



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 5

#### ENFORCEMENT

##### *Pre-action information*

#### **76 Duty to provide pre-action information**

- (1) An interested party may make a request to a public authority for information about a subsidy, or subsidy scheme, that the authority has given or made.
- (2) A request under subsection (1)—
  - (a) must be made in writing, and
  - (b) must state that it is being made only for the purpose of deciding whether to apply for a review of a subsidy decision under section 70, on the ground that the decision did not comply with a requirement of Chapter 1 or 2 of Part 2.
- (3) Where a public authority receives a request under subsection (1), the authority must provide such information as would enable, or assist in, the making of a determination as to whether the subsidy was given, or the scheme was made, in accordance with the requirements of Chapters 1 and 2 of Part 2.
- (4) The information must be provided by the public authority—
  - (a) in writing, and
  - (b) within 28 days of receiving the request for information.
- (5) In providing information, a public authority may impose such restrictions as it considers proportionate in order to protect—
  - (a) commercially sensitive information,
  - (b) confidential information,
  - (c) information subject to legal privilege, or
  - (d) information, the disclosure of which would be contrary to the public interest.

---

**Changes to legislation:** There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 76. (See end of Document for details)

---

- (6) Information provided in response to a request made under this section may be used only—
- (a) for the purpose for which it was requested, and
  - (b) in accordance with any restrictions imposed by the public authority under subsection (5).

---

**Commencement Information**

- I1** S. 76 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** [S. 76](#) 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 76.