



Subsidy Control Act 2022

2022 CHAPTER 23

PART 2

SUBSIDY CONTROL REQUIREMENTS

CHAPTER 3

TRANSPARENCY

32 Subsidy database

- (1) The Secretary of State must make arrangements for the provision of a database of subsidies and subsidy schemes for the purposes of this Part (“the subsidy database”).
- (2) The Secretary of State must ensure that—
 - (a) the subsidy database is accessible to the public free of charge,
 - (b) public authorities are able to edit the subsidy database for the purpose of carrying out their duties under section 33, and
 - (c) the subsidy database is kept under review in such manner and at such intervals as the Secretary of State considers appropriate.
- (3) The Secretary of State may direct the CMA to perform on behalf of the Secretary of State the duties under this section.

Commencement Information

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| I1 | S. 32 not in force at Royal Assent, see s. 91(2) |
| I2 | S. 32 in force at 4.1.2023 by S.I. 2022/1359 , reg. 2 |

Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, CHAPTER 3. (See end of Document for details)

33 Duty to include information in the subsidy database

- (1) A public authority must ensure that an entry in the subsidy database is made in respect of—
 - (a) a subsidy given by the authority (subject to subsection (2)), and
 - (b) a subsidy scheme made by the authority.
- (2) Subsection (1)(a) does not apply to a subsidy if—
 - (a) it is given under a subsidy scheme,
 - (b) an entry is made in the subsidy database in respect of the scheme, and
 - (c) the amount of the subsidy is no more than £100,000.
- (3) An entry in the subsidy database must be made in respect of a subsidy or scheme—
 - (a) if given as a subsidy in the form of a tax measure, within one year beginning with the date of the tax declaration,
 - (b) if made as a subsidy scheme in the form of a tax measure, within three months of the confirmation of the decision to make the scheme, or
 - (c) if given or made in any other form, within three months of confirmation of the decision to give the subsidy or make the subsidy scheme.
- (4) A public authority must ensure that an entry it makes under this section is maintained on the subsidy database for six years beginning with the date on which the entry is made, or for the duration of the subsidy or scheme if longer.
- (5) Where a subsidy or subsidy scheme is modified, the public authority must ensure that the modification is entered in the subsidy database—
 - (a) within one year of the date of the modification, in respect of a subsidy given in the form of a tax measure,
 - (b) within three months of the date of the modification, in respect of a subsidy scheme made in the form of a tax measure, or
 - (c) within three months of the date of the modification, in respect of a subsidy given, or subsidy scheme made, in any other form.
- (6) Subsection (5) does not apply to the modification of a subsidy if—
 - (a) the subsidy is one to which subsection (2) applied, and
 - (b) the amount of the subsidy as modified is no more than the applicable amount.
- (7) For the purpose of subsection (6)(b) “the applicable amount” is—
 - (a) the amount specified in subsection (2)(c), or
 - (b) if regulations under subsection (9)(b) provide for a different amount in relation to the subsidy, that amount.
- (8) For the purpose of subsection (2)(c)—
 - (a) if the subsidy is provided in cash, the gross cash amount given is to be used in determining the amount of the subsidy;
 - (b) if the subsidy is provided otherwise than in cash, the amount of the subsidy given is to be determined by reference to the gross cash equivalent of the subsidy.
- (9) The Secretary of State may by regulations—
 - (a) substitute a different amount for the amount specified in subsection (2)(c);
 - (b) provide for a different amount to apply, instead of an amount specified in subsection (2)(c), in the case of particular descriptions of subsidy.

Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, CHAPTER 3. (See end of Document for details)

- (10) An amount specified in regulations under subsection (9) may not exceed £500,000.
- (11) The Secretary of State may by regulations—
- (a) amend subsection (3) or (5) so as to substitute a different period of time for the period of time specified;
 - (b) provide for a different period of time to apply, instead of a period of time specified in subsection (3) or (5) in the case of particular descriptions of subsidy or subsidy scheme.
- (12) A period of time specified in regulations under subsection (11) may not exceed—
- (a) one year in respect of a subsidy given in the form of a tax measure;
 - (b) one year in respect of a subsidy scheme made in the form of a tax measure;
 - (c) six months in respect of a subsidy given or scheme made in any other form.
- (13) Regulations under subsection (9) or (11) are subject to the affirmative procedure.

Commencement Information

I3 S. 33 in force at Royal Assent for specified purposes, see s. 91(1)(b)

I4 S. 33 in force at 4.1.2023 in so far as not already in force by S.I. 2022/1359, reg. 2

34 Information to be included in the subsidy database

- (1) The Secretary of State may by regulations make provision about the information that must be included in a public authority's entry in the subsidy database in relation to a subsidy or subsidy scheme.
- (2) The regulations may, in particular, require a public authority's entry to include—
- (a) the power under which the subsidy is given;
 - (b) the policy objective of the subsidy or scheme;
 - (c) the name of the beneficiary to which the subsidy is given;
 - (d) the date the public authority confirms the decision to give the subsidy or make the scheme;
 - (e) the duration of the subsidy or scheme;
 - (f) any time limits or other conditions attached to the use of the subsidy or scheme;
 - (g) the amount of the subsidy or scheme or the amount budgeted for the subsidy or scheme;
 - (h) the location of any of the information mentioned in paragraphs (a) to (g) and subsection (3);
 - (i) the location of any other publicly available information relating to the subsidy or scheme.
- (3) In relation to subsidy schemes, the regulations may require a public authority's entry to include—
- (a) the categories of beneficiary eligible to receive subsidies under the scheme;
 - (b) the terms and conditions for subsidy eligibility;
 - (c) the basis for the calculation of the subsidy including any relevant conditions relating to subsidy ratios.

Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, CHAPTER 3. (See end of Document for details)

(4) Regulations under this section are subject to the negative procedure.

Commencement Information

I5 [S. 34](#) in force at Royal Assent for specified purposes, see [s. 91\(1\)\(b\)](#)

I6 [S. 34](#) in force at 4.1.2023 in so far as not already in force by [S.I. 2022/1359](#), **reg. 2**

Changes to legislation:

There are currently no known outstanding effects for the Subsidy Control Act 2022, CHAPTER 3.