



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 3

#### EXEMPTIONS

### CHAPTER 2

#### MINIMAL OR SPEI FINANCIAL ASSISTANCE

##### *Services of public economic interest assistance*

### **38 Services of public economic interest assistance**

- (1) The subsidy control requirements do not apply to SPEI assistance given to an enterprise if the total amount of minimal or SPEI financial assistance given to the enterprise within the applicable period does not exceed £725,000.
- (2) The applicable period is the period comprising—
  - (a) the elapsed part of the current financial year, and
  - (b) the two financial years immediately preceding the current financial year.
- (3) “SPEI assistance” means a subsidy given under this section, and for this purpose a subsidy is given under this section if—
  - (a) it is given to a SPEI enterprise for the purposes of the provision of SPEI services, and
  - (b) the authority giving the subsidy provides to the enterprise a SPEI assistance confirmation (see section 39(5)).
- (4) In subsection (1), the reference to the subsidy control requirements does not include the requirements as to transparency in Chapter 3 of Part 2 except in relation to the giving of a subsidy as SPEI assistance if the amount of the subsidy is no more than £100,000.

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*Status: This is the original version (as it was originally enacted).*

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- (5) For the purposes of this section—
- (a) if SPEI assistance is provided in cash, the gross cash amount given is to be used in determining the amount of assistance;
  - (b) if SPEI assistance is provided otherwise than in cash, the amount of assistance given is to be determined by reference to the gross cash equivalent of the assistance.
- (6) This section does not authorise the giving of a subsidy relating to goods that is in contravention of section 16 (export performance) or 17 (use of domestic goods or services).
- (7) In subsection (2)—
- (a) the “current financial year” is the financial year in which the SPEI assistance is given, and
  - (b) the “elapsed part” of that year is so much of it as has passed at the time when it is given.