



# Customs Duties (Dumping and Subsidies) Act 1969

## 1969 CHAPTER 16

### *Supplementary*

- 13 Construction of references to production of goods, and ascertainment of cost of production**
- (1) In this Act, references to producing goods include references to growing or manufacturing goods and to the application of any process in the course of producing goods.
  - (2) The Board of Trade may by regulations prescribe for the purposes of this Act—
    - (a) the costs, charges and expenses to be taken into account in ascertaining costs of production or the cost of any stage in production;
    - (b) the manner in which cost of production is to be ascertained in cases where different stages are carried out by different persons;
    - (c) the manner in which the cost of different stages of production is to be ascertained.
  - (3) The power of the Board of Trade to make regulations under subsection (2) above shall be exercisable by statutory instrument.
- 14 Power to require information from importers**
- (1) The Commissioners of Customs and Excise may require the importer of any goods to state such facts concerning the goods and their history as the Commissioners may think necessary to determine whether the country of origin is a country specified in an order under this Act or what is the country of exportation.
  - (2) Where an order under this Act limits the description of goods in respect of which a charge is imposed under this Act or the cases in which it is imposed so that the question whether goods are subject to any and, if so, what charge depends on other matters besides the country of origin or country of exportation, the Commissioners may also

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*Status: This is the original version (as it was originally enacted).*

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require the importer to state such facts as they may think necessary to determine that question so far as regards those other matters.

- (3) Where under this section an importer is required to state any facts, the Commissioners may require him to furnish them in such form as they may require with proof of any statements made, except that proof of the country of origin of any goods shall be required in relation to any charge under this Act only if the country of exportation is one to which (this subsection is by direction of the Board of Trade to apply for the purpose.
- (4) Where under this section an importer is required to state any facts or to furnish proof of any statement, and the required facts are not stated, or the proof is not furnished to the satisfaction of the Commissioners, the country of origin or country of exportation (if the requirement relates to that) or the other facts referred to in subsection (2) above (if the requirement is imposed under that subsection) shall be deemed for the purposes of this Act to be such as the Commissioners may determine.

## **15 Parliamentary procedure on orders, and power of revocation etc.**

- (1) Any power of the Board of Trade to make orders under this Act shall be exercisable by statutory instrument, which in any case not falling within subsection (2) below shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.
- (2) Where an order under section 1 or 7 of this Act imposes or increases any duty, and does not do so only by the total or partial revocation of a previous order so as to annul the suspension of a duty removed for a period or periods by the previous order, the statutory instrument shall be laid before the Commons House of Parliament after being made, and the order shall cease to have effect at the end of twenty-eight days after that on which it is made (but without prejudice to anything previously done under the order or to the making of a new order) unless at some time before the end of those twenty-eight days the order is approved by resolution of that House.

In reckoning for the purposes of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the Commons House is adjourned for more than four days.

- (3) Where an order has the effect of altering the rate of duty on any goods in such a way that the new rate is not directly comparable with the old, it shall not be treated for the purposes of subsection (2) above as increasing the duty on those goods if it declares the opinion of the Board of Trade to be that, in the circumstances existing at the date of the order, the alteration is not calculated to raise the general level of duty on the goods.
- (4) Any power of making orders conferred on the Board of Trade by this Act shall include a power to vary or revoke an order made under the power.

## **16 Annual report to Parliament**

- (1) As soon as may be after the end of each financial year the Board of Trade shall lay before each House of Parliament a report as to the orders (including preliminary orders) under which during that year there has been a charge to duty under this Act, indicating the contents of those orders and their operation in that year in relation to goods which have been imported into the United Kingdom.

- (2) The report for any year shall deal also with any retrospective operation in relation to the preceding year of orders made during the year.

## **17 Miscellaneous definitions**

In this Act—

" country " includes any territory ;

" importer " in relation to any goods at any time between their importation and the time when they are delivered out of customs charge, includes any owner or other person for the time being possessed of or beneficially interested in the goods -,

" preliminary order " means an order under section 8(2) of this Act;

" treaty country " means a country in relation to which Her Majesty's Government in the United Kingdom is for the time being bound under the provisions of the General Agreement on Tariffs and Trade concluded at Geneva in the year 1947.

## **18 Repeal and transitional provisions**

- (1) The Customs Duties (Dumping and Subsidies) Acts 1957 and 1968 and section 13(6) of the Import Duties Act 1958 are hereby repealed.
- (2) The repeal by this Act of the Customs Duties (Dumping and Subsidies) Acts 1957 and 1968 shall not invalidate any order or regulations made or other thing done under or in connection with those Acts; and as from the commencement of this Act, this Act and any other relevant enactment shall have the like effect in relation to any orders or regulations made or other things done under or in connection with those Acts as it would have in relation to a like thing done under or in connection with this Act.
- (3) Without prejudice to subsection (2) above so much of any document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment therein.
- (4) Nothing in subsection (2) or (3) above shall be taken to exclude the general application to this Act of section 38 of the Interpretation Act 1889 (which relates to repeals).

## **19 Short title, extent and commencement**

- (1) This Act may be cited as the Customs Duties (Dumping and Subsidies) Act 1969.
- (2) It is hereby declared that this Act extends to Northern Ireland.
- (3) This Act shall come into force at the beginning of May 1969.