
STATUTORY INSTRUMENTS

2020 No. 1435

**The Customs Tariff (Suspension of Import
Duty Rates) (EU Exit) Regulations 2020**

PART 2

Requests for suspensions

Requests to the Secretary of State

7.—(1) Requests to the Secretary of State for goods to be specified goods for the purposes of these Regulations may be made in writing by any person (“the applicant”) in an application the form of which is approved by the Secretary of State^{M1}.

(2) Applications containing requests under paragraph (1) must be sent to the Secretary of State by the applicant in such manner, and before the end of such period, as the Secretary of State determines for the purposes of this regulation.

(3) The Secretary of State—

(a) must, no later than—

(i) two weeks after the date on which an application form was received by the Secretary of State, acknowledge receipt of the request in writing to the applicant; and

(ii) four weeks after the date on which the period determined by the Secretary of State in accordance with paragraph (2) expires [^{F1}or, where that is not reasonably practicable, as soon as practicable thereafter], publish a notice providing information about all requests received and invite objections from any United Kingdom business to the goods to which the requests relate being specified goods for the purposes of these Regulations;

(b) may require, from the applicant in relation to a request such further information in connection with, or evidence in support of, the request as the Secretary of State considers appropriate.

(4) Objections to a request made under paragraph (1) must be sent to the Secretary of State in writing before the end of such period as is specified in the notice published by the Secretary of State under paragraph (3)(a)(ii).

(5) The Secretary of State may stay consideration of a request—

(a) until the expiry of the period for making objections specified in the notice published by the Secretary of State under paragraph (3)(a)(ii);

(b) pending receipt of any further information or evidence requested from the applicant in relation to a request by the Secretary of State under paragraph (3)(b); or

(c) if, and for such period as, the Secretary of State remains satisfied that a valid objection under paragraph (3)(a)(ii) exists to the goods to which a request relates being specified goods.

(6) A request made under paragraph (1) may be withdrawn by the applicant in relation to the request at any time before the date on which the Secretary of State makes a recommendation to the Treasury in relation to the request under regulation 9.

Textual Amendments	
F1	Words in reg. 7(3)(a)(ii) inserted (10.5.2023) by The Customs Tariff (Preferential Trade Arrangements and Miscellaneous Amendments) Regulations 2023 (S.I. 2023/433) , regs. 1(2) , 5(3)
Commencement Information	
I1	Reg. 7 not in force at made date, see reg. 1(2)
I2	Reg. 7 in force at 31.12.2020 by S.I. 2020/1643 , reg. 2 , Sch.
Marginal Citations	
M1	Application forms are available to download at http://www.gov.uk/guidance/duty-suspensions-and-tariff-quotas . Hard copies may be requested by post from the Department of International Trade, 3 Whitehall Place, London SW1A 2AW.

Consideration of requests

8.—(1) Except in the circumstances described in paragraph (2), and subject to regulation 7(5), the Secretary of State must promptly consider a request made under regulation 7(1) and must make a recommendation about any such request to the Treasury.

(2) The Secretary of State is not required to consider a request where—

- (a) the goods to which the request relates are goods that are—
 - (i) the same goods (falling under the same commodity code) or similar goods are otherwise available to be supplied in sufficient quantity from within the United Kingdom; or
 - (ii) traded between persons who are related parties in circumstances which would not enable other United Kingdom businesses to benefit from the suspension; ^{F2}...

^{F2}(b)

(3) The Secretary of State may reject a request made under regulation 7(1) if—

- (a) the subject matter of the request falls within paragraph (2)(a)(i) or (ii) ^{F3}...;
- (b) the application for the request does not comply with any requirements determined by the Secretary of State under regulation 7(2); or
- (c) the applicant has not provided the further information or evidence requested by the Secretary of State under regulation 7(3)(b) in connection with the request before the end of the period of one month beginning with the date on which that information or evidence was requested.

(4) For the purposes of paragraph (2)(a)(ii), two persons are deemed to be “related parties” if—

- (a) they are—
 - (i) officers or directors of each other's businesses;
 - (ii) legally recognised partners in a United Kingdom business; or
 - (iii) in an employer and employee relationship;
- (b) one of those persons directly or indirectly—

- (i) owns, controls or holds 5% or more of the outstanding voting stock or shares of both of them; or
- (ii) controls the other person; or
- (c) both of those persons—
 - (i) are directly or indirectly controlled by a third person; or
 - (ii) jointly directly or indirectly control a third person.

Textual Amendments

- F2** Reg. 8(2)(b) and word omitted (10.5.2023) by virtue of [The Customs Tariff \(Preferential Trade Arrangements and Miscellaneous Amendments\) Regulations 2023 \(S.I. 2023/433\)](#), regs. 1(2), **5(4)(a)**
- F3** Words in reg. 8(3)(a) omitted (10.5.2023) by virtue of [The Customs Tariff \(Preferential Trade Arrangements and Miscellaneous Amendments\) Regulations 2023 \(S.I. 2023/433\)](#), regs. 1(2), **5(4)(b)**

Commencement Information

- I3** Reg. 8 not in force at made date, see [reg. 1\(2\)](#)
- I4** [Reg. 8](#) in force at 31.12.2020 by [S.I. 2020/1643](#), [reg. 2](#), [Sch.](#)

Recommendations by the Secretary of State about requests

9. The Secretary of State must make a recommendation to the Treasury about any requests made under regulation 7(1) which have not been rejected by the Secretary of State under regulation 8(2) before the end of the period of four months beginning with—

- (a) [^{F4}the date on which the period for making objections ends, as specified in the notice published by the Secretary of State under regulation 7(3)(a)(ii);] or
- (b) whichever is the earlier of—
 - (i) the date on which the Secretary of State received the further information and evidence requested in relation to any request under regulation 7(3)(b); or
 - (ii) in a case where the Secretary of State stayed the further consideration of the application under regulation 7(5)(c), the date on which the Secretary of State is no longer satisfied that an objection made under regulation 7(3)(a)(ii) to the goods being specified goods is valid.

Textual Amendments

- F4** [Reg. 9\(a\)](#) substituted (10.5.2023) by [The Customs Tariff \(Preferential Trade Arrangements and Miscellaneous Amendments\) Regulations 2023 \(S.I. 2023/433\)](#), regs. 1(2), **5(5)**

Commencement Information

- I5** Reg. 9 not in force at made date, see [reg. 1\(2\)](#)
- I6** [Reg. 9](#) in force at 31.12.2020 by [S.I. 2020/1643](#), [reg. 2](#), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the The Customs Tariff (Suspension of Import Duty Rates) (EU Exit) Regulations 2020, PART 2.