



Subsidy Control Act 2022

2022 CHAPTER 23

PART 4

CMA: REFERRALS AND FUNCTIONS

CHAPTER 1

FUNCTIONS ON REFERRALS OF SUBSIDIES AND SCHEMES

Voluntary referrals

56 Voluntary referral to CMA

- (1) A public authority may request a report from the CMA before giving a subsidy, or making a subsidy scheme, of interest.
- (2) The request must—
 - (a) include the information in relation to the subsidy or subsidy scheme that would be required under section 34, if the subsidy or scheme were to be given or made,
 - (b) provide such other information as is specified in regulations under subsection (3)(a),
 - (c) explain why the public authority considers that the subsidy or subsidy scheme would meet the criteria for being a subsidy, or subsidy scheme, of interest,
 - (d) include an assessment by the public authority as to whether the subsidy or scheme would comply with the requirements of Chapters 1 and 2 of Part 2, and the reasons for that conclusion, and
 - (e) include any evidence relevant to that assessment.
- (3) The Secretary of State may by regulations—
 - (a) specify further information that must be included in a request under this section;

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

- (b) make provision as to the form of a request under this section.
- (4) Regulations under subsection (3)(a) and (b) are subject to the negative procedure.

Commencement Information

- I1** S. 56 in force at Royal Assent for specified purposes, see [s. 91\(1\)\(b\)](#)
- I2** [S. 56](#) in force at 4.1.2023 in so far as not already in force by [S.I. 2022/1359](#), [reg. 2](#)

57 CMA reporting period for voluntary referral

- (1) Where the CMA receives from a public authority a request under section 56(1) that complies with the requirements under section 56(2), the CMA must decide whether to prepare a report in response to the request.
- (2) The CMA must, before the end of five working days beginning with the day on which a request is received under section 56(1), give notice to the public authority—
 - (a) that a report will be prepared in response to the request, or
 - (b) providing reasons as to why the CMA has decided not to prepare a report.
- (3) Subject to subsection (4), where the CMA gives a notice under subsection (2)(a), the CMA must—
 - (a) before the end of the reporting period, publish a report on the proposed subsidy or subsidy scheme, in such manner as the CMA considers appropriate, and
 - (b) give a copy of the report to the public authority and the Secretary of State as soon as reasonably practicable after it is published.
- (4) If the proposed subsidy is given, or scheme is made, before the CMA has prepared or published its report, the CMA may decide whether or not to prepare or publish the report.
- (5) Subject to subsection (6), “reporting period” means—
 - (a) the period of 30 working days beginning with the day on which the notice under subsection (2)(a) is given to the public authority, or
 - (b) such other period as is agreed in writing between the CMA and the public authority.
- (6) The reporting period may be extended if an extension is agreed in writing between the CMA and the public authority before the end of the reporting period.
- (7) Where the reporting period is agreed under subsection (5)(b) or extended under subsection (6), the CMA must publish a notice setting out the agreement or extension, and the reasons for it, in such manner as the CMA considers appropriate.
- (8) The Secretary of State may by regulations amend the periods of time specified in subsections (2) and (5)(a).
- (9) Regulations under subsection (8) are subject to the affirmative procedure.

Commencement Information

- I3** S. 57 in force at Royal Assent for specified purposes, see [s. 91\(1\)\(b\)](#)
- I4** [S. 57](#) in force at 4.1.2023 in so far as not already in force by [S.I. 2022/1359](#), [reg. 2](#)

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58 Call-in direction following voluntary referral

- (1) This section applies where—
 - (a) the CMA has given a notice under section 57(2)(a) that it will prepare a report in response to a voluntary referral request made in relation to a subsidy or subsidy scheme, and
 - (b) the Secretary of State has given a call-in direction under section 55 in relation to that subsidy or scheme.
- (2) The voluntary referral request is treated as if it was a mandatory referral request (and sections 53 and 54 apply accordingly) where—
 - (a) the report in response to the voluntary referral request has not been published, and
 - (b) the reporting period for that report has not expired.
- (3) The voluntary referral request is treated as if it was a mandatory referral request (and sections 53 and 54 apply accordingly) where—
 - (a) the report in response to the voluntary referral request has not been published, and
 - (b) the reporting period for that report has expired,
 but the reporting period under section 53(3) is to be read as a period of 10 working days.
- (4) Where the report in response to the voluntary referral request has been published, but the subsidy has not been given, or the subsidy scheme has not been made, section 54 applies, and the references in that section to the CMA's report are to be read as references to the report published in response to the voluntary referral request.
- (5) In this section—

“mandatory referral request” means a request made under section 52;

“voluntary referral request” means a request made under section 56.

Commencement Information

- I5** S. 58 not in force at Royal Assent, see [s. 91\(2\)](#)
- I6** [S. 58](#) in force at 4.1.2023 by [S.I. 2022/1359](#), [reg. 2](#)

Changes to legislation:

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