

INTERNATIONAL AIRPORTS AUTHORITY (STORAGE AND PROCESSING OF GOODS) REGULATIONS, 1993

CONTENTS

1. Short title and commencement
2. Definitions
3. Procedure and Documents
4. Levy of Charges
5. Scale of Charges
6. Waiver of Charges
7. License Fee
8. Care of Cargo
9. Storage of Cargo
10. Admission of Personnel and Vehicles
11. Hours of operation

INTERNATIONAL AIRPORTS AUTHORITY (STORAGE AND PROCESSING OF GOODS) REGULATIONS, 1993

INTERNATIONAL AIRPORTS AUTHORITY OF INDIA NOTIFICATION
New Delhi, the 4th June, 1993

1. Short title and commencement :-

- (1) These regulations may be called the International Airports Authority (Storage and Processing of Goods) Regulations, 1993.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

Notwithstanding anything contained in any other Act, Rules, Regulations Notifications in these regulations, unless the context otherwise requires,-

- (a) "Act" means the International Airports Authority Act, 1971 (43 of 1971):
- (b) "Airport Director" means the Airport Director of the Airport to which these regulations apply ;
- (c) "Authority" means the International Airports Authority of India:

(d) "baggage" means personal wearing apparel and personal articles of a passenger and includes unaccompanied baggage moving under an Airway Bill ;

(e) "cargo" means any property or goods carried or to be carried or an aircraft and also property or goods processed or stored by the Authority;

(f) "Cargo Handling Agency" means a person, firm or company handling cargo as an agent of the Authority or of the carrier and may include the Authority ;

(g) "carrier" means the airline that carries or undertakes to carry the cargo or perform any other service related to such air carriage;

(h) "Cargo Terminal" means areas, structure and installations used wholly or partly for storage or processing of cargo including the Airport Cargo Complex or any other ancillary areas, structures and installations used wholly or partly for storage or processing of cargo by the Authority ;

(i) "carting order" means a separate document or endorsement made on the Shipping Bill issued by a carrier, undertaking to airlift the export cargo by stipulated flight and date ;

(j) "consignee" means the person whose name appears on the Airway Bill or the person to whom the cargo is to be delivered;

(k) "Customs Act" means the Customs Act, 1962 ;

(l) "demurrage" means the rate or amongst of charges payable to the Authority by a shipper or consignee or carrier for not removing cargo within the stipulated free storage period for clearance from the custody of the Authority and/or of the Customs at the Cargo Terminal :

(m) "export" means taking cargo or goods or property out of India from a place inside India ;

(n) "goods" means and include,-

(i) vessels, aircraft and vehicles :

(ii) stores;

(iii) baggage;

(iv) currency and negotiable instruments ; and

- (v) any other kind of movable property ;
- (o) "handling charges" means charges payable to or collected by the Authority for providing handling facilities or services in relation to goods or cargo :
- (p) "Head of the Cargo Department" means the Officer who is the overall incharge of the Department of Cargo at the corporate office of the Authority or any other Officer designated by the Chairman of the Authority and include the General Manager (Cargo);
- (q) "import" means bringing cargo or goods or property into India from a place outside India :
- (r) "officer" means an officer of the Authority including the Airport Director, the Head of the Cargo Department and General Manager (Cargo);
- (s) "shipper" means and includes an exporter or an agent or a passenger or a consignor who tenders cargo for air carriage :
- (t) "Shipping Bill" means Shipping Bill referred to in Section 50 of the Customs Act ;
- (u) "special charges" means charges payable to or collected by the Authority for providing special facilities like Cold-Storage, Strong Room, shade for live animals, hazardous Goods, etc. ;
- (v) "stores" means goods for use in a vessel or an aircraft and includes fuel, spare parts and other articles and equipments, whether or not for immediate use ;
- (w) "Storage and Processing Charges" means the expenses incurred by the Authority to process or store the goods or cargo and include electricity charges, insurance premium, security charges, terminal charges, surcharge for heavy Cargo, and cargoes requiring special care such as hazardous. perishables, valuables and Express Cargo ; and Licence fee for providing such storage and processing facility.
- (x) "Terminal Charges" means charges payable to or collected by the Authority or Cargo Handling Agency for use of facilities for processing of cargo :
- (y) "Transshipment Cargo" means cargo which is unloaded from one carrier and loaded or intended to be loaded on the same or on another carrier.

3. Procedure and Documents :-

(1) The following procedures shall be followed for Storage and Processing and handling of cargo in the Cargo Terminal at an Airport, namely,-

(a) In regard to export goods the shipper or the passenger will obtain a valid carting order from the concerned carrier who will issue it separately or by stamping the Shipping Bill. The Cargo or goods will be admitted in the Cargo Terminal only after the above document is found to be in order by authorised officials and terminal charges are received. The charges may be paid in cash or by Bank Transfer or by maintaining a deposit account with the Authority or the accredited Handling Agency. The shipper or the passenger will get his cargo examined by Customs before handling it over to the officer of the Authority or accredital Handling Agency who will, on demand, transfer it to the concerned carrier after obtaining a valid receipt. The Authority shall have a lien on cargo or goods till the charges recoverable or applicable are received by it.

(b) In regard to goods imported, the goods will be received by the officers of the Authority or accredited Handling Agency from the carrier In the presence of customs official(s). The consignee will be responsible for obtaining delivery order from the concerned airline, getting his cargo examined by Customs and obtaining "Out of Charge" endorsement. The officers of the Authority will deliver the consignment to the consignee or his authorised agent after collecting applicable charges and obtaining a valid receipt from him and shall have a lien on cargo or goods till the same are paid.

(2) Airport Director or Head of the Cargo Department may prescribe additional procedures to suit local conditions. Such procedures may include time-limit for storing export, import and transshipment cargo in the Cargo Terminal.

(3) The Head of the Cargo Department or the Airport Director of the respective Airport may devise or prescribe documents to be used at the Cargo Terminal for storage and processing of Cargo or goods from time to time.

4. Levy of Charges :-

The Authority shall levy charges which may include demurrage charges, handling charges, special charges for live animals, hazardous cargo, radio-active cargo and cargo requiring strong room facilities, storage and processing charges, terminal charges

and any other charges for the purposes of giving effect to the provisions of these regulations.

5. Scale of Charges :-

The Authority shall fix and revise from time to time, scale of charges referred to in these regulations. The charges shall be fixed keeping in view the need for providing requisite facilities and to discourage storage beyond a reasonable time.

6. Waiver of Charges :-

(1) The Authority may from time to time lay down the circumstances and limits for waiver of charges to be exercised by the Chairman, Whole-time Member and similarly placed other officers.

(2) The Chairman may, in his discretion, waive charges in deserving cases, such as, non-commercial Importation by Government, charitable institutions, local authorities. Diplomatic Missions, United Nations agencies, Unaccompanied baggage or in other cases of similar nature.

(3) An appeal from a decision of an Officer specified in sub-regulation (1) shall lie with Member (Operations) and in cases where Member (Operations) is the deciding authority, with the Chairman. Such appeal shall be filed within 30 (Thirty) days of the receipt of decision by the Appellant.

(

4) Member (Operations) or, as the case may be, the Chairman may, on sufficient grounds, condone the delay in filing the appeal beyond the period prescribed in sub-regulation (3) above.

(5) A Quarterly Reports of details of cases of waiver of charges involving Rs. 25,000 or more in each case under sub-regulations (1) and (2) shall be furnished to the Authority.

7. License Fee :-

(1) Built-in-accommodation for office use, storage/processing of cargo and open space within cargo terminal may be given to Customs, Government regulatory agencies, airlines, air cargo agents, customs clearing agents and any other agency connected with Air Cargo trade on payment of license fee as may be determined by the Authority from time to time.

(2) The licensees shall also be liable to pay water, electricity, conservancy and such other charges as maybe fixed by the Authority from time to time.

8. Care of Cargo :-

The Authority shall take such care of the cargo or goods which come in its custody as a man of ordinary prudence would under similar circumstances taken In relation to his own goods and in the absence of any contract to the contrary, the Authority will not be responsible for loss or destruction or deterioration of cargo or goods if care has been taken as aforesaid.

9. Storage of Cargo :-

Any officer not below the rank of Assistant Cargo Manager may issue instructions for movement and storage of cargo and for proper use of space, weighing, processing and storage equipment provided by the Authority In the Cargo Terminal.

10. Admission of Personnel and Vehicles :-

The officers as specified In Regulation 9 may prevent or restrict admission of persons and vehicles and regulate their movement within the Cargo Terminal.

11. Hours of operation :-

Head of the Cargo Department or the Airport Director may lay down working hours for various operations In the Cargo Complex and revise the same from time to time.

V.K. Mathur, Chairman (International Airports Authority of India)