

Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Paragraph 7. (See end of Document for details)

SCHEDULES

SCHEDULE 3

SUBSIDIES PROVIDED BY PRIMARY LEGISLATION

Prohibitions etc and exemptions

- 7 (1) Chapter 2 of Part 2 (prohibitions and other requirements), and Part 3 (exemptions), applies to subsidies provided by means of devolved primary legislation as they apply to subsidies given by public authorities.
- (2) For this purpose—
- (a) references in Chapter 2 of Part 2, and in Part 3, to a public authority are to be taken as references to the devolved legislature in relation to the devolved primary legislation concerned;
 - (b) in subsidy proceedings before the appropriate court in connection with this paragraph, the requirements imposed by Chapter 2 of Part 2 on public authorities to be satisfied of any matter are to be assessed by reference to the promoter of the proposed devolved primary legislation;
 - (c) sections 21 and 23 apply as if, for subsection (4) in each of those sections, there were substituted—
 - “(4) The condition in this subsection is that there has been, or there is a reasonable expectation that there will be, proper remuneration for the subsidy.”;
 - (d) section 29 applies as if, for subsection (6), there were substituted—
 - “(6) Where a subsidy is given to a SPEI enterprise by means of devolved primary legislation, there must be arrangements in place for—
 - (a) regular reviews to take place as to the use of the subsidy to ensure the condition that the amount of the subsidy is limited to what is necessary to deliver the SPEI services continues to be met, and
 - (b) the taking of steps to recover a subsidy to the extent that the condition ceases to be met.”;
 - (e) sections 37 and 39 are to be ignored.

Commencement Information

- I1** Sch. 3 para. 7 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** [Sch. 3 para. 7](#) in force at 4.1.2023 by [S.I. 2022/1359](#), [reg. 2](#)

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