
STATUTORY INSTRUMENTS

2023 No. 561

The Trade Preference Scheme (Developing Countries Trading Scheme) Regulations 2023

PART 7

Warning and assessment procedure

Warning and assessment procedure

21.—(1) The Secretary of State must take the following steps before taking any specified action—

- (a) publish a warning in accordance with regulation 22,
- (b) carry out an assessment of the circumstances giving rise to the publication of a warning, in accordance with regulation 23, and
- (c) publish the outcome of the assessment in accordance with regulation 24.

(2) The Secretary of State may follow a single warning and assessment procedure for more than one circumstance leading to the initiation of such a procedure if the Secretary of State considers this appropriate.

(3) For the purpose of this Part, a “specified action” means—

- (a) the suspension of a country from the DCTS under regulation 16(5)(a)(i) or 17(1)(a)(i);
- (b) the suspension of DCTS rates on specified DCTS goods originating from a qualifying DCTS country under regulation 16(5)(a)(ii) or 17(1)(a)(ii);
- (c) the variation of DCTS rates on specified DCTS goods originating from a qualifying DCTS country under regulation 16(5)(b) or 17(1)(b);
- (d) the application of a trade preference safeguard measure under regulation 19 except in a case where an urgent trade preference safeguard notice is published.

Warning

22.—(1) When publishing a warning in accordance with regulation 21(1)(a), the Secretary of State must include—

- (a) details of the circumstances leading the Secretary of State to consider taking a specified action;
- (b) the period within which representations may be made (“the representations period”) by—
 - (i) a qualifying DCTS country;
 - (ii) an interested party, where the specified action being considered is the suspension of a country from the DCTS, or the suspension or variation of DCTS rates on specified DCTS goods originating from a qualifying DCTS country under regulations 16(5) or 17(1);

- (iii) a person or persons affected as defined in paragraph 3 of Schedule 4, where the specified action being considered is the application of a trade preference safeguard measure under regulation 19;
 - (c) the specified action or actions the Secretary of State may take after an assessment is carried out.
- (2) The Secretary of State may—
- (a) publish more than one warning (whether or not at the same time);
 - (b) specify different actions under paragraph (1)(c) in such warning.
- (3) A warning is valid for a period which—
- (a) begins with the day on which the warning is published;
 - (b) ends with the day on which the outcome of the assessment is published.
- (4) For the purpose of this regulation a warning is published when it is posted electronically on <https://www.gov.uk>.

Assessment

- 23.**—(1) When carrying out an assessment of the circumstances in accordance with regulation 21(1)(b), the Secretary of State must consider—
- (a) whether the circumstances giving rise to the publication of a warning and specified in that warning continue to apply, and
 - (b) any representations received during the representations period.
- (2) In relation to any assessment undertaken in accordance with regulation 16(6) and 17(2), the Secretary of State must also consider any remedial steps taken by the DCTS country.
- (3) In relation to any assessment undertaken in accordance with paragraph 5 of Schedule 4, the Secretary of State must also consider whether the circumstances in paragraph 1(a) and (b) of Schedule 4 apply.
- (4) The Secretary of State may take into account other available evidence that they consider to be relevant when carrying out an assessment.

Outcome and publication of assessment

- 24.**—(1) Following the assessment carried out in accordance with regulation 23, the Secretary of State may consider it appropriate to—
- (a) take no further action for the time being;
 - (b) issue a further warning;
 - (c) take a specified action or actions.
- (2) The Secretary of State must publish the outcome of the assessment including details in relation to any of the consequences specified in paragraph (1).
- (3) For the purpose of this regulation the outcome of an assessment is published when it is posted electronically on <https://www.gov.uk>.