
STATUTORY INSTRUMENTS

2019 No. 910

The Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019

PART 4

Transitional provisions relating to the TRA

CHAPTER 2

Further modifications

Modifications to Part 1

20. Regulation 2 (interpretation) has effect as if—

- (a) in paragraph (1), in the definition of “the Act”, after “2018”, there were inserted “ as modified by the Taxation (Cross-border Trade) Act 2018 (Appointed Days No. 4 and Transitional Provisions) (Modification) (EU Exit) Regulations 2019 ^{M1} and the Taxation (Cross-border Trade) Act 2018 (Appointed Days No. 6 and Transitional Provisions) (Modification) (EU Exit) Regulations 2019 ^{M2} ”;
- (b) in paragraph (2), after “the Act”, there were inserted “ as modified by the Taxation (Cross-border Trade) Act 2018 (Appointed Days No. 4 and Transitional Provisions) (Modification) (EU Exit) Regulations 2019 and the Taxation (Cross-border Trade) Act 2018 (Appointed Days No. 6 and Transitional Provisions) (Modification) (EU Exit) Regulations 2019 ”.

Commencement Information

II Reg. 20 in force at 3.6.2019, see [reg. 1\(1\)](#)

Marginal Citations

M1 [S.I. 2019/429](#).

M2 [S.I. 2019/914](#).

Modifications to Part 2

21. Regulation 5 (confidential information) has effect as if—

- (a) in paragraph (1)(a), for “its”, there were substituted “the Secretary of State's”;
- (b) paragraph (5) were omitted.

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Commencement Information

I2 Reg. 21 in force at 3.6.2019, see [reg. 1\(1\)](#)

22. Regulation 6 (permitted disclosure) has effect as if—

- (a) in paragraphs (1) and (3), “the TRA or”, in each place where this occurs, were omitted;
- (b) paragraph (2) were omitted.

Commencement Information

I3 Reg. 22 in force at 3.6.2019, see [reg. 1\(1\)](#)

23. Regulation 8 (non-cooperation) has effect as if—

- (a) in paragraph (1)—
 - (i) for “its”, where this first occurs, there were substituted “the Secretary of State's”;
 - (ii) for “its”, where this next occurs, there were substituted “ the ”;
- (b) in paragraph (2)(a), for “its”, there were substituted “ the ”.

Commencement Information

I4 Reg. 23 in force at 3.6.2019, see [reg. 1\(1\)](#)

24. Regulation 11 (the TRA's acceptance or rejection of an application for reconsideration) has effect as if, in paragraphs (3), (5) and (6)(b), for “its”, in each place where this occurs, there were substituted “the Secretary of State's”.

Commencement Information

I5 Reg. 24 in force at 3.6.2019, see [reg. 1\(1\)](#)

25. Regulation 13 (reconsideration by the TRA) has effect as if, in paragraph (8), for “its”, there were substituted “the Secretary of State's”.

Commencement Information

I6 Reg. 25 in force at 3.6.2019, see [reg. 1\(1\)](#)

26. Regulation 14 (outcome of reconsideration) has effect as if—

- (a) in paragraph (2), for “its”, there were substituted “the Secretary of State's”;
- (b) in paragraph (5)(a), “and” were omitted;
- (c) paragraph (5)(b) were omitted;

- (d) in paragraph (6)—
 - (i) for “recommendation to the Secretary of State”, there were substituted “ preliminary decision ”;
 - (ii) sub-paragraph (a) were omitted;
 - (iii) in sub-paragraph (b), “unless paragraph (7) applies” were omitted;
- (e) paragraph (7) were omitted;
- (f) in paragraph (8)—
 - (i) for “referred to in paragraph (7)”, there were substituted “ which the Secretary of State gave effect to by public notice ”;
 - (ii) sub-paragraph (a) were omitted;
 - (iii) in sub-paragraph (b), for “that decision”, there were substituted “ the reconsidered decision ”;
- (g) in paragraph (9)—
 - (i) for “recommendation to the Secretary of State”, there were substituted “ preliminary decision ”;
 - (ii) sub-paragraph (a) were omitted;
 - (iii) in sub-paragraph (b), for “accept or reject”, there were substituted “ decide to give effect, or not to give effect, to ”;
- (h) in paragraph (10)—
 - (i) for “accepts”, there were substituted “ decides to give effect to ”;
 - (ii) in sub-paragraph (a), for “acceptance of”, there were substituted “ decision to give effect to ”;
- (i) in paragraph (11)—
 - (i) for “rejects”, there were substituted “ decides not to give effect to ”;
 - (ii) in sub-paragraph (a), for “rejection of”, there were substituted “ decision not to give effect to ”;
 - (iii) in sub-paragraph (b), for “rejecting”, there were substituted “ deciding not to give effect to ”;
- (j) after paragraph (11), there were inserted—

“(11A) in the application of paragraphs (6) and (9), a preliminary decision referred to in [^{F1}paragraphs 13 to 17, 19, 31, 32, 33A or 33B] of Schedule 1 to these Regulations is to be treated as if it were a decision other than a preliminary decision.”;
- [^{F2}(ja) in paragraph (12A)—
 - (i) for “accepts or rejects”, there were substituted “decides to give effect, or not to give effect, to”;
 - (ii) for “its”, there were substituted “the”;
- (k) in paragraph (13)(c), for “paragraph 40”, there were substituted “ paragraph 39 ”.

Textual Amendments

- F1** Words in [reg. 26\(j\)](#) substituted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, [39\(a\)](#)

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F2 Reg. 26(ja) inserted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, **39(b)**

Commencement Information

I7 Reg. 26 in force at 3.6.2019, see reg. 1(1)

27. Regulation 15 (the effect of an original decision, withdrawal and termination of a reconsideration) has effect as if—

- (a) paragraph (3)(a) were omitted;
- (b) in paragraph (3)(b), for “regulation 14(8), (10), (11) or (12)”, there were substituted “regulation 14(3), (5), (6), (8), (10), (11) or (12)”.

Commencement Information

I8 Reg. 27 in force at 3.6.2019, see [reg. 1\(1\)](#)

Modifications to Part 3

28. The heading to regulation 17 (appeals to the Upper Tribunal in relation to a determination made by the Secretary of State) and that regulation have effect as if, for “determination” or “determinations”, in each place where this occurs, there were substituted “decision” or “decisions” as appropriate.

Commencement Information

I9 Reg. 28 in force at 3.6.2019, see [reg. 1\(1\)](#)

29. Regulation 18 (conduct and outcome of appeal) has effect as if—

- (a) for “determination”, in each place where this occurs, there were substituted “decision”;
- (b) in paragraph (3)—
 - (i) “the TRA or”, in each place where this occurs, were omitted;
 - (ii) “as appropriate,” were omitted.

Commencement Information

I10 Reg. 29 in force at 3.6.2019, see [reg. 1\(1\)](#)

Modifications to Schedule 1 to these Regulations

30. Schedule 1 to these Regulations has effect as if—

- (a) in the sub-heading to Part 3 of that Schedule, for “determinations or recommendations”, there were substituted “determinations, preliminary decisions or decisions”;
- (b) in each of paragraphs 13 to 17, 19, 31 and 32 for “determination”, there were substituted “preliminary decision”;
- (c) in paragraph 20—

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- (i) for “regulation 75(1)”, there were substituted “ regulation 75(2) ”;
- (ii) for “determination”, there were substituted “ decision ”;
- (d) paragraphs 21 and 24 were omitted;
- (e) in paragraphs 25 and 36—
 - (i) for “suspension recommendation”, in each place where this occurs, there were substituted “ preliminary decision on suspension ”;
 - (ii) for “determination”, in each place where this occurs, there were substituted “ decision ”;
- (f) in paragraphs 26 and 37, for “determination”, in each place where this occurs, there were substituted “ decision ”;
- ^{F3}(g)
- (h) for paragraph 35, there were substituted—

“A preliminary decision made under regulation 37(1) or (2) following a review.”;
- ^{F4}(i) for paragraph 39, there were substituted—

“**39.** A preliminary decision made under regulation 50(1) in relation to the transition review.”;]
- (j) paragraph 40 were omitted.

Textual Amendments

F3 Reg. 30(g) omitted (1.3.2020) by virtue of [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, **40**

F4 Reg. 30(i) substituted (5.8.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/730\)](#), regs. 1, **22**

Commencement Information

I11 Reg. 30 in force at 3.6.2019, see reg. 1(1)

Modifications to Schedule 2 to these Regulations

- 31.** Schedule 2 to these Regulations has effect as if—
- (a) in the headings and sub-headings of that Schedule, for “determinations”, in each place where this occurs, there were substituted “ decisions ”;
 - (b) for “the acceptance or rejection”, in each place where this occurs, there were substituted “ a decision made ”;
 - (c) for “of a recommendation made by the TRA”, in each place where this occurs, there were substituted “ to give effect, or not to give effect, to a preliminary decision ”;
 - (d) in paragraph 13, for “of”, there were substituted “ to give effect, or not to give effect, to ”.

Commencement Information

I12 Reg. 31 in force at 3.6.2019, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. 56 inserted by [S.I. 2024/519 reg. 54\(2\)](#)
- Sch. 1 Pt. 4A inserted by [S.I. 2024/545 reg. 46\(h\)](#)
- Sch. 2 Pt. 1A inserted by [S.I. 2024/519 reg. 55\(a\)](#)
- Sch. 2 Pt. 5 inserted by [S.I. 2024/519 reg. 55\(b\)](#)
- Sch. 2 para. 1A1B inserted by [S.I. 2024/545 reg. 47\(b\)](#)
- Sch. 2 para. 2ZA-2ZC inserted by [S.I. 2024/545 reg. 47\(c\)](#)
- Sch. 2 para. 3A inserted by [S.I. 2024/545 reg. 47\(d\)](#)
- Sch. 2 para. 4A inserted by [S.I. 2024/545 reg. 47\(e\)](#)
- Sch. 2 para. 5A inserted by [S.I. 2024/545 reg. 47\(f\)](#)
- Sch. 2 para. 6B inserted by [S.I. 2024/545 reg. 47\(g\)](#)
- Sch. 2 para. 7AA inserted by [S.I. 2024/545 reg. 47\(h\)](#)
- Sch. 2 para. 8A inserted by [S.I. 2024/545 reg. 47\(i\)](#)
- Sch. 2 para. 9A inserted by [S.I. 2024/545 reg. 47\(j\)](#)
- Sch. 2 para. 10A inserted by [S.I. 2024/545 reg. 47\(k\)](#)
- Sch. 2 para. 11B inserted by [S.I. 2024/545 reg. 47\(l\)](#)
- Sch. 2 para. 13A inserted by [S.I. 2024/545 reg. 47\(m\)](#)
- reg. 13(7A)-(7C) inserted by [S.I. 2024/545 reg. 40](#)
- reg. 14(5B) inserted by [S.I. 2024/545 reg. 41\(a\)](#)
- reg. 14(9A)(9B) inserted by [S.I. 2024/545 reg. 41\(d\)](#)
- reg. 14(11A) inserted by [S.I. 2024/545 reg. 41\(f\)](#)
- reg. 16(1)(1A) substituted for reg. 16(1) by [S.I. 2024/519 reg. 52](#)
- reg. 16(1A) word inserted by [S.I. 2024/545 reg. 43](#)
- reg. 17(2)(e) inserted by [S.I. 2024/519 reg. 53\(b\)\(ii\)](#)
- reg. 17(2)(aa) inserted by [S.I. 2024/519 reg. 53\(b\)\(i\)](#)