



# Subsidy Control Act 2022

## 2022 CHAPTER 23

### PART 3

#### EXEMPTIONS

### CHAPTER 2

#### MINIMAL OR SPEI FINANCIAL ASSISTANCE

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

#### **39 Section 38: procedural requirements**

- (1) Before giving SPEI assistance, a public authority must give to the enterprise a SPEI assistance notification.
- (2) A “SPEI assistance notification” means a written statement—
  - (a) explaining that the authority is proposing to give to the enterprise a subsidy by way of SPEI assistance,
  - (b) specifying the gross value amount of the assistance, and
  - (c) requesting written confirmation from the enterprise that the total amount specified in section 38(1) will not be exceeded by the enterprise receiving the proposed assistance.
- (3) The public authority may proceed to give the assistance only after it has received the confirmation referred to in subsection (2)(c).
- (4) On giving the assistance, the public authority must provide to the enterprise a SPEI assistance confirmation.
- (5) A “SPEI assistance confirmation” means a written statement confirming—
  - (a) that the subsidy is given as SPEI assistance,
  - (b) the date on which it is given, and

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*Changes to legislation: There are currently no known outstanding effects for the Subsidy Control Act 2022, Section 39. (See end of Document for details)*

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- (c) the gross value amount of the assistance.
- (6) The enterprise must keep a written record detailing—
  - (a) that it has received a subsidy by way of SPEI assistance,
  - (b) the date on which it was given, and
  - (c) the gross value amount of the assistance.
- (7) The record required by subsection (6) must be kept for at least three years beginning with the date mentioned in paragraph (b) of that subsection.
- (8) In this section—
  - “the enterprise” means the enterprise that receives, or that would receive, SPEI assistance;
  - “gross value amount” of SPEI assistance means the gross cash amount (see subsection (5)(a) of section 38) or the gross cash equivalent (see subsection (5)(b) of that section).

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**Commencement Information**

- I1** S. 39 not in force at Royal Assent, see [s. 91\(2\)](#)
- I2** S. 39 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 39.