
STATUTORY INSTRUMENTS

2020 No. 1435

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

PART 2

Requests for suspensions

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; ^{F1}...

^{F1}(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) ^{F2}...;

(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

- F1** 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)**
- F2** 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

- I1** Reg. 8 not in force at made date, see **reg. 1(2)**
- I2** Reg. 8 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, Section 8.