

Export and Import (Control) Act, 2013 (1957)

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Amending Acts:

1. Some Nepal Laws (Amendment and Revalidation) Act, 2020 (1964) 2020.11.16(28 February 1964)
2. The Export and Import (Control) (First Amendment) Act, 2029 (1972) 2029.6.5(21 September 1972)
3. The Judicial Administration Reform Act, 2031(1974) 3031.4.18(2 August 1974)
4. The Export and Import (Control) (Second Amendment) Act, 2046 (1989) 2046.6.11(27 September 1989)
5. Act Made to Amend Some Nepal Acts Relating to Export and Import
and Intellectual Property, 2063 (2006) 2063.8.8 (November 24, 2006)

Act No. 16 of 2013

An Act Made for Prohibition or Control of Export and Import

Whereas, it is expedient to maintain peace and order * by regulating the right to prohibit or control export and import;

Now, therefore, His Majesty the King has, with the advice of the Council of Ministers, framed and promulgated this Act.

1. **Short title:** This Act may be called as the “Export and Import (Control) Act, 2013 (1957).”
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:
 - (a) “export” means to export goods out of the State of Nepal;
 - (b) “import” means to import goods into the State of Nepal;
 - (c) “notified order” means a order published in the Nepal Gazette;
 - (d) “published” means the published in the Nepal Gazette.

* Amended by Some Nepal Laws (Amendment and Revalidation) Act, 2020 .

[∇] 3. **Power of Government of Nepal to prohibit or control export and**

import: (1) If the Government of Nepal considers that it is necessary to prohibit or control exportation or importation of any goods for the attainment of any of the following objectives, it may, by a notified order, prohibit, or apply full or quantitative restriction on, the exportation or importation of such goods, with or without specifying any specific condition or period:

- (a) To protect national security interests;
- (b) To maintain public decency, order or morals;
- (c) To manage trade in gold, silver or similar other metal or precious ornaments;
- (d) To protect the life or health of human, animal or plant life or health from adverse effect;
- (e) To make appropriate provisions on the importation of products of labor of prisoners or detainees in prisons;
- (f) To protect national assets (heritage) of artistic, historic or archaeological value;
- (g) To make appropriate provisions for the conservation of exhaustible natural resources (in conjunction with restrictions on domestic production or consumption);
- (h) To ensure the availability of the domestic raw materials essential for domestic processing industries having potentiality of competitive capacity;
- (i) To make proper provisions for the acquisition and distribution of products having local short supply;
- (j) To safeguard the external financial position and balance of payments of the country in order to forestall the imminent threat of, or to stop, a serious

[∇] Amended by Act Made to Amend Some Nepal Acts Relating to Export and Import and Intellectual Property, 2063

decline in its foreign currency reserves, or to achieve an increase in foreign currency reserve which is very low;

- (k) To prevent critical shortages of essential foodstuffs or similar other products;
- (l) To maintain the criteria of classification, standardization or marketing of consumer goods in international trade;
- (m) To enjoy any concessions or facilities accorded to least developed countries in international trade;
- (n) In the event of importation of any product in an increased quantity in an unforeseeable manner, to protect the domestic industries producing the like product against serious injury likely to be caused from such importation;
- (o) To protect intellectual property rights such as patents, trademarks, copyrights, industrial designs, geographical indications and protection of undisclosed information;
- (p) To promote or protect industries with such new skills or technologies as to enhance the competitive capacity of the country;
- (r) To prevent unhealthy or unauthorized trade activities or control unfair competition;
- (s) To implement the Charter of the United Nations and any multilateral international convention or bilateral agreement to which Nepal is a party and fulfill the obligations arising there from.

(2) Where the Government of Nepal considers that it is not necessary to maintain any restriction applied on the exportation or importation of any goods pursuant to Sub-section (1), it may, by a notified order, setting out the reason and ground for the same, alter, change or remove such restriction at any time.”

4. **Powers of Government of Nepal to frame rules:** (1) Government of Nepal may

frame the Rules in order to implement the objectives of this Act.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), Government of Nepal may frame Rules on the following matters:

- (a) issuance of export and import license and the format of the license;
- (b) application to be submitted and evidence to acquire the license;
- (c) license fees;
- (d) appointment of license issuing authorities;
- (e) license holders and fixing of quantity of the license;
- (f) granting of facility to export and import goods without license;
- (g) submission of license while exporting and importing goods;
- [≠](h) fixation of the validity period of the license and extension of the validity of the license of which validity has expired;
- [≠](i) conditions for the cancellation or suspension of the license;
- [≠](j) submission of the prescribed statistics or details of the goods to be exported and imported pursuant to the license.

5. **Punishment**[⊕]: (1) Where any person exports or imports any goods prohibited or restricted pursuant to this Act or notified order thereunder or specified in the license issued for exportation or importation under this Act or the rules framed under this Act, by altering the goods or the value or quantity thereof without any reasonable cause, the goods to exported or imported shall be forfeited and such person shall be punished with a fine equal to the value of the goods or with Imprisonment for a term not exceeding one year or with both punishments.

(2) A person who aids the commission of any act punishable under

[≠] Inserted by First Amendment .

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Sub-section (1) shall be punished with half the punishment set forth in that sub-section.

(3) Where, except for any act set forth in Sub-section (1), any person knowingly submits any false or forged evidence or details for the purpose of obtaining the license or makes any alteration or overwriting in the issued license in an unauthorized manner or causes obstruction in the functions of the office issuing license, the license issuing competent authority may punish such person with a fine not exceeding two thousand rupees.

(4) The license issuing competent authority may punish any person who commits any act in contravention of this Act or the rules framed under this Act, except those acts set forth in Sub-section (1), (2) and (3), with a fine not exceeding one thousand rupees.

(5) The license issuing competent authority may refrain from issuing the export or import license to any person who is punished pursuant to this Section for a period from one year to three years or cancel the license issued.

^Σ6. **Case trying authority and appeal:** The concerned customs officer shall have authority to originally try and settle cases relating to the offenses under Sub-section (1) of Section 5; and a person who is not satisfied with the decision of the customs officer may make an appeal to the Revenue Tribunal within thirty five days.

[®]6A. **Prize to be given to informer:** Where any person gives information that any person has exported or imported any goods in contravention of this Act or a notified order issued under this Act and such exportation or importation is proved

[⊕] Inserted by second Amendment

^Σ Amendment by Second Amendment .

[®] Inserted by first Amendment .

Note : The words changed by some Nepal law amending Act,2063 :
Instead of " His majesty's Government" to "Government of Nepal.

following the action taken in relation thereto, a prize in a sum to be set by thirty percent of the value of the concerned goods shall be provided to such informer.

Provided that, except in a case where action has been instituted on a reasonable cause or ground, where it is proved that a false information has been given with intention merely to harass or take revenge for personal enmity, the informer who has made such false information shall be punished with a fine ranging from two hundred rupees to five hundred rupees.

7. **Saving:** Any restriction imposed by Government of Nepal in relation to any material or goods prior to the commencement of this Act shall remain valid until such restriction is repealed or amended by a notification.
8. **Repeal:** All acts, laws and orders, are inconsistent with this Act and the Rules framed under this Act, shall be deemed to have been repealed or so amended as to be consistent with this Act.