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STATUTORY INSTRUMENTS

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**2023 No. 954**

The Trade Remedies (Increase in Imports  
Causing Serious Injury to UK Producers)  
(EU Exit) (Amendment) Regulations 2023

Part 2

Amendment of the Safeguards Regulations

Chapter 5

Amendment of Part 7 (suspension)

**Amendment of regulation 39 (suspension of a definitive safeguarding remedy)**

16. In regulation 39—

(a) in paragraph (9), for “accept or reject it” substitute—

“—

(a) accept or reject the recommendation; or

(b) request that the TRA reassess its recommendation, by reference to any matters specified in the request, with a view to amending or replacing the recommendation”;

(b) after paragraph (10), insert—

“(10A) Paragraph (10B) applies if the recommendation is rejected.

(10B) If the Secretary of State considers that it is in the public interest to do so, the Secretary of State may decide to vary the recommended period of suspension, subject to regulation 41(1).

(10C) Where the Secretary of State makes a decision under paragraph (10B), the Secretary of State must lay a statement before the House of Commons setting out the reasons for making the decision.”;

(c) in paragraph (11), after “rejects a suspension recommendation”, insert “and does not make a decision under paragraph (10B)”;

(d) after paragraph (12), insert—

“(13) The Secretary of State may only make a request under paragraph (9)(b) where the Secretary of State considers that—

(a) there is information that the TRA did not take into account in its consideration of whether the circumstances in paragraph (4) exist that is relevant to that consideration;

(b) the TRA made an error in relation to its recommendation; or

(c) exceptional circumstances make the request appropriate.

(14) Before making a request under paragraph (9)(b), the Secretary of State must consult the TRA.

(15) Where the Secretary of State makes a request under paragraph (9)(b), the TRA must—

- (a) comply with the request; and
- (b) in reassessing its recommendation, have regard to any particular considerations which the Secretary of State may specify in the request.”.

**Amendment of regulation 40 (application for suspension)**

17. In regulation 40, after paragraph (2), insert—

“(2A) Where an application is made under paragraph (1) the TRA must notify the Secretary of State of that application before the end of the second working day after the day on which it receives the application.”.

**Amendment of regulation 41 (period of suspension)**

18. In regulation 41—

(a) in paragraph (7), for “accept or reject it” substitute—

“—

- (a) accept or reject the recommendation; or
- (b) request that the TRA reassess its recommendation, by reference to any matters specified in the request, with a view to amending or replacing the recommendation”;

(b) after paragraph (8), insert—

“(8A) Paragraph (8B) applies if the recommendation is rejected.

(8B) If the Secretary of State considers that it is in the public interest to do so, the Secretary of State may decide to vary the recommended extended period of suspension, subject to paragraph (8C).

(8C) Where the Secretary of State decides to vary the extended period of suspension—

- (a) the overall duration of the extended period of suspension must not exceed 21 months; and
- (b) the extended period of suspension must begin on the day after the date of publication of the public notice under section 13 of the Act giving effect to the decision.

(8D) Where the Secretary of State makes a decision under paragraph (8B) the Secretary of State must lay a statement before the House of Commons setting out the reasons for making the decision.”;

(c) in paragraph (9), after “rejects a recommendation”, insert “and does not make a decision under paragraph (8B)”;

(d) after paragraph (9), insert—

“(10) The Secretary of State may only make a request under paragraph (7)(b) where the Secretary of State considers that—

- (a) there is information that the TRA did not take into account in its recommendation that is relevant to the recommendation;

- (b) the TRA made an error in relation to its recommendation; or
  - (c) exceptional circumstances make the request appropriate.
- (11) Before making a request under paragraph (7)(b), the Secretary of State must consult the TRA.
- (12) Where the Secretary of State makes a request under paragraph (7)(b), the TRA must—
- (a) comply with the request; and
  - (b) in reassessing its recommendation, have regard to any particular considerations which the Secretary of State may specify in the request.”.

### **Insertion of regulation 42ZA**

19. After regulation 42, insert—

#### **“Power to request assistance etc from TRA**

**42ZA.**—(1) The Secretary of State may request that the TRA give advice, information or other support to the Secretary of State for the purpose of allowing the Secretary of State to decide whether to make a decision under regulation 39(10B) or regulation 41(8B).

(2) The Secretary of State may include in a request under paragraph (1) a requirement that the TRA investigate and provide a report on any matter specified in the request.

(3) Before making a request under paragraph (1), the Secretary of State must consult the TRA.

(4) The TRA must comply with a request under paragraph (1).”.