

# Subsidy Control Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 10**

LORD MCNICOL OF WEST KILBRIDE

Page 6, line 30, after “Crown” insert “, Scottish Minister, Welsh Minister or Northern Ireland department”

***Member’s explanatory statement***

*This amendment clarifies that Scottish, Welsh and Northern Ireland Ministers are able to make a streamlined subsidy scheme.*

Page 6, line 32, at end insert –

“(4A) A streamlined subsidy scheme may be made, in particular, to support areas of relative economic deprivation.”

***Member’s explanatory statement***

*This amendment would make clear that streamlined subsidy schemes may, among other things, be made for the purposes of supporting areas of deprivation.*

Page 6, line 33, after “Parliament” insert “or relevant devolved assembly”

***Member’s explanatory statement***

*This amendment is consequential on an amendment to Clause 10, page 6, line 30 in the name of Lord McNicol of West Kilbride, to make clear that streamlined subsidy schemes designed by a devolved authority must be laid before the relevant devolved assembly.*

Page 6, line 35, after “Parliament” insert “or relevant devolved assembly”

***Member’s explanatory statement***

*This amendment is consequential on an amendment to Clause 10, page 6, line 30 in the name of Lord McNicol of West Kilbride, to make clear that streamlined subsidy schemes designed and then modified by a devolved authority must have their modified terms laid before the relevant devolved assembly.*

### Clause 11

LORD MCNICOL OF WEST KILBRIDE

Page 7, line 8, at end insert –

- “(4) Before making regulations under this section, the Secretary of State must seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.
- (5) If consent to the making of the regulations is not given by any of those authorities within the period of one month beginning with the day on which it is sought from that authority, the Secretary of State may make the regulations without consent.
- (6) If regulations are made in reliance of subsection (5), the Secretary of State must make a statement to the House of Commons explaining why the Secretary of State decided to make the regulations without the consent of the authority or authorities concerned.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to seek the consent of the Devolved Administrations before making regulations under this section. Where such consent is not given within one month, the Secretary of State may make the regulations without that consent but must make a statement to the House of Commons explaining their decision.*

### Clause 12

LORD MCNICOL OF WEST KILBRIDE

Page 7, line 19, leave out subsection (2)

***Member’s explanatory statement***

*This amendment would require individual subsidies given under a subsidy scheme to be judged against the subsidy control principles.*

### Clause 13

LORD MCNICOL OF WEST KILBRIDE

Page 7, line 33, leave out subsection (2)

***Member’s explanatory statement***

*This amendment would require individual subsidies given under a subsidy scheme to be judged against the energy and environment principles.*

### Clause 18

LORD MCNICOL OF WEST KILBRIDE

Page 10, line 8, leave out “an” and insert “a local authority”

***Member’s explanatory statement***

*This amendment, coupled with another, is designed to probe the definition of “area of the United Kingdom” in the context of the prohibition of relocation subsidies.*

Page 10, line 11, after “another” insert “local authority”

***Member’s explanatory statement***

*This amendment, coupled with another, is designed to probe the definition of “area of the United Kingdom” in the context of the prohibition of relocation subsidies.*

**Clause 32**

LORD MCNICOL OF WEST KILBRIDE

Page 17, line 8, at end insert –

“(aa) the subsidy database and its contents are subject to routine audit, and”

***Member’s explanatory statement***

*This amendment would require regular audits of the subsidy database to ensure its contents are of appropriate quality.*

**Clause 33**

LORD MCNICOL OF WEST KILBRIDE

Page 17, line 19, leave out paragraphs (a) and (b)

***Member’s explanatory statement***

*This amendment removes the declaration exemption for individual subsidies given under a scheme, meaning those subsidies would have to be entered into the subsidy database.*

Page 17, line 21, leave out “£500,000” and insert “£500”

***Member’s explanatory statement***

*This amendment would reduce the threshold for entering subsidies into the subsidy database from £500,000 to £500.*

Page 17, line 24, leave out “one year” and insert “three months”

***Member’s explanatory statement***

*This amendment would require subsidies or schemes to be entered in the database within three months of being made, rather than one year, if given in the form of a tax measure.*

Page 17, line 33, leave out “one year” and insert “three months”

***Member’s explanatory statement***

*This amendment would require that modifications to subsidies or schemes entered into the database are made within three months of that modification, if given in the form of a tax measure.*

Page 17, line 35, leave out “six months” and insert “one month”

***Member’s explanatory statement***

*This amendment would require that modifications to subsidies or schemes entered into the database are made within one month of that modification, if given in any form other than a tax measure.*

**Clause 34**

LORD MCNICOL OF WEST KILBRIDE

Page 18, line 27, at end insert –

“(j) the date the subsidy or scheme was entered onto the database.”

***Member’s explanatory statement****This amendment would require the date a subsidy or scheme was entered onto the database to be included in the information public authorities are required to enter into the database.*

Page 18, line 32, at end insert –

“(ba) a statement outlining how the terms and conditions for subsidy eligibility are consistent with the subsidy control principles;”

***Member’s explanatory statement****This probing amendment would allow regulations specifying the information to be included in the subsidy database to include a statement outlining how the subsidy scheme’s terms and conditions ensure adherence to the subsidy control principles.***Clause 36**

LORD MCNICOL OF WEST KILBRIDE

Page 19, line 20, leave out “£315,000” and insert “£500”

***Member’s explanatory statement****This amendment would make Clause 33 applicable to minimal or SPEI financial assistance worth more than £500.***Clause 41**

LORD MCNICOL OF WEST KILBRIDE

Page 23, line 15, leave out “£14,500,000” and insert “£500”

***Member’s explanatory statement****This amendment would make Clause 33 applicable to SPEI subsidies worth more than £500.*

Page 23, line 16, leave out paragraph (b)

***Member’s explanatory statement****This probing amendment removes the exemption for various SPEI services from the reporting requirements in Clause 33.***Clause 47**

LORD MCNICOL OF WEST KILBRIDE

Page 26, line 27, leave out subsection (7)

***Member's explanatory statement***

*This amendment removes the proposed ability for the Treasury to keep financial stability directions secret from Parliament and the public, thereby enacting a recommendation of the Delegated Powers and Regulatory Reform Committee.*

**Clause 55**

LORD MCNICOL OF WEST KILBRIDE

Page 30, line 40, after “State” insert “, the Scottish Ministers, the Welsh Ministers or the Department for the Economy in Northern Ireland”

***Member's explanatory statement***

*This amendment extends the call-in powers under this section to the Devolved Administrations.*

Page 31, line 2, after “State” insert “, the Scottish Ministers, the Welsh Ministers or the Department for the Economy in Northern Ireland”

***Member's explanatory statement***

*This amendment extends the call-in powers under this section to the Devolved Administrations.*

Page 31, line 7, after “State” insert “, the Scottish Ministers, the Welsh Ministers or the Department for the Economy in Northern Ireland, as appropriate”

***Member's explanatory statement***

*This amendment extends the call-in powers under this section to the Devolved Administrations.*

Page 31, line 10, leave out “Secretary of State” and insert “relevant authority”

***Member's explanatory statement***

*This is a tidying up amendment consequential on previous amendments to this Clause in the name of Lord McNicol of West Kilbride.*

**Clause 66**

LORD MCNICOL OF WEST KILBRIDE

Page 38, line 5, at end insert –

- “(2) The annual report must also contain an assessment by the CMA, on the basis of the reports it has prepared, of the extent to which the subsidy control regime under this Act is meeting its stated policy objectives.”

***Member's explanatory statement***

*This amendment would require the CMA to opine, in its annual report, on the extent to which the new subsidy control system is meeting its stated policy objectives.*

### Clause 68

LORD MCNICOL OF WEST KILBRIDE

Page 39, line 1, at end insert –

“(3A) The Chair of the CMA Board may appoint up to three non-executive members to the Subsidy Advice Unit established under subsection (1) in order to ensure that the Unit includes at least one person with relevant experience in relation to each of Wales, Scotland and Northern Ireland.”

***Member’s explanatory statement***

*This amendment would allow the CMA Chair to appoint up to three non-executive members to ensure that the Unit includes at least one person with experience in relation to each of Wales, Scotland and Northern Ireland.*

### After Clause 69

LORD MCNICOL OF WEST KILBRIDE

Insert the following new Clause –

**“CMA resourcing**

- (1) This Part may not come into force until the Secretary of State has –
  - (a) undertaken an assessment of the CMA’s capacity to undertake the functions contained within this Part, and
  - (b) laid before both Houses of Parliament a statement confirming whether, in the Secretary of State’s opinion, the CMA has the appropriate resourcing to meet its obligations under this Part.
- (2) If the assessment under paragraph (a) determines that the CMA is not sufficiently resourced, the statement under paragraph (b) must outline what steps Her Majesty’s Government intends to take to remedy this.”

***Member’s explanatory statement***

*This probing amendment seeks clarification around the CMA’s resourcing and general readiness to undertake the various new roles envisaged under the legislation.*

### Clause 70

LORD MCNICOL OF WEST KILBRIDE

Page 39, line 35, leave out subsection (2)

***Member’s explanatory statement***

*This amendment would allow individual subsidies given under a subsidy scheme to be reviewed, without the requirement for the broader subsidy scheme to be reviewed too.*

### Clause 71

LORD MCNICOL OF WEST KILBRIDE

Page 40, line 37, leave out “one month” and insert “three months”

***Member's explanatory statement***

*This amendment would extend the time limit for applications to the tribunal under Clause 70 from one month to three.*

**Clause 79**

LORD MCNICOL OF WEST KILBRIDE

Page 46, line 10, at end insert –

- “(5A) Before issuing guidance under this section, the Secretary of State must seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.
- (5B) If consent to the issuing of guidance is not given by any of those authorities within the period of one month beginning with the day on which it is sought from that authority, the Secretary of State may issue guidance without that consent.
- (5C) If guidance is issued in reliance on subsection (5B), the Secretary of State must publish a statement explaining why the Secretary of State decided to issue the guidance without the consent of the authority or authorities concerned.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to gain the consent of the Devolved Administrations before issuing guidance under Clause 79.*

**Schedule 1**

LORD MCNICOL OF WEST KILBRIDE

Page 51, line 8, after “concerns” insert “and areas of relative economic deprivation”

***Member's explanatory statement***

*This amendment includes areas of relative economic deprivation as an example of the equity rationales that subsidies should address.*

Page 52, line 6, at end insert –

- “(c) progress towards meeting the target in section 1 of the Climate Change Act 2008 (carbon target for 2050).”

***Member's explanatory statement***

*This amendment adds consistency with the UK's net zero commitments as a particular consideration for public authorities before deciding whether to give a subsidy.*

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*20 January 2022*

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