

SPICES BOARD (REGISTRATION OF EXPORTERS) AMENDMENT REGULATIONS, UPTO 2004

REGD NO. D. L-33004/99 Che Gzette of •tidie EXTRAORDINARY ...m 1.11—W34 PART Ili—section 4 PUBLISHED BY AUTHORITY 14, 1924 NEW DELHI, THURSDAY, SEPTEMBER S, 20021BHADRA 14, 1924 4 2002 1986 (1986 10) 39 1989 1. 1) (iiöa) 2002 t I (2) 2. 1989 (0) (1) 3Nf-q:— (2) (O 25 (.Jii) yÄ&01/89 5 1989 1 2781 2002 (1) 2 GAZETTE OF INDIA : EXTRAOR.DR-•OAR',' SPICES BOARD NOTIFICATION Cochin. the 4tn SQtcember, —SEC. 41 F, No. Admn/RcV01f2002.— In exercise or the lk)wers conferred by Section .9 of the Spices Board Act., 1986 (10 of 1986), the Spices Board hereby makes the following regulations further IO amend lthe Spices Board (Registration of Exporters) Regulations. 1989, with the previous approval ofthe Central Governmou, namely 1. Short title and) These Regulations may be called lthe Spiccs Board (Registration of F 2002 (2) They shall come •nto force on the date of their publication in the Official GazcLtc- 2. In the Spaces Board (Registration of Exporters) Regulaöons, 1989:— (i) tn Regulation 3, (a) in sub-regulation (l). for clause (a), the words "the Secretary of" shall be deleted. (b) in sub-regulation (l) for clause (d), the following clause shall bc substituted, namely — The certificate issuing authority. may if he is satisfied as to the suitability of the application, issue a cenificatc IO export spices included in the Schedule of the Act, to the applicant in form A;" (c) In sub-regulation in clause (l), for words "A certificate" the words "if the application is for registration as manufacturer exporter, a certificate" shall bc substituted; (d) Ju sub-regulauon (l), for clause (m), lthe following clause shall bc substituted. namely : " (m) The exporter shall a periodica.l return m the fom as determined by the Board on Exports and Imports of Spices. as specified by the Board. from tune to time. with requ.l.rcd documennry proof at specified periodicity;" (e) In sub-regulation (L), clause (n) shall be ornilted; (D in sub-regulation (2), in clause (a) ror the letters "Rs 25", the lctters and figures "Rs. 10()" shall be substituted; (li) In Form A for the words "Signature or Scrcelary", the words "Officer Authlorised by the Board' • shall bc subsututed'. (iii) Form B shall be omitted. C J, JOSE. Chairman (No. Advtf111/1V/92-1/02-Exty.l Foot Note •.—N01ificatuon F. No. Adm/Reg/01/89 dated 5th October, 1989. Primed by the Manager. (jov(of Pre-88, Ring Road. Mayapuri. New Delhi-1 10064 md Publmdhed by the Comrolrier of Publtcat.onn. Delhi-1 10054. gæ33004/99 REGD. NO. D. L-33004199 Che Gazette of •tidia 105] A'IRAORDNARY PART m—Sec60n4 BY AM'H0Rn•y 30, 9, 1925 NEW DELHI, MONDAY, JUNE 30, 2003/ASADHA 9, 1925 30 2003 ML y.'ü101/2003.:— 1986 (1986 10) 39 1989 1. i) 2003 I (2) 2. 1989 3 i, (ii) (ur) 314Ä:— 111/1Y80t2003/*«] : 5 1989 4 2002 I MCES BOARD NCImcÅM)N Co&.n., Ebe 3001 Ju.lE, 2003 . F. NO. afthepowzscmÉned 39 oflfr Boa.rd Act, 1986 (IO of 1986), the Spice Board hetü' the eguiXions funba to the "ces Board ßegist.radan of R+.lüions 1989, with the af Cat.ml Gav«n.üÄC naæly : l. ide aid ccnnnEIÄrÄ.H1) Spiæ Board E'QMWS) R%D-Wioas, 2003. 1808 GV2003 2 : EXTRAORDINARY (2) They' shall come into mrce on the date of t.Wr pq&ation in the OMcial Gazete

2. In the SpicesBoard(Registrat.ion QfExporters)Reydations, 1989 in 3,— (i) in sub-regulation (l), the clause (m), the Nowing clanse be [PART LI—SEC. 41 "m(a) the cerüficaje shall sh.ipmeni spices of cpality undards as to with the buyer in the export cormm. " (i i) sub-regulatin 3, aner clause (o), the frllowing clause åall be namely:— "(p) T tr certificate hold« shall fillfil all ±iimdsns the eaEred into with as per the terms of the contract shall not commit any brach af eoadid0ß Of the if the buya has fulfilled his undz the contmct. " C J , Chainrøn Foot Note ; Tbe prindpal regulatiom inur vide notificün F. No. Adm.n.R.eg.(K) I /89 dated 5th October, 989, and subsequently amended nunber Admn.RegJOI/200Z 4th September, 2002. Printed by Manay, Govt. of India Ring Mayapu•i. New Delhi-110064 and Pu%hed by the Cofiölkr of Publi—tiMA T&-33004f99 R.EO. D. Che Gazette of •tidia i. 1061 1061 A'IRAORDNARY PART m—Sectim4 BY AIJ'M0Rrm• 21, 31, 11926 NEW DELHI,MONDAY, JUNE 21, 2004/JYAISTH.A 31, 1926 21 2004 €. 1986 Q, 1989 l. 2004 t I 3. 1989 i, 3 3. (1) .wüt«r:- 2000 ü, (1) 1888 010004 2 THE OF NDIA : (PART UI—SEC. 41 (z.) 30 Off: 100 (a) I NIN, t (D 3 30 (D 4 THE GA.ZEI'IE OF : EXTRAORDNARY [PART III—SBC. 4] (z) 1954 (1954 37) (3) 1999 (1999* 48) 1937 (1937 1) 1963 (1963 22) 7/2/99-# (vh. v)] [Barqqæi. %T.ü mo/*0/01/89 1989 2002 4 2002 /2003 30 2003 5 SPICES BOARD NOTIFICATION coGlin, the 21st June. 2004 F. No. Admn.,Reg101/2004.— In exerc*e of the pOwers conferred"by Section 39 of the Spices Board-Act 1986, (10 of 1986), the Spices

Board, with the previous approval of the Central Government, hereby makes the following regulations further to amend the Spices Board (Registration of Exporters) Regulation 1989, namely:- 1. These Regulations may be called the Spices Board (Registration of Exporters) Amendment Regulations, 2004

2. They shall come into force on the date of their publication in the Official Gazette. In the Spices Board (Registration of Exporters) Regulation 1989, for 3. regulation 3, the following regulation shall be substituted, namely:- "3. (1) Grant of Certificate of Registration:- An application for of certificate 12 shall be made to the Board in Form 1' mentioned in the Rules. Every application shall be accompanied by a fee of Rupees two thousand by a crossed demand draft or postal order or money order drawn and payable to the Spices Board, Cochin. b) If an application is not in the prescribed form or does not contain any of the required particulars, the application may be summarily rejected. c) The fees once remitted to the Board shall not be refunded under any circumstances. d) Application for of certificate shall be accompanied by a bank reference or certificate in respect of the financial of the applicant e) 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 'Form A'. f) If the application is for registration as manufacturer exporter, a certificate in 'Form A' 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. 6
GAZETTE OF : EXTRAORDINARY (2) Renewal of Certificate:- [PART III—SEC. 41 a) Any person desiring to renew the certificate as exporter shall submit an application in Form 1' mentioned in the Rules to the certificate issuing authority accompanied with the fees and in the manner specified in sub-regulation on or before 30th June of the year in which the validity of the certificate expires: Provided that the certificate issuing authority may entertain an application for renewal up to the date of expiry of the existing certificate on payment of additional fee at the rate of Rs. 100/- for the delay of each month or part thereof. b) If the exporter does not carry on any export business during the period in which he holds a valid certificate, the renewal of certificate as exporter for the next three years may not be considered. However, 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. (3) Terms and conditions of certificate:- a) Every certificate shall be deemed to have been granted personally to the certificate holder- and no certificate shall be sold or otherwise transferred. b) Where a certificate holder sells or otherwise transfers his business to another person, the purchaser or transferee, as the case may be, shall obtain a fresh certificate in accordance with the provisions of these Regulations and Rules. c) 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 30 days from the date of the change. The certificate issuing authority may for sufficient reasons condone any delay in this regard up to a period of three months. 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. In the case of manufacturer- exporters the certificate, issuing, authority shall also verify whether the permission of the sponsoring authority in regard to the change has been obtained. 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. d) 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 change 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 the said proviso shall not apply to changes in the constitution of the Board of Directors of public limited companies. e) If a certificate holder enters into a partnership in regard to the business covered by his certificate, he/she shall apply for a fresh certificate. f) 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. g) The certificate holder shall submit a periodical return regarding exports and imports of spices in the prescribed form specified by the Board, from time to time. h) Subject to clause (k) and the certificate holder shall effect shipment of spices of specified quality standards as agreed to with the buyer in the export contract. i) 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. j) The certificate holder shall fulfill all obligations under the export contracts altered into with the. buyer as per. the 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. k) The certificate holder shall neither contract to export nor export spices which do not conform to the quality standards in force in the country to which they are exported, the standards prescribed by the Prevention of Food Adulteration Act (37 of 1954) and Rules made thereunder and quality standards prescribed by the Board, from time to time. 8 GAZETTE OF INDIA : EXTRAORDINARY [PART 4] l) The certificate holder shall not export spices in contravention of the Geographical Indications of Goods (Registration and Protection) Act, 1999 (No.48 of 1999) and the rules made thereunder, the Agricultural Produce (Grading and Marking) Act, 1937 (No.1 of 1937) and the rules made thereunder and the Export Quality Control and Inspection Act, 1963 (No.22 of 1963) and the rules made thereunder. m) Every certificate holder shall, on demand, allow, any officer of the Board or agency authorized 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 designated by the Board. n) Every certificate holder shall, if so. required, by an officer authorized in this behalf by the Chairman, refrain from exporting or recall if already exported, at his expense, spices, which, during of samples drawn as provided in these regulations, are found to be not satisfying the prescribed standards. o) Every registered exporter shall register his contract of export with the Board prior to the export in respect of such spices as specified by the Board from time to time. p) 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 names." Foot Note [F. No. 7/2/99-EP (Agri* V)] C.J. JOSE, Chairman, [ADVT No. IIUIWExt./80/04] The principal regulations were published in the Gazette of India vide Notification F.No.Admn/Reg/01189 dated 5th October 1989 and subsequently amended vide Notification F.No.Admn/Reg/0112002 dated 4th September 2002 and Notification F.No.Admn/Reg/01/2003 dated 30th June 2003. Printed by the Manager, at India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications. Delhi-110054.