



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 6

#### MISCELLANEOUS AND GENERAL

### CHAPTER 2

#### GENERAL

#### **84 Financial provision**

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State in connection with the establishment and maintenance of the subsidy database, and
- (b) any increase attributable to this Act in sums payable under any other Act out of money so provided as a result of the carrying out of functions by the CMA under or by virtue of Part 4.

#### **85 Crown application**

- (1) This Act, and any provisions made under it, bind the Crown.
- (2) The reference to the Crown in subsection (1) does not include—
  - (a) Her Majesty in Her private capacity,
  - (b) Her Majesty in right of the Duchy of Lancaster, or
  - (c) the Duke of Cornwall.

#### **86 Power to make consequential provision**

- (1) The Secretary of State may by regulations make provision that is consequential on this Act.

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- (2) Regulations under this section may amend, repeal, revoke or otherwise modify any provision of primary legislation, retained direct EU legislation or subordinate legislation.
- (3) Regulations under this section are subject to the affirmative procedure if they amend, repeal or revoke any provision of primary legislation or retained direct principal EU legislation.
- (4) Regulations under this section to which subsection (3) does not apply are subject to the negative procedure.

## **87 Regulations**

- (1) Any power to make regulations under this Act is exercisable by statutory instrument.
- (2) Any power to make regulations under this Act includes power—
  - (a) to make different provision for different purposes;
  - (b) to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (3) Where regulations under this Act are subject to “the affirmative procedure”, the regulations may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Where regulations under this Act are subject to “the negative procedure”, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any provision that may be made by regulations under this Act subject to the negative procedure may be made in regulations subject to the affirmative procedure.
- (6) Any power to make regulations under Part 4 to amend a provision of this Act may not be exercised after the period of one year beginning with the day on which the CMA publishes its second report under section 65.
- (7) A power to make regulations under this Act is not to be taken as limiting the power to make regulations under section 31 of the European Union (Future Relationship) Act 2020 (general implementation power).
- (8) This section does not apply to regulations under section 91.

## **88 Directions**

- (1) A direction under this Act must be given in writing.
- (2) A direction under this Act may be varied or revoked by a further direction.

## **89 Interpretation**

- (1) In this Act—
  - “the CMA” means the Competition and Markets Authority;
  - “energy and environment principles” means the principles set out in Schedule 2;
  - “enterprise” has the meaning given by section 7;

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“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) an Act or Measure of Senedd Cymru, or
- (d) Northern Ireland legislation;

“public authority” has the meaning given by section 6(1);

“special drawing rights” means special drawing rights as defined by the International Monetary Fund;

“SPEI enterprise” and “SPEI services” have the meanings given in section 29(9);

“streamlined subsidy scheme” has the meaning given by section 10(4);

“subordinate legislation” means an instrument made under primary legislation or under retained direct EU legislation;

“subsidy” has the meaning given by section 2(1);

“subsidy control principles” means the principles set out in Schedule 1;

“subsidy control requirements” has the meaning given by section 1(2);

“subsidy database” means the database of subsidies established under section 32;

“subsidy scheme” has the meaning given by section 10(1);

“subsidy scheme of interest” and “subsidy scheme of particular interest” have the meanings given by section 11;

“the Trade and Cooperation Agreement” and “supplementing agreement” have the same meanings as in the European Union (Future Relationship) Act 2020 (see section 37(1) of that Act);

“working day”, in relation to a part of the United Kingdom, means a day other than—

- (a) a Saturday or Sunday, or
- (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in that or any other part of the United Kingdom.

- (2) Section 30 of the European Union (Future Relationship) Act 2020 (interpretation of agreements: public international law) applies where a court or tribunal has regard to the Trade and Cooperation Agreement or a supplementing agreement for the purposes of interpreting a provision of this Act.

## **90 Extent**

- (1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Section 48(4) extends to England and Wales and Scotland only.

## **91 Commencement**

- (1) The following come into force on the day on which this Act is passed—

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- (a) Part 1;
  - (b) any power to make regulations under Part 2, 3 or 4 or Chapter 1 of this Part;
  - (c) this Chapter.
- (2) The rest of this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (3) Different days may be appointed for different purposes.
- (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (5) The power to make regulations under subsection (4) includes power to make different provision for different purposes.
- (6) Regulations under this section are to be made by statutory instrument.

**92 Short title**

This Act may be cited as the Subsidy Control Act 2022.