



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 4

#### CMA: REFERRALS AND FUNCTIONS

### CHAPTER 1

#### FUNCTIONS ON REFERRALS OF SUBSIDIES AND SCHEMES

#### *Mandatory referrals*

#### **52 Mandatory referral to CMA**

- (1) A public authority must request a report from the CMA—
  - (a) before giving a subsidy, or making a subsidy scheme, of particular interest, or
  - (b) where directed to do so by the Secretary of State under section 55.
- (2) The request must—
  - (a) include the information in relation to the subsidy or subsidy scheme that would be required under section 34, if the subsidy or scheme were to be given or made,
  - (b) provide such other information as is specified in regulations under subsection (3)(a),
  - (c) explain, in the case of a request under subsection (1)(a), why the public authority considers that the subsidy or subsidy scheme would meet the criteria for being a subsidy, or subsidy scheme, of particular interest,
  - (d) include an assessment by the public authority as to whether the subsidy or scheme would comply with the requirements of Chapters 1 and 2 of Part 2, and the reasons for that conclusion, and
  - (e) include any evidence relevant to that assessment.
- (3) The Secretary of State may by regulations—

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**Status:** *This is the original version (as it was originally enacted).*

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- (a) specify further information that must be included in a request under this section;
  - (b) make provision as to the form of a request under this section.
- (4) Regulations under subsection (3)(a) and (b) are subject to the negative procedure.