

LORDS AMENDMENTS TO THE
SUBSIDY CONTROL BILL

[The page and line references are to HL Bill 84, the bill as first printed for the Lords]

Clause 10

1 Page 6, line 35, at end insert—

- “(6A) If, within the 40-day period, either House of Parliament resolves not to approve the scheme, or the scheme as modified, then, with effect from the end of the day on which the resolution is passed, the scheme, or the scheme as modified, is to be treated as not having been made.
- (6B) Nothing in subsection (6A)—
- (a) affects any subsidies given under the scheme before the end of the day on which the resolution is passed, or
 - (b) prevents a further scheme being laid before Parliament.
- (6C) In this section, “the 40-day period” means—
- (a) if the scheme is laid before both Houses of Parliament on the same day, the period of 40 days beginning with that day, or
 - (b) if the scheme is laid before the Houses of Parliament on different days, the period of 40 days beginning with the later of those days.
- (6D) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.”

2 Page 6, line 35, at end insert—

- “(7) A subsidy scheme or streamlined subsidy scheme may provide for the value of a subsidy to be determined by reference to its gross cash amount or the gross cash equivalent.”

Clause 11

3 Page 7, line 7, at end insert –

“(2A) Provision under subsection (2)(a) may provide for the value of a subsidy to be determined by reference to its gross cash amount or the gross cash equivalent.”

4 Page 7, line 3, after “reference” insert “(among other things)”

Clause 16

5 Page 9, line 13, leave out from “if” to end of line 14 and insert “regulations made by the Secretary of State provide for the marketable risk country to be so treated.”

6 Page 9, line 15, leave out “give a direction” and insert “make regulations”

7 Page 9, line 21, leave out from “must” to “if” in line 22 and insert “by further regulations under subsection (4) revoke regulations under that subsection in respect of a marketable risk country”

8 Page 9, line 24, leave out subsection (7) and insert –

“(7) Regulations under subsection (4) are subject to the negative procedure.”

Clause 18

9 Page 10, line 13, at end insert –

“(4) The prohibition in subsection (1) does not apply if the public authority giving the subsidy is satisfied that the conditions in subsections (5) to (7) are met.

(5) The condition in this subsection is that the effect of the subsidy is to reduce the social or economic disadvantages of the area that would benefit from the giving of the subsidy.

(6) The condition in this subsection is that the giving of the subsidy results in an overall reduction in the social or economic disadvantages within the United Kingdom generally.

(7) The condition in this subsection is that the subsidy is designed to bring about a change in the size, scope or nature of the existing economic activities referred to in subsection (1)(a).”

Clause 25

10 Page 13, line 21, leave out subsections (4) to (6)

Clause 26

11 Page 14, line 4, leave out subsections (4) to (6)

Clause 27

12 Page 14, line 30, leave out subsections (3) to (5)

Clause 32

- 13 Page 17, line 10, at end insert “, and
 (c) the subsidy database is kept under review in such manner
 and at such intervals as the Secretary of State considers
 appropriate.”

Clause 33

- 14 Page 17, line 21, leave out “£500,000” and insert “£100,000”
- 15 Page 17, line 24, after “given” insert “as a subsidy”
- 16 Page 17, line 25, at end insert –
 “(aa) if made as a subsidy scheme in the form of a tax measure,
 within three months of the confirmation of the decision to
 make the scheme, or”
- 17 Page 17, line 26, leave out “in any other form, within six” and insert “or made in
 any other form, within three”
- 18 Page 17, line 34, leave out “, or a subsidy scheme made,”
- 19 Page 17, line 34, at end insert –
 “(aa) within three months of the date of the modification, in respect of a
 subsidy scheme made in the form of a tax measure, or”
- 20 Page 17, line 35, leave out “six” and insert “three”
- 21 Page 17, line 37, leave out from “apply” to end of line 38 and insert “to the
 modification of a subsidy if –
 (a) the subsidy is one to which subsection (2) applied, and
 (b) the amount of the subsidy as modified is no more than the
 applicable amount.
 (6A) For the purpose of subsection (6)(b) “the applicable amount” is –
 (a) the amount specified in subsection (2)(c), or
 (b) if regulations under subsection (8)(b) provide for a different
 amount in relation to the subsidy, that amount.”
- 22 Page 18, line 4, leave out from “regulations” to end of line 6 and insert, “–
 (a) substitute a different amount for the amount specified in
 subsection (2)(c);
 (b) provide for a different amount to apply, instead of an
 amount specified in subsection (2)(c), in the case of
 particular descriptions of subsidy.
 (8A) An amount specified in regulations under subsection (8) may not
 exceed £500,000.”
- 23 Page 18, line 6, at end insert –
 “(8B) The Secretary of State may by regulations –
 (a) amend subsections (3) and (5) so as to substitute a different
 period of time for the period of time specified;
 (b) provide for a different period of time to apply, instead of a
 period of time specified in subsection (3) and (5) in the case
 of particular descriptions of subsidy or subsidy scheme.

- (8C) A period of time specified in regulations under subsection (8B) may not exceed—
- (a) one year in respect of a subsidy given in the form of a tax measure;
 - (b) one year in respect of a subsidy scheme made in the form of a tax measure;
 - (c) six months in respect of a subsidy given or scheme made in any other form.”

- 24 Page 18, line 7, leave out “are subject to the negative procedure” and insert “or (8B) are subject to the affirmative procedure.”

Clause 36

- 25 Page 19, line 28, at end insert—

“(3A) 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 minimal financial assistance if the amount of the subsidy is no more than £100,000.”

Clause 38

- 26 Page 21, line 8, at end insert—

“(3A) 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.”

Clause 41

- 27 Page 23, line 13, leave out from “requirements” to end of line 30 and insert “as to transparency in Chapter 3 of Part 2 do not apply to a subsidy given to a SPEI enterprise for the purpose of the provision of SPEI services, where the subsidy is no more than £100,000.”

- 28 Page 23, line 31, leave out “(a)”

Clause 42

- 29 Page 23, line 39, leave out “(a)”

- 30 Page 23, line 40, leave out “of total assistance”

- 31 Page 23, line 40, leave out “for the time being”

- 32 Page 23, line 42, leave out “(a)”

- 33 Page 23, line 43, at end insert—

- “(c) amend section 36(3A) or 38(3A) so as to substitute a different amount for the amount specified;
- (d) provide for a different amount to apply, instead of an amount specified in section 36(3A) or 38(3A), in the case of particular descriptions of subsidy.”

- 34 Page 23, line 45, leave out “only”

35 Page 23, line 46, leave out “equivalent to” and insert “up to an equivalent of”

36 Page 24, line 6, leave out “(a)”

37 Page 24, line 16, at end insert –

“(3A) An amount specified in regulations under subsection (1)(c) or (d) which amend section 36(3A) may not exceed the amount specified in section 36(1).”

(3B) An amount specified in regulations under subsection (1)(c) or (d) which amend section 38(3A) may not exceed the amount specified in section 38(1).”

38 Page 24, line 17, leave out “(a) or (b)”

Clause 47

39 Page 26, line 26, at end insert “, and
(b) be laid before Parliament.”

40 Page 26, line 27, leave out subsection (7) and insert –

“(7) If the Treasury considers that the steps required by subsection (6) would have the effect of undermining the purpose for which the direction is given, the Treasury may delay the carrying out of those steps until such time as it is satisfied that to do so would not have that effect.”

Clause 65

41 Page 37, line 17, leave out “fifth” and insert “third”

42 Page 37, line 18, after “falls” insert –
“(aa) the following period of three years”

43 Page 37, line 21, at end insert –

“(4A) The Secretary of State may exercise the power in subsection (4) only after the CMA has prepared its reports in relation to the first two relevant periods mentioned in subsection (3).”

Clause 78

44 Page 45, line 15, leave out from second “of” to the end of line 16 and insert “financial assistance provided, or schemes for the provision of financial assistance made, by means of primary legislation.

(2) Nothing in this Act applies to the giving of any such assistance, or to the making of any such schemes, except so far as provided for by that Schedule.”

Clause 79

45 Page 45, line 27, at end insert –

“(ea) section 76 (duty to provide pre-action information);”

46 Page 46, line 13, at end insert—

“(7) The requirement in subsection (5) may be met by consultation carried out before this section comes into force.”

Clause 81

47 Page 46, line 35, leave out from “apply” to end of line 36 and insert “—

(a) for the purposes of section 33(1) and (3) (see instead section 33(5)),
or

(b) if the modification is only a permitted modification (but section 33(5) applies to a permitted modification as it applies to other modifications).”

Clause 82

48 Page 47, line 35, at end insert—

“(e) provision in regulations or schemes made under this Act.”

Clause 87

49 Page 49, line 13, leave out “first” and insert “second”

Schedule 1

50 Page 51, line 7, after “as” insert “local or regional disadvantage,”

Schedule 3

51 Page 57, line 4, leave out “(1) (a) and (b)”

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