

Spices Board (Registration of Exporters) Regulations, 1989

UNION OF INDIA

India

Spices Board (Registration of Exporters) Regulations, 1989

Rule

SPICES-BOARD-REGISTRATION-OF-EXPORTERS-REGULATIONS-1989 of 1989

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Spices Board (Registration of Exporters) Regulations, 1989Published vide Notification No. F. No. Adm/Reg/01/89, dated 5.10.1989F. No. Adm/Reg/01/89. - In exercise of the powers conferred by section 39 of the Spices Board Act 1986, the Spices Board hereby makes the following Regulations, with, the previous approval of the Central Government, namely :-

1. Short title and commencement.

- 1. These. Regulations may be called the Spices Board (Registration of Exporters) Regulations, 1989.

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:(i)"Act" means the Spices Board Act, 1986 (10 of 1986).(ii)"Board" means the Spices Board, constituted under section 3 of the Act.(iii)"Year" means the year commencing on the first day of April.(iv)"Chairman" means the Chairman of, the Board,(v)"Secretary" means the Secretary of the Board appointed under section' 4.(vi)"Section" means a section of the Act.(vii)"gules" means the Spices Board Rules, 1987.(viii)Words and expressions used herein and not defined but defined in the Act and the Rules shall have the same meanings respectively assigned to them.

3. [Grant of Certificate of Registration. [Substituted by Notification F. No. MKT-REGN/002/2017, dated 2.1.2018 (w.e.f. 5.10.1989)]

(1)An application for grant of certificate under section 12, for a block period of three years or part thereof, shall be made to the Board in the prescribed form which shall be accompanied by a fee as given below, plus tax as applicable,(i)Manufacturer Exporter : Rs.15,000/- (ii)Merchant Exporter : Rs.10,000/- (2)The fee shall be payable in the form of bank transfer or crossed account payee demand draft drawn in favour of the Spices Board, payable at Ernakulam or Kochi and for every subsequent block period, there shall be a revision of fees for grant of certificate, as prescribed by the Spices Board from time to time. (3)If an application is not in the prescribed form or does not contain any of the required particulars, the application may be summarily rejected. (4)The fees once remitted to the Board shall not be refunded under any circumstances. (5)Application for grant of certificate shall be accompanied by a bank reference or certificate in respect of the financial status of the applicant. (6)The certificate issuing authority may, if he is satisfied as to the suitability of the application, issue a certificate to export spices included in the Schedule of the Act, to the applicant in the prescribed form. (7)If the application is for registration as manufacturer exporter, a certificate in the prescribed form shall not be granted to a person unless the certificate issuing authority is satisfied with the facilities available in the Spices Processing Plant or unit of the exporter of the spices.

4. Renewal of Certificate.

(1)Any person desiring to renew the certificate as exporter or apply for issue of duplicate certificate shall submit an application in the prescribed form to the certificate issuing authority, on or before the expiry of the validity of the existing certificate, accompanied with the fees as given below, plus the tax as applicable, Renewal/Issue of Duplicate Certificate (a)Manufacturer Exporter : Rs.10,000/- (b)Merchant Exporter : Rs.7,500/- Provided that applications received after the expiry of validity of the certificate, shall not be entertained for renewal of existing certificate and such exporters may apply for fresh registration. (2)The fee shall be payable in the form of bank transfer or crossed account payee demand draft drawn in favour of Spices Board, payable at Ernakulam or Kochi and for every subsequent block period, there shall be a revision of fees for renewal or issue of duplicate certificate, as prescribed by the Spices Board from time to time. (3)If the exporter does not carry on any export business during the period in which he holds a valid certificate, he may be debarred from renewing his certificate for the next three years; Provided that if the exporter enters into an export contract, he may apply to the Board for a fresh certificate in the manner prescribed in these regulations.

5. Terms and Conditions of Certificate.

(1)Every certificate shall be deemed to have been granted personally to the Certificate holder and no certificate shall be sold or otherwise transferred. (2)Where a certificate holder sells or otherwise transfers his business to another person, the purchaser or transferee, as the case may be shall apply for a fresh certificate in accordance with the provisions of these regulations and rules. (3)Where

there is any change in the name or address of any certificate holding exporter, he shall intimate the change to the certificate issuing authority within a period of thirty days from the date of change, along with request for amendment of certificate, accompanied by necessary supporting documents and a fees of Rs. 5000 for each amendment and the fee shall be payable in the form of bank transfer or crossed account payee demand draft drawn in favour of the Spices Board, payable at Ernakulam or Kochi and for every subsequent block period, there shall be a revision of fees for amendment of certificate, as prescribed by the Spices Board from time to time.(4)The certificate issuing authority may for sufficient reasons condone any delay in this regard up to a period of three months and in case where the delay is not condoned by the certificate issuing authority or requisite intimation about the change is not sent within the time specified, the exporter shall apply for fresh registration, accompanied by the fee as specified in sub-regulation (1) of regulation 3.(5)In the case of manufacturer exporters, the certificate issuing authority shall also verify whether the permission of the authorities concerned, in regard to the change, has been obtained and after due verification, the certificate issuing authority may issue a fresh registration certificate to the new concern, which shall be valid from the date of change in name or address as the case may be.(6)Where there is a change in the constitution of a certificate holding exporter firm by death and consequential admission of the legal heirs of the deceased as owner or partner (or by a change of Karta in the case of Hindu undivided family concern), and the reconstituted firm takes over the business as a whole without any change in its name and address, such changes will not require any fresh registration:Provided that where there is a change in the ownership, constitution, partnership or power of attorney holder of any certificate holder, the certificate shall be deemed to have expired and a fresh certificate shall be required:Provided further that fresh certificate shall not be required to changes in the constitution of the Board of Directors of public limited companies.(7)If a certificate holder enters into a partnership in regard to the business covered by his certificate, he or she shall apply for a fresh certificate.(8)If a partnership, holding a certificate is dissolved, every person who was a partner immediately before such dissolution shall send a report on the dissolution to the certificate issuing authority within thirty days thereof.(9)The certificate holder shall submit quarterly returns regarding exports and imports of spices in the prescribed forms as specified by the Board from time to time and non submission of quarterly returns shall be considered as violation of the regulation and shall also furnish any other information in connection with his business as spice exporter, as and when called for by the Board.(10)Subject to sub-regulations (13) and (14), the certificate holder shall effect shipment of spices of specified quality standards as agreed to, with the buyer in the export contract.(11)Every exporter of spices shall produce on demand for inspection by any officer of the Board authorised in this behalf by the Chairman, all accounts, registers and other records kept by him in connection with his business as spices exporter.(12)The certificate holder shall fulfill all obligations under the export contracts entered into with the buyer as per terms of the contract and shall not commit any breach of the terms and conditions of the contract, if the buyer has fulfilled his obligations under the contract.(13)The certificate holder shall neither contract to export nor export spices which do not conform to quality standards in force in the country to which they are exported, the standards prescribed by the Food Safety and Standards Act 2006 (34 of 2006) and the rules made thereunder and quality standards prescribed by the Board, from time to time.(14)The certificate holder shall not export spices in contravention of the Geographical Indications of Goods (Registration and Protection) Act 1999 (48 of 1999) and the rules made thereunder, the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) and the rules made thereunder and the Export

(Quality Control and Inspection) Act, 1963 (22 of 1963) and the rules made thereunder.(15)Every certificate holder shall, on demand, allow, any officer of the Board or agency authorised in this behalf by the Chairman, to draw samples, from spices being processed, packed, stored, warehoused, container stuffed or transported for export purposes, for analysis of the same, to verify conformity to prescribed quality standards, in the laboratories of the Board or in the laboratories designated by the Board.(16)Every certificate holder shall, if so required, by an officer authorised in this behalf by the Chairman, refrain from exporting or recall if already exported, at his expense, spices which during analysis of samples drawn as provided in these regulations, are found to be not satisfying the prescribed standards.(17)Every registered exporter shall register his contract of exports with the Board prior to the export in respect of such spices as specified by the Board from time to time.(18)Every registered exporter shall register his brand names in respect of such spices as notified by the Board from time to time, if they propose to export in consumer packs under brand name.]Form ACertificate of Registration as Exporter(Not Transferable)(Section 11 of Spices Board Act, 1986)Certificate No:Shri/Smt/Messrs

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hereby authorised to do business as EXPORTER Spices from India subject to the conditions specified in the Spices Board (Registration of Exporters) Regulations, 1989 and instructions issued by the Spices Board.The Certificate is valid upto the 31st day of AugustPlace: Cochin[Office Authorised by the Board] [Substituted by F. No. Adirin/Reg/111/2002, dated 4.9.2002 (w.e.f. 5.10.1989).]Date:(Seal)[***] [Omitted 'Form B' by F. No. Adirin/Reg/111/2002, dated 4.9.2002 (w.e.f. 5.10.1989).]