



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 4

#### CMA: REFERRALS AND FUNCTIONS

### CHAPTER 2

#### GENERAL FUNCTIONS

#### **65 Monitoring and reporting on subsidy control**

- (1) The CMA must, in relation to each relevant period, undertake a review of—
  - (a) the effectiveness of the operation of this Act, and
  - (b) the impact of the operation of this Act on competition and investment within the United Kingdom.
- (2) The CMA must prepare a report on the outcome of the review in relation to each relevant period.
- (3) Subject to subsection (5), “relevant period” means—
  - (a) the period beginning with the commencement date and ending with 31 March in the third year after the year in which the commencement date falls,
  - (b) the following period of three years, and
  - (c) each subsequent period of five years.
- (4) The Secretary of State may direct the CMA to prepare a report in relation to a specified period.
- (5) The Secretary of State may exercise the power in subsection (4) only after the CMA has prepared its reports in relation to the first two relevant periods mentioned in subsection (3).
- (6) Where the CMA prepares a report in relation to a specified period, “relevant period” means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the period beginning with the day after the last day of the specified period and ending with the 31 March in the fifth year after the year in which the day after the last day of the specified period falls, and
  - (b) each subsequent period of five years.
- (7) The CMA must publish a report under this section as soon as practicable after the end of the period to which it relates and in such manner as the CMA considers appropriate.
- (8) The CMA must arrange for a copy of a report prepared under this section to be laid before Parliament.
- (9) In this section, “commencement date” means the day on which this section comes into force.

## **66 CMA annual report**

The annual report prepared by the CMA under section 25(4) of, and paragraph 14 of Schedule 4 to, the Enterprise and Regulatory Reform Act 2013 must include details of—

- (a) the subsidies, and subsidy schemes, in respect of which the CMA prepared reports following mandatory referrals under section 52,
- (b) the subsidies, and subsidy schemes, of interest in respect of which the CMA prepared reports following voluntary referrals under section 56, and
- (c) the subsidies and subsidy schemes in respect of which the CMA prepared reports following post-award referrals under section 60.

## **67 Information-gathering powers**

- (1) Sections 41 to 43 of the United Kingdom Internal Market Act 2020 (which make provision about information-gathering powers, enforcement and penalties) apply for the purpose of assisting the CMA in carrying out any of its functions under section 65 of this Act as they apply for the purpose mentioned in section 41(1) of that Act.
- (2) In the application of sections 41 to 43 of that Act by virtue of subsection (1)—
- (a) section 42 has effect as if, in subsection (4), after paragraph (e) there were inserted “, or
  - (f) where the penalty is imposed in connection with the exercise of the CMA’s functions under section 65 of the Subsidy Control Act 2022 in relation to the preparation of a report under that section, the day on which the report is published or is laid before Parliament (whichever is the later).”;
  - (b) section 43 has effect as if, in subsection (10)(b), for “or (e)” there were substituted “, (e) or (f)”.
- (3) The Secretary of State may by regulations make such further modifications as the Secretary of State thinks necessary to sections 41 to 43 of the United Kingdom Internal Market Act 2020 in the application of those sections by virtue of subsection (1).
- (4) But regulations under subsection (3) may not modify the amounts specified in section 43(6) of that Act.
- (5) Regulations under subsection (3) are subject to the negative procedure.