



Subsidy Control Act 2022

2022 CHAPTER 23

PART 3

EXEMPTIONS

CHAPTER 4

OTHER MISCELLANEOUS EXEMPTIONS

48 Legacy and withdrawal agreement subsidies

- (1) The subsidy control requirements do not apply to the following legacy subsidies and schemes—
- (a) a subsidy given on or after the day on which this section comes into force, under a subsidy scheme made before that day;
 - [^{F1}(b) a subsidy given in accordance with—
 - (i) Regulation (EC) No 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road,
 - (ii) that Regulation as it has effect by virtue of regulation 28(2) of the Public Service Obligations in Transport Regulations 2023, or
 - (iii) the Public Service Obligations in Transport Regulations 2023,(and any such subsidy is to be treated for the purposes of this Act as if it were given in accordance with a subsidy scheme).]
- (2) In subsection (1), the reference to the subsidy control requirements, so far as it relates to subsection (1)(a), does not include the requirements as to transparency in Chapter 3 of Part 2, except in relation to—
- (a) subsidies given that are subject to the provisions of Part IV or Annex 2 of the Agreement on Agriculture;
 - (b) subsidies given in relation to trade in fish and fish products;
 - (c) subsidies given in relation to the audiovisual sector.

Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 48. (See end of Document for details)

- (3) The subsidy control requirements do not apply to the following withdrawal agreement subsidies and schemes—
- (a) a subsidy given, or a subsidy scheme made, in accordance with Article 10 of the Northern Ireland Protocol;
 - (b) a subsidy or subsidy scheme to which Article 138 of the EU withdrawal agreement applies.
- (4) In Regulation [\(EC\) No 1370/2007](#) of the European Parliament and of the Council on public passenger transport services by rail and by road, omit Article 9 (transport sector provisions).
- (5) In this section “the Agreement on Agriculture” means the Agreement on Agriculture, contained in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh on 15 April 1994 (read with any adjustments necessary for context).

Textual Amendments

- F1** S. 48(1)(b) substituted (25.12.2023) by [The Public Service Obligations in Transport Regulations 2023](#) (S.I. 2023/1369), reg. 1(1), **Sch. 3 para. 3(2)** (with reg. 28)

Commencement Information

- I1** S. 48 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** S. 48 in force at 4.1.2023 by [S.I. 2022/1359](#), **reg. 2**

Changes to legislation:

There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 48.