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No. S 187

CUSTOMS ACT
(CHAPTER 70)

CUSTOMS
(AMENDMENT)
REGULATIONS 2013

In exercise of the powers conferred by section 143(1) of the Customs Act, the Minister for Finance hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Customs (Amendment) Regulations 2013 and shall come into operation on 2nd April 2013.

New Part XIVA

2. The Customs Regulations (Rg 2) are amended by inserting, immediately after regulation 112, the following Part:

“PART XIVA

REGISTRATION OF PERSONS
MAKING DECLARATION

Definitions of this Part

112A. In this Part —

“declarant” means an individual who is authorised by a declaring agent to do any act or thing for the purposes of the Act on behalf of the declaring agent (including where the declaring entity is concurrently registered as that declaring agent);

“declaring agent” means an entity making (through a declarant) an application under the Act to the Director-General for a permit, licence or any other document or form of approval on behalf of a declaring entity (including where the declaring entity is concurrently registered as that declaring agent);

“declaring entity” means any importer, exporter, consignor, consignee, licensee, manufacturer or other person who desires to obtain a permit, licence or any other document or form of approval for any purposes of the Act, the application for which involves a declaration being made;

“key personnel” means an individual whose particulars are registered with —

- (a) the Accounting and Corporate Regulatory Authority for the purposes of a registration of a business entity; or
- (b) the relevant Issuance Agency of the Unique Entity Number for the purposes of an application for a unique entity number.

Registration of persons making declaration

112B.—(1) The Director-General may register under this Part any person who is a declaring entity, declaring agent or declarant.

(2) Unless the Director-General allows in any particular case, no declaration may be made by a declarant for any purpose of the Act unless the declaring entity, and the declaring agent and the declarant, are registered by the Director-General under this Part prior to the making of the declaration.

(3) For the purposes of this Part —

- (a) a declaring entity who makes a declaration through a declarant may be registered concurrently as a declaring agent, or as a declaring agent and a declarant;
- (b) a declaring agent need only be registered once, but may act for any one or more declaring entities whose registration has not been suspended or revoked; and
- (c) a declarant may be registered more than once, with each registration in relation to a different declaring agent.

Register

112C.—(1) The Director-General may maintain a register in such form as he may determine containing the particulars

of declaring entities, declaring agents and declarants registered under this Part.

(2) Any person applying for registration under this Part shall provide the Director-General with all information and assistance that the Director-General may require for the purpose of registering the person.

Persons registered to be fit and proper persons

112D.—(1) The Director-General shall not register any person as a declaring entity, a declaring agent or a declarant under this Part unless the Director-General is satisfied that the person is a fit and proper person to be so registered.

(2) Where the Director-General is satisfied that the person is a fit and proper person to be registered under this Part, the Director-General shall cause the particulars of that person to be entered in the register.

(3) For the purposes of paragraph (1) and subject to paragraph (4), the Director-General shall, in determining whether a person is a fit and proper person to be registered as a declaring entity, a declaring agent or a declarant, take into account all relevant facts or matters, including but not limited to the following:

- (a) whether the person has contravened, or is reasonably suspected of having contravened, any provision of the Act, or has breached any condition imposed on him under regulation 112F(1);
- (b) in the case of a person other than an individual, whether any key personnel of the person is not a fit and proper person;
- (c) in the case of an individual applying to register as a declarant, whether he possesses the requisite knowledge in the roles and responsibilities of a declarant or the practical experience in making declarations under the Act.

(4) An individual applying to register as a declarant shall be deemed not to be a fit and proper person if the declaring agent in relation to whom he is to be registered is not a fit and proper person.

(5) In determining whether an individual has the requisite knowledge or practical experience referred to in paragraph (3)(c), the Director-General may require him, upon payment of the prescribed test fee, to take and pass such test as may be set or approved by the Director-General.

(6) The Director-General may, in his discretion, waive wholly or in part the fee payable under paragraph (5).

Period of registration

112E.—(1) The registration of a person under this Part shall be valid for such period as the Director-General may determine.

(2) For the purposes of paragraph (1), the Director-General may determine different periods of registration for different persons or classes of persons.

Conditions of registration

112F.—(1) The registration of a person under this Part shall be subject to such conditions as the Director-General may impose, including any condition requiring the person so registered —

- (a) to allow any authorised officer to inspect any premises of that person at which he carries on any activity to which his registration relates;
- (b) to maintain records of such documents in connection with the activity to which his registration relates for such period of time as the Director-General may require;
- (c) to maintain confidentiality of any user identity or password which is assigned to that person for the purposes of identifying and authenticating the access to and use of any electronic service by him in connection with his registration;
- (d) to ensure the accuracy and completeness of any statement or information given by that person to the Director-General in the making of any declaration under the Act; and
- (e) to ensure that any declaration made by that person under the Act is made with the consent of, or in accordance with the terms of the authority (express

or otherwise) given to him by, the declaring agent or the declaring entity, as the case may be, and the person shall comply with every such condition imposed on him.

(2) The Director-General may at any time remove, vary or add to the conditions imposed under paragraph (1).

(3) Any person who breaches a condition imposed on him by the Director-General under this regulation shall be guilty of an offence.

Registration of declaring entity may include list of declaring agents and declarants

112G. The registration of a declaring entity may include a list of declaring agents and declarants through whom the declaring entity may act, which list may be varied by the Director-General by removing from or adding to the list —

- (a) upon application by the declaring entity in respect of any declaring agent or declarant; or
- (b) on the Director-General's own motion in respect of any declaring agent or declarant whose registration has been suspended or revoked, or whose suspension has ended, as the case may be.

Suspension or revocation of registration

112H.—(1) Notwithstanding regulation 112E(1), the Director-General may suspend, for such period as he thinks fit, or revoke the registration of any person if —

- (a) the person has contravened, or is reasonably suspected to have contravened, any provision of the Act;
- (b) the person has breached any condition imposed on him under regulation 112F(1); or
- (c) the person ceases to be a fit and proper person.

(2) Where the registration of any declaring entity is suspended or revoked under paragraph (1), its concurrent registration as a declaring agent, or registrations as a declaring agent and a declarant, shall be correspondingly suspended or revoked.

(3) Where the registration of any declaring agent is suspended or revoked under paragraph (1), the registration of any declarant who is registered in relation to that declaring agent shall be correspondingly suspended or revoked.

Renewal of registration

112I. This Part shall apply, with the necessary modifications, to a renewal of a registration.”.

[G.N. Nos. S 707/2011; S 12/2012; S 25/2012; S 457/2012]

Made this 27th day of March 2013.

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*Permanent Secretary,
Ministry of Finance,
Singapore.*

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(To be presented to Parliament under section 143(2) of the Customs Act).