



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 5

#### ENFORCEMENT

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

#### **71 Time limits for applications under section 70**

- (1) The Competition Appeal Tribunal Rules 2015 ([S.I. 2015/1648](#)) are amended as follows.
- (2) In rule 3 (application of Rules)—
  - (a) in paragraph (b) after “5” insert “, 5A”;
  - (b) after paragraph (e) insert—
    - “(ea) Part 5A applies to applications under section 70 of the Subsidy Control Act 2022 for reviews of subsidy decisions (within the meaning of that section);”.
- (3) After rule 98 insert—

#### **“PART 5A**

##### APPLICATIONS UNDER SECTION 70 OF THE SUBSIDY CONTROL ACT 2022

#### **98A Time limits for applications**

- (1) An application to the Tribunal under section 70 in respect of a subsidy decision must be made by sending a notice of appeal before the end of one month beginning with the relevant date in relation to that decision.
- (2) The “relevant date” in relation to a subsidy decision is—

---

*Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 71. (See end of Document for details)*

---

- (a) in a case where a pre-action information request in respect of the subsidy or scheme concerned is made within one month of the transparency date, the date on which the notice under paragraph (8) is given;
  - (b) in a case where a post-award referral is made in respect of the subsidy or scheme, the date on which the post-award referral report is published under section 62;
  - (c) in any other case, the transparency date for the subsidy or scheme.
- (3) If both of sub-paragraphs (a) and (b) of paragraph (2) apply, the relevant date is the later of the dates given by those sub-paragraphs.
- (4) In paragraph (2)—
  - (a) “pre-action information request” means a request for information under section 76;
  - (b) “the transparency date” for a subsidy or scheme is—
    - (i) in a case where the application relates to a subsidy or scheme in respect of which the duty under section 33(1) or (5) does not apply, the date on which the interested party first knew or ought to have known of the making of the subsidy decision;
    - (ii) in any other case, the date on which an entry in respect of the subsidy or scheme is made on the subsidy database in accordance with the duty under section 33(1) or (5);
  - (c) “post-award referral” means a referral made under section 60.
- (5) In determining for the purposes of paragraph (4)(b) the date on which an entry is made on the subsidy database in accordance with a duty under section 33(1) or (5), the Tribunal may direct that a minor omission or error in the making of the entry is to be disregarded.
- (6) An omission or error is “minor” for the purposes of paragraph (5) if it appears to the Tribunal that it had no prejudicial impact on the interested party in assessing whether to make a pre-action information request.
- (7) The Tribunal may not extend the time limits provided for in this rule unless it is satisfied that the circumstances are exceptional.
- (8) For the purpose of paragraph (2)(a), a public authority must give notice to the interested party that the public authority has provided information in response to a request made under section 76(1).
- (9) In this rule—
  - (a) references to sections are to sections of the Subsidy Control Act 2022;
  - (b) “public authority”, “subsidy”, “subsidy database” and “subsidy decision” have the same meanings as in that Act.”
- (4) Nothing in this section affects the power in section 15 of the Enterprise Act 2002 to revoke or amend the Competition Appeal Tribunal Rules 2015, as those Rules are amended by this section.

---

**Commencement Information**

**II** S. 71 not in force at Royal Assent, see [s. 91\(2\)](#)

---

**Changes to legislation:** There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 71. (See end of Document for details)

---

**12**    [S. 71](#) 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 71.