



Subsidy Control Act 2022

2022 CHAPTER 23

PART 5

ENFORCEMENT

Appeals to the Competition Appeal Tribunal

72 CAT powers on review: England and Wales and Northern Ireland

- (1) This section applies to applications under section 70 in England and Wales or Northern Ireland.
- (2) The Tribunal must either dismiss the application or grant the following kinds of relief—
 - (a) a mandatory order;
 - (b) a prohibiting order;
 - (c) a quashing order;
 - (d) a declaration;
 - (e) an injunction.
- (3) Where the Tribunal grants relief under subsection (2)(c), it may refer the matter back to the person who made the decision with a direction to reconsider and make a new decision in accordance with its ruling.
- (4) In making a reference under subsection (3) the Tribunal may not direct the person who made the decision to take any action that the person would not otherwise have the power to take in relation to the decision.
- (5) Relief under subsection (2) granted by the Tribunal—
 - (a) has the same effect as the corresponding relief granted by the High Court on the determination of proceedings for judicial review, and
 - (b) is enforceable as if it were relief granted by the High Court on an application for judicial review.

Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 72. (See end of Document for details)

- (6) In deciding whether to grant relief under subsection (2) the Tribunal must apply the principles that the High Court would apply in deciding whether to grant that relief on an application for judicial review.
- (7) Where the Tribunal grants relief under subsection (2), it may also make a recovery order in accordance with section 74.
- (8) The Tribunal may refuse to grant any relief sought on an application if the Tribunal considers—
 - (a) that there has been undue delay in making the application, or
 - (b) that granting the relief sought on the application would be likely to cause substantial hardship to, or substantially prejudice the rights of, any person or would be detrimental to good administration.
- (9) In cases arising under the law of England and Wales, subsections (2A) and (2B) of section 31 of the Senior Courts Act 1981 apply to the Tribunal in deciding whether to grant relief under this section as they apply to the High Court when deciding whether to grant relief on an application for judicial review.
- (10) If the Tribunal grants relief in reliance on section 31(2B) of the Senior Courts Act 1981 as applied by subsection (9), the Tribunal must certify that the condition in section 31(2B) as so applied is satisfied.
- (11) For the purposes of the application of subsection (5)(a) in relation to appeals in Northern Ireland—
 - (a) a mandatory order corresponds to an order of mandamus,
 - (b) a prohibiting order corresponds to an order of prohibition, and
 - (c) a quashing order corresponds to an order of certiorari.

Commencement Information

- I1** S. 72 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** [S. 72](#) 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 72.