

REGISTERED No. M - 302
L.-7646



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, SEPTEMBER 26, 2022

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

REVENUE DIVISION
(Federal Board of Revenue)

NOTIFICATION

Islamabad, the 20th September, 2022

S.R.O. 1764(I)/2022.—The following draft of certain further amendments in the Customs Rules, 2001, which the Federal Board of Revenue proposes to make in exercise of the powers conferred by section 219 of the Customs Act, 1969 (IV of 1969), is hereby published for information of all persons likely to be affected thereby and, as required by sub-section (3A) of the said section 219, notice is hereby given that objections or suggestions thereon, if any, may for consideration of the Board be sent within fifteen days of publication of the draft amendments in the official Gazette. Any objections or suggestions which may be received from any person, before the expiry of the aforesaid period, shall be taken into consideration by the Federal Board of Revenue, namely:-

(4131)

Price : Rs.5.00

[9383 (2022)/Ex. Gaz.]

DRAFT AMENDMENTS

In the aforesaid Rules,-

(1) in rule 90,-

(i) in clause (b), after the word “customs”, occurring for the fourth time, the expression “(including Pakistan Single Window)” shall be inserted; and

(ii) after clause (f), the following new clause shall be inserted, namely:-

(g) “self clearance” means where a person or his employee or his authorized representative transacts customs business without using a customs agent under sub-section (2) of section 208 read with section 155C of the Customs Act, 1969 (IV of 1969).”;

(2) in rule 91,-

(a) for the word “two”, the word “five” shall be substituted;
and

(b) in clause (d), for full stop at the end, a semi-colon shall be substituted and thereafter the following new clause shall be added, namely:-

“(e) a current valid bank statement from a scheduled bank in Pakistan;”

(3) in rule 92, in clause (e), for full stop at the end, a semi colon shall be substituted and thereafter the following new clauses (f) and (g) shall be added, namely:-

“(f) sound financial record, duly verified by a bank;

(g) a permit holder in terms of rule 98 who fulfills all the conditions enumerated in clauses (a) to (f).”;

(4) for rule 93, the following shall be substituted, namely:-

“93. Qualification test.—(1) The licensing authority shall put in place a mechanism to scrutinize the applications received and short list the eligible candidates. The list of eligible candidates shall be forwarded to Pakistan Customs Academy (PCA) to arrange a qualification test with a view to ascertain the knowledge of the applicants in the Customs law,

rules and procedures and computer literacy. A simulation test shall also be conducted to ascertain the aptitude of the applicant for WeBOC and PSW.

(2) The examination shall be conducted, at least once a year, by the PCA at Karachi, Lahore, Islamabad, Quetta and Peshawar. Each applicant shall deposit fee of ten thousand rupees, for examination-related expenses in the respective account of the Director General Pakistan Customs Academy (PCA). Further logistics support shall be provided by the Enforcement Collectorate of the respective center of examination.

(3) The applicants shall be required to pass the qualification test in three chances failing which applicant shall not be eligible to avail the test:

Provided that if the applicant is a retired BPS-16 or above officer of Customs having more than ten years service and subject to condition that he has not been removed from the service on disciplinary grounds or dismissed from service, he may be exempted by the collector from the above mentioned test on case to case basis after conducting his interview:

Provide further that the applicants having provisional licence shall also appear in the aforesaid examination and if they fail to qualify the test in three chances, their licence shall be cancelled.

(4) The licensing authority shall not consider an application for the grant of licence, if the applicant fails to secure at least fifty percent aggregate marks along-with forty percent marks in each subject in the written examination:

Provided that a person holding a custom permit for a period not less than ten years with a reputable licensee and have a sound financial background with no conviction and duly authorized by the respective customs agent association, may be exempted by the collector from the above mentioned test on case to case basis after conducting his interview.

(5) The licensing authority shall be referring batches of customs agents to the training academies for mandatory refresher courses every two years on updated rules, regulations and Customs modules. Failure to attend these trainings shall attract penal action by the licensing authority including revocation of licence.”;

(5) in rule 94,-

(i) in clause (a),-

(a) for the word “three” the word “five” shall be substituted; and

(b) for the word “seven”, the word “ten” shall be substituted;

(ii) in clause (b), for full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that form B shall be linked with Customs computerized systems, for generation of automated reminder for renewal.”;

(6) in rule 95,-

(i) after sub-rule (3), the following new sub-rule shall be inserted, namely:-

“(3A) Subject to fulfillment of the conditions provided for eligibility of applicant in rule 92, change of status of firm from proprietorship or partnership to company shall be allowed on submission of registration certificate with SECP under the Companies Act, 2017 (XIX of 2017), and on successful passing of interview to be conducted by the licensing authority or any officer authorized in this behalf.”;

(ii) in sub-rule (4), for full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that the financial guarantees shall be updated as per prevailing legal conditions.”;

(iii) for sub-rule (7), the following shall be substituted, namely:-

“(7) The applicant shall provide sales tax registration certificate prior to issuance of licence or shall upload into the system against a checkbox.”;

(7) after sub-rule (10), the following new rule shall be inserted, namely:-

“(10A) A smart card shall be issued in substitution of existing licence booklet, having all the following requisite information, namely:-

- (a) licence holder name with photograph;
- (b) licence type partnership, proprietorship or AOP;
- (c) issuance and expiry date;

- (d) ID card number; and
 - (e) NTN of the licensee.”;
- (8) in rule 96, in sub-rule (1), for clauses (c) and (d), the following shall be substituted, namely:-
 - “(c) proof of payment of renewal fee at a rate of two thousand rupees per year for renewal of license for two years or five years, as the case may be; and
 - (d) certificate of participation once in every two year in mandatory refresher course from Pakistan Customs Academy (PCA).”;
- (9) in rule 98,-
 - (a) in sub-rule (4), after the expression “form “G”, the words “carrying a barcode” shall be inserted;
 - (b) after sub-rule (4), amended as aforesaid, the following new sub-rule shall be added, namely:
 - “(4A) The barcode shall be registered with the back-end of the system.”;
- (10) in rule 99, in sub-rule (1),-
 - (i) for the expressions “Directorate General of Training and Research (Customs)” and “Directorate General”, wherever occurring, the expression “Pakistan Customs Academy” shall be substituted; and
 - (ii) for the words “three and a half”, the word “five” shall be substituted;
- (11) in rule 100, after sub-rule (2), the following new sub-rule shall be added, namely:-
 - “(3) Separate folders for record maintenance shall be available in the system for data storage to the licensee.”;
- (12) in rule 101,-
 - (i) clause (q) shall be omitted; and

(ii) in clause (r), after semi colon, the word “and” shall be added and thereafter the following new clause shall be added, namely:-

“(s) In case of self-clearance the principal may apply for transaction based or entity based approval by the licensing authority or a designated officer not below the rank of Assistant Collector, by declaring the names and particulars of his employee or representatives authorized by him in this regard.”; and

(13) in rule 102, after sub-rule (4), the following new sub-rule, shall be added, namely:-

“(5) O.N.O passed by the adjudicating authority shall be automatically uploaded in the system and be linked with the licensee profile. Licensee shall be rated on these offences and renewal of licence shall be subjected to these ratings.”.

[C. No.1(7)L&P/2006.]

MUHAMMAD RIZWAN,
Secretary (Law & Procedure).