
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 4

Amendment of Part 6 (reviews)

Amendment of regulation 35A (discontinuation review)

10. In regulation 35A—

(a) in paragraph (3)—

(i) for the opening words, substitute—

“Where the TRA decides to initiate a discontinuation review, the TRA must notify the Secretary of State that it intends to initiate a discontinuation review and, after the relevant interval, must take the following steps in the order in which they are set out”;

(ii) before paragraph (a), insert—

“(aa) initiate the review.”;

(b) after paragraph (3), insert—

“(3A) In paragraph (3), the “relevant interval” is the period of two working days beginning with the first working day after the day on which the TRA notifies the Secretary of State of its intention to initiate the review.”;

(c) after paragraph (5), insert—

“(6) Where the TRA proposes to make a determination under paragraph (5)(a) the TRA must notify the Secretary of State of its proposed determination.

(7) Where the Secretary of State has been notified in accordance with paragraph (6), the Secretary of State may, within the relevant period (and subject to paragraph (8)), request that the TRA reassess its proposed determination by reference to any matter specified in the request.

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

(a) there is information that the TRA did not take into account in its review that is relevant to the proposed determination;

(b) the TRA has made an error in relation to its proposed determination; or

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- (c) exceptional circumstances make the request appropriate.
- (9) The TRA must comply with a request under paragraph (7).
- (10) The TRA may not make its proposed determination until—
 - (a) the relevant period has ended; or
 - (b) if the Secretary of State informs the TRA within the relevant period that the Secretary of State will not make a request under paragraph (7), the time when the TRA receives that information.
- (11) For the purposes of paragraphs (7) and (10), the “relevant period” is the period of 21 days beginning with the day on which the TRA notifies the Secretary of State that it proposes to make the determination in question.”