

Status: Point in time view as at 04/03/2019.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Taxation (Cross-border Trade) Act 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

INCREASE IN IMPORTS CAUSING SERIOUS INJURY TO UK PRODUCERS

PART 1

KEY DEFINITIONS

Meaning of importation in “increased quantities”

- 1 (1) For the purposes of this Schedule, goods are imported into the United Kingdom in “increased quantities” if—
- (a) the volume of imports of the goods increases, whether in absolute terms or relative to the total production in the United Kingdom of like goods and directly competitive goods, and
 - (b) that increase is significant.
- (2) Regulations may make provision for the purposes of sub-paragraph (1)—
- (a) about how it is to be determined whether or not there has been an increase in the volume of imports;
 - (b) about how the amount of the increase is to be determined;
 - (c) about what constitutes or does not constitute a “significant” increase, including provision for an increase not to constitute a “significant” increase if it was foreseeable.
- (3) “The total production in the United Kingdom of like goods and directly competitive goods” has the same meaning as in paragraph 3.
- (4) See paragraphs 4 and 5 for the meaning of “like goods” and “directly competitive goods”.

Commencement Information

11 Sch. 5 para. 1 in force at 4.3.2019 at 11:59 a.m. by S.I. 2019/429, reg. 2 (with regs. 4-9)

Meaning of “serious injury”

- 2 (1) For the purposes of this Schedule, “serious injury” to UK producers of particular goods (see paragraph 3) means—
- (a) a significant overall impairment to their position, or
 - (b) the threat of such impairment.

Status: Point in time view as at 04/03/2019.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Taxation (Cross-border Trade) Act 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Regulations may make provision about what constitutes or does not constitute significant overall impairment to the position of UK producers, or the threat of such impairment, for the purposes of this Schedule.
- (3) Regulations may make provision about how it is to be determined for the purposes of this Schedule whether the importation of goods into the United Kingdom in increased quantities has caused or is causing serious injury to UK producers of those goods.
- (4) Such regulations may, among other things, make provision about the use of sampling or cumulative assessments.

Commencement Information

I2 Sch. 5 para. 2 in force at 4.3.2019 at 11:59 a.m. by S.I. 2019/429, reg. 2 (with regs. 4-9)

Meaning of “UK producers”

- 3 (1) For the purposes of this Schedule, “UK producers” of particular goods means—
 - (a) all the producers in the United Kingdom of like goods and all the producers in the United Kingdom of directly competitive goods, or
 - (b) those of them whose collective output of like goods and directly competitive goods constitutes a major proportion of the total production in the United Kingdom of those goods.
- (2) Regulations may make provision for the purposes of sub-paragraph (1)—
 - (a) about what constitutes or does not constitute—
 - (i) a producer in the United Kingdom of like goods or directly competitive goods;
 - (ii) such a producer’s output of like goods or directly competitive goods;
 - (iii) the total production in the United Kingdom of like goods and directly competitive goods;
 - (iv) a major proportion of that total production;
 - (b) about how any of those matters are to be determined.
- (3) See paragraphs 4 and 5 for the meaning of “like goods” and “directly competitive goods”.

Commencement Information

I3 Sch. 5 para. 3 in force at 4.3.2019 at 11:59 a.m. by S.I. 2019/429, reg. 2 (with regs. 4-9)

Meaning of “like goods”

- 4 (1) For the purposes of this Schedule, “like goods”, in relation to goods, means—
 - (a) goods which are like those goods in all respects, and
 - (b) goods which, although not alike in all respects, have characteristics closely resembling those of the goods in question.
- (2) Regulations may make provision about—

Status: Point in time view as at 04/03/2019.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Taxation (Cross-border Trade) Act 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) what constitutes or does not constitute “like goods” for the purposes of this Schedule;
- (b) how “like goods” is to be determined for those purposes.

Commencement Information

I4 Sch. 5 para. 4 in force at 4.3.2019 at 11:59 a.m. by S.I. 2019/429, reg. 2 (with regs. 4-9)

Meaning of “directly competitive goods”

- 5 Regulations may make provision about—
- (a) what constitutes or does not constitute “directly competitive goods” for the purposes of this Schedule;
 - (b) how “directly competitive goods” is to be determined for those purposes.

Commencement Information

I5 Sch. 5 para. 5 in force at 4.3.2019 at 11:59 a.m. by S.I. 2019/429, reg. 2 (with regs. 4-9)

Status:

Point in time view as at 04/03/2019.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Taxation (Cross-border Trade) Act 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations.