

Chapter 82

**Tools, implements, cutlery, spoons and forks, of base metal;
parts thereof of base metal**

Notes.

- 1.- Apart from blow lamps, portable forges, grinding wheels with frameworks, manicure or pedicure sets, and goods of heading 82.09, this Chapter covers only articles with a blade, working edge, working surface or other working part of :
 - (a) Base metal;
 - (b) Metal carbides or cermets;
 - (c) Precious or semi-precious stones (natural, synthetic or reconstructed) on a support of base metal, metal carbide or cermet; or
 - (d) Abrasive materials on a support of base metal, provided that the articles have cutting teeth, flutes, grooves, or the like, of base metal, which retain their identity and function after the application of the abrasive.
- 2.- Parts of base metal of the articles of this Chapter are to be classified with the articles of which they are parts, except parts separately specified as such and tool-holders for hand tools (heading 84.66). However parts of general use as defined in Note 2 to Section XV are in all cases excluded from this Chapter.

Heads, blades and cutting plates for electric shavers and electric hair clippers are to be classified in heading 85.10.
- 3.- Sets consisting of one or more knives of heading 82.11 and at least an equal number of articles of heading 82.15 are to be classified in heading 82.15.

GENERAL

This Chapter covers certain specific kinds of base metal articles, of the nature of tools, implements, cutlery, tableware, etc., which are excluded from the preceding Chapters of Section XV, and are not machinery or appliances of Section XVI (see below), nor instruments or apparatus proper to Chapter 90, nor articles of heading 96.03 or 96.04.

This Chapter includes :

- (A) Tools which, apart from certain specified exceptions (e.g., blades for machine saws), are used in the hand (headings 82.01 to 82.05).
- (B) Tools of two or more of the headings 82.02 to 82.05, put up in sets for retail sale (heading 82.06).
- (C) Interchangeable tools for hand tools, for machine-tools or for power-operated hand tools (heading 82.07), knives and blades for machines or mechanical appliances (heading 82.08) and plates, sticks, tips and the like, for tools (heading 82.09).

- (D) Articles of cutlery (whether intended for professional, personal or domestic use), certain mechanical domestic appliances, spoons and forks and similar tableware and kitchen utensils (headings 82.10 to 82.15).

In general, the Chapter covers tools which can be used independently in the hand, whether or not they incorporate simple mechanisms such as gearing, crank-handles, plungers, screw mechanisms or levers. Appliances are, however, generally classified in **Chapter 84** if they are designed for fixing to a bench, a wall, etc., or if, by reason of their weight or size or the degree of force required for their use, they are fitted with base plates, stands, supporting frames, etc., for standing on the floor, bench, etc.

Thus a breast drill which the worker uses freely in the hand, without support, is a tool classified in heading 82.05 although it includes a simple gearing mechanism; on the other hand, a drill designed to be fixed to a stand or supporting framework would be classified in **heading 84.59**. Similarly, plier-type metal cutting shears are classified in heading 82.03, whereas guillotine-type shears fitted with a stand or base plate would be classified in **heading 84.62** even if hand-operated.

There are, however, **exceptions** to this rule, in both directions, depending on the nature of the appliances. Thus vices, grinding wheels with frameworks and portable forges are specifically covered by heading 82.05. Similarly certain mechanical appliances (coffee-mills, juice extractors, meat mincers, etc.) are classified in heading 82.10, to which special criteria apply (see relative Explanatory Note below). On the other hand, **Chapter 84** specifically includes certain apparatus used independently in the hand, such as appliances for spraying liquids or powders (**heading 84.24**), pneumatic tools (**heading 84.67**), non-pistol type office stapling machines (**heading 84.72**) - some of the latter being very small appliances which can hardly be described as having base plates or supporting frames.

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Tools, cutlery, etc., do not in general fall in this Chapter unless the blade, working edge, working surface or other working part is of base metal, of metal carbides (see the Explanatory Note to heading 28.49) or of cermets (see the Explanatory Note to heading 81.13); provided, however, that this condition is met, they remain in the Chapter even if fitted with non-metallic handles, bodies, etc., of a weight exceeding that of the metallic working part (e.g., a wooden plane with a metal blade).

The Chapter also, however, includes tools if the working part is of natural, synthetic or reconstructed precious or semi-precious stones (e.g., black diamonds) fitted onto a support of base metal, metal carbides or cermets; further, in certain cases, the working part may be of base metal fitted or covered with abrasive materials.

There are **exceptions** to these general rules in the case of certain articles specifically mentioned in the headings (e.g., portable forges and grinding wheels with frameworks). Moreover, very few abrasive tools remain in the scope of the Chapter (see the Explanatory Notes to headings 82.02 and 82.07), since **heading 68.04** covers grinding wheels and the like (including grinding, sharpening, polishing, trueing and cutting wheels, heads, discs and points), of natural stone, of agglomerated abrasives, or of ceramics, with or without cores, shanks, sockets, axles or the like of other materials, but without frameworks.

Interchangeable tools of base metal, for hand tools, for machine tools or for power-operated hand tools, which are **excluded** from this Chapter because their working part is not one of the materials specified in Note 1, generally fall to be classified according to the constituent material of the working part, e.g., those of rubber (**Chapter 40**), leather (**Chapter 42**), furskin (**Chapter 43**), cork (**Chapter 45**), textile fabric (**Chapter 59**), ceramic materials (**heading 69.09**). Brushes for use on machines are classified in **heading 96.03**.

Identifiable base metal parts of tools, cutlery, etc. (e.g., saw frames and plane irons) are normally classified in the same heading as the complete articles. This rule **does not**, however, apply to parts forming the subject of a special heading. Chains, nails, bolts, nuts, screws, rivets, springs (e.g. for secateurs) and other parts of general use as defined in Note 2 to Section XV are **excluded** from this Chapter and fall in their appropriate headings (**Chapters 73 to 76 and 78 to 81**).

Cutlery and other articles classified in headings 82.08 to 82.15 may be fitted with minor trimmings of precious metal or metal clad with precious metal (e.g., monograms or bands); if, however, they include other parts (e.g., handles or blades) of precious metal or metal clad with precious metal, or if they contain natural or cultured pearls, or precious or semi-precious stones (natural, synthetic or reconstructed) (except as working parts as described above), they are classified in **Chapter 71**.

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The Chapter **does not include** :

- (a) Tools, scissors and other cutlery of the type used as medical, dental, surgical or veterinary instruments or appliances (**heading 90.18**).
- (b) Tools clearly having the character of toys (**Chapter 95**).