



# Trade Act 2021

## 2021 CHAPTER 10

### PART 1

#### INTERNATIONAL TRADE AGREEMENTS

## **2 Implementation of international trade agreements**

- (1) An appropriate authority may by regulations make such provision as the authority considers appropriate for the purpose of implementing an international trade agreement to which the United Kingdom is a signatory.
- (2) An “international trade agreement” means—
  - (a) a free trade agreement, or
  - (b) an international agreement that mainly relates to trade, other than a free trade agreement.
- (3) Regulations under subsection (1) may make provision for the purpose of implementing a free trade agreement only if the other signatory (or each other signatory) and the European Union were signatories to a free trade agreement immediately before exit day.
- (4) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement other than a free trade agreement only if the other signatory (or each other signatory) and the European Union were signatories to an international trade agreement immediately before exit day.
- (5) If regulations under subsection (1) contain provision about healthcare services, the provision must be consistent with maintaining UK publicly-funded clinical healthcare services.
- (6) If regulations under subsection (1) contain provision in any of the areas listed in subsection (7), the provision must be consistent with maintaining UK levels of statutory protection in that area.
- (7) The areas referred to in subsection (6) are—
  - (a) the protection of human, animal or plant life or health;

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*Changes to legislation: There are currently no known outstanding effects for the Trade Act 2021, Section 2. (See end of Document for details)*

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- (b) animal welfare;
  - (c) environmental protection;
  - (d) employment and labour;
  - (e) data protection;
  - (f) the protection of children and vulnerable adults online.
- (8) Regulations under subsection (1) may not make provision that could be made by regulations under section 9 of the Taxation (Cross-border Trade) Act 2018.
- (9) Regulations under subsection (1) may, among other things, make provision—
- (a) modifying [<sup>F1</sup>assimilated direct principal] legislation or primary legislation that is [<sup>F2</sup>assimilated] law;
  - (b) conferring functions on the Secretary of State or any other person, including conferring a discretion but not including a power to make subordinate legislation;
  - (c) for the delegation of functions;
  - (d) for civil penalties for failing to comply with the regulations.
- (10) No regulations may be made under subsection (1) after the end of—
- (a) the period of five years beginning with IP completion day (“the initial five year period”), or
  - (b) such other period or periods as are specified in regulations made by the Secretary of State in accordance with subsection (11).
- (11) Regulations under subsection (10)(b) may not extend the initial five year period, or a further period specified in regulations under that subsection, by more than five years.
- (12) In this section—
- “UK publicly-funded clinical healthcare services” means publicly-funded clinical healthcare services provided in the United Kingdom, or in the part of the United Kingdom in which the regulations have effect, on the date on which a draft of the regulations is laid;
- “UK levels of statutory protection” means levels of protection provided by or under—
- (a) primary legislation,
  - (b) subordinate legislation, or
  - (c) [<sup>F3</sup>assimilated direct] legislation,
- which has effect in the United Kingdom, or in the part of the United Kingdom in which the regulations have effect, on the date on which a draft of the regulations is laid.

#### Textual Amendments

- F1** Words in s. 2(9) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 98(3)(a)**
- F2** Word in s. 2(9) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 98(3)(b)**
- F3** Words in s. 2(12) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 98(3)(c)**

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**Commencement Information**

**II** S. 2 in force at 6.5.2021 by [S.I. 2021/550, reg. 2\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Act 2021, Section 2.