1962 No. 742

CUSTOMS AND EXCISE

The Composite Goods Order 1962

Made - - - - - - -	*9th April* 1962
Laid before the House of Commons	*9th April* 1962
Coming into Operation - - -	*10th April* 1962

Whereas the continued use of the Customs Tariff 1959, in classifying goods for customs purposes, has been authorised by the Import Duties (General) (No. 3) Order 1961(a) and the composite goods to which this Order applies require to be classified accordingly:

And whereas it appears to the Treasury on the recommendation of the Commissioners of Customs and Excise that, as regards composite goods of any description specified or indicated in this Order (otherwise than in Part III of the First Schedule hereto) which are chargeable in respect of an article contained in them as a part or ingredient with the respective duties of customs so specified, it is inconvenient, and of no material advantage to the revenue or to importers of goods of any such description, to charge duty according to the quantity of the article appearing to be used in the manufacture or preparation of the goods (as provided by subsection (1) of section 259 of the Customs and Excise Act 1952(b), which section is in this Order referred to as "the principal section"):

Now, therefore, the Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by Schedule 2 to the Finance Act 1957(c), hereby make the following Order:—

Sugar duty

1.—(1) For the purposes of this Order sugar, invert sugar and glucose shall, except where the context otherwise requires, be treated as different types of the same article (in this Order called "sweetening matter") and the duties of customs chargeable thereon as different heads of the same duty (in this Order called "sugar duty").

(2) In the case of composite goods of any description specified or indicated in the second column of Part I of the First Schedule to this Order, being goods which fall to be classified within the respective tariff headings indicated in relation to them in the first column of the said Part I,

(*a*) if the goods do not qualify for Commonwealth preference, sugar duty chargeable under subsection (1) of the principal section in respect of sweetening matter contained in the goods as a part or ingredient of them shall be calculated at the rates specified in the third column of the said Part I by reference to the weight or (as the case may be) the value of the goods;

(a) S.I. 1961/403 (1961 I, p. 585). (b) 15 & 16 Geo. 6 & 1 Eliz. 2.c. 44. (c) 5 & 6 Eliz. 2.c. 49.

(*b*) if the goods qualify for Commonwealth preference they shall not be chargeable with sugar duty.

(3) For the purposes of sugar duty, flavoured or coloured sugar, invert sugar or glucose of any description specified in the second column of Part II of the said First Schedule, being goods which fall to be classified in the respective tariff headings indicated in relation to them in the first column of the said Part II, shall be treated as consisting wholly of sugar, invert sugar or glucose as the case may be.

(4) (i) All other composite goods, except the goods to which this Article does not apply, shall be treated for the purposes of sugar duty as not containing any sugar, invert sugar or glucose.

(ii) The goods to which this Article does not apply are goods of the description specified in the second column of Part III of the said First Schedule, being goods which are classified within the respective tariff headings indicated in relation to them in the first column of the said Part III.

Cocoa duty

2.—(1) For the purposes of this Order all derivatives of the cocoa bean shall be treated as different types of the same article (in this Order called " cocoa ") and the duties chargeable thereon as different heads of the same duty (in this Order called " cocoa duty ").

(2) In the case of composite goods of any description specified in the second column of Part I of the Second Schedule to this Order, being goods which fall to be classified within the respective tariff headings indicated in relation to them in the first column of the said Part I, and which do not qualify for Commonwealth preference the duty chargeable under subsection (1) of the principal section in respect of cocoa contained in the goods as a part or ingredient of them shall be calculated at the rates specified in the third column of the said Part I by reference to the weight of the goods.

(3) For the purposes of cocoa duty, the composite goods indicated in Part II of the said Second Schedule, being all goods other than those classified in the tariff headings referred to in the said Part II, shall be treated as not containing any cocoa.

Coffee and Chicory duties

3. For the purposes of the duties of customs chargeable in respect of coffee and chicory, the composite goods indicated in the Third Schedule to this Order, being all goods other than those classified in the tariff headings referred to in the said Schedule, shall be treated as not containing any coffee or chicory.

Hydrocarbon Oil duty

4.—(1) Any composite goods which, apart from small proportions of colouring matter or of additives, consist wholly of hydrocarbon oil shall be treated for the purpose of the duty of customs chargeable thereon as consisting wholly of hydrocarbon oil.

(2) In the case of composite goods which fall to be classified in any of the tariff headings indicated in the first column of the Fourth Schedule to this Order (the general descriptions of which are indicated in the second column of that Schedule), the duty of customs chargeable under subsection (1) of the principal section in respect of hydrocarbon oils contained in the goods as a part or ingredient of them shall be calculated at the rate of five and one half per cent. of the value of the goods.

(3) Save as provided by paragraphs (1) and (2) of this Article, composite goods shall be treated for the purposes of the said duty as not containing any hydrocarbon oil.

General

5. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

" composite goods " means goods which contain as a part or ingredient of them any article chargeable with a duty of customs by or under any enactment other than the Import Duties Act 1958(a);

" tariff heading " means a heading or, where the context so requires, a subheading, of the Customs Tariff 1959, as defined in paragraph 1 of Article 1 of the Import Duties (General) (No. 3) Order 1961;

" per cent." means, in relation to any goods, per cent. of the value thereof;

" sweetening matter " means the equivalent in sugar of a polarisation exceeding 99° of any sugar, invert sugar or glucose contained in any goods as a part or ingredient, and for this purpose—

100 parts by weight of liquid glucose shall be taken to be the equivalent of 48 parts by weight of sweetening matter, and

100 parts by weight of solid glucose or of invert sugar shall be taken to be the equivalent of 75 parts by weight of sweetening matter;

" hydrocarbon oils " and " light oils " have the same meanings as in section 195 of the Customs and Excise Act 1952;

" additive " means any substance commonly added in small proportions to hydrocarbon oils for the purpose of improving or modifying their quality or characteristics as fuel or as lubricants.

6.—(1) This Order may be cited as the Composite Goods Order 1962.

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

(3) This Order shall come into operation on the 10th April 1962.

(4) The Composite Goods Order 1958(c) is hereby revoked.

John Hill,
W. S. I. Whitelaw,

9th April 1962

Two of the Lords Commissioners of Her Majesty's Treasury

(a) 6 & 7 Eliz. 2.c. 6. (b) 52 & 53 Vict. c. 63. (c) S.I. 1958/2129 (1958 I, p. 812).

FIRST SCHEDULE

PART I

RATES OF SUGAR DUTY

Goods chargeable with sugar duty at specified rates in respect of sugar, invert sugar or glucose contained in them as a part or ingredient.

Tariff heading	*Goods*	*Rates of sugar duty*
		per cwt. s. d.
04.02	Milk and cream preserved, concentrated or sweetened :—	
	containing not more than 10 per cent. by weight of added sweetening matter	7
	containing more than 10 per cent., but not more than 50 per cent., by weight of added sweetening matter	2 7
17.02(D) and 17.05(D)	Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :—	
	containing 70 per cent. or more by weight of sweetening matter	3 8½
	containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter	2 8
	containing not more than 50 per cent. by weight of sweetening matter	1 3½
17.02(F)	Caramel :—	
	Solid	5 10
	Liquid	4 1
17.04	Sugar confectionery, not containing cocoa	4 9
18.06(D)	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder)	3 4½
		per cent.
19.08(A)	Pastry, biscuits, cakes and other fine bakers' wares :—	
	Biscuits	1¼
	Other	¼
20.01(B)	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter	1¼
20.03	Fruit preserved by freezing, containing added sugar	⅛
		per cwt. s. d.
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised)	3 10
20.05(B)	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter	3 8
		per cent.
20.06(A) and (B)	Fruit otherwise prepared or preserved, containing added sweetening matter :—	
	Ginger	2½
	Other	⅛
20.07	Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :—	
	containing not more than 20 per cent. by weight of added sweetening matter	¼
	containing more than 20 per cent. by weight of added sweetening matter	3
21.07	Food preparations not elsewhere specified or included :—	
	Table jelly crystals, powders or squares	3
		per cwt. s. d.
	Sweetfat (mixtures of edible fats and sugar)	3 9

PART II

Flavoured or coloured sugars treated for the purposes of sugar duty as consisting wholly of sugar :—

Tariff heading	*Goods*
	The following, flavoured or coloured :—
17.05(A)	Sucrose sugar, solid, which can be completely tested by the polariscope
17.05(B)	Invert sugar
17.05(C)	Glucose

PART III

Goods to which Article 1 does not apply :—

Tariff heading	*Goods*
04.02	Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter.
18.06(A)	Chocolate couverture not prepared for retail sale
18.06(B)	Chocolate milk crumb
18.06(C)	Cocoa powder, sweetened

SECOND SCHEDULE

PART I

RATES OF COCOA DUTY

Goods chargeable with cocoa duty at specified rates in respect of cocoa contained in them as a part or ingredient :—

Tariff heading	*Goods*	*Rate of cocoa duty per cwt.* s.	d.
18.06(D)	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder)		7½

PART II

Goods treated for the purposes of cocoa duty as not containing any cocoa :—

All composite goods other than those classified in tariff headings 18.01 to 18.06, inclusive (cocoa and cocoa preparations).

THIRD SCHEDULE

Goods treated for the purposes of the duties in respect of coffee and chicory as not containing any coffee or chicory :—

All composite goods other than the following :—

Tariff heading	*Goods*
09.01(C)	Coffee and chicory, roasted and ground, mixed
21.01(B)	Preparations consisting wholly or partly of extracts, essences or other concentrates of roasted chicory
21.02(A)	Extracts, essences or concentrates of coffee ; preparations with a basis of extracts, essences or concentrates of coffee

FOURTH SCHEDULE

RATES OF HYDROCARBON OIL DUTY

Goods chargeable with hydrocarbon oil duty at the rate of five and one half per cent. in respect of hydrocarbon oils contained in them as a part or ingredient.

Tariff heading	*General description of goods*
	The following, containing light oils :—
27.10(B)(1)	Preparations containing not less than 70 per cent. by weight of petroleum or shale oils.
32.09(C)(1)(*b*)(i)	Varnishes, lacquers, paints and enamels
32.09(C)(3)(*a*) 32.09(C)(4)(*a*)	Distempers and pigments
34.03(B)(1)	Lubricating preparations containing less than 70 per cent. by weight of petroleum or shale oils.
34.05(A)	Polishes and creams, for footwear, furniture or floors, metal polishes, and similar preparations
38.11(B)(1)(*a*) 38.11(B)(2)(*a*)	Disinfectants, insecticides, fungicides, weed-killers, anti-sprouting products, rat poisons and similar products
38.18(B)(1)(*a*) 38.18(B)(2)(*a*)	Composite solvents and thinners for varnishes and similar products
38.19(IJ)(1)(*a*) 38.19(IJ)(2)(*a*)	Products and preparations of the chemical or allied industries
39.01(D)(1)	Condensation, polycondensation and polyaddition products
40.06(C)	Rubber or synthetic rubber solutions, etc.

EXPLANATORY NOTE

(*This Note does not form part of the Order, but is intended to indicate its general purport.*)

This Order provides, under the power conferred by Schedule 2 to the Finance Act 1957, for customs duty to be charged on certain specified composite goods in respect of any sugar, invert sugar, glucose, cocoa or hydrocarbon oil contained in them as ingredients, at average rates revised to reflect the changes in duties on those products made by Resolutions of the Committee of Ways and Means of the House of Commons on 9th April, 1962.

The Order also makes certain changes in the descriptions of goods which are to be treated for the purposes of customs duty as not containing a particular ingredient, where only an insignificant amount of duty would be chargeable in respect of it, and of goods which are to be treated as consisting wholly of a particular ingredient where that ingredient substantially determines the nature and use of the goods.