

**SPICES BOARD****NOTIFICATION**

Cochin, the 16th April, 2012

**F. No. MKT/REGN/01/09/F. No.7/1000/2011-EP(Agri.V) /Plant D.**— In exercise 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) Regulations 1989 namely :—

1. These Regulations may be called the Spices Board (Registration of Exporters) Amendment Regulations, 2011.
2. They shall come into force on the date of their publication in the Official Gazette.
3. In the Spices Board (Registration of Exporters) Regulation 1989 for regulation 3, the following regulation shall be substituted namely:-
  3. (1) Grant of Certificate of Registration:-
    - a) An application for grant of certificate under section 12 shall be made to the Board in 'Form-1' mentioned in the Rules. Every application shall be accompanied by a fee of rupees five thousand by a crossed demand draft drawn and payable to the Spices Board, Ernakulam.
    - 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 grant of certificate shall be accompanied by a bank reference or certificate in respect of the financial status 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.

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## (2) Renewal of Certificate

- 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 30<sup>th</sup> June of the year in which the validity of the certificate expires. Renewal fee for such period shall be rupees two thousand five hundred.

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.250/- for the delay of each month or part thereof.

Application received after 31st August shall not be entertained for renewal of existing certificate. Such exporters may apply for fresh registration after the expiry date of their existing certificates.

- 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.
- a. 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.
- b. 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 as specified by the Board, from time to time.
- h) Subject to clause (k) and (l), 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 authorized 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 entered 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 Food Safety and Standards Act 2006 (No.34 of 2006) and the Rules made thereunder and quality standards prescribed by the Board, from time to time.
- 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 of the Board or 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 analysis 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 exports 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."

Dr. A. JAYATHILAK, Chairman

[ADVT. III/4/80/12/Exty.]

**Foot Note.—**

The principal regulations were published in the Gazette of India vide Notification F. No. Admn/Reg/01/89 dated 5th October 1989 and subsequently amended vide Notification F. No. Admn/Reg/01/2002 dated 4<sup>th</sup> September 2002, Notification F. No. Admn/Reg/01/2003 dated 30<sup>th</sup> June 2003 and Notification F. No. Admn/Reg/01/2004 dated 21<sup>st</sup> June 2004.