



# 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*

#### **61 CMA reporting period for post-award referrals**

- (1) Where the CMA receives from the Secretary of State a referral under section 60, the CMA must—
  - (a) before the end of the reporting period, publish a report on the subsidy or subsidy scheme to which the referral relates, 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.
- (2) Subject to subsections (3) and (5), “reporting period” means the period of 30 working days beginning with the earlier of—
  - (a) the day on which the information required under section 60(3) is provided to the CMA by the public authority, and
  - (b) the day after the information period in section 60(7) ends.
- (3) 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.
- (4) Where the reporting period is extended under subsection (3), the CMA must publish, in such manner as the CMA considers appropriate, a notice that the reporting period has been extended and by how much, and the reasons for the extension.

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*Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 61. (See end of Document for details)*

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- (5) The Secretary of State may direct that the reporting period is extended, in response to a request from the CMA.
- (6) A request under subsection (5)—
  - (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.
- (7) A direction under subsection (5)—
  - (a) may only be given if the Secretary of State is satisfied that there are exceptional circumstances to 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.
- (8) As soon as reasonably practicable after receiving a request under subsection (5) the Secretary of State must—
  - (a) send a copy of a direction given under subsection (5) 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.
- (9) Any day falling within the period beginning with the day on which a request is published by the CMA under subsection (6) and ending with the day on which a direction is given under subsection (5), or a notice is given under section (8), does not count for the purposes of calculating the reporting period.
- (10) The Secretary of State must publish, in such manner as the Secretary of State considers appropriate, a direction given under subsection (5) or a notice given under subsection (8).
- (11) The Secretary of State may by regulations amend the period of time specified in subsection (2).
- (12) Regulations under subsection (11) are subject to the affirmative procedure.

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**Commencement Information**

- I1** S. 61 in force at Royal Assent for specified purposes, see [s. 91\(1\)\(b\)](#)
- I2** [S. 61](#) 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 61.