

1978 No. 1941
CUSTOMS AND EXCISE
**The Customs Duties (ECSC) Anti-Dumping
(Amendment No. 5) Order 1978**

Made - - - - - 22nd December 1978

Laid before the House of Commons 28th December 1978

Coming into Operation - - - 29th December 1978

The Treasury, by virtue of the powers conferred on them by section 5(1) and (3) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, on the recommendation of the Secretary of State, hereby make the following Order:

Citation, operation, interpretation

1.—(1) This Order may be cited as the Customs Duties (ECSC) Anti-Dumping (Amendment No. 5) Order 1978 and shall come into operation on 29th December 1978.

(2) In this Order—

“the principal Order” means the Customs Duties (ECSC) Anti-Dumping (No. 15) Order 1978(b);

“the No. 1 Order” means the Customs Duties (ECSC) Anti-Dumping (No. 1) Order 1978(c);

“the Commissioners” means the Commissioners of Customs and Excise.

(3) This Order is made pursuant to Commission Recommendation 2739/78/ECSC(d) requiring the suspension of the duty, and the refund of certain duty already paid, imposed by the principal Order in relation to goods originating in the Republic of Korea and the cancellation of part of the duty imposed by the No. 1 Order.

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

(a) 1972 c. 68.

(b) S.I. 1978/641.

(c) S.I. 1978/78 revoked by S.I. 1978/641 in so far as it relates to goods originating in the Republic of Korea with a saving with respect to such goods imported into the United Kingdom before the date of the coming into operation of the principal Order.

(d) O.J. L330, 25.11.78, p. 13.

(e) 1889 c. 63.

*Cessation of charge of duty***2.** The principal Order shall be amended as follows:—

- (a) on and after the coming into operation of this Order, no duty of customs shall be charged under the principal Order on the importation into the United Kingdom of goods originating in the Republic of Korea;
- (b) any duty paid under the principal Order before the coming into operation of this Order in respect of goods originating in the Republic of Korea imported into the United Kingdom after 18th September 1978 shall, on application being made by the importer to the Commissioners, be repaid by the Commissioners;
- (c) in Article 4(2)(d) after “into operation” there shall be inserted “other than, in the case of the No. 1 Order, goods specified in paragraph (3) below”;
- (d) after Article 4(2) there shall be inserted the following paragraph:

“(3) The goods referred to in paragraph 2(d) above as being excepted from the continued operation of the No. 1 Order revoked by this Article in so far as it related to goods originating in the Republic of Korea are goods of the following descriptions, in respect of which an application is made by the importer to the Commissioners for the release of any security given—

- (a) deliveries made under contracts concluded before 20th December 1977, which contain no price revision clause permitting an adaptation of the contract prices to the basic prices applied in the European Coal and Steel Community;
- (b) deliveries made under the contracts referred to under (a) above and destined for shipbuilding yards within the Community.”

3. Article 2(3) of the Customs Duties (ECSC) Anti-Dumping (Revocation) (No. 2) Order 1978(a) shall be amended by the insertion of “as amended by the Customs Duties (ECSC) Anti-Dumping (Amendment No. 5) Order 1978” after “the Customs Duties (ECSC) Anti-Dumping (No. 15) Order 1978”.

T. M. Cox,

T. E. Graham,

Two of the Lord Commissioners
of Her Majesty's Treasury.

22nd December 1978.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that no anti-dumping duty shall be charged after the coming into operation of this Order on imports of certain iron and steel products originating in the Republic of Korea where such duty was imposed by the Customs Duties (ECSC) Anti-Dumping (No. 15) Order 1978.

The Order also provides that any duty paid under the No. 15 Order in respect of such goods imported into the United Kingdom after 18th September 1978 shall be repaid.

Duty charged by the Customs Duties (ECSC) Anti-Dumping (No. 1) Order 1978 on goods originating in the Republic of Korea, the collection of which was postponed in accordance with the provisions of the Anti-Dumping and Countervailing Duties (Postponement of Collection) Regulations 1978 (S.I. 1978/77), is no longer payable in respect of the goods referred to in Article 4(3) of the No. 15 Order (inserted by this Order).

The United Kingdom is under a Community obligation by virtue of the Recommendation referred to in the Order no longer to charge the duties.

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