



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 2

COMPETITION

CHAPTER 5

MISCELLANEOUS

PROSPECTIVE

142 Attendance of witnesses etc

- (1) Section 26A of CA 1998 (investigations: power to ask questions) is amended as follows.
- (2) In subsection (1)—
 - (a) in the words before paragraph (a) omit “who has a connection with a relevant undertaking”;
 - (b) in paragraph (a), after “at a place” insert “or in a manner (which may be remote)”.
- (3) In subsection (2), for “each” substitute “any”.
- (4) For subsection (6) substitute—
 - “(6) For the purposes of this section, an individual has a current connection with an undertaking if, at the time in question, the individual is—
 - (a) concerned in the management or control of the undertaking, or
 - (b) employed by, or otherwise working for, the undertaking.”

Status: Point in time view as at 24/05/2024. This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Chapter 5. (See end of Document for details)

- (5) In section 109(1) of EA 2002 (attendance of witnesses and production of documents etc: Part 3), in paragraph (a) for “place” substitute “at a place, or in a manner (which may be remote)”.
- (6) In section 174(3) of EA 2002 (attendance of witnesses and production of documents etc: Part 4), in paragraph (a) for “place” substitute “at a place, or in a manner (which may be remote)”.

Commencement Information

- II** S. 142 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

143 Civil penalties etc in connection with competition matters

- (1) [Schedule 10](#) makes provision for, and in connection with, the imposition of civil penalties in relation to investigations under—
- Part 1 of CA 1998 (competition);
 - Parts 3 (mergers) and 4 (market studies and market investigations) of EA 2002.
- (2) [Schedule 11](#) makes provision for, and in connection with, the imposition of civil penalties in relation to breaches of—
- commitments and directions under Part 1 of CA 1998;
 - undertakings and orders under Parts 3 and 4 of EA 2002.
- (3) [Schedule 12](#) makes provision providing that certain functions being conferred on the CMA by Schedules [10](#) and [11](#) are not exercisable concurrently by sectoral regulators.

Commencement Information

- I2** S. 143 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

144 Service and extra-territoriality of notices under CA 1998 and EA 2002

[Schedule 13](#) makes provision about—

- the service of documents under Chapter 3 of Part 1 of CA 1998 (investigation and enforcement) and Parts 3 (mergers) and 4 (market studies and market investigations) of EA 2002;
- the extra-territorial application of notices under sections 26 and 40ZD of CA 1998 and sections 109(2) and (3) and 174(4) and (5) of EA 2002.

Status: Point in time view as at 24/05/2024. This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Chapter 5. (See end of Document for details)

Commencement Information

- I3** S. 144 not in force at Royal Assent, see [s. 339\(1\)](#)

145 Orders and regulations under CA 1998 and EA 2002

[Schedule 14](#) makes provision about the making of orders and regulations under—

- (a) CA 1998, and
- (b) Parts 3 (mergers) and 4 (market studies and market investigations) of EA 2002.

Commencement Information

- I4** S. 145 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

146 Meaning of “working day” in Parts 3 and 4 of EA 2002

- (1) Part 3 of EA 2002 (mergers) is amended as follows.
- (2) In Chapter 1 (duty to make references)—
 - (a) in section 25 (extension of time limits)—
 - (i) in subsection (1), after “20” insert “working”;
 - (ii) in subsection (5), in paragraph (b), after “10” insert “working”;
 - (b) omit section 32 (supplementary provision for the purposes of section 25);
 - (c) in section 34ZA(3) (time limits for decisions about references) omit the definition of “working day”;
 - (d) in section 34ZB (extension of time limits) omit subsection (9);
 - (e) in section 34ZC (sections 34ZA and 34ZB: supplementary) omit subsection (9).
- (3) In Chapter 2 (public interest cases)—
 - (a) in section 54 (decision of Secretary of State in public interest cases)—
 - (i) in subsection (5), after “30” insert “working”;
 - (ii) omit subsection (8);
 - (b) in section 56 (competition cases where intervention on public interest grounds ceases)—
 - (i) in subsection (4), in paragraph (b), after “20” insert “working”;
 - (ii) omit subsection (5).
- (4) In Chapter 4 (enforcement), in section 73A (time limits for consideration of undertakings) omit subsection (12).
- (5) In Chapter 5 (supplementary)—
 - (a) in section 129(1) (other interpretative provisions), at the appropriate place insert—

““working day” means any day other than—

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- (a) a Saturday or Sunday, or
- (b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.”;
- (b) in section 130 (index of defined expressions), at the appropriate place insert—

“Working day

Section 129(1)”.

- (6) In Part 4 of EA 2002 (market studies and market investigations), in section 151 (public interest intervention cases: interaction with general procedure)—
 - (a) in subsection (3), after “20” insert “working”;
 - (b) in subsection (5), after “20” insert “working”;
 - (c) omit subsection (6);
 - (d) at the end insert—
 - “(7) In this section, “working day” means any day other than—
 - (a) a Saturday or Sunday, or
 - (b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.”
- (7) In regulation 2(1) of the Enterprise Act 2002 (Merger Prenotification) Regulations 2003 (S.I. 2003/1369), for the definition of “working day” substitute—
 - ““working day” means any day other than—
 - (a) a Saturday or Sunday, or
 - (b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.”

Commencement Information

I5 S. 146 not in force at Royal Assent, see [s. 339\(1\)](#)

Status:

Point in time view as at 24/05/2024. This version of this chapter contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Chapter 5.