



# Digital Markets, Competition and Consumers Act 2024

## 2024 CHAPTER 13

### PART 3

#### ENFORCEMENT OF CONSUMER PROTECTION LAW

### CHAPTER 3

#### CONSUMER PROTECTION ORDERS AND UNDERTAKINGS

##### *Enforcers for purposes of Chapter*

## 151 Enforcers

- (1) Each of the following is a public designated enforcer for the purposes of [this Chapter](#)—
- (a) the CMA;
  - (b) every local weights and measures authority in Great Britain;
  - (c) the Department for the Economy in Northern Ireland;
  - (d) the Civil Aviation Authority;
  - (e) the Financial Conduct Authority;
  - (f) the Gas and Electricity Markets Authority;
  - (g) the Department of Health in Northern Ireland;
  - (h) the Department for Infrastructure in Northern Ireland;
  - (i) the Northern Ireland Authority for Utility Regulation;
  - (j) an enforcement authority within the meaning of section 120(15) of the Communications Act 2003 (regulation of premium rate services);
  - (k) the Information Commissioner;
  - (l) the Maritime and Coastguard Agency;
  - (m) the Office of Communications;

*Status: This version of this cross heading contains provisions that are prospective.*

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

- (n) the Office of Rail and Road;
  - (o) the Office for the Traffic Commissioner;
  - (p) the Secretary of State;
  - (q) the Water Services Regulation Authority.
- (2) The Consumers' Association is a private designated enforcer for the purposes of [this Chapter](#).
- (3) The Secretary of State may by regulations amend [subsection \(1\)](#) or [\(2\)](#) so as to—
- (a) add or remove a person as a public designated enforcer;
  - (b) add or remove a person as a private designated enforcer;
  - (c) vary the entry of a person as a public or private designated enforcer.
- (4) The power under [subsection \(3\)\(a\)](#) to add a person as a public designated enforcer is exercisable only if the Secretary of State considers that the person is a public body that has, as one of their purposes, the protection of the collective interests of consumers.
- (5) The power under [subsection \(3\)\(b\)](#) to add a person as a private designated enforcer is exercisable only if the Secretary of State considers that the person—
- (a) is not a public body,
  - (b) satisfies the designation criteria in [section 152](#), and
  - (c) has, as one of their purposes, the protection of the collective interests of consumers.
- (6) The power under [subsection \(3\)\(a\)](#) and [\(c\)](#) to remove a person as a public designated enforcer, or to vary the entry of such a person, does not apply so far as relating to the persons listed in paragraphs [\(a\)](#) to [\(c\)](#) of [subsection \(1\)](#).
- (7) Regulations under this section are subject to the affirmative procedure.

#### Commencement Information

- II** S. 151 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

## 152 Designation criteria

- (1) These are the designation criteria in respect of a person (“P”) for the purposes of [section 151\(5\)\(b\)](#)—
- (a) P is constituted, managed and controlled in such a way as to be expected to act independently, impartially and with integrity;
  - (b) P has established procedures to ensure that any potential conflicts of interest are properly dealt with;
  - (c) P has demonstrated experience, competence and expertise in promoting or protecting the collective interests of consumers;
  - (d) P has demonstrated the ability to protect the interests of consumers by promoting high standards of integrity and fair dealing in the conduct of business in relation to consumers;

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- (e) P has the capability to investigate infringements and carry out enforcement procedures under [this Chapter](#);
  - (f) P is ready and willing to follow best practice in enforcement;
  - (g) P is ready and willing to co-operate with other enforcers and relevant persons.
- (2) P does not fail to meet the criteria in [subsection \(1\)\(a\)](#) by reason only of a connection with another person carrying on a business of a kind that could be affected (directly or indirectly) by action taken under [this Chapter](#) if—
- (a) the other person does not control P, and
  - (b) the profits of the other person’s business are used for the purposes of furthering the objectives of P.
- (3) For the purposes of [subsection \(1\)\(g\)](#)—
- (a) “relevant persons” are any persons responsible for the regulation of matters in respect of which acts or omissions may constitute a relevant infringement;
  - (b) co-operation includes, in particular—
    - (i) sharing of information (so far as legally permitted), and
    - (ii) participating in arrangements to co-ordinate action under [this Part](#).

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#### Commencement Information

**I2** S. 152 not in force at Royal Assent, see [s. 339\(1\)](#)

**Status:**

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**Changes to legislation:**

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