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SCHEDULES

SCHEDULE 19

DUMPING, SUBSIDISATION AND SAFEGUARDING REMEDIES

PART 2

SAFEGUARDING REMEDIES

Definitive remedies

11 (1) In paragraph 16 (TRA’s duty to recommend a definitive safeguarding amount or tariff rate quota)—

- (a) omit sub-paragraph (5)(a) (and the “and” at the end of that sub-paragraph);
- (b) after sub-paragraph (10) insert—

“(10A) Where the TRA considers that there are two or more options which it could recommend under sub-paragraph (3)(a) or (b), in relation to relevant goods or descriptions of relevant goods, it may give the Secretary of State each of those options as part of its recommendation.

(10B) The Secretary of State may by regulations make provision requiring the TRA, in specified circumstances, to consider whether it could give the Secretary of State two or more options as part of its recommendation under sub-paragraph (3)(a) or (b) in relation to relevant goods or descriptions of relevant goods.

(10C) Where, after considering whether it could give the Secretary of State two or more options as part of its recommendation in accordance with regulations under sub-paragraph (10B), the TRA considers that there is only one option which it could reasonably recommend under sub-paragraph (3)(a) or (b) in relation to relevant goods or descriptions of relevant goods, it must give the Secretary of State its reasons for reaching that conclusion.

(10D) Where the TRA gives the Secretary of State options, it must—

- (a) give the Secretary of State its reasons for including each option, and
- (b) inform the Secretary of State which option it prefers and why.

(10E) Where the TRA makes a recommendation under sub-paragraph (3) it must advise the Secretary of State whether and why it considers that applying a definitive safeguarding amount or making relevant goods subject to a quota in accordance with—

- (a) its recommendation, or

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(b) where the recommendation contains options given under sub-paragraph (10A), each option, would meet the economic interest test (see paragraph 23).”

(2) In paragraph 17 (TRA’s recommendations about a definitive safeguarding amount)—

- (a) in sub-paragraph (8), at the end insert “or, where the TRA’s recommendation contained options proposing different lengths, the length adopted by the Secretary of State”;
- (b) after sub-paragraph (10) insert—

“(11) This paragraph has effect in relation to an option given by the TRA under paragraph 16(10A) as it has effect in relation to a recommendation by the TRA under paragraph 16(3)(a).”

(3) In paragraph 18 (TRA’s recommendations regarding tariff rate quotas), after sub-paragraph (11) insert—

“(11) This paragraph has effect in relation to an option given by the TRA under paragraph 16(10A) as it has effect in relation to a recommendation by the TRA under paragraph 16(3)(b).”

(4) In the italic heading before paragraph 19 (Secretary of State’s power to apply a definitive safeguarding amount), for “power” substitute “powers in relation to a recommendation”.

(5) In paragraph 19—

- (a) in sub-paragraph (1)—
 - (i) the words from “decide” to the end become paragraph (a);
 - (ii) at the end of that paragraph insert “, 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 sub-paragraph (1) insert—

“(1A) Where the Secretary of State accepts a recommendation which contains options given in reliance on paragraph 16(10A), the Secretary of State must decide which of those options to adopt.”;

(c) in sub-paragraph (2), for paragraphs (a) and (b) (and the “—” before them) substitute “it is not in the public interest to accept it”;

(d) after sub-paragraph (2) insert—

“(2A) In considering that, the Secretary of State must have regard to the TRA’s advice on whether applying a definitive safeguarding amount in accordance with the recommendation, or in accordance with each option, as the case may be, would meet the economic interest test (see paragraph 23).

(2B) Sub-paragraph (2C) applies if the recommendation is rejected.

(2C) If the Secretary of State considers that it is in the public interest to do so, the Secretary of State may decide that—

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- (a) a definitive safeguarding amount should be applied to all the relevant goods, or to specified relevant goods, other than in accordance with the recommendation, or
 - (b) all the relevant goods, or specified relevant goods, should be subject to a tariff rate quota for a specified period.
- (2D) But the Secretary of State may make a decision under sub-paragraph (2C) only if a recommendation under paragraph 16 to the same effect as the decision (ignoring any restrictions in paragraph 16 on the ability of the TRA to make such a recommendation) would have complied with the requirements set out in paragraph 17 or 18, as the case may be.
- (2E) Where the Secretary of State makes a decision under sub-paragraph (2C), the Secretary of State—
 - (a) must publish notice of the decision,
 - (b) must notify interested parties (see paragraph 31(3)) accordingly,
 - (c) must lay a statement before the House of Commons setting out the reasons for making the decision, and
 - (d) is required under section 13 to make provision by public notice to give effect to the decision.”;
- (e) in sub-paragraph (3), after “rejected” insert “and the Secretary of State does not make a decision under sub-paragraph (2C)”;
- (f) in sub-paragraph (4), in paragraph (a), after “recommendation” insert “, including any particular option adopted by the Secretary of State,”;
- (g) after sub-paragraph (4) insert—
 - “(4A) The Secretary of State may only make a request under sub-paragraph (1)(b) where the Secretary of State considers that—
 - (a) there is information that the TRA did not take into account in its investigation that is relevant to the recommendation,
 - (b) the TRA has made an error in relation to its recommendation, or
 - (c) exceptional circumstances make the request appropriate.
 - (4B) Before making a request under sub-paragraph (1)(b), the Secretary of State must consult the TRA.
 - (4C) Where the Secretary of State makes a request under sub-paragraph (1)(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.”
- (6) In the italic heading before paragraph 20 (Secretary of State’s power to subject goods to a tariff rate quota), for “power” substitute “powers in relation to a recommendation”.
- (7) In paragraph 20—
 - (a) in sub-paragraph (1)—

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- (i) the words from “decide” to the end become paragraph (a);
- (ii) at the end of that paragraph insert “, or
 - (b) request that the TRA reassess its recommendation with a view to amending or replacing the recommendation.”;
- (b) after sub-paragraph (1) insert—
 - “(1A) Where the Secretary of State accepts a recommendation which contains options given in reliance on paragraph 16(10A), the Secretary of State must decide which of those options to adopt.”;
- (c) in sub-paragraph (2), for paragraphs (a) and (b) (and the “—” before them) substitute “it is not in the public interest to accept it”;
- (d) after sub-paragraph (2) insert—
 - “(2A) In considering that, the Secretary of State must have regard to the TRA’s advice on whether applying a tariff rate quota in accordance with the recommendation, or in accordance with each option, as the case may be, would meet the economic interest test (see paragraph 23).
 - (2B) Sub-paragraph (2C) applies if the recommendation is rejected.
 - (2C) If the Secretary of State considers that it is in the public interest to do so, the Secretary of State may decide that—
 - (a) all the relevant goods, or specified relevant goods, should be subject to a tariff rate quota, other than in accordance with the recommendation, or
 - (b) a definitive safeguarding amount should be applied for a specified period to all the relevant goods, or to specified relevant goods.
 - (2D) But the Secretary of State may make a decision under sub-paragraph (2C) only if a recommendation under paragraph 16 to the same effect as the decision (ignoring any restrictions in paragraph 16 on the ability of the TRA to make such a recommendation) would have complied with the requirements set out in paragraph 17 or 18, as the case may be.
 - (2E) Where the Secretary of State makes a decision under sub-paragraph (2C), the Secretary of State—
 - (a) must publish notice of the decision,
 - (b) must notify interested parties (see paragraph 31(3)) accordingly,
 - (c) must lay a statement before the House of Commons setting out the reasons for making the decision, and
 - (d) is required under section 13 to make provision by public notice to give effect to the decision.”;
- (e) in sub-paragraph (3), after “rejected” insert “ and the Secretary of State does not make a decision under sub-paragraph (2C)”;
- (f) in sub-paragraph (4), in paragraph (a), after “recommendation” insert “, including any particular option adopted by the Secretary of State.”;
- (g) after sub-paragraph (4) insert—

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- “(4A) The Secretary of State may only make a request under sub-paragraph (1)(b) where the Secretary of State considers that—
- (a) there is information that the TRA did not take into account in its investigation that is relevant to the recommendation,
 - (b) the TRA has made an error in relation to its recommendation, or
 - (c) exceptional circumstances make the request appropriate.
- (4B) Before making a request under sub-paragraph (1)(b), the Secretary of State must consult the TRA.
- (4C) Where the Secretary of State makes a request under sub-paragraph (1)(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.”

Commencement Information

- I1** Sch. 19 para. 11 in force at Royal Assent for specified purposes, see [Sch. 19 para. 17\(1\)](#)
- I2** [Sch. 19 para. 11](#) in force at 25.8.2023 in so far as not already in force by [S.I. 2023/918](#), [reg. 2](#) (with [reg. 3](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 131(2)(3) substituted for s. 131(2) by 2024 c. 3 Sch. 12 para. 5(3)
- s. 147A inserted by 2024 c. 3 Sch. 12 para. 8(1)
- s. 148A-148C inserted by 2024 c. 3 Sch. 12 para. 8(3)
- s. 150(6A) inserted by 2024 c. 3 Sch. 12 para. 50(5)(b)
- s. 151(1)(c) and word inserted by 2024 c. 3 Sch. 12 para. 9(2)(d)
- s. 151(1)(aa) inserted by 2024 c. 3 Sch. 12 para. 9(2)(c)
- s. 151(6A) inserted by 2024 c. 3 Sch. 12 para. 9(4)
- s. 151(8) inserted by 2024 c. 3 Sch. 12 para. 9(6)
- s. 159(1)(a)(b) substituted for words by 2024 c. 3 Sch. 12 para. 12(2)
- s. 159(2)(a)(b) substituted for words by 2024 c. 3 Sch. 12 para. 12(3)
- s. 159(3)(a)(b) substituted for words by 2024 c. 3 Sch. 12 para. 12(4)
- s. 159(4) inserted by 2024 c. 3 Sch. 12 para. 12(5)
- s. 165(2)(a)(i)(ii) s. 165(2)(a)(b) become s. 165(2)(a)(i)(ii) by 2024 c. 3 Sch. 12 para. 50(6)(b)
- s. 168(12) inserted by 2024 c. 3 Sch. 12 para. 14(8)
- s. 170(2A) inserted by 2024 c. 3 Sch. 12 para. 14(9)(b)
- s. 176A-176C and cross-heading inserted by 2024 c. 3 Sch. 12 para. 8(6)
- s. 176D-176F and cross-heading inserted by 2024 c. 3 Sch. 12 para. 16(1)
- s. 178(1A)(1B) inserted by 2024 c. 3 Sch. 12 para. 17(4)
- s. 178(5)(6) inserted by 2024 c. 3 Sch. 12 para. 17(6)
- s. 179(1A) inserted by 2024 c. 3 Sch. 12 para. 17(7)(a)
- s. 179(3A)(3B) inserted by 2024 c. 3 Sch. 12 para. 17(7)(b)
- s. 180(8)(b)(ii)(iia) substituted for s. 180(8)(b)(ii) by 2024 c. 3 Sch. 12 para. 19(4)
- s. 183A inserted by 2024 c. 3 Sch. 12 para. 20(5)
- s. 195(7A) inserted by 2024 c. 3 Sch. 12 para. 25(1)
- s. 196(1)(e) and words inserted by 2024 c. 3 Sch. 12 para. 22(1)(b)
- s. 196(1A) inserted by 2024 c. 3 Sch. 12 para. 21(1)(b)
- s. 197(4)(d)(e) inserted by 2024 c. 3 Sch. 12 para. 23(b)
- s. 197(5)(c) and word inserted by 2024 c. 3 Sch. 12 para. 22(2)(e)
- s. 197(6A) inserted by 2024 c. 3 Sch. 12 para. 21(2)
- s. 197(7A) inserted by 2024 c. 3 Sch. 12 para. 24
- s. 197A inserted by 2024 c. 3 Sch. 12 para. 25(2)
- s. 198A inserted by 2024 c. 3 Sch. 12 para. 26
- s. 211(1)-(1C) substituted for s. 211(1) by 2024 c. 3 Sch. 12 para. 27(a)
- s. 213(6A) inserted by 2024 c. 3 Sch. 12 para. 28
- s. 232(3A) inserted by 2024 c. 3 Sch. 12 para. 4(6)
- s. 232A inserted by 2024 c. 3 Sch. 12 para. 2(2)
- s. 236(2A) inserted by 2024 c. 3 Sch. 12 para. 31(3)
- s. 251A inserted by 2024 c. 3 Sch. 12 para. 29(1)
- s. 253(2)(b)(va) inserted by 2024 c. 3 Sch. 12 para. 56(10)(c)(iii)
- s. 255(2A) inserted by 2024 c. 3 Sch. 12 para. 34(1)(a)
- s. 255(4)-(6) inserted by 2024 c. 3 Sch. 12 para. 34(1)(c)
- s. 256A inserted by 2024 c. 3 Sch. 12 para. 35(1)
- s. 262(1A)-(1D) inserted by 2024 c. 3 Sch. 12 para. 36
- s. 267(3A) inserted by 2024 c. 3 Sch. 12 para. 42(1)(a)
- s. 267(3B)-(3D) inserted by 2024 c. 3 Sch. 12 para. 43(1)(b)
- s. 267A inserted by 2024 c. 3 Sch. 12 para. 42(2)
- s. 268A inserted by 2024 c. 3 Sch. 12 para. 2(4)

- s. 272(8)(da) inserted by 2024 c. 3 Sch. 12 para. 44(1)
- s. 272(9)-(11) inserted by 2024 c. 3 Sch. 12 para. 43(3)(b)
- s. 272A inserted by 2024 c. 3 Sch. 12 para. 42(3)
- s. 273(3)(ba) inserted by 2024 c. 3 Sch. 12 para. 44(2)
- s. 273(4)(pa) inserted by 2024 c. 3 Sch. 12 para. 57(3)(c)
- s. 273A273B inserted by 2024 c. 3 Sch. 12 para. 45(1)
- s. 273C inserted by 2024 c. 3 Sch. 12 para. 46
- s. 276(c)(iiia) inserted by 2024 c. 3 Sch. 12 para. 45(2)(b)
- s. 276(aa) inserted by 2024 c. 3 Sch. 12 para. 45(2)(a)
- s. 311A inserted by 2024 c. 3 s. 21(3)
- Sch. 14 para. 37A37B and cross-heading inserted by 2024 c. 3 Sch. 12 para. 2(6)(b)
- Sch. 14 para. 39(1)(aa) inserted by 2024 c. 3 Sch. 12 para. 2(6)(c)(ii)
- Sch. 14 para. 39(2)(aa) inserted by 2024 c. 3 Sch. 12 para. 2(6)(c)(iii)
- Sch. 14 para. 33A inserted by 2024 c. 3 Sch. 12 para. 37(3)
- Sch. 14 para. 6(1A) inserted by 2024 c. 3 Sch. 12 para. 58(1)(a)
- Sch. 14 para. 34(2A) inserted by 2024 c. 3 Sch. 12 para. 58(1)(b)(ii)
- Sch. 14 para. 3(3)-(5) substituted for Sch. 14 para. 3(3) by 2024 c. 3 Sch. 12 para. 2(6)(a)(iii)
- Sch. 15 para. 2(1)(za) inserted by 2024 c. 3 Sch. 12 para. 16(2)
- Sch. 15 para. 2(1)(k) inserted by 2024 c. 3 Sch. 12 para. 40(2)
- Sch. 15 para. 2(1)(l) inserted by 2024 c. 3 Sch. 12 para. 41(4)
- Sch. 15 para. 1(1)(aa) inserted by 2024 c. 3 Sch. 12 para. 58(2)(a)
- Sch. 15 para. 2(1)(ea) inserted by 2024 c. 3 Sch. 12 para. 58(2)(b)(i)
- Sch. 15 para. 2(1)(fa) inserted by 2024 c. 3 Sch. 12 para. 58(2)(b)(ii)
- Sch. 16 para. 10(1) Sch. 16 para. 10 renumbered as Sch. 16 para. 10(1) by 2024 c. 3 Sch. 12 para. 58(3)(a)
- Sch. 16 para. 2(11)(b) inserted by 2024 c. 3 Sch. 12 para. 34(2)(d)(ii)
- Sch. 16 para. 2(3A) inserted by 2024 c. 3 Sch. 12 para. 38(3)
- Sch. 16 para. 2(12)(13) inserted by 2024 c. 3 Sch. 12 para. 38(8)
- Sch. 16 para. 4(3)(d) and word inserted by 2024 c. 3 Sch. 12 para. 39(3)(a)(ii)
- Sch. 16 Pt. 3 inserted by 2024 c. 3 Sch. 12 para. 40(1)
- Sch. 16 para. 10(2)(3) inserted by 2024 c. 3 Sch. 12 para. 58(3)(d)
- Sch. 16 para. 2(1)(b)(ba) substituted for Sch. 16 para. 2(1)(b) by 2024 c. 3 Sch. 12 para. 34(2)(a)
- Sch. 16 para. 3(1)(1A) substituted for Sch. 16 para. 3(1) by 2024 c. 3 Sch. 12 para. 39(2)
- Sch. 16 para. 3(7)-(9) substituted for Sch. 16 para. 3(7)(8) by 2024 c. 3 Sch. 12 para. 29(2)
- Sch. 16 para. 10(1)(a) word substituted by 2024 c. 3 Sch. 12 para. 58(3)(c)
- Sch. 16 para. 10(1) words inserted by 2024 c. 3 Sch. 12 para. 58(3)(b)(ii)
- Sch. 16 para. 10(1) words substituted by 2024 c. 3 Sch. 12 para. 58(3)(b)(i)
- Sch. 16A inserted by 2024 c. 3 Sch. 12 para. 41(1)