



Subsidy Control Act 2022

2022 CHAPTER 23

PART 4

CMA: REFERRALS AND FUNCTIONS

CHAPTER 1

FUNCTIONS ON REFERRALS OF SUBSIDIES AND SCHEMES

Post-award referrals

60 Post-award referrals

- (1) The Secretary of State may refer a subsidy or subsidy scheme to the CMA after the subsidy has been given or the subsidy scheme has been made.
- (2) A referral under subsection (1) may be made in relation to any subsidy or subsidy scheme in respect of which the Secretary of State considers—
 - (a) that there has or may have been a failure to comply with the requirements of Chapters 1 and 2 of Part 2, or
 - (b) that there is a risk of negative effects on competition or investment within the United Kingdom.
- (3) The Secretary of State must, at the same time as making a referral under subsection (1), direct the public authority to provide to the CMA—
 - (a) any assessment carried out by the public authority, before the subsidy was given or the scheme was made, as to whether the subsidy or scheme would comply with the requirements of Chapters 1 and 2 of Part 2, and the reasons for that conclusion,
 - (b) any evidence relevant to that assessment,
 - (c) in a case where such an assessment is not provided, the reasons for that,

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- (d) any information that the public authority failed to enter in the subsidy database in accordance with Chapter 3 of Part 2, and
 - (e) such other information as is specified in regulations under subsection (8)(a).
- (4) Where the Secretary of State decides to make a referral under subsection (1), the referral, together with a direction given under subsection (3), must be made before the end of 20 working days beginning with—
- (a) the day on which the entry in respect of the subsidy or scheme is entered into the subsidy database, or
 - (b) the day on which the subsidy is given or the scheme is made, in the case of a subsidy or scheme to which section 41 applies.
- (5) The Secretary of State—
- (a) must publish a referral made under subsection (1) in such manner as the Secretary of State considers appropriate, and
 - (b) must send a copy of a direction given under subsection (3) to the public authority and the CMA.
- (6) The public authority must provide to the CMA the information required under subsection (3) before the end of the information period.
- (7) “Information period” means the period of 20 working days beginning with the day on which the direction is given.
- (8) The Secretary of State may by regulations—
- (a) specify further information that must be provided under subsection (3);
 - (b) prescribe the form in which the information required under subsection (3) is to be provided;
 - (c) amend the periods of time specified in subsections (4) and (7).
- (9) Regulations under subsection (8)(a) or (b) are subject to the negative procedure.
- (10) Regulations under subsection (8)(c) are subject to the affirmative procedure.

Commencement Information

- I1** S. 60 in force at Royal Assent for specified purposes, see [s. 91\(1\)\(b\)](#)
- I2** [S. 60](#) 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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