



Customs Duties (Dumping and Subsidies) Act 1969

1969 CHAPTER 16

Provisional and retrospective charges to duty

8 Power to impose retrospective duties after provisional charge

- (1) Subject to subsection (5) below, an order under section 1 or 7 above may impose a duty on goods of any description for a period before the making of the order if, by a preliminary order made under subsection (2) below and remaining in force, a provisional charge to the duty (or a greater duty) was imposed during that period on goods of that description.
- (2) Subject to subsections (4) and (5) below, the Board of Trade may by an order under this subsection (in this Act referred to as a "preliminary order") impose a provisional charge to duty under section 1 or 7 above on goods of any description if at any time it appears to the Board, on the facts so far before them, that the conditions of subsection (1)(a) of the section as to the dumping or subsidisation of imports into the United Kingdom are fulfilled and that in the circumstances it is expedient to impose such a charge.
- (3) A preliminary order, if not previously revoked, shall cease to have effect at the expiration of three months beginning with the date it comes into force, except in so far as it is extended by a further order made within that period, and in so far as it is so extended, shall cease to have effect at the expiration of six months beginning with that date.
- (4) Section 1(3)(a) and (5) above shall apply to a preliminary order as they apply to orders made in the exercise of the power described in section 1(3).
- (5) The powers conferred by this section shall be subject to the following restrictions on their exercise in respect of the dumping or subsidisation of goods of any description as being goods of which the country of origin, or country of exportation, is a treaty country, that is to say:—

Status: This is the original version (as it was originally enacted).

- (a) a preliminary order shall not be made unless the facts so far before the Board of Trade indicate that the effect of the dumping or of the giving of the subsidy is such as to cause or threaten material injury to an established industry in the United Kingdom ; and
- (b) an order shall not be made imposing a duty retrospectively unless the Board of Trade are satisfied, as regards importations made during or before the period of the provisional charge, that the effect of the dumping or of the giving of the subsidy has been such as to cause material injury to an established industry in the United Kingdom.