
STATUTORY INSTRUMENTS

2019 No. 910

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

PART 2

General provisions and reconsideration by the TRA

CHAPTER 2

Reconsideration by the TRA

Outcome of reconsideration

14.—(1) Following the TRA's reconsideration of an original decision, the TRA must uphold or vary the original decision.

(2) For the purposes of these Regulations, a “reconsidered decision” means an original decision as upheld or varied by the TRA following its reconsideration of an original decision.

(3) Where the reconsideration is of an original decision that was not published in a notice, the TRA must notify the applicant of the outcome of the reconsideration.

(4) Where the reconsideration is of an original decision that was published in a notice, paragraphs (5) to (12) apply as relevant.

(5) Where the TRA upholds the original decision, it must—

- (a) publish a notice of the reconsidered decision; and
- (b) notify the Secretary of State.

[^{F1}(5A) Where the original decision is a recommendation under regulation 100(1) of the Dumping and Subsidisation Regulations or regulation 51(1) of the Safeguards Regulations, the TRA must notify the Secretary of State of its intention to uphold the original decision at least 30 days before taking the steps under paragraph (5).]

(6) Where the TRA varies the original decision and the reconsidered decision is not a recommendation to the Secretary of State, the TRA must—

- (a) notify the Secretary of State; and
- (b) unless paragraph (7) applies, publish a notice of the reconsidered decision.

(7) This paragraph applies where the original decision was one which the Secretary of State gave effect to by public notice.

(8) Where the original decision was one referred to in paragraph (7), the Secretary of State must—

- (a) publish a notice of the reconsidered decision; and
- (b) by public notice make provision giving effect to that decision.

(9) Where the TRA varies the original decision and the reconsidered decision is a recommendation to the Secretary of State—

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- (a) the TRA must produce a report on the reconsideration for the Secretary of State to consider; and
 - (b) the Secretary of State must accept or reject the reconsidered decision.
- (10) Where the Secretary of State accepts a reconsidered decision under paragraph (9)(b), the Secretary of State must—
- (a) publish a notice of the reconsidered decision and the Secretary of State's acceptance of the reconsidered decision;
 - (b) by public notice make provision giving effect to that decision.
- (11) Where the Secretary of State rejects a reconsidered decision under paragraph (9)(b), the Secretary of State must—
- (a) publish a notice of the reconsidered decision and the Secretary of State's rejection of the reconsidered decision; and
 - (b) lay a statement before the House of Commons setting out the reasons for rejecting the reconsidered decision.
- (12) Where paragraph (11) applies and the original decision was given effect by public notice, the Secretary of State must by public notice make provision to the effect that the earlier notice ceases to have effect.
- [^{F2}(12A) Where, before replacement day, the Secretary of State accepts or rejects a recommendation made by the TRA following its reconsideration of an original decision referred to in paragraph 29 of Schedule 1 to these Regulations, the public notice referred to in paragraph (8)(b), (10)(b) or (12) takes effect on replacement day.]
- (13) For the purpose of paragraph (8)(b), (10)(b) or (12), a public notice means—
- (a) a public notice under section 13 of the Act, where the original decision was given effect by a notice made under that section;
 - (b) a public notice under Part 12 of the Dumping and Subsidisation Regulations, where the original decision was one referred to in paragraph 29 of Schedule 1 to these Regulations;
 - (c) a public notice under Part 9 of the Safeguards Regulations, where the original decision was one referred to in paragraph 40 of Schedule 1 to these Regulations.
- [^{F3}(14) In this regulation, “replacement day” means the day on which paragraph 1 of Schedule 7 to the Act comes into force in so far as relating to EU trade duties.]

Textual Amendments

- F1** [Reg. 14\(5A\)](#) inserted (with effect in accordance with s. 74(13) of the amending Act) by [Finance Act 2022 \(c. 3\), s. 74\(11\)](#)
- F2** [Reg. 14\(12A\)](#) inserted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\), regs. 1, 37\(a\)](#)
- F3** [Reg. 14\(14\)](#) inserted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\), regs. 1, 37\(b\)](#)

Commencement Information

- I1** [Reg. 14](#) in force at 3.6.2019, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- reg. 14(6)(a) words inserted by [S.I. 2024/545 reg. 41\(b\)](#)
- reg. 14(9)(b) words inserted by [S.I. 2024/545 reg. 41\(c\)](#)
- reg. 14(11) words inserted by [S.I. 2024/545 reg. 41\(e\)](#)
- reg. 14(13) word inserted by [S.I. 2024/545 reg. 41\(g\)](#)

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\(b\)\(i\)](#)