
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.

(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—

- (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.

(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.