

*Status: Point in time view as at 04/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Paragraph 10. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### SUBSIDIES PROVIDED BY PRIMARY LEGISLATION

##### *Recovery orders*

- 10 (1) Section 74 applies in subsidy proceedings before the appropriate court as it applies to proceedings under Part 5 before the Competition Appeal Tribunal.
- (2) For this purpose—
- (a) section 74 is to be read as if, for subsection (1), there were substituted—
- “(1) The appropriate court may make a recovery order if—
- (a) in exercise of its powers, it determines that relief should be granted in respect of a subsidy provided by means of devolved primary legislation, and
- (b) in reaching that determination the appropriate court finds that the giving of the subsidy, or the making of the subsidy scheme under which it was given, did not comply with a requirement of Chapter 1 or 2 of Part 2.”;
- (b) subsection (2)(a) of that section is to be read as if, for the words from “a public authority” to “that subsidy”, there were substituted “the appropriate authority to recover a subsidy provided by means of devolved primary legislation”;
- (c) subsection (2)(b) of that section is to be read as if the reference to the public authority were a reference to the appropriate authority;
- (d) subsection (4) of that section is to be ignored.

##### **Commencement Information**

- 11** Sch. 3 para. 10 not in force at Royal Assent, see **s. 91(2)**
- 12** Sch. 3 para. 10 in force at 4.1.2023 by **S.I. 2022/1359, reg. 2**

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