



Subsidy Control Act 2022

2022 CHAPTER 23

PART 1

OVERVIEW AND KEY INTERPRETATION

“Subsidy”

2 “Subsidy”

- (1) In this Act, “subsidy” means financial assistance which—
- is given, directly or indirectly, from public resources by a public authority,
 - confers an economic advantage on one or more enterprises,
 - is specific, that is, is such that it benefits one or more enterprises over one or more other enterprises with respect to the production of goods or the provision of services, and
 - has, or is capable of having, an effect on—
 - competition or investment within the United Kingdom,
 - trade between the United Kingdom and a country or territory outside the United Kingdom, or
 - investment as between the United Kingdom and a country or territory outside the United Kingdom.
- (2) For the purposes of this Act, the means by which financial assistance may be given include—
- a direct transfer of funds (such as grants or loans);
 - a contingent transfer of funds (such as guarantees);
 - the forgoing of revenue that is otherwise due;
 - the provision of goods or services;
 - the purchase of goods or services.
- (3) Financial assistance given from the person’s resources by a person who is not a public authority is to be treated for the purposes of subsection (1)(a) as financial assistance

Status: This is the original version (as it was originally enacted).

given from public resources by a public authority if the involvement of a public authority in the decision to give financial assistance is such that the decision is, in substance, the decision of the public authority.

- (4) For the purposes of subsection (3), the factors which may be taken into account when considering the involvement of a public authority in the decision of a person to give financial assistance include, in particular, factors relating to—
- (a) the control exercised over that person by that public authority, or
 - (b) the relationship between that person and that public authority.
- (5) For the purposes of this Act, financial assistance is to be treated as given to an enterprise if the enterprise has an enforceable right to the financial assistance.
- (6) For further provision relevant to the interpretation of this section, see—
- (a) section 3 (financial assistance which confers an economic advantage);
 - (b) section 4 (financial assistance which is specific);
 - (c) section 5 (modification for air carriers);
 - (d) section 6 (meaning of “public authority”);
 - (e) sections 7 and 8 (meaning of “enterprise”).