

Status: Point in time view as at 31/01/2020.

Changes to legislation: European Communities Act 1972, Paragraph 4 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F1} SCHEDULES

SCHEDULE 2

PROVISIONS AS TO SUBORDINATE LEGISLATION

- [^{F24} (1) The power to make orders under section 5(1) or (2) of this Act shall be exercisable in accordance with the following provisions of this paragraph.
- (2) The power to make such orders shall be exercisable by statutory instrument and includes power to amend or revoke any such order made in the exercise of that power.
- (3) Any statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of the House of Commons except in a case falling within sub-paragraph (4) below.
- (4) Subject to sub-paragraph (6) below, where an order imposes or increases any customs duty, or restricts any relief from customs duty under the said section 5, the statutory instrument containing the order shall be laid before the House of Commons after being made and, unless the order is approved by that House before the end of the period of 28 days beginning with the day on which it was made, it shall cease to have effect at the end of that period, but without prejudice to anything previously done under the order or to the making of a new order.

In reckoning the said period of 28 days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the House of Commons is adjourned for more than 4 days.

- (5) Where an order has the effect of altering the rate of duty on any goods in such a way that the new rate is not directly comparable with the old, it shall not be treated for the purposes of sub-paragraph (4) above as increasing the duty on those goods if it declares the opinion of the Treasury to be that, in the circumstances existing at the date of the order, the alteration is not calculated to raise the general level of duty on the goods.
- (6) Sub-paragraph (4) above does not apply in the case of an instrument containing an order which states that it does not impose or increase any customs duty or restrict any relief from customs duty otherwise than in pursuance of a [^{F3}EU obligation] .]]

Subordinate Legislation Made

- P1** Sch. 2 para. 4: s. 5(1) (with s. 5(3) and Sch. 2 para. 4) power exercised 15.11.1991) by [S.I.1991/2583](#)
Sch. 2 para. 4: for exercises of this power before 01.02.1991 see Index to Government Orders

Textual Amendments

- F2** Sch. 2 paras. 4, 5 added by [Customs and Excise Duties \(General Reliefs\) Act 1979 \(c. 3, SIF 40:1\)](#), s. 19(1), [Sch. 2 para. 5](#)
- F3** Words in Sch. 2 para. 4 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)

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