



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 5

#### ENFORCEMENT

##### *Appeals to the Competition Appeal Tribunal*

#### **70 Review of subsidy decisions**

- (1) An interested party who is aggrieved by the making of a subsidy decision may apply to the Competition Appeal Tribunal for a review of the decision.
- (2) Where an application for a review of a subsidy decision relates to a subsidy given under a subsidy scheme, the application must be made for a review of the decision to make the subsidy scheme (and may not be made in respect of a decision to give a subsidy under that scheme).
- (3) The means of making an application is by sending the Tribunal a notice of appeal in accordance with Tribunal Procedure Rules.
- (4) The notice of appeal must be sent within the period specified, in relation to the decision appealed against, in Part 5A of the Tribunal Procedure Rules.
- (5) In determining the application, the Tribunal must apply the same principles as would be applied—
  - (a) in the case of proceedings in England and Wales or Northern Ireland, by the High Court in determining proceedings on judicial review;
  - (b) in the case of proceedings in Scotland, by the Court of Session on an application to the supervisory jurisdiction of that Court.
- (6) Except so far as the Tribunal directs otherwise, the effect of a subsidy decision is not suspended by reason of the making of an application under this section.
- (7) In this Part—

“interested party” means—

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**Changes to legislation:** There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 70. (See end of Document for details)

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- (a) a person whose interests may be affected by the giving of the subsidy or the making of the subsidy scheme in respect of which the application under subsection (1) is made, or
  - (b) the Secretary of State;
- “subsidy decision” means a decision to give a subsidy or make a subsidy scheme;
- “the Tribunal” means the Competition Appeal Tribunal;
- “Tribunal Procedure Rules” means rules made under section 15 of the Enterprise Act 2002.

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#### Commencement Information

- I1** S. 70 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** [S. 70](#) in force at 4.1.2023 by [S.I. 2022/1359](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 70.