

NOTICE

NEW ASSESSMENT REQUIREMENTS FOR OBTAINING A CUSTOMS BROKERS (INDIVIDUAL) LICENCE

This is to inform you that the Customs Broker Licensing Advisory Board (CBLAB) has reviewed the processes and procedures used to guide recommendations to the Commissioner for the granting or refusal of application for a licence or provisional licence as per the stipulations of Regulation 146(5). Essentially, the Board has seen it necessary to ensure that all applicants satisfy the appropriate sections of the Regulations outlined in Part XVII of the Customs Regulations 1955 (Sections 144-147H) before applications are reviewed and recommendations made to the Commissioner of Customs.

Generally, Customs Regulation 146 (6) provides that the Board shall not recommend the grant of a licence or, subject to paragraph (7), a provisional licence unless it is satisfied that the application is made in accordance with Regulation 146 (6) (a)-(c). Specifically, Regulation 146 (6)(a)(vi) requires that the applicant has previously held a licence for a period of not less than one year or, has held a provisional licence for a period of not less than one year during which period he was articulated to a licensed customs broker who had provided him with adequate training in the functions of a customs broker. Hence, unless you have previously held a licence for a period of not less than one year, you are to comply with the requirements regarding the need to have held a Provisional Licence for a period of not less than one year. The procedure for a Provisional Licence is outline in paragraph 7 to 9 of Regulation 146. Paragraph 7 specifically states that:-

“Without prejudice to the provisions of paragraph (6), the grant of a provisional licence shall not be recommended by the Board unless the application is accompanied by a letter of undertaking in an approved form from the customs broker to whom the applicant is or will be articulated that the customs broker will hold himself responsible for all such customs transactions and matters related thereto as are engaged in by the applicant during the period that he is articulated to that customs broker.”

With regards to the examination and assessment conducted by the Board, one of the functions of the Board, pursuant to Customs Regulation 145(17) (e), is to set and conduct examinations for licences and provisional licences. Customs Regulation 147A also makes provision for an applicant to sit such examination for the purpose of qualifying for the grant of a licence or provisional licence. There is also provision made for exemption from such qualifying examinations set by the Board as stated in subsection (3) of Regulation 147A. According to Regulation 146(a) (ii), applicants must pass such qualifying examination in lieu of the minimum educational requirements (English Language and proficiency in commercial arithmetic) or be exempt there from where applicant falls under the category of persons so specified under Customs Regulations 147A (3).

In light of the foregoing, the Board will be establishing an appropriate qualifying examination to meet the requirements of the Regulation and thereby adequately determine when exemptions are applicable. Therefore, the Board is seeking to ensure that the exemption from a qualifying

examination is clearly defined based on the conditions outlined in Regulation 146(6) (a)(ii) regarding the minimum educational requirements. A qualifying examination will be set in accordance with these requirements as well as other circumstances that may be deemed necessary. Please note, however, that an applicant for a licence or provisional licence shall not be exempt from any such examination so established to ensure that the applicant has knowledge and competence, and has the capability to carry on business as a Customs Broker, as stipulated in Regulation 146(6) (a) (v).

Therefore, in this regard, all applicants will be required to satisfy the provisions of Regulations 146(6) (a) (v) having regard for their knowledge, competence, and capability to carry on business as a customs broker. This provision may be satisfied through the applicant's ability to demonstrate mastery of knowledge and competence in the use of the Electronic Integrated Customs Management System (ASYCUDA World) and also an understanding of the requirements of Part XVII of the Customs Regulations. Thus, in keeping with Customs Regulation 146(6)(a)(v), the ASYCUDA training and assessment will be treated as a mandatory assessment, necessary to satisfy this provision of the Regulation, whether or not an applicant is exempt from a qualifying examination. The applicant's knowledge of Part XVII of the Customs Regulation, governing the processes and procedures relating to Customs Brokers' Licences, will also be assessed along with knowledge of its attendant Code of Conduct and other Customs related matters. The previous use of an interview as a method of assessment has been discontinued and will only be utilized when seeking clarifications on pertinent information regarding a particular application.

In summary, all current and new applicants will be required to satisfy the requirements of Regulation 146(6) (a)-(c) in its entirety. In so doing, applicants must successfully complete the mandatory ASYCUDA training, an assessment on knowledge regarding Part XVII of the Customs Regulation, the attendant Code of Conduct and other Customs related matters. Applicants must also satisfy Regulation 146 (6)(a)(vi) which requires that an applicant has either previously held a licence for a period of not less than one year or has held a provisional licence for a period of at least one year during which time such applicant was articulated to a Licensed Customs Broker. Consequently an applicant for an Individual Licence must first satisfy these requirements before being considered for the granting of an Individual Licence.

At the end of the articulated period, the holder of a Provisional Licence will be required to participate in an examination that will assess knowledge and competence. Upon successful completion of the assessment, the applicant will be required to submit an application for an Individual Licence and along with the completed evaluation form from the Licensed Customs Broker to whom the applicant was articulated for a period of not less than one year. Further details will be provided on the restructured examination and how exams will be administered.

Director- Customs House Operations
Jamaica Customs Agency

March 1, 2021 Version 1.0