STATUTORY INSTRUMENTS

1973 No. 1948

CUSTOMS AND EXCISE

The Hydrocarbon Oil (Customs Duties) Order 1973

Made - - - -	*20th November* 1973
Laid before the House of Commons	*28th November* 1973
Coming into Operation	*1st January* 1974

The Treasury, by virtue of the powers conferred on them by section 1(4) and (5) of the Finance Act 1973(a) and of all other powers enabling them in that behalf, hereby make the following Order:—

1. This Order may be cited as the Hydrocarbon Oil (Customs Duties) Order 1973 and shall come into operation on 1st January 1974.

2.—(1) In this Order—

"the Act of 1971" means the Hydrocarbon Oil (Customs & Excise) Act 1971(b);

"the additional duty" means any amount by which the customs duty charged under section 4(1) of the Act of 1971 on hydrocarbon oil may be increased by virtue of Article 3(2) of this Order;

"entered premises" means premises of which entry has been made pursuant to regulation 3(1) of the Hydrocarbon Oil Regulations 1973(c);

"hydrocarbon oil" and "refinery" have the same meanings as in the Act of 1971;

"like hydrocarbon oil" means hydrocarbon oil which, in the opinion of the Commissioners, is sufficiently similar to imported hydrocarbon oil to be regarded for the purpose of relief under Article 4 of this Order as interchangeable with that hydrocarbon oil;

any reference to exportation and cognate expressions shall include a reference to shipment as stores;

references to subheadings are references to subheadings of the Customs Tariff 1959; those subheadings shall be interpreted and applied in accordance with the Interpretative Rules of the said Tariff;

in columns 2 and 3 of Schedule 1 to this Order, the references to rates of duty expressed as percentages are references to percentages of the value of the goods; and

(a) 1973 c. 51. (b) 1971 c. 12. (c) S.I. 1973/1311 (1973 II, p. 3984).

hydrocarbon oil shall be treated as originating in, or, as the case may be, manufactured or produced in, a country, territory or state, if it is to be so treated by virtue of any directly applicable instrument of the European Economic Community or any applicable regulation made under section 12(2) of the Import Duties Act 1958**(a)** or section 2(1) of the Finance Act 1973.

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

(3) This Order does not increase duties of customs otherwise than in pursuance of a Community obligation.

3.—(1) This Article applies to hydrocarbon oil of which entry on importation into the United Kingdom is made on or after the 1st January 1974 and which falls under the subheadings specified in Schedule 1 to this Order, but shall not apply to hydrocarbon oil—

(*a*) originating or at the time of its importation into the United Kingdom in free circulation in a state which is a member of the European Economic Community, or

(*b*) originating in, or manufactured or produced in, a country or territory named in Schedule 2 to this Order, or

(*c*) which, from the time when the Agreement signed on 5th October 1973 between the European Economic Community and Finland is ratified and in full force, is treated as originating in Finland.

(2) Subject to the provisions of Article 3(1) above the rate of customs duty chargeable under the Act of 1971 on hydrocarbon oil falling under the subheadings specified in column 1 of Schedule 1 to this Order shall—

(*a*) in the case of hydrocarbon oil originating in Egypt, be increased by the relevant rates specified in column 2 of that Schedule; and

(*b*) in the case of other hydrocarbon oil, be increased by the relevant rates specified in column 3 of that Schedule:

Provided that the additional duty

(*a*) shall be disregarded for the purpose of calculating the duty of excise chargeable under section 6 of the Act of 1971; and

(*b*) shall, in respect of pinene classifiable under subheading 29.01 C.I.a) and hydrocarbon oil of subheadings 38.07 B or 38.07 C.I. which are entered for home use on importation, removed from warehouse or taken for use or consumption within a refinery or entered premises before 1st July 1974, be chargeable at the relevant rates specified in the brackets in columns 2 and 3 of the said Schedule.

(3) Notwithstanding the provisions of section 4(2) of the Act of 1971, any additional duty on hydrocarbon oil which is taken for consumption or use within a refinery or entered premises shall be charged at the time when it is so taken for consumption or use; and, thereupon, the proprietor of the hydrocarbon oil shall deliver to the proper officer an entry thereof for such purpose in such form and manner and containing such particulars as the Commissioners may direct, and shall pay such additional duty on making the entry. This paragraph does not apply to hydrocarbon oil taken for use in any operation

(a) 1958 c. 6. **(b)** 1889 c. 63.

permitted under the Customs and Excise Act 1952(a) to be carried out in a warehouse.

4.—(1) The Commissioners shall have power to remit or repay any additional duty on any hydrocarbon oil imported or proposed to be imported into the United Kingdom where they are satisfied that it is intended to export the hydrocarbon oil or goods incorporating it or manufactured or produced from it:

Provided that the Commissioners shall not grant relief under this Article if they have been notified by the Department of Trade and Industry that in the opinion of that Department the granting of such relief would not conduce to the exportation of hydrocarbon oil or of goods incorporating or manufactured or produced from hydrocarbon oil or would not be in the national interest.

(2) For the purposes of this Article the Commissioners may treat any imported hydrocarbon oil as if it were intended to export that oil or goods incorporating it or manufactured or produced from it, if they are satisfied that like hydrocarbon oil or goods incorporating, or manufactured or produced from, like hydrocarbon oil have been or are intended to be exported and that in the circumstances it is proper for the imported hydrocarbon oil to be so treated:

Provided that the Commissioners shall not grant relief under this paragraph of this Article unless they are satisfied that the like hydrocarbon oil has borne or will bear any additional duty due thereon and has not been or will not be relieved from payment of that duty on exportation.

(3) Any relief from duty under this Article shall be subject to such conditions as the Commissioners see fit to impose for the protection of the revenue or for securing that the imported hydrocarbon oil or goods incorporating it or manufactured or produced from it will be exported, or that, in such circumstances as the Commissioners may require, there shall be paid by way of duty such amount as may be so required.

5. Sections 7, 9, 12, 13 and 15 of the Act of 1971 shall not apply to the amount by which any customs duty is increased by virtue of the provisions of this Order.

Hugh Rossi,
P. L. Hawkins,
Two of the Lords Commissioners of Her Majesty's Treasury.

20th November 1973.

(a) 1952 c. 44.

SCHEDULE 1

Column 1 Tariff subheading	Column 2 Rate of duty %	Column 3 Rate of duty %
27.07 A.I.a)	0·7	1·6
27.07 A.II.a)	0·1	0·4
27.07 B.I.	0·9	2·0
27.07 G.II.a)	0·6	1·4
27.10 A.III.a)	2·4	2·4
27.10 A.III.b)	2·4	2·4
27.10 B.III.a)	2·4	2·4
27.10 B.III.b) 1	2·4	2·4
27.10 C.I.c) 1	1·4	1·4
27.10 C.II.c) 1	1·4	1·4
27.10 C.III.c) 1	1·6	1·6
27.10 C.III.d) 1	2·4	2·4
27.12 A.III.a)	0·8	0·8
27.12 B.I.	2·8	2·8
27.14 C.II.a)	0·8	0·8
27.16 A.I.	0·5	1·2
27.16 B.I.	0·1	0·4
29.01 A.I.b)	3·1	7·0
29.01 C.I.a)	1·7 (1·4)	3·8 (3·2)
29.01 C.II.a)	1·9	4·4
29.01 D.I.a) 1	2·8	6·4
29.01 D.VI.a)	1·8	4·1
32.09 A.II.a)	2·1	4·8
36.08 A.	2·7	6·0
38.07 A.	0·7	1·6
38.07 B.	0·7 (0·5)	1·6 (1·2)
38.07 C.I.	0·8 (0.5)	1·9 (1·2)
38.08 B.I.	0·8	1·9
38.14 B.I.a) 1	1·4	3·2
38·14 B.III.a)	1·9	4·4
38.18 A.	1·9	4·4
38.19 E.I.	1·8	4·1
38.19 T.I.	2·5	5·7
39.02 C.V.a)	3·2	7·3
39.02 C.VI.a) 1	2·8	6·4
39.02 C.XIII.a)	2·1	4·8
39.02 C.XIV.a) 1	3·0	6·7

SCHEDULE 2

Anguilla
Austria
The Bahamas
Barbados
Bermuda
Botswana
British Antarctic Territory
British Honduras
British Indian Ocean Territory
British Solomon Islands
British Virgin Islands
Brunei
Republic of Burundi
Associated States in the Caribbean:
Antigua, Dominica, Grenada, St. Lucia, St. Vincent, St. Kitts-Nevis
Cayman Islands
The Federal Republic of the Cameroon
Comoro Archipelago
Central and Southern Line Islands
Republic of Chad
Central African Republic
People's Republic of the Congo (Brazzaville)
Cyprus
Republic of Dahomey
Falkland Islands and Dependencies
Fiji
French Polynesia
The French Settlements in Oceania, Southern and Antarctic Territories
French Territories of the Afars and Issas
Gabonese Republic
The Gambia
Ghana
Gilbert and Ellice Islands
Guyana
Iceland
Republic of the Ivory Coast
Jamaica
Kenya
Lesotho
Liechtenstein
Malagasy Republic
Malawi
Republic of Mali

Islamic Republic of Mauritania
Mauritius
Montserrat
Netherlands Antilles
New Caledonia and Dependencies
Anglo-French Condominium of the New Hebrides
Republic of Niger
Nigeria
Norway
Papua—New Guinea
Pitcairn
Portugal
Republic of Rwanda
Republic of Senegal
The Seychelles
Sierra Leone
Somali Democratic Republic
St. Helena and Dependencies
St. Pierre and Miquelon
Surinam
Swaziland
Sweden
Switzerland
Republic of Togo
Tanzania
Tonga
Trinidad & Tobago
Turks & Caicos Islands
Uganda
Republic of Upper Volta
Wallis and Futuna Islands
The Independent State of Western Samoa
Zaire
Zambia

EXPLANATORY NOTE

(This Note is not part of the Order.)

1. This Order, coming into operation on 1st January 1974, implements the first stage of the United Kingdom's obligations, under the Treaty of Accession to the European Economic Community and under the individual Agreements between the EEC and the non-acceding EFTA countries and Cyprus and Egypt, to introduce protective elements into the customs duty on certain hydrocarbon oils, and to align them progressively with the Common Customs Tariff of the EEC by 1st July 1977. The full rate of additional duty added to the existing non-protective customs duty represents the required 2/5 of Community rates.

2. Article 3(1) of the Order provides that the additional customs duty shall not apply to imported hydrocarbon oil which originates or is in free circulation in a Member State of the EEC or which qualifies under other regulations as originating in, or as manufactured or produced in, one of the countries listed in Schedule 2 to the Order.

3. Article 3(2) imposes on imported oil the additional rates of customs duty set out in Schedule 1, that Schedule containing separate rates for Egypt in accordance with an EEC Agreement with that country. It further provides that section 6 of the Hydrocarbon Oil (Customs & Excise) Act 1971 shall not have the effect of adding these additional rates to the UK excise duty on oil; and it allows certain temporary partial suspensions of CCT rates which have been prescribed by the Community. No additional rates of duty are imposed on crude petroleum oils and crude oils obtained from bituminous minerals, of Tariff heading 27.09.

4. Article 3(3) substitutes for the provisions of section 4(2) of the 1971 Act special provision for the additional duty on the hydrocarbon oil affected to be charged at the time when it is taken for consumption or use within a refinery or an oil producer's premises.

5. Article 4 makes provision for the relief of imported oil from the additional duty where that oil or goods made with or from it have been or are to be exported. This provision is in substitution for relief under section 13 of the 1971 Act.

6. Article 5 provides that the following sections of the 1971 Act, namely section 7 (reliefs for use for certain industrial purposes), sections 9 and 12 (rebates of duty for heavy and light oil), section 13 (relief for export—a substituted relief being provided by Article 4 of the Order) and section 15 (relief for horticultural use) shall not apply in regard to the additional duty. Reliefs from the basic customs revenue duty remain unaffected.

SI 1973/1948
ISBN 0-11-031948-6

