

1976 No. 2193

CUSTOMS AND EXCISE

The Import Duties (Quota Relief) (No. 9) Order 1976

Made - - - - 22nd December 1976

*Laid before the
House of Commons 22nd December 1976*

Coming into Operation 1st January 1977

The Secretary of State, in exercise of the powers conferred on him by section 5(1) and (4) of, and paragraph 8 of Schedule 3 to, the Import Duties Act 1958(a), as amended by paragraph 1 of Schedule 4 to the European Communities Act 1972(b), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Import Duties (Quota Relief) (No. 9) Order 1976 and shall come into operation on 1st January 1977.

2.—(1) In this Order—

references to a “heading” or “subheading” are references to a heading or subheading of the Customs Tariff 1959 up to and including 30th June 1977 and thereafter are references to a heading or subheading of the common customs tariff of the European Economic Community;

the “relevant quota” means, in relation to goods of any description specified in column 1 of either of the Schedules hereto, the quantity of such goods which are to be exempt from, or subject to a reduced rate of, duty, as the case may be, on import into the United Kingdom by virtue of the Community instruments referred to in column 3 of Schedule 1 or column 4 of Schedule 2 hereto in relation to the goods.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Up to and including 30th June 1977, or, in the case of goods falling within subheading 48.01E, 31st December 1977, no import duty shall be charged on goods which fall within a subheading specified in column 2 of Schedule 1 hereto and are of a description specified in column 1 thereof if they form part of the relevant quota.

4. Up to and including 30th June 1977, any import duty for the time being chargeable on goods which fall within a heading specified in column 2 of Schedule 2 hereto and are of a description specified in column 1 thereof shall be reduced to the rate specified in column 3 thereof in relation to the heading from any higher rate which would otherwise apply, if they form part of the relevant quota.

(a) 1958 c. 6.

(b) 1972 c. 68.

(c) 1889 c. 63.

5. For the purposes of this Order goods on which by virtue of Article 6 below import duty would not be chargeable or which would be subject to a reduced rate of duty shall not be treated as forming part of the relevant quota.

6.—(1) So long as relief is available in respect of any relevant quota of goods of a description specified in either Schedule to this Order—

(a) no import duty shall be charged or,

(b) if the goods are subject to a reduced rate of duty within the quota import duty shall be reduced to that rate from any higher rate which would otherwise apply,

in the case of goods of that description which satisfy the requisite conditions to benefit from Regulation (EEC) 385/73(a) (relating to goods entitled to benefit from the eventual abolition of customs duties in trade between the United Kingdom and the other member States of the European Communities).

(2) For the purpose of paragraph (1) above relief shall be treated as being available in respect of any relevant quota until two days after the end of the last day on which goods of that description are entitled to exemption from or reduction in import duty by virtue of the preceding Articles of this Order.

7. Any description of goods in column 1 of either of the Schedules hereto (other than one covering a whole subheading) shall be taken to comprise all goods which would be classified under an entry in the same terms constituting a subheading in the relevant heading.

8. Where any import duty for the time being chargeable on any goods has been removed or reduced by a directly applicable Community provision the import duty shall, to the extent of that removal or reduction, not be regarded as removed or reduced by virtue of this Order and to that extent this Order shall be treated as merely indicative that the import duty payable in respect of the goods has been removed or reduced.

Michael Meacher,

Parliamentary Under-Secretary of State,
Department of Trade.

22nd December 1976.

(a) O.J. L42, 14.2.1973, p. 1.

Article 3

SCHEDULE 1

Description of Goods	Tariff subheadings	Community Instrument
(1)	(2)	(3)
<p>All goods of this subheading</p> <p>Paper which satisfies the definition of newsprint contained in the Additional note to Chapter 48 of the Customs Tariff 1959 (up to 30 June 1977) and of the common customs tariff thereafter except that it need not be watermarked or if watermarked is not watermarked as specified in that definition</p>	<p>48.01 A. ex 48.01 E.</p>	<p>Regulation (EEC) on the opening, allocation and administration of a Community tariff quota for the goods specified in Columns 1 and 2 of this Schedule as specified below.</p> <p>2931/76 (O.J.L. 334, 3.12.76, p. 7.)</p>

Article 4

SCHEDULE 2

Description of Goods	Tariff Headings	Rates of Duty	Community Instrument
(1)	(2)	(3)	(4)
Yarn of this heading wholly of silk	ex 50.04	2.5 %	<p>Regulations (EEC) on the opening, allocation and administration of Community tariff quotas for the goods specified in Columns 1 and 2 of this Schedule as specified below.</p> <p>3011/76 (O.J.L. 344, 14.12.76, p. 4.)</p>
Yarn of this heading spun wholly of silk waste			
Dyed	ex 50.05	1 %	<p>3012/76 (O.J.L. 344, 14.12.76, p. 7.)</p>
Not dyed	ex 50.05	0.8 %	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on 1st January 1977, provides for the implementation and administration of the United Kingdom's share of certain tariff quotas opened by the European Economic Community for certain newsprint and silk yarns under the provisions of Community Instruments specified in the Schedules.

The Order provides, in respect of imports of the relevant goods within the United Kingdom's shares of the quotas, for exemption from duty up to and including 30th June 1977 or, in the case of certain goods of subheading 48.01E. (unwatermarked or insufficiently watermarked newsprint), 31st December 1977 in the case of newsprint in Schedule 1 to the Order and reduced rates of duty up to and including 30th June 1977 in the case of certain silk yarns in Schedule 2.

The Order also provides that no duty shall be chargeable on goods in Schedule 1 and duty shall be reduced in the case of goods in Schedule 2 to the quota rate in column 3 of Schedule 2 if the goods satisfy the requisite conditions to benefit from the eventual abolition of customs duties between the United Kingdom and other member States of the European Communities until two days after the relevant quota has been exhausted, and such goods shall not form part of any quota.

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