



# Digital Markets, Competition and Consumers Act 2024

## 2024 CHAPTER 13

### PART 6

#### GENERAL

#### 330 Interpretation

In this Act—

“CA 1998” means the Competition Act 1998;

“CRA 2015” means the Consumer Rights Act 2015;

“EA 2002” means the Enterprise Act 2002;

“ERRA 2013” means the Enterprise and Regulatory Reform Act 2013;

“the CMA” means the Competition and Markets Authority;

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“digital content” means data which is produced and supplied in digital form;

“enactment” means an enactment whenever passed or made and includes—

- (a) an enactment contained in any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other instrument made under an Act,
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru,
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation, and
- (e) any assimilated direct legislation;

“firm” means any entity, whether or not a legal person, that is not an individual and includes a body corporate, a corporation sole and a partnership or other unincorporated association;

“United Kingdom national” means—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who is a British subject under the British Nationality Act 1981;
- (c) a British protected person within the meaning of that Act;

“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.

### 331 Data protection

- (1) This section applies to a duty or power to process information that is imposed or conferred by or under any provision of this Act.
- (2) A duty or power to which this section applies does not require or authorise the processing of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation).

### 332 Notices

- (1) [This section](#) applies in relation to a notice given to a person—
  - (a) under this Act by the CMA, or
  - (b) under [Part 3](#) by another enforcer (within the meaning of that Part).
- (2) The notice may be given by—
  - (a) delivering it to the person,
  - (b) leaving it at the person’s proper address,
  - (c) sending it by post to the person at that address, or
  - (d) sending it to the person by email to their email address.
- (3) A notice to a body corporate may be given in accordance with subsection (2) to any officer of that body.
- (4) A notice to a partnership may be given in accordance with subsection (2) to any partner or a person who has the control or management of the partnership business.
- (5) A notice to a firm that is not a body corporate or a partnership may be given in accordance with subsection (2) to any member of the governing body of the firm.
- (6) A person’s proper address is—
  - (a) in a case where the person has specified an address as one at which the person, or someone acting on the person’s behalf, will accept service of notices or other documents, that address;
  - (b) in any other case, the address determined in accordance with [subsection \(7\)](#).
- (7) A person’s proper address is (if [subsection \(6\)\(a\)](#) does not apply)—
  - (a) in the case of a body corporate, its registered or principal office;
  - (b) in the case of a partnership, the principal office of the partnership;
  - (c) in the case of a firm that is not a body corporate or a partnership, the principal office of the firm;

- (d) in a case where none of [paragraphs \(a\) to \(c\)](#) apply, any address at which the CMA or other enforcer giving the notice believes, on reasonable grounds, that the notice will come to the attention of the person.
- (8) A person's email address is—
  - (a) any email address published for the time being by that person as an address for contacting that person, or
  - (b) if there is no such published address, any email address by means of which the CMA or other enforcer believes, on reasonable grounds, that the notice will come to the attention of that person.
- (9) In the case of—
  - (a) a body corporate registered outside the United Kingdom,
  - (b) a partnership carrying on business outside the United Kingdom, or
  - (c) any other type of firm with offices outside the United Kingdom,references to its principal office include references to its principal office in the United Kingdom or, if it has no principal office in the United Kingdom, any place in the United Kingdom where it carries on business or conducts activities.
- (10) In [this section](#) “officer”, in relation to any body corporate, means a director, manager, secretary or other similar officer of the body.
- (11) [This section](#) does not limit any other lawful means of giving notice.

### **333 Consultation**

A duty to consult under or by virtue of this Act may be satisfied by consultation that took place wholly or partly before the passing of this Act.

### **334 Financial provision**

There is to be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State or the CMA under or by virtue of this Act, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

### **335 Minor and consequential amendments**

[Schedule 30](#) contains minor and consequential amendments.

### **336 Power to make further consequential provision**

- (1) The appropriate authority may by regulations make provision that is consequential on this Act or on any provision made under it.
- (2) The power to make regulations under this section includes power to amend, repeal or revoke provision made by an enactment passed or made before the end of the Session in which this Act is passed.
- (3) Regulations under this section are subject to the affirmative procedure if they amend, repeal or revoke any provision of primary legislation.

- (4) Regulations under this section to which [subsection \(3\)](#) does not apply are subject to the negative procedure.
- (5) In this section—
- “appropriate authority” means—
    - (a) in the case of regulations under this section that contain amendments only in relation to tax, the Treasury;
    - (b) in any other case, the Secretary of State;
  - “primary legislation” means—
    - (a) an Act of Parliament (including this Act);
    - (b) an Act of the Scottish Parliament;
    - (c) a Measure or Act of Senedd Cymru;
    - (d) Northern Ireland legislation.

### **337 Regulations**

- (1) A power to make regulations under any provision of this Act includes power to make—
  - (a) consequential, supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (2) Regulations under this Act are to be made by statutory instrument.
- (3) Where regulations under this Act are subject to “the affirmative procedure”, the regulations may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Where regulations under this Act are subject to “the negative procedure”, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In the case of regulations under [section 336](#) made by the Treasury, the references in subsections (3) and (4) to each or either House of Parliament are to be read as references to the House of Commons only.
- (6) Any provision that may be made by regulations under this Act subject to the negative procedure may be made in regulations subject to the affirmative procedure.
- (7) This section does not apply to regulations under [section 339](#).

### **338 Extent**

- (1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Any amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.

### **339 Commencement**

- (1) Except as provided by subsections (2) and (3), this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2) The following provisions come into force on the day on which this Act is passed—

- (a) [section 130](#) (and [Schedule 7](#));
  - (b) this Part, other than [section 335](#) (and [Schedule 30](#));
  - (c) any other provision of this Act so far as it confers power to make regulations or is otherwise necessary for enabling the exercise of such a power on or after the day on which this Act is passed.
- (3) [Section 129](#) (and [Schedule 6](#)) come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (4) Different days may be appointed under [subsection \(1\)](#) for different purposes.
- (5) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (6) The power to make regulations under [subsection \(5\)](#) includes power to make different provision for different purposes.
- (7) Regulations under this section are to be made by statutory instrument.

#### **340 Short title**

This Act may be cited as the Digital Markets, Competition and Consumers Act 2024.