



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 4

#### CMA: REFERRALS AND FUNCTIONS

### CHAPTER 1

#### FUNCTIONS ON REFERRALS OF SUBSIDIES AND SCHEMES

##### *Mandatory referrals*

#### **53 CMA reporting period for mandatory referral**

- (1) The CMA must, before the end of five working days beginning with the day on which a request is received under section 52(1), give a notice to the public authority—
  - (a) that the request complies with the requirements under section 52, or
  - (b) providing reasons as to why the request does not comply with those requirements.
- (2) Where the CMA gives a notice under subsection (1)(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.
- (3) Subject to subsections (4) and (6), “reporting period” means the period of 30 working days beginning with the day on which the notice under subsection (1)(a) is given to the public authority.
- (4) 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.

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*Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 53. (See end of Document for details)*

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- (5) Where the reporting period is extended under subsection (4), the CMA must publish, in such manner as the CMA considers appropriate, a notice stating that the reporting period has been extended and by how much, and the reasons for the extension.
- (6) The Secretary of State may direct that the reporting period is extended, in response to a request from the CMA.
- (7) A request under subsection (6)—
  - (a) may only be made if the CMA considers that there are exceptional circumstances to justify an extension,
  - (b) must include the reasons for seeking an extension, and
  - (c) must be published, with those reasons, in such manner as the CMA considers appropriate.
- (8) A direction under subsection (6)—
  - (a) may only be given if the Secretary of State is satisfied that there are exceptional circumstances which justify an extension,
  - (b) may not be given in relation to a subsidy or subsidy scheme given or made by the Secretary of State, and
  - (c) may not be given so as to provide for an extension which exceeds 40 working days beginning with the day on which the reporting period would otherwise end.
- (9) As soon as reasonably practicable after receiving a request under subsection (6), the Secretary of State must—
  - (a) send a copy of a direction given under that subsection to the CMA and to the public authority, or
  - (b) give notice to the CMA and the public authority that the request has been rejected and provide reasons for that decision.
- (10) Any day falling within the period beginning with the day on which a request is published by the CMA under subsection (7) and ending with the day on which a direction is given under subsection (6), or a notice is given under subsection (9), does not count for the purposes of calculating the reporting period.
- (11) The Secretary of State must publish, in such manner as the Secretary of State considers appropriate, a direction given under subsection (6) or a notice given under subsection (9).
- (12) The Secretary of State may by regulations amend the periods of time specified in subsections (1) and (3).
- (13) Regulations under subsection (12) are subject to the affirmative procedure.

#### **Commencement Information**

- I1** S. 53 in force at Royal Assent for specified purposes, see [s. 91\(1\)\(b\)](#)
- I2** [S. 53](#) in force at 4.1.2023 in so far as not already in force by [S.I. 2022/1359](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 53.