

Statutory Document No. 2019/0194



Taxation (Cross-border Trade) Act 2018

CUSTOMS TARIFF (ESTABLISHMENT) REGULATIONS 2019

Laid before Tynwald: 21st May 2019
Coming into Operation: in accordance with regulation 2

The Isle of Man Treasury makes the following Regulations under section 8 of, and paragraph 1(3)(c) of Schedule 7 to, the Taxation (Cross-border Trade) Act 2018, as it has effect in the Island¹.

1 Title

These Regulations are the Customs Tariff (Establishment) Regulations 2019.

2 Commencement

These Regulations come into operation on exit day².

3 Interpretation

In these Regulations —

“**exit day**” has the same meaning as the European Union and Trade Act 2019;

“**Goods Classification Table**” means the table so named in Annex I in Part Three of the Tariff of the United Kingdom; and

“**Tariff of the United Kingdom**” means the document entitled “Tariff of the United Kingdom, version 1.0, dated 13 March 2019”³.

4 Establishment of the customs tariff

(1) The customs tariff⁴ is established as a system which consists of the following elements.

¹ The Taxation (Cross-border Trade) Act 2018 was applied in the Island by SD 2019/0080.

² Tynwald procedure – negative under section 32(6) of the Taxation (Cross-border Trade) Act 2018, as it has effect in the Island.

³ Available electronically from

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785939/Tariff_Reference_Document_13_March_2019.pdf

- (2) Element 1: the classification of goods according to their description as specified in the Goods Classification Table under the following divisions —
 - (a) sections;
 - (b) chapters within a section;
 - (c) headings within a chapter; and
 - (d) where applicable, levels of sub-headings within a heading.
- (3) Element 2: the codes (“commodity codes”) set out in the Goods Classification Table as applicable to the goods as so classified.
- (4) Element 3: for goods falling within a commodity code set out in the Tariff Table, the rate of import duty specified in that table as applicable to those goods in a standard case (“the standard rate of import duty”).
- (5) Element 4: for determining the amount of import duty applicable to those goods where the standard rate of import duty applies, the rules of calculation specified in Part Four of the Tariff of the United Kingdom —
 - (a) under the heading of “General Rules”; and
 - (b) within —
 - (i) Appendix B (agricultural components, duties for sugar and duties for flour);
 - (ii) Appendix C (goods to which an entry price applies); and
 - (iii) Appendix D (goods covered by the Declaration on the Expansion of Trade in Information Technology Products).
- (6) For the purposes of element 4, reference in paragraph (5)(b) to an appendix includes reference to any footnote to a table within the appendix.
- (7) In paragraph (4) —
 - (a) “Tariff Table” means the table so named in Annex II of Part Three of the Tariff of the United Kingdom; and
 - (b) “standard case” means a case other than one to which any of sections 9 to 15 or 19(4) of the Taxation (Cross-border Trade) Act 2018, as it has effect in the Island, apply (preferential rates, quotas, tariff suspension, safeguarding, etc).

5 Rules of interpretation

- (1) For the purposes of determining the commodity codes within which goods most appropriately fall, the rules of interpretation contained in the following have effect —

⁴ “The customs tariff” is defined in section 8(2) of the Taxation (Cross-border Trade) Act 2018, as it has effect in the Island.

- (a) Part Two (Goods Classification Table Rules of Interpretation) of the Tariff of the United Kingdom; and
 - (b) notes to a section or chapter of the Goods Classification Table.
- (2) In paragraph (1), “commodity codes” has the meaning given by regulation 4(3).

MADE 10 APRIL 2019

A L CANNAN
Minister for the Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the system known as the customs tariff (see section 8(2) of the Taxation (Cross-border Trade) Act 2018, as it has effect in the Island). The elements of the system consist of a classification of goods, commodity codes applicable to goods and, in a standard case, the rate of import duty applicable to goods falling within commodity codes and rules for the calculation of import duty.

Regulation 5 gives effect to rules of interpretation which apply for the purposes of determining the commodity codes within which goods most appropriately fall.

These elements and the rules of interpretation are contained within the document entitled “Tariff of the United Kingdom, version 1.0, dated 13 March 2019”.