
STATUTORY INSTRUMENTS

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 7

Amendment of the Schedule

Amendment of the Schedule

25.—(1) The Schedule is amended as follows.

(2) In paragraph 4—

(a) in the opening words—

(i) after “paragraph”, insert “14(2E)(a),”;

(ii) before “15(3)(a)”, insert “15(2E)(a),”;

(b) for sub-paragraph (f) substitute—

“(f) where the Secretary of State rejects the TRA’s recommendation—

(i) and makes a decision under paragraph 14(2C) or 15(2C) of Schedule 5 to the Act—

(aa) that such notice is a public notice made under section 13 of the Act;
and

(bb) the reasons for the Secretary of State’s rejection and for applying a provisional safeguarding remedy other than in accordance with the recommendation;

(ii) and does not make a decision under paragraph 14(2C) or 15(2C) of Schedule 5 to the Act, the reasons for the Secretary of State’s rejection.”.

(3) In paragraph 6—

(a) in the opening words—

(i) after “paragraph”, insert “19(2E)(a),”;

(ii) before “20(3)(a)”, insert “20(2E)(a),”;

(b) for sub-paragraph (f) substitute—

“(f) where a provisional safeguarding remedy is in force and the Secretary of State rejects the TRA’s recommendation—

- (i) and makes a decision under paragraph 19(2C) or 20(2C) of Schedule 5 to the Act—
 - (aa) that such notice is a public notice made under section 13 of the Act; and
 - (bb) the reasons for the Secretary of State’s rejection and for applying a definitive safeguarding remedy other than in accordance with the recommendation;
 - (ii) and does not make a decision under paragraph 19(2C) or 20(2C) of Schedule 5 to the Act—
 - (aa) that such notice is a public notice made under section 13 of the Act; and
 - (bb) the reasons for the Secretary of State’s rejection;”;
- (c) for sub-paragraph (g) substitute—
 - “(g) where a provisional safeguarding remedy is not in force and the Secretary of State rejects the TRA’s recommendation—
 - (i) and makes a decision under paragraph 19(2C) or 20(2C) of Schedule 5 to the Act—
 - (aa) that such notice is a public notice made under section 13 of the Act; and
 - (bb) the reasons for the Secretary of State’s rejection and for applying a definitive safeguarding remedy other than in accordance with the recommendation;
 - (ii) and does not make a decision under paragraph 19(2C) or 20(2C) of Schedule 5 to the Act, the reasons for the Secretary of State’s rejection.”.
- (4) In paragraph 9, in the opening words, after “regulation”, insert “33A(6)(a) (in which case only subparagraphs (a) to (f) and (i) to (l) apply),”.
- (5) In paragraph 10, for sub-paragraph (f) substitute—
 - “(f) where the Secretary of State rejects the TRA’s recommendation—
 - (i) and makes a decision under regulation 38(2C)—
 - (aa) that such notice is a public notice made under section 13 of the Act; and
 - (bb) the reasons for the Secretary of State’s rejection, and for varying the application of a definitive safeguarding remedy other than in accordance with the recommendation or revoking it;
 - (ii) and does not make a decision under regulation 38(2C), the reasons for the Secretary of State’s rejection.”.
- (6) In paragraph 13, for sub-paragraph (e) substitute—
 - “(e) where the Secretary of State rejects the TRA’s recommendation—
 - (i) and makes a decision under regulation 39(10B)—
 - (aa) that such notice is a public notice made under section 13 of the Act; and
 - (bb) the reasons for the Secretary of State’s rejection and for suspending the definitive safeguarding remedy other than in accordance with the recommendation;
 - (ii) and does not make a decision under regulation 39(10B), the reasons for the Secretary of State’s rejection.”.

- (7) In paragraph 14—
- (a) in the opening words, after “referred to in”, insert “paragraph 24(6)(a) of Schedule 5 to the Act or”;
 - (b) for sub-paragraph (f) substitute—
 - “(f) where the Secretary of State rejects the TRA’s recommendation—
 - (i) and makes a decision under regulation 41(8B)—
 - (aa) that such notice is a public notice made under section 13 of the Act; and
 - (bb) the reasons for the Secretary of State’s rejection and for extending a period of suspension other than in accordance with the recommendation;
 - (ii) and does not make a decision under regulation 41(8B), the reasons for the Secretary of State’s rejection.”.
- (8) In paragraph 17—
- (a) in the heading, for “of” in the second place it occurs, substitute “to maintain the application of a definitive safeguarding remedy in an”;
 - (b) in the opening words, omit “and 42G(4)”.
- (9) After paragraph 17, insert—

“Notice of the Secretary of State accepting or rejecting a recommendation by the TRA relating to an international dispute investigation

- 18.** The information to be contained in a notice referred to in paragraph 22(4)(a) of Schedule 5 to the Act or regulation 42I(4) is—
- (a) a description of the goods to which the notice relates;
 - (b) a description of the definitive safeguarding remedy to which the notice relates;
 - (c) a summary of the investigation;
 - (d) a summary of the international dispute decision;
 - (e) the TRA’s determination made in the light of the international dispute decision;
 - (f) the reasons for the TRA’s recommendation to vary or revoke the definitive safeguarding remedy;
 - (g) where the Secretary of State accepts the TRA’s recommendation to vary the definitive safeguarding remedy—
 - (i) that such notice is a public notice made under section 13 of the Act;
 - (ii) a specified period for which the definitive safeguarding remedy is applicable;
 - (iii) details of exceptions of goods from the application of the definitive safeguarding remedy, if any;
 - (h) where the Secretary of State accepts the TRA’s recommendation to revoke the definitive safeguarding remedy—
 - (i) that such notice is a public notice made under section 13 of the Act;
 - (ii) the date that the notice takes effect, which must be the day after the date of publication of the notice;
 - (i) where the Secretary of State rejects the TRA’s recommendation—
 - (i) and makes a decision under regulation 42I(3C)—

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- (aa) that such notice is a public notice made under section 13 of the Act; and
 - (bb) the reasons for the Secretary of State's rejection, and for varying the application of a definitive safeguarding remedy other than in accordance with the recommendation or revoking it;
- (ii) and does not make a decision under regulation 42I(3C), the reasons for the Secretary of State's rejection.”.