

Chapter 61

**Articles of apparel and clothing accessories,
knitted or crocheted****Notes.**

- 1.- This Chapter applies only to made up knitted or crocheted articles.
- 2.- This Chapter does not cover :
 - (a) Goods of heading 62.12;
 - (b) Worn clothing or other worn articles of heading 63.09; or
 - (c) Orthopaedic appliances, surgical belts, trusses or the like (heading 90.21).
- 3.- For the purposes of headings 61.03 and 61.04 :
 - (a) The term “ suit ” means a set of garments composed of two or three pieces made up, in respect of their outer surface, in identical fabric and comprising :
 - one suit coat or jacket the outer shell of which, exclusive of sleeves, consists of four or more panels, designed to cover the upper part of the body, possibly with a tailored waistcoat in addition whose front is made from the same fabric as the outer surface of the other components of the set and whose back is made from the same fabric as the lining of the suit coat or jacket; and
 - one garment designed to cover the lower part of the body and consisting of trousers, breeches or shorts (other than swimwear), a skirt or a divided skirt, having neither braces nor bibs.

All of the components of a “ suit ” must be of the same fabric construction, colour and composition; they must also be of the same style and of corresponding or compatible size. However, these components may have piping (a strip of fabric sewn into the seam) in a different fabric.

If several separate components to cover the lower part of the body are presented together (for example, two pairs of trousers or trousers and shorts, or a skirt or divided skirt and trousers), the constituent lower part shall be one pair of trousers or, in the case of women’s or girls’ suits, the skirt or divided skirt, the other garments being considered separately.

The term “ suit ” includes the following sets of garments, whether or not they fulfil all the above conditions :

 - morning dress, comprising a plain jacket (cutaway) with rounded tails hanging well down at the back and striped trousers;
 - evening dress (tailcoat), generally made of black fabric, the jacket of which is relatively short at the front, does not close and has narrow skirts cut in at the hips and hanging down behind;
 - dinner jacket suits, in which the jacket is similar in style to an ordinary jacket (though perhaps revealing more of the shirt front), but has shiny silk or imitation silk lapels.
 - (b) The term “ ensemble ” means a set of garments (other than suits and articles of heading 61.07, 61.08 or 61.09), composed of several pieces made up in identical fabric, put up for retail sale, and comprising :

- one garment designed to cover the upper part of the body, with the exception of pullovers which may form a second upper garment in the sole context of twin sets, and of waistcoats which may also form a second upper garment, and
- one or two different garments, designed to cover the lower part of the body and consisting of trousers, bib and brace overalls, breeches, shorts (other than swimwear), a skirt or a divided skirt.

All of the components of an ensemble must be of the same fabric construction, style, colour and composition; they also must be of corresponding or compatible size. The term “ensemble” does not apply to track suits or ski suits, of heading 61.12.

- 4.- Headings 61.05 and 61.06 do not cover garments with pockets below the waist, with a ribbed waistband or other means of tightening at the bottom of the garment, or garments having an average of less than 10 stitches per linear centimetre in each direction counted on an area measuring at least 10 cm x 10 cm. Headings 61.05 does not cover sleeveless garments.
- 5.- Heading 61.09 does not cover garments with a drawstring, ribbed waistband or other means of tightening at the bottom of the garment.
- 6.- For the purposes of heading 61.11 :
 - (a) The expression “babies’ garments and clothing accessories” means articles for young children of a body height not exceeding 86 cm;
 - (b) Articles which are, *prima facie*, classifiable both in heading 61.11 and in other headings of this Chapter are to be classified in heading 61.11.
- 7.- For the purposes of heading 61.12, “ski suits” means garments or sets of garments which, by their general appearance and texture, are identifiable as intended to be worn principally for skiing (cross-country or alpine). They consist either of :
 - (a) a “ski overall”, that is, a one-piece garment designed to cover the upper and the lower parts of the body; in addition to sleeves and a collar the ski overall may have pockets or footstraps; or
 - (b) a “ski ensemble”, that is, a set of garments composed of two or three pieces, put up for retail sale and comprising :
 - one garment such as an anorak, wind-cheater, wind-jacket or similar article, closed by a slide fastener (zipper), possibly with a waistcoat in addition, and
 - one pair of trousers whether or not extending above waist-level, one pair of breeches or one bib and brace overall.

The “ski ensemble” may also consist of an overall similar to the one mentioned in paragraph (a) above and a type of padded, sleeveless jacket worn over the overall.

All the components of a “ski ensemble” must be made up in a fabric of the same texture, style and composition whether or not of the same colour; they also must be of corresponding or compatible size.

- 8.- Garments which are, *prima facie*, classifiable both in heading 61.13 and in other headings of this Chapter, excluding heading 61.11, are to be classified in heading 61.13.
- 9.- Garments of this Chapter designed for left over right closure at the front shall be regarded as men’s or boys’ garments, and those designed for right over left closure at the front as women’s or girls’ garments. These provisions do not apply where the cut of the garment clearly indicates that it is designed for one or other of the sexes.

Garments which cannot be identified as either men’s or boys’ garments or as women’s or girls’ garments are to be classified in the headings covering women’s or girls’ garments.

- 10.- Articles of this Chapter may be made of metal thread.

GENERAL

This Chapter covers made up knitted or crocheted men's boys', women's or girls' articles of apparel and made up knitted or crocheted accessories for articles of apparel. It also includes made up knitted or crocheted parts of apparel or clothing accessories. However, it **does not include** brassières, girdles, corsets, braces, suspenders, garters or similar articles or parts thereof, knitted or crocheted (**heading 62.12**).

The classification of goods in this Chapter is not affected by the presence of parts or accessories of, for example, woven fabrics, furskin, feathers, leather, plastics or metal. Where, however, the presence of these materials constitutes **more than mere trimming** the articles are classified in accordance with the relative Chapter Notes (particularly Note 4 to Chapter 43 and Note 2 (b) to Chapter 67, relating to the presence of furskin and feathers, respectively), or failing that, according to the General Interpretative Rules.

Electrically heated articles remain in this Chapter.

By application of the provisions of Note 9 to this Chapter garments having a front opening which fastens or overlaps left over right are considered to be garments for men or boys. When the opening fastens or overlaps right over left these garments are considered to be garments for women or girls.

These provisions do not apply where the cut of the garment clearly indicates that it is designed for one or the other of the sexes. Garments which cannot be identified as either men's or boys' garments or women's or girls' garments are to be classified in the headings covering women's or girls' garments.

Shirts and shirt-blouses are garments designed to cover the upper part of the body, having long or short sleeves and a full or partial opening starting at the neckline. They may also have pockets, but only above the waist, and a collar.

By application of Note 14 to Section XI, garments of different headings are to be classified in their own headings even if put up in sets for retail sale. This, however, does not apply to garments put up in sets which are specifically mentioned in the heading texts, for example, suits, pyjamas, swimwear. It should be noted that, for the application of Note 14 to Section XI, the expression "textile garments" means garments of headings 61.01 to 61.14.

This Chapter also covers unfinished or incomplete articles of the kind described therein, including shaped knitted or crocheted fabric for making such articles. Provided these products have the essential character of the articles concerned, they fall in the same headings as the finished articles. However, crocheted parts of garments or of clothing accessories (**other than** those of **heading 62.12**) are classified in **heading 61.17**.

Garments, clothing, accessories, or parts thereof, knitted or crocheted to shape, whether presented as separate items or in the form of a number of items in the length, are regarded as made up articles (Notes 7 (b) and 7 (g) to Section XI).

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The Chapter also **excludes** :

- (a) Articles of apparel and clothing accessories of **heading 39.26, 40.15, 42.03 or 68.12**.
- (b) Pieces of knitted or crocheted fabric which have undergone some working (such as hemming or the formation of necklines), intended for the manufacture of garments but not yet sufficiently completed to be identifiable as garments or parts of garments (**heading 63.07**).
- (c) Worn clothing and other worn articles of **heading 63.09**.
- (d) Garments for dolls (**heading 95.03**).

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Subheading Explanatory Note.

Classification of articles made from quilted textile products in the piece of heading 58.11

Articles made from the quilted textile products in the piece of heading 58.11 are to be classified within the subheadings of the headings of this Chapter under the provisions of Subheading Note 2 to Section XI. For the purposes of their classification, it is the textile material of the outer fabric which gives these articles their essential character. This means that where, for example, a man's quilted anorak has a knitted outer fabric of 60 % cotton and 40 % polyester, the garment falls in subheading 6101.20. It should be noted that, even if the outer fabric by itself falls in heading 59.03, 59.06 or 59.07, the garment does not fall in heading 61.13.