



Subsidy Control Act 2022

2022 CHAPTER 23

PART 2

SUBSIDY CONTROL REQUIREMENTS

CHAPTER 2

PROHIBITIONS AND OTHER REQUIREMENTS

Other specific prohibitions and requirements

29 Services of public economic interest

- (1) The requirements in subsections (2) and (3) apply in relation to the giving of a subsidy to a SPEI enterprise for the purpose of the provision of SPEI services.
- (2) The public authority giving the subsidy must be satisfied that the amount of the subsidy is limited to what is necessary to deliver the SPEI services, having regard to—
 - (a) costs in delivering the SPEI services, and
 - (b) reasonable profits to be made in doing so.
- (3) The subsidy must be given in a transparent manner.
- (4) For the purposes of subsection (3), a subsidy is given in a “transparent manner” only if—
 - (a) the subsidy is given in accordance with a written contract or other legally enforceable arrangement in writing,
 - (b) the terms on which the subsidy is given are set out in the contract or arrangement, and
 - (c) the contract or arrangement includes the information in subsection (5).
- (5) The information is—
 - (a) the SPEI services in respect of which the subsidy is given;

Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 29. (See end of Document for details)

- (b) the SPEI enterprise that is tasked with providing the SPEI services;
 - (c) the period for which the SPEI services are to be provided (“the delivery period”);
 - (d) the geographic area in which the SPEI services are to be provided;
 - (e) how the amount of subsidy given in respect of the SPEI services is determined;
 - (f) arrangements for the purposes of subsection (6) in respect of reviews and steps that may be taken for recovery.
- (6) Where a subsidy is given to a SPEI enterprise, the public authority giving the subsidy—
- (a) must, during the delivery period, keep under regular review the use of the subsidy to ensure that the condition in subsection (2) continues to be met, and
 - (b) must take steps, in accordance with its rights under the contract or arrangement mentioned in subsection (4), to recover a subsidy to the extent that the condition in subsection (2) ceases to be met.
- (7) For the purposes of the duty in subsection (6)(a), checks must be carried out as to the use of a subsidy—
- (a) at least once every 3 years beginning with the day when the delivery period begins, and
 - (b) at the end of the delivery period.
- (8) The duties under section 12(1) apply to the giving of a subsidy in accordance with this section to a SPEI enterprise for the provision of SPEI services only so far as the carrying out of that duty does not obstruct the carrying out of those services.
- (9) In this Act—
- “SPEI enterprise” means an enterprise that is assigned with particular tasks in the public interest (including public service obligations);
 - “SPEI services” means services provided in the carrying out of those tasks.

Commencement Information

- I1** S. 29 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** [S. 29](#) in force at 4.1.2023 by [S.I. 2022/1359](#), [reg. 2](#)

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