

EXPORT OF SILVER PLATED WARES (INSPECTION) RULES, 1978

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EXPORT OF SILVER PLATED WARES (INSPECTION) RULES, 1978

S.O.719, dated 11th March, 1978@1.-In exercise of the powers conferred by Sec. 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Export of Silver Plated Wares (Inspection) Rules, 1978.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "agency" means any one of the agencies established at Cochin, Madras, Calcutta, Bombay and Delhi under Sec. 7 of the Act;
- (c) "Silver Plated Wares" mean articles made of any metal or alloy having silver plating on them.

3. Basis of inspection :-

- (i) Inspection of Silver Plated Wares for export shall be carried out when the consignment is ready with a view to seeing that the same

conforms to the specifications recognised by the Central Government under Sec. 6 of the Act, (ii) the inspection shall be on the basis of random samples drawn from the consignment of Silver Plated Wares as per the Sampling Tables I and II annexed to these rules, (iii) the consignment shall be deemed to be conforming to the specifications under these rules if the number of defectives in the said sample are not more than the permissible number stated in the aforesaid Tables.

4. Procedure of inspection :-

(1) (i) Any exporter intending to export Silver Plated Wares shall intimate in writing of his intention to do so and submit alongwith such intimation a declaration of the specifications stipulated in the export contract giving details of all the technical characteristics and specifications required by the Government of the importing country if known to the exporter, or a declaration about the absence of any specifications in case nothing is stipulated in the export contract, to any agency to enable it to carry out inspection in accordance with rule 3 and he shall at the same time endorse a copy of such intimation for inspection to the office of the Council nearest to the office of the agency, (ii) the addresses of the Council are as under :-

Head Office : Export Inspection Council of India, 'World Trade Centre', 14/1B, Ezra Street (7th floor), Calcutta-700001.

Regional Offices :(1) Export Inspection Council of India, Aman Chambers (4th floor), 113, Maharshi Karve Road, Bombay-4.

(2) Export Inspection Council of India, Manohar Buildings, Mahatma Gandhi Road, Ernakulam, Cochin-11.

(3) Export Inspection Council of India, Municipal Market Building (4th floor), 3, Saraswati Marg, Karol Bagh, New Delhi-110005.

(2) Every intimation and declaration under sub-rule (1) shall reach the offices of the agency and the Council not less than three days before the scheduled date of shipment.

(3) On receipt of the intimation and declaration under sub-rule (2), the agency shall carry out the inspection of such Silver Plated Wares in accordance with rule 3 and the instructions, if any, issued by the Council in this regard.

(4) (i) After completion of inspection, the agency shall immediately

seal the packages in the consignment in a manner so as to ensure that the sealed goods cannot be tampered with; (ii) In case of rejection, if the exporter so desires, the consignment may not be sealed by the agency, so, however, in such cases, the exporter shall not be entitled to prefer any appeal against the rejection.

(5) When the agency is satisfied that the consignment of Silver Plated Wares complies with the requirements of rule 3, It shall be the next working day of completion of inspection and testing, issue a certificate to the exporter declaring that the consignment's export-worthy:

Provided that where the agency is not so satisfied, it shall within a period of 3 working days refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons therefor.

(6) (i) As and when required by the agency, the exporter shall supply free of charge samples of Silver Plated Wares from the export consignment; (ii) The samples shall, however, be returned by the agency after necessary inspection and testing.

5. Place of inspection :-

Inspection of Silver Plated Wares for the purpose of these rules shall be carried out:

(a) at the premises of the manufacturer, or

(b) at the premises at which the consignments are offered by the exporter, provided adequate facilities for the purpose exist therein.

6. Inspection fee :-

A fee at the rate of fifty paise for every hundred rupees of f.o.b. value subject to a minimum of rupees twenty-five for each consignment shall be paid by the exporter to the agency as inspection fee.

7. Appeal :-

(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (5) of rule 4, may, within ten days of receipt of communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven such experts as may be appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel shall consist of non officials.

(3) The quorum of the panel shall be three.

(4) The appeal shall be disposed of within 15 days of its receipt.