Substituted by Notification. No. 240/84-Custom (F. No. 502/8/83-Custom VI) dated 17th September, 1984.] - Before granting a temporary licence under Reg. 8 or a regular licence under Reg. 10, the concerned Collector 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.], for an amount of Rs. 25,000 for carrying out of business of Customs House Agent at a Customs Station referred to in Clause (b) of Reg. 6 and Rs. 10,000 in the case of other Customs Stations

(2)For carrying on of business as Customs House Agents at more than one customs station falling within the jurisdiction of different [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.], 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 be pledged in the name of the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] and the applicant shall get the benefit of the interest accruing on it.]

12. Period of validity of a regular licence.

- [(1)] [Substituted by M.F. (D.R.) Notification No. 2 I/94-Custom (N.T.), dated 5th May, 1994.] 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.], 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] (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/-] [Substituted by M.F. (D.R.) Notification. No. 35/92-Custom (MT.), dated 30th April, 1992.]

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 Customs House Agent.

- The 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] (b) transact business in the Customs Station either personally or through an employee duly approved by the [Assistant Commissioner of Customs] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.], designated by the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] (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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] (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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] from a client who is entitled to such information; (g) promptly pay over to 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 Government 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 inducement 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 Customs House Agent which is sought or may be sought by the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.](k)maintain records and accounts in such form and manner as may be directed from time to time by an [Assistant Commissioner of Customs] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.] and submit them for inspection to the said [Assistant Commissioner of Customs] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.] 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 Customs 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] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.](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 rate approved by the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.] from time to time under Reg. 25.

15. Change in directors of company, etc.

- In case a company holding a licence under Reg. 10, undergoes any change in the directors, managing director or managers, such change shall be forthwith communicated by such licensee to the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.]

16. Change in constitution of a firm.

(1)In the case of any firm being a licensee any change in the constitution thereof shall be reported to the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.] as early as possible and any such firm indicating such change shall make a fresh application to the said [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.] within thirty days for the grant of licence under Reg. 5 or Reg. 10, as the case may be. On scrutiny of such applications the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section 50.] may grant to the firm a fresh licence of the category held by the applicant prior to the change in the constitution, if there is nothing adverse against him :Provided that the existing firm if it moves an application to that effect, may be allowed to carry on the business of Custom House Agent till such time as a decision is taken on the fresh application of the firm.(2)Where a licence granted or renewed under these Regulations in favour of a firm ceases to be in force because of the death of a partner and the partnership deed provides that the firm will continue with the surviving partners, with or without the legal heir of the deceased who has been employed under Reg. 20, a licence may be granted to such firm, if there is nothing adverse against the firm or its partners.(3)When a firm to which a licence has been granted or renewed under these Regulations requests change in the constitution thereof for taking as partner a person who has been employed under Reg. 20 in the firm or concern for a period of not less than five years immediately preceding the date of such request, such change may be approved by the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section

50.] if there is nothing adverse against such person.

17. [Change in the constitution of a concern.] [Substituted by Notification No. 240/84-Custom (F. No. 502/8/83-Custom VI) dated 17th September, 1984.]

- (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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.]

(2) Notwithstanding anything contained in sub-regulation (1), where a licence granted or renewed under these Regulation 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 Reg. 20, may be granted a licence if there is nothing adverse against him and if he qualifies in the examination referred to in Reg. 9. Licence may be granted to the legal heir of the deceased licensee if there is nothing adverse against him and if he passes the examination otherwise the licence comes to an end after the death of the licensee.

18. [Engagement of persons qualified in the examination referred to in regulation 9, etc.] [Substituted by M.F. (D.R.) Notification. No. 5/94-Custom (N.T.), dated 28th January, 1994.] - (1) A person who has qualified in the examination referred to in 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 licence firm or company shall be communicated forthwith by the firm or the company, as the case may be, to the [Assistant Collector of Customs] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the words 'Assistant Collector of Customs'.] and no new person other than 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, (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, transshipment 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] designated by the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] 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.] [Inserted by M.F. (D.R.) Notification No. 44/97-Custom (N.T.), dated 15th September, 1997.](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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.], 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.], 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] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50.] 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-section (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 Customs 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 he 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] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] may, subject to the provisions of Reg. 23, suspend or revoke the licence of a Custom House Agent so far as the jurisdiction of the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] is concerned and also order for forfeiture of security on any of the following grounds : (a) failure of the Customs House Agent to comply with any of the conditions of the bond executed by him under Reg. 11, (b) failure of the Customs House Agent to comply with any of the provisions of these Regulations, whether within the jurisdiction of the said [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] or anywhere else, (c) any misconduct on his part [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] whether within the jurisdiction of the said [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] or anywhere else which in the opinion of the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] renders him unfit to transact any business in the Customs station. (2) Notwithstanding anything contained in sub-regulation (1) the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50.] 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 Reg. 21, the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] 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 Reg. 14 in relation to work in that section or sections.

23. Procedure for suspending or revoking licence under Reg. 21.

(1)The [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] 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] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] 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] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50]. (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] [Substituted by the Finance Act, 1995 (22 of 1995) Section, 50] may inquire into such of the grounds as are not admitted. (3) The [Assistant Commissioner of Customs] [Substituted by the Finance Act 1995 (22 of 1995), Section 50.] shall, in the course of inquiry, consider such documentary evidence and take

such oral evidence as may be relevant or material to the inquiry it 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 Customs 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] [Substituted by the Finance Act 1995 (22 of 1995), Section 50.] 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] [Substituted by the Finance Act 1995 (22 of 1995), Section 50.] shall prepare a report of the inquiry recording his findings.(6)The [Commissioner of Customs] [Substituted by the Finance Act 1995 (22 of 1995), Section 50.] shall furnish to the Custom House Agent a copy of the report of the [Assistant Commissioner of Customs] [Substituted by the Finance Act 1995 (22 of 1995), Section 50.] 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] [Substituted by the Finance Act 1995 (22 of 1995), Section 50.](7)The [Commissioner] [Substituted by the Finance Act 1995 (22 of 1995), Section 50.] 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 129 A of the Customs Act, 1962, to the Customs and Central Excise Gold (Control), Appellate Tribunal established under section 129 (1) of Customs Act, 1962.] [Inserted by M.F. (D.R.) Notification No. 74/91 Custom (N.T.) dated 15th November, 1991]

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 Collector may from time to time and in consultation with the recognised Custom House Agent's 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 Customs 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 Agent's Association if there is one registered in the Customs Station and recognised by the [Commissioner of Customs] [Substituted by the Finance Act 1995 (22 of 1995), Section 50.]

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.Form A(See Reg. 5)(Application form for grant of Customs House Agent's

Licence under Section 146 of the Customs Act, 1962)

- 1. Name of the applicant (in case the applicant is a firm or a company, the name of each of the partners of the firm or the directors of the company as the case may be).**
- 2. Full address of the applicant (in case the applicant is a firm or a company the full address of each of the partners of the firm or the directors of the company as the case may be).**
- 3. In case the applicant is a firm or a company, the name(s) of its partner/partners or director/directors or duly authorised employees who will actually be engaged in the work as Custom House Agents.**
- 4. In case it is desired to appoint clerk(s) the name and address of the clerk(s).**
- 5. Educational qualifications of each of the persons, who will actually be engaged in the work as Custom House Agent.**
- 6. Particulars regarding knowledge of English and local language and Hindi (these particulars are required in respect to each of the persons actually engaged in the work as Custom House Agent).**
- 7. Particulars regarding knowledge of customs law and procedure ((These particulars are required in respect to each of the persons actually engaged in the work as Custom House Agent).**
- 8. Whether the applicant had earlier applied for a licence to act as the Customs House Agent and whether such application was rejected.**
- 9. Whether he or the firm or company by whom he is employed have earlier held a Custom House Agent's licence under the Regulations and whether it was cancelled or suspended.**
- 10. Whether the applicant or any of the persons proposed to be employed by him have been penalised, convicted or prosecuted under any of the provisions of the Customs Act, 1962 or any other law for the time being in force.**

11. Number and date of each of the documents furnished in accordance with Reg. 6.

I/We hereby affirm that I/We have read the Custom House Agents Licensing Regulations, 1984 and agree to abide by them. Date :.....Signature of applicant(s) Form B [See Reg. (8)] (Temporary licence to operate as a Custom House Agent) Shri/Sarvashri.....is/are hereby authorised to transact business as Custom House Agent at the.....Custom House. This licence will be valid for one year from the date of its issue. It is condition of this licence that in the case of a firm or a company, the Custom House work shall be transacted through one of the following persons : Name of persons Specimen Signature.

1.

.....

2.

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3.

.....

4.

.....

5.

.....Customs Station. Date of issue Signature of [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word Collector.] Form C (See Reg. 10) Regular Licence (Application form for grant of Custom House Agents licence under Section 146 of the Customs Act, 1962)

1. Name of the applicant (in case the applicant is a firm or a company, the name of each of the partners of the firm or the directors of the company as the case may be.

2. Full address of the applicant (in case the applicant is a firm or a company, the full address of each of the partners of the firm or the directors of the company as the case may be.)

- 3. In case the applicant is a firm or a company, the name(s) of its partner/partners or director/directors or duly authorised employees who will actually be engaged in the work as Custom House Agents.**
- 4. In case it is desired to appoint clerks the name and address of the clerks as the may be.**
- 5. Educational qualifications of each of the persons, who will actually be engaged in the work as Custom House Agent.**
- 6. Particulars regarding knowledge of English and Local language and Hindi (These particulars are required in respect of each of the persons actually engaged in the work as Custom House Agent).**
- 7. Particulars regarding knowledge of customs law and procedure (These particulars are required in respect of each of the persons actually engaged in the work of Customs House Agent.)**
- 8. Particulars of the quantity or value of cargo cleared during the currency of the temporary licence in accordance with Reg. 10.**
- 9. Whether the applicant had earlier applied for a licence to act as a Custom House Agent and whether such application was rejected.**
- 10. Whether he or the firm or company by whom he is employed have earlier held a Custom House Agents Licence under these Regulations and whether it was cancelled or suspended.**
- 11. Whether the applicant or any of the persons proposed to be employed by him have been penalised, convicted or prosecuted under any of the provisions of the Customs Act, 1962 or any other law for the time being in force.**
- 12. Number and date of each of the documents furnished in accordance with Reg. 6.**

I/We hereby affirm that I/We have read the Custom House Agents Licensing Regulations, 1984 and agree to by them. Date.....Signature of applicants.

1.

.....

2.

.....Form D(See Reg. 10)(Regular licence to act as Custom House Agent)Shri/Sarvashri.....is/are hereby authorised to transact business as Custom House Agent at any Custom Station. This licence will be valid for three years from the date of its issue.It is a condition of this licence that in the case of a firm or a company, the Custom House work shall be transacted through one of the following persons :Name of personsSpecimen Signature.

1.

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2.

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3.

.....

4.

.....

5.

.....Signature and seal of the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word Collector.] of Customs.Customs Station.Date of Issue.Form E(See Reg. 11)(Bond)No.....of.....19..... Know all men by these presents that we are held and firmly bound to the President of India in the sum of Rs.....for payment whereof we hereby bind ourselves, and each of us binds himself and each of our heirs, executors and administrators firmly by these presents dated this.....day.....of in the year one thousand nine hundred and.....Whereas the said.....has been authorised to act as a Custom House Agent under Section 146 of the Customs Act, 1962 (52 of 1962), and the said..... has agreed to enter into this bond as required by the Customs House Agents Licensing Regulations, 1984 (hereafter referred to as the said Regulations).And whereas the said.....has deposited the sum of Rs.....with the President of India as security for his faithful behaviour and that of his clerks as regards the said Regulations.Now the condition of the above written bond is such that if the said.....and his clerks do at all times, whilst holding such

licence as aforesaid, behave themselves in a faithful manner as regards the said Regulations and if the said and their executors or administrators do at all times make good to the President of India all and every sums of money which being due to the Government shall by reason of the misfeasance or negligence of the said.....or of his clerks have not been paid to the President of India then the above written bond shall be void, otherwise the same shall be and remain in full force and virtue and it is hereby agreed and declared the the President of India may apply the said sum of Rs.... .. deposited as aforesaid in making good to the President of India all and every sums due to the Government by reason of the misfeasance or negligence of the said.....or his clerks as aforesaid.And it is hereby agreed that the said sum of Rs.....shall remain with the President of India for twelve calendar months after the date upon which the said.....shall cease to act as a Custom House Agent as security for the payment for the payment of any sums due to the Government by reason of any misfeasance or negligence of the said.....or of his clerks which may not be discovered until after the said date and that this bond shall be and remain in full force and virtue until the expiration of the said term of twelve months, It is also agreed and declared that the President of India may apply the above sum of Rs.....in making good wholly or in part any short collection of duty or other charges in respect of any transaction made by the said on behalf of importers or exporters in the event of such sum remaining unpaid, even after issue of demands under Section 28 of the Customs Act.

1.

.....

2.

.....Accepted for and on behalf of the President of India. Signature and Designation of the [Commissioner] [Substituted By the Finance Act, 1995 (22 of 1995), Section 50. for the word Collector.] of Customs. Form F(See Reg. 11)(Surety Bond)No.....of.....19..... know all men by these presents that we.....(A).....and (B).....are held firmly bound to the President of India in the sum of (Rupees.....for payment whereof) we hereby bind ourselves, and each of us binds himself and each of our heirs, executors and administrators firmly by these presents dated this day of.....in the year one thousand nine hundred and.....Whereas the said.....(A).....has been authorised to act as a Custom House Agent under Section 146 of the Customs Act, 1962 (52 of 1962), and the said.....(B).....has agreed to enter into this bond as required by rules made under the said section. Now the condition of the above written bond is such that if the said.....(A).....doth at all times whilst holding such authorisation as aforesaid behave himself in a faithful and in corrupt manner as regards the Custom House Regulations and the officers, and in the said.....(A) and.....(B).....their executors or administrators some or one of them do, and shall at all times make good to the President of India all and every sums of money which being due to the Government shall by reason of the misfeasance or negligence of the said.....(A).....have not been paid to the President of India then the above written bond shall be void, otherwise the same shall remain in full force and virtue. Signed, sealed and delivered by the above-named in the presence of

witnesses. Executed before me this.....day of.....19.....

1.

.....

2.

.....Signature and designation of the [Commissioner] [Substituted by the Finance Act, 1995 (22 of 1995), Section 50, for the word Collector.] of Customs. Form G[See Reg. 20](Identity Card)Shri.....of.....having been registered in the books of this office as a clerk of Shri/Sarvashri.....of.....having been authorised by him/them to transact.....business at the Custom House on his/their behalf, is hereby permitted to do so for a period of.....years with effect from.....19or until the cancellation of the licence issued to his principal whichever is earlier. Specimen signature of clerks.....Age.....Customs Station.(Photo to be supplied by the agent). Form H[See Reg. 20](Provisional identity-cum-authority card)Shri.....of.....having been registered in the books of this office, provisionally as clerk/agent/of Shri/Sarvashriof.....having been authorised by him/them to transact business at the.....Customs Station on his/their behalf, is hereby permitted to do so for a period from.....to.....The renewal of this identity card or issue of permanent identity card is subject to his passing the examination specified under Reg. 20 and the card shall terminate on the cancellation of the licence issued to his principal. Specimen signature of clerks. AgentCustom Station.(Photo to be supplied by the agent)