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STATUTORY INSTRUMENTS

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**2022 No. 1152**

**SUBSIDY CONTROL**

**The Subsidy Control (Information-Gathering Powers) (Modification) Regulations 2022**

<i>Made</i>	- - - -	<i>7th November 2022</i>
<i>Laid before Parliament</i>		<i>8th November 2022</i>
<i>Coming into force</i>	- -	<i>4th January 2023</i>

The Secretary of State, in exercise of the powers conferred by section 67(3) of the Subsidy Control Act 2022<sup>(1)</sup>, makes the following Regulations.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Subsidy Control (Information-Gathering Powers) (Modification) Regulations 2022 and come into force on 4th January 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Modification to sections 41 to 43 of the United Kingdom Internal Market Act 2020**

2. In the application of sections 41 to 43 of the United Kingdom Internal Market Act 2020<sup>(2)</sup> for the purpose of assisting the CMA in carrying out any of its functions under section 65 of the Subsidy Control Act 2022 by virtue of section 67(1) of the Subsidy Control Act 2022—

- (a) section 41 has effect as if, in subsection (6)(a), the phrase “, including which of the functions mentioned in subsection (1) is relevant” were omitted;
- (b) section 42 has effect as if, in subsection (9)(a), for “each relevant national authority”<sup>(3)</sup> there were substituted “the Secretary of State”;
- (c) section 43 has effect as if, in subsection (8)—
  - (i) at the end of paragraph (a) there were inserted “and”;
  - (ii) paragraph (b) were omitted.

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<sup>(1)</sup> 2022 c. 23.

<sup>(2)</sup> 2020 c. 27.

<sup>(3)</sup> “Relevant national authority” is defined in section 45(6) of the United Kingdom Internal Market Act 2020.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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7th November 2022

*Kevin Hollinrake*  
Parliamentary Under Secretary of State  
Department for Business, Energy and Industrial  
Strategy

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations modify section 41 to 43 of the United Kingdom Internal Market Act 2020 (“the UKIM Act”) in the application of those sections by virtue of section 67(1) of the Subsidy Control Act 2022 (“the Subsidy Control Act”).

Section 65 of the Subsidy Control Act gives the Competition and Markets Authority (“the CMA”) certain monitoring and reporting functions in relation to subsidy control. Section 67(1) of that Act applies sections 41 to 43 of the UKIM Act (which make provision about information-gathering powers, enforcement and penalties) for the purpose of assisting the CMA in carrying out those monitoring and reporting functions. Section 67(2) makes certain modifications to section 42 and 43 of the UKIM Act in application of those sections by virtue of section 67(1) of the Subsidy Control Act. These Regulations make further necessary modifications to sections 41 to 43 of the UKIM Act in application of those sections by virtue of section 67(1) of the Subsidy Control Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. A *de minimis* impact assessment for this instrument has been produced but not published. The full Impact Assessment produced for the whole Act and dated 14 March 2022 addresses the CMA’s overall functions under the Act at paragraphs 334 to 425 and is available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1061037/subsidy-control-bill-final-impact-assessment-transparency-evidence-update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061037/subsidy-control-bill-final-impact-assessment-transparency-evidence-update.pdf)