



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 6

#### MISCELLANEOUS AND GENERAL

### CHAPTER 1

#### MISCELLANEOUS

#### 79 Guidance

- (1) The Secretary of State may issue guidance about the practical application of—
  - (a) the subsidy control principles;
  - (b) the energy and environment principles;
  - (c) the subsidy control requirements in Chapters 2 and 3 of Part 2;
  - (d) the exemptions under Part 3 in respect of the subsidy control requirements;
  - (e) Chapter 1 of Part 4 (including the criteria to be used in determining whether a subsidy or subsidy scheme falls within the meaning of a subsidy, or subsidy scheme, of interest or particular interest under section 11 when applying that Chapter);
  - (f) section 76 (duty to provide pre-action information);
  - (g) section 77 (misuse of subsidies);
  - (h) section 81 (modifications to subsidies and schemes).
- (2) Guidance under subsection (1)(a) to (c) may, in particular, deal with (or with any matter connected with)—
  - (a) the determination of whether financial assistance constitutes a subsidy for the purposes of this Act;
  - (b) the meaning or effect of the subsidy control principles;
  - (c) the meaning or effect of the energy and environment principles;
  - (d) the operation of the duty under section 12 or 13 as it applies to—

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**Changes to legislation:** There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 79. (See end of Document for details)

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- (i) public authorities generally, or
  - (ii) public authorities of a particular description,when exercising functions within the scope of the duty.
- (3) The powers conferred by this section include power to give guidance about the practical application of principles, requirements and exemptions in different descriptions of case (including different descriptions of persons benefiting from subsidies).
- (4) The Secretary of State—
  - (a) must publish guidance issued under this section,
  - (b) must keep the guidance under review, and
  - (c) may from time to time revise or replace the guidance.
- (5) Before issuing guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (6) A public authority must have regard to guidance issued under this section (so far as applicable to the authority and the circumstances of the case) when giving a subsidy or making a subsidy scheme.
- (7) The requirement in subsection (5) may be met by consultation carried out before this section comes into force.

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**Commencement Information**

- I1** S. 79 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** [S. 79](#) 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 79.