

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

---

শনিবার, ডিসেম্বর ৭, ১৯৯৬

---

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

প্রধানমন্ত্রীর কার্যালয়

প্রজ্ঞাপন

তারিখ, ৭ই ডিসেম্বর ১৯৯৬ ইং/২৩শে অগ্রহায়ণ ১৪০৩ বাং

এস, আর, ও, নং ২৩৩-আইন/৯৬—বাংলাদেশ বেসরকারী রপ্তানী প্রক্রিয়াকরণ অঞ্চল আইন, ১৯৯৬ (১৯৯৬ সনের ২০ নং আইন) এর ধারা ২১ এর বিধান মোতাবেক সরকার উক্ত বাংলাদেশ বেসরকারী রপ্তানী প্রক্রিয়াকরণ অঞ্চল আইন এর অনুমোদিত ইংরেজী পাঠ (Authentic English Text) এতদসঙ্গে প্রকাশ করিল।

রাষ্ট্রপতির আদেশক্রমে

মোঃ বদিউজ্জামান

মহাপরিচালক।

---

(১৪১২৯)

মূল্য: টাকা ৩.০০

**AUTHENTIC ENGLISH TEXT**  
**OF**  
**THE BANGLADESH PRIVATE EXPORT PROCESSING ZONES**  
**ACT, 1996**  
**(ACT NO. XX OF 1996)**

(See Section 21)

Published by Prime Minister's Office under Notification No. SRO. . . . Law, dated.

**AN ACT**

to establish Private Export Processing Zones for setting up export oriented industries :

Whereas it is expedient to make provision for export oriented industries and their development, operation, management and regulation and for matters connected therewith :

It is hereby enacted as follows :—

1. **Short title.**—This Act may be called the Bangladesh Private Export Processing Zones Act, 1996.
2. **Definitions.**—In this Act, unless there is anything repugnant to the subject or context,—
  - (a) "Permission letter" means a permission letter issued under section 10(1);
  - (b) "Sponsor Company" means a company registered under the Companies Act, 1994 (Act 18 of 1994) with the objective to establish a Zone, which has been permitted to select site for a Zone under section 10 or granted a licence under section 11 ;
  - (c) "Chairman" means the Chairman of the Board ;
  - (d) "Zone" means a Private Export Processing Zone declared under section 11 for setting up export oriented industries ;
  - (e) "Executive Cell" means the Executive Cell of the Board established under section 6 ;
  - (f) "regulation" means the regulations made under this Act ;
  - (g) "Licence" means a licence granted under section 11(2);
  - (h) "Board" means the Board of Governors constituted under section 3 ;

- (i) "Director General" means the Director General of the Executive Cells ;
- (j) "Board of Directors" means the Board of Directors of sponsor company concerned ;
- (k) "Member" means a member of the Board ;

**3. Board of Governors.**—(1) For the purposes of this Act, there shall be a Board, to be called the Board of Governors, consisting of the following members, namely:—

- (a) Chairman ;
- (b) Minister-in-charge of the Ministries or Divisions dealing with industries, commerce, finance, ports and shipping, energy and land, *ex-officio* ;
- (c) Secretaries of the Ministries or Divisions dealing with industries, commerce, finance, planning, foreign affairs, energy, ports and shipping, environment and internal resources, *ex-officio* ;
- (d) Governor, Bangladesh Bank, *ex-officio* ;
- (e) Executive Chairman, Board of Investment, *ex-officio* ;
- (f) President, Federation of Bangladesh Chamber of Commerce and Industries, *ex-officio* ;
- (g) Director General of the Executive Cell, who shall also be its Secretary.

(2) The Prime Minister of the People's Republic of Bangladesh or a member, who is a Minister, nominated by the Prime Minister, shall be the Chairman of the Board.

(3) The Board may, by notification in the official Gazette, Co-opt any person to be its member with the approval of the Prime Minister for such purpose and tenure as may be specified in the notification.

**(4) Powers of the Board, etc.**—(1) The powers of the Board shall be—

- (a) to formulate policies for the declaration, development, operation, management and regulation of zones ;
- (b) to review the activities and performance of sponsor company in respect of the operation, administration, management and regulation of the zone ;
- (c) to grant licence for the establishment of a zone.

(2) The Policies formulated, permission letter given, licence granted or orders or instructions issued by the Board under sub-section (1) shall be deemed to be the policies formulated, permission letter given, licence granted or orders or instructions issued by the Government.

(3) The Executive Cell shall, by notification in the official Gazette, publish the policies formulated, permission letter given, licence granted, orders or instructions issued by the Board under sub-section (1).

4. Upon issue of a notification under sub-section (3), the policies, permission letters, licence and orders or instructions contained therein shall be followed by all concerned as if they have been formulated, given, granted, issued, as the case may be, by the concerned Ministry, Division or Authority and they shall not require any formal approval of any Ministry, Division or Authority dealing with the matter for their implementation.

5. **Meeting of the Board.**—(1) Save as provided in this section, the Board shall regulate the procedure for its meeting.

(2) All meetings of the Board shall be convened by the Secretary of the Board in consultation with the Chairman and such meetings shall be held at such time and places as may be determined by the Chairman:

Provided that there shall be at least four meetings in a year.

(3) All meetings of the Board shall be presided over by the Chairman and, in his absence, by a member of the Board, who is a Minister, authorized by the Chairman.

6. **Executive Cell.**—(1) There shall be an Executive Cell of the Board, which shall be headed by a Director General.

(2) The Executive Cell shall be responsible for the implementation of the decisions of the Board.

(3) The Director General shall be the Chief Executive of the Executive Cell and he shall be appointed by the Government and shall hold office on such terms and conditions as the Government may determine.

7. **Functions of the Executive Cell.**—The Executive Cell shall be the Secretariat of the Board and the functions of the Executive Cell shall be—

- (a) to arrange customs bonded facilities in accordance with customs regulations for importation into a zone of building and other materials for construction purposes and packaging materials, raw materials and intermediate goods for the purpose of processing for export;
- (b) to establish liaison with Government, port, municipal and other authorities to make arrangement for transportation of imported raw materials and intermediate goods on bonded conditions and for export of finished goods;

- (c) to oversee and monitor the operation of the customs authorities in a zone;
- (d) to oversee and monitor the activities of the police outpost in a zone;
- (e) to take up the requirement of electricity, water, gas, telecommunication and other utility services of a zone for ensuring their supply or, as the case may be, installation;
- (f) to assist the sponsor company and investors company in a zone in the matter of their registration and to take such measures as may be necessary for their operational needs and foreign exchange transactions;
- (g) to provide guidelines to the sponsor company in the matter of issue of import and export permits and other matters related to custom activities;
- (h) to supervise and monitor the activities of the sponsor company;
- (i) to assist in transportation of imported raw materials and intermediate goods in bonded conditions and for export of finished goods;
- (j) to provide necessary banking facilities for the zones in consultation with the Bangladesh Bank;
- (k) to sanction employment of foreign nationals, in accordance with the guidelines given by the Government, from time to time, to posts for which local expertise is not available for efficient running in a zone;
- (l) subject to the approval of the Board, to enter into any contract or agreement of any kind for the purposes of the Act.
- (m) to do all such acts and things as may be required by the Board, from time to time, for carrying out the purposes of this Act;
- (n) to do such other acts and things as may be necessary to be done in connection with, or conducive to, the performance of the aforesaid functions.

**8. Appointment of officers, employees, etc. of the Executive Cell.**—Board may appoint such officers, advisors, experts and employees as it may determine from time to time for the efficient discharge of the functions of the Executive Cell.

**9. Committee.**—(1) The Board may, from time to time, constitute such committee or committees, as may be necessary, to assist it or the Executive Cell in the discharge of their functions.

(2) A Committee constituted under sub-section (1) shall consist of such member or members as may be fixed by the Board and it shall discharge its functions in such manner as the Board may determine.

10. **Selection of site for a zone, etc.**—(1) The Board may, by notification in the official Gazette, issue permission letter to a sponsor company for selection of site for a zone.

(2) In pursuance a permission letter issued under sub-section (1) Sponsor company shall select site, for selection for a zone and may take other actions as may be required in this behalf.

11. **Declaration of Zone, etc.**—(1) The Board may, by notification in the official Gazette, declare any place, whether or not selected under section 10, as may be specified in the notification, to be a zone.

(2) The Board may grant licence to a sponsor company for the establishment of a zone in the place declared under sub-section (1).

(3) No sponsor company shall establish a zone without a licence granted by the Board in such Form as may be prescribed by the Board.

(4) A licence granted under this section shall be effective subject to the conditions, if any as may be specified therein, which shall be additional to the conditions specified in this Act and regulations made thereunder.

12. **Acquisition of land for a zone.**—(1) Where any land is required for a zone, that land may be acquired by the Government under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982) for zone and the land so acquired shall be deemed to be required for a public purpose.

(2) In any matter relating to the land acquired under sub section (1), the provisions of the said Act and the rules made thereunder including the provisions for compensation shall apply.

13. **Responsibilities of sponsor company, etc.**—(1) Notwithstanding anything contained in to Articles of Association, a sponsor company, shall be responsible—

- (a) to foster and generate economic development of Bangladesh by encouraging and promoting local and foreign investments in a zone;
- (b) to diversify the sources of foreign exchange earnings by increasing export of Bangladesh through a zone;
- (c) to encourage and foster the establishment and development of industries and commercial enter prices in a zone in order to widen and strengthen in the economic base of Bangladesh;
- (d) to generate productive employment opportunity and to upgrade labour and management skills through acquisition of advanced technology;

(e) to provide, where necessary, infrastructure facilities including building, utilities and warehouse;

(f) subject to the provisions of this Act, to do such acts or things as may be directed by the Board or the Executive Cell.

(2) A sponsor company may allot land, building or part of a building to an investor within a zone under its control.

**14. Permission letter for setting up industry in a zone, etc.—**(1) An investor desiring to set up an industry in a zone shall make an application to the sponsor of the Zone in the Form prescribed by that company for this purpose.

(2) The sponsor company shall, on receipt of an application under subsection (1) process it in accordance with the principle laid down by the Board, if any, and in the absence of such principle, in accordance with the principles laid down by the Board of Directors, and shall if it is satisfied that the applicant fulfill the requirements for setting up the industry, grant him or, as the case may be, it a permission letter in the Form prescribed by it for the purpose.

**15. Board facilities, etc.—**Notwithstanding anything, contained in any other law for the time being in force, there shall be not, subject to such rules as may be prescribed, be livable—

(a) on any goods including raw-materials, imported into a zone any customs duty, value added tax (Vat), control or excise duty or any other charge;

(b) on any goods exported from a zone any duty or any other charge;

(c) any fee for licence or permit for importation into any zone;

**16. Confessional facilities available to a zone established under Act XXXVI of 1980 to apply.—**Notwithstanding anything contained in any other law for the time being in force, all confessional facilities available by a zone established under the Bangladesh Export Processing Zone Act, 1980 (Act, XXXVI of 1980) in accordance with the provision of any law, rule, regulation, notification or order, whether statutory or not, shall apply to a zone established under this Act.

**17. Report, Returns, etc.—**(1) The sponsor company shall, as soon as possible after the end of every financial year, submit to the Director General a report on the overall activities of the zone or zones under it during the preceding year.

(2) The sponsor company shall furnish to the Director General such other reports on or statements as the Director General may, from time to time require on the conduct and activities of the zone or zones under it.

18. **Power to exempt Zones from operation of certain laws.**—The Government may, by notification in the official Gazette, exempt a zone from the operation of all or any of the provisions of all or any of the following enactment's or, direct that any such enactment or any provision thereof shall, in its application to a zone, be subject to such modifications or amendments as may be specified therein namely:—

- (a) Municipality Taxation Act, 1881 (Ben. Act IX of 1881);
- (b) Explosives Act, 1884 (IV of 1884);
- (c) Stamp Act, 1899 (II of 1899);
- (d) Electricity Act, 1910 (IX of 1910);
- (e) Boilers Act, 1923 (V of 1923);
- (f) Excises and Salt Act, 1944 (I of 1944);
- (g) Foreign Exchange Regulation Act, 1947 (VII of 1947);
- (h) Building Construction Act, 1952 (E.B. Act II of 1953);
- (i) Fire Service Ordinance, 1959 (E.P. Ordinance XVII of 1959);
- (j) Factories Act, 1965 (E.P. Act IV of 1965);
- (k) Employment of Labour (Standing Orders) Act, 1965 (VIII of 1965);
- (l) Industrial Relations Ordinance, 1969 (XXIII of 1969);
- (m) Land Development Tax Ordinance, 1976 (XLII of 1976);
- (n) Pourashava Ordinance, 1977 (XXVI of 1977);
- (o) Chittagong City Corporation Ordinance, 1982 (XXV of 1982);
- (p) Local government (Union Parishad) Ordinance 1983 (LI of 1983);
- (q) Dhaka City Corporation Ordinance 1983 (XL of 1983);
- (r) Income Tax Ordinance, 1984 (XXXVI of 1984);
- (s) Khulna City Corporation Ordinance 1984 (LXXII of 1984);
- (t) Rajshahi City Corporation Act, 1987 (XXXVIII of 1987);
- (u) Companies Act, 1994 (Act 18 of 1994);
- (v) Such other laws for the time being in force as may be specified by the Government from time to time by notification in the official Gazette.

19. **Cancellation of licence, etc.**—(1) A licence granted or permission letter given under this Act may be cancel or withdrawn by the Board if, on a report from the Executive Cell, it is satisfied that the licence or the permission letter



holder has violated any provision of this Act or the terms and conditions of licence or permission letter or has failed to act in accordance with the orders or instruction given by any authority in exercise of the power under this Act :

Provided that no licence shall be cancelled or permission letter shall be withdrawn unless the licence or, as the case may be, the permission letter holder is given a reasonable opportunity of being heard.

(2) Any person aggrieved by an order of cancellation or withdrawn under sub-section (1) may prefer an appeal to the government and the decision of the Government on such appeal shall be final.

**20. Power to make regulations.**—The Board may, by notification in the official Gazette, make regulations, not inconsistent with the provisions of this Act, for carrying out the purposes of this Act.

**21. Publication of Authentic English Text.**—After the commencement of this Act, the Government shall, by notification in the official Gazette, publish a text of this Act translate into English, and such text shall be called the Authentic English Text of this Act :

Provided that in the event of conflict between Bengali and English Text, the Bengali text shall prevail.