

The Developing Countries (Origin of Goods)(Guernsey) Order, 1972

THE BOARD OF ADMINISTRATION, in pursuance of the powers conferred on it by section nine of the Import Duties Act (Bailiwick of Guernsey) 1932, as amended, and of all other powers enabling it in that behalf, hereby orders:-

1. (1) For the purpose of the Import Duties (Developing Countries)(Bailiwick of Guernsey) Order, 1971 (a), the question whether goods are to be treated as produced or manufactured in a country shall be determined in accordance with this Order.

(2) Materials and parts shall, for the purpose of this Order, be treated as having been imported into a country unless they are shown to the satisfaction of the Board not to have been so imported.

2. (1) Goods which have been wholly produced or manufactured in a country without the use of any imported materials or parts shall be treated as produced or manufactured in that country:

Provided that they shall not be so treated by virtue of this paragraph if they have been used in another country for any purpose other than display or demonstration under customs control at an exhibition.

(2) For the purpose of paragraph (1), -

(a) used articles fit only for the recovery of materials therefrom shall be treated as wholly produced in a developing country from materials produced there if they are collected in that country; and

(b) scrap or waste shall be treated as so produced if it results from the carrying on of any process of manufacture in that country.

3. Goods produced or manufactured in a country from imported materials or parts not falling within the same tariff heading as those goods shall be treated as produced or manufactured in that country except in the following cases -

(a) if the goods have undergone further processing in another country or have been used in another country otherwise than for display or demonstration under customs control at an exhibition; or

(b) being goods mentioned in column 1 of Schedule 2 hereto, -

(i) if they fall to be classified in a different tariff heading by reason only of the performance of the process mentioned in relation to them in column 2 of that Schedule or a combination of such a process and a process or processes mentioned in head (c) of this paragraph; or

(ii) if they have not undergone in that country the process, or do not satisfy the rule, mentioned in relation to them in column 3 of that Schedule, as the case may be; or

(c) if they fall to be classified in a different tariff heading by reason only of the performance of one or more of the following minor processes, namely, -

(i) operations intended solely to ensure that the goods remain in good condition during transit or storage, including chilling, placing in brine or any other solution, drying, spreading out, ventilating and removing damaged parts;

(a) S.I. 1971 No.69

- (ii) sorting, classifying, matching (including the making up of sets of articles), sifting, screening, removing dust, washing, painting or cutting in pieces;
  - (iii) packing, repacking, or splitting up into, or assembling into, consignments;
  - (iv) marking or labelling;
  - (v) mixing; or
  - (vi) simple assembly.
4. Goods mentioned in column 1 of Schedule 3 hereto which have undergone in a country the process mentioned in column 2 of that Schedule shall be treated as produced or manufactured in that country unless they have subsequently undergone a further process in another country or have been used in another country otherwise than for display or demonstration under customs control at an exhibition.
5. The Second and Third Schedules to the United Kingdom Regulations, as amended from time to time, shall constitute the Second and Third Schedules to this Order respectively and any references in this Order to the Second and Third Schedules to this Order shall mean references to the Second and Third Schedules to the United Kingdom Regulations respectively.
6. (1) In this Order --
- "exhibition" means a trade, industrial, agricultural or crafts exhibition, fair or similar show or display other than an exhibition, fair, show or display organised for private purposes in a shop or on business premises with a view to the sale of goods foreign to the country where the exhibition is held;
- "originating" refers, in relation to materials and parts, to materials and parts which would, if this Order were applicable to them, fall to be treated as produced or manufactured in the country in which the articles in whose production or manufacture they have been used are claimed to have been produced or manufactured;
- "Customs Tariff, 1972" means the form of customs tariff set out in the first column of the Second Schedule to the Import Duties (Bailiwick of Guernsey)(No.59) Order, 1971;
- "the United Kingdom Regulations" means the Developing Countries (Origin of Goods) Regulations 1971, made by the Secretary of State in exercise of his powers under subsection 2 of section 12 of the Import Duties Act 1959, and all other powers enabling him in that behalf; and references to Chapters and tariff headings are references to the Chapters and headings of the Customs Tariff, 1972.
- (2) Schedule 1 hereto shall have effect for defining the application of terms used in, and rules mentioned in, Schedules 2 and 3 hereto.
- (3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Order as it applies to the interpretation of a Guernsey enactment.
7. This Order may be cited as the Developing Countries (Origin of Goods) (Guernsey) Order, 1972, and shall come into operation on the first day of February, nineteen hundred and seventy-two.

Dated this twenty fifth day of January, Nineteen hundred and seventy-two.

H.C. HENCHMAN

President of the Board of Administration

SCHEDULE 1

INTERPRETATION OF SCHEDULES 2 AND 3

1. The descriptions of goods in column 1 of Schedules 2 and 3 hereto shall, -
  - (a) if preceded by a reference to a Chapter, be taken to comprise all goods classified in that Chapter other than goods specifically excluded by the terms of the description; and
  - (b) if preceded by a reference to a tariff heading be taken to comprise all goods classified in that heading or, where the description does not coincide with the description of that heading in the Customs Tariff 1972, be taken to include all goods falling within a sub-heading of that heading in the terms of the description in the column.
  
2. Where, for the purpose of any entry in column 2 or 3 of Schedule 2 hereto, it is necessary to determine the value of exported goods that value shall be taken -
  - (a) in a case where the goods have been sold for delivery at the place of production or manufacture and the contract of sale is a sale in the open market, to be the price payable under that contract; or
  - (b) in any other case, to be the price which in the opinion of the Board they would have fetched if they had been so sold,

less, in any case, an amount equal to any internal taxes or charges refundable upon the export of the goods from the country of production or manufacture.
  
3. Where, for any such purpose as aforesaid, it is necessary to determine the value of any imported materials or parts, their value shall -
  - (a) if the material or part is known to have been imported, be taken to be the value attributed to it for customs purposes at the time of importation; or
  - (b) if the origin of the material or part is uncertain or it is otherwise impossible to ascertain its value pursuant to head (a) and if the price at which it was sold under the first contract for its sale after importation can be proved, be taken to be that price, or
  - (c) in any other case, be such value as the Board may determine.
  
4. Where, for any such purpose as aforesaid, it is necessary to calculate the value attributable to originating materials or parts, that value shall be taken to be -
  - (a)(i) where the price paid under the first contract for the sale of any originating materials or parts used in the production or manufacture of the exported goods can be proved, that price less an amount equal to the value of any imported materials or parts used in the production or manufacture of those materials or parts; plus
  - (ii) where the price paid under the first contract for the sale of any originating materials or parts employed in the processing of imported materials and parts used in the production or manufacture of the exported goods can be proved, that price; or
  - (b) where any price cannot be proved in accordance with head (a) such amount as the Board may determine.
  
5. In Schedule 2, -
  - (i) "the 40% imported materials rule" means that the value of the imported materials and parts employed in the production or manufacture of the goods does not exceed 40% of their value:

(ii) "the 50% imported materials rule" means that the value of the imported materials and parts so employed does not exceed 50% of the value of the goods; and

(iii) "the 40% / 50% rule" means -

(a) that the value of the imported materials and parts employed in the production or manufacture of the goods does not exceed 40% of their value; and

(b) that at least 50% of the value of all the materials and parts so employed is attributable to originating materials and parts.