



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 3

#### EXEMPTIONS

### CHAPTER 2

#### MINIMAL OR SPEI FINANCIAL ASSISTANCE

##### *Minimal financial assistance*

#### **36 Minimal financial assistance**

- (1) The subsidy control requirements do not apply to minimal financial assistance given to an enterprise if the total amount of minimal or SPEI financial assistance given to the enterprise within the applicable period does not exceed £315,000.
- (2) The applicable period is the period comprising—
  - (a) the elapsed part of the current financial year, and
  - (b) the two financial years immediately preceding the current financial year.
- (3) “Minimal financial assistance” means a subsidy given under this section, and for this purpose a subsidy is given under this section if the authority that is giving the subsidy provides to the enterprise that receives it a minimal financial assistance confirmation (see section 37(5)).
- (4) In subsection (1), the reference to the subsidy control requirements does not include the requirements as to transparency in Chapter 3 of Part 2 except in relation to the giving of a subsidy as minimal financial assistance if the amount of the subsidy is no more than £100,000.
- (5) For the purposes of this section—

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*Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Cross Heading: Minimal financial assistance. (See end of Document for details)*

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- (a) if minimal financial assistance is provided in cash, the gross cash amount given is to be used in determining the amount of assistance;
  - (b) if minimal financial assistance is provided otherwise than in cash, the amount of assistance given is to be determined by reference to the gross cash equivalent of the assistance.
- (6) This section does not authorise the giving of a subsidy relating to goods that is in contravention of section 16 (export performance) or 17 (use of domestic goods or services).
- (7) In subsection (2)—
- (a) the “current financial year” is the financial year in which the minimal financial assistance is given, and
  - (b) the “elapsed part” of that year is so much of it as has passed at the time when it is given.

#### **Commencement Information**

- I1** S. 36 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** S. 36 in force at 4.1.2023 by [S.I. 2022/1359, reg. 2](#)

### **37 Section 36: procedural requirements**

- (1) Before giving minimal financial assistance, a public authority must give to the enterprise a minimal financial assistance notification.
- (2) A “minimal financial assistance notification” means a written statement—
  - (a) explaining that the authority is proposing to give to the enterprise a subsidy by way of minimal financial assistance,
  - (b) specifying the gross value amount of the assistance, and
  - (c) requesting written confirmation from the enterprise that the total amount specified in section 36(1) will not be exceeded by the enterprise receiving the proposed assistance.
- (3) The public authority may proceed to give the assistance only after it has received the confirmation referred to in subsection (2)(c).
- (4) On giving the assistance, the public authority must provide to the enterprise a minimal financial assistance confirmation.
- (5) A “minimal financial assistance confirmation” means a written statement confirming—
  - (a) that the subsidy is given as minimal financial assistance,
  - (b) the date on which it is given, and
  - (c) the gross value amount of the assistance.
- (6) The enterprise must keep a written record detailing—
  - (a) that it has received a subsidy by way of minimal financial assistance,
  - (b) the date on which it was given, and
  - (c) the gross value amount of the assistance.

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(7) The record required by subsection (6) must be kept for at least three years beginning with the date mentioned in paragraph (b) of that subsection.

(8) In this section—

“the enterprise” means the enterprise that receives, or would receive, minimal financial assistance;

“gross value amount” of minimal financial assistance means the gross cash amount (see subsection (5)(a) of section 36) or the gross cash equivalent (see subsection (5)(b) of that section).

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**Commencement Information**

**I3** S. 37 not in force at Royal Assent, see [s. 91\(2\)](#)

**I4** S. 37 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, Cross  
Heading: Minimal financial assistance.