
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 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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.”.