



Subsidy Control Act 2022

2022 CHAPTER 23

PART 4

CMA: REFERRALS AND FUNCTIONS

CHAPTER 1

FUNCTIONS ON REFERRALS OF SUBSIDIES AND SCHEMES

Mandatory referrals

54 Cooling off period following mandatory referral

- (1) A public authority may not give a subsidy or make a subsidy scheme, in relation to which the CMA has provided a report, before the end of the cooling off period.
- (2) “Cooling off period” means the period of five working days beginning with the day after the day on which the CMA publishes the report under section 53(2).
- (3) If the CMA does not publish a report before the end of the reporting period, the public authority may give the subsidy or make the subsidy scheme after the day on which the reporting period expires.
- (4) The Secretary of State may direct that the cooling off period is extended where the Secretary of State considers that the CMA’s report has identified that there are serious deficiencies in the public authority’s assessment under section 52(2)(d).
- (5) The Secretary of State—
 - (a) must send a copy of a direction given under subsection (4) to the public authority, and
 - (b) must publish the direction in such manner as the Secretary of State considers appropriate.

Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 54. (See end of Document for details)

- (6) The power in subsection (4) may not be exercised so as to provide for an extension which exceeds 30 working days beginning with the day on which the cooling off period would otherwise end under subsection (2).
- (7) The Secretary of State may by regulations—
- (a) amend the period of time specified in subsection (2);
 - (b) amend subsection (4) to reflect any changes made to the content of the CMA's report by regulations made under section 59.
- (8) Regulations under subsection (7)(a) or (b) are subject to the affirmative procedure.

Commencement Information

- I1** S. 54 in force at Royal Assent for specified purposes, see [s. 91\(1\)\(b\)](#)
- I2** [S. 54](#) 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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