
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Public Service Obligations in Transport Regulations 2023

PART 5

Enforcement

Recovery orders

- 25.**—(1) A court may make a recovery order if—
- (a) in exercise of its powers, it grants relief in respect of a decision to enter into a public service contract, or make a general rule, under which a subsidy is given to a public service operator, and
 - (b) in granting that relief the court finds that the decision did not comply with these Regulations.
- (2) A recovery order is an order that—
- (a) confers a right on a competent authority that has given the subsidy to recover the amount of that subsidy from the beneficiary, and
 - (b) requires the authority to exercise that right in accordance with the order.
- (3) A recovery order may—
- (a) provide for how the right to recover a subsidy under the order is to be exercised;
 - (b) require that the right is exercised by such time as the order may specify;
 - (c) relate to the whole of a subsidy or to such part as the order may provide;
 - (d) require the payment of interest in accordance with the order.
- (4) In this regulation, “subsidy” has the same meaning as in the Subsidy Control Act 2022⁽¹⁾.

⁽¹⁾ 2022 c. 23. See section 2(1) for the definition of “subsidy”.