

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Schedule 20. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 20

Section 225

COMMERCIAL PRACTICES WHICH ARE IN ALL CIRCUMSTANCES CONSIDERED UNFAIR

1 Claiming to be a signatory to a code of conduct when the trader is not.

Commencement Information

I1 Sch. 20 para. 1 not in force at Royal Assent, see [s. 339\(1\)](#)

2 Claiming that a code of conduct has an endorsement from a public or private body which it does not have.

Commencement Information

I2 Sch. 20 para. 2 not in force at Royal Assent, see [s. 339\(1\)](#)

3 Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorisation.

Commencement Information

I3 Sch. 20 para. 3 not in force at Royal Assent, see [s. 339\(1\)](#)

4 Claiming that a trader, a trader's commercial practice, or a product has been approved, endorsed or authorised by a public or private body when—

- (a) the claim is false, or
- (b) the terms of the approval, endorsement or authorisation have not been, or are not being, complied with.

Commencement Information

I4 Sch. 20 para. 4 not in force at Royal Assent, see [s. 339\(1\)](#)

5 (1) Making an invitation to purchase products at a specified price where—

- (a) the trader has reasonable grounds for believing that it will not be possible for the trader to offer those products, or equivalent products, for supply at that price, in reasonable quantities, for a reasonable period of time (or to procure another trader to do so), and
- (b) the trader does not disclose that fact.

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(2) In sub-paragraph (1), the references to reasonable quantities and a reasonable period of time are references to what is reasonable having regard to—

- (a) the nature of the product,
- (b) the extent of advertising for the product, and
- (c) the price offered for the product.

Commencement Information

I5 Sch. 20 para. 5 not in force at Royal Assent, see [s. 339\(1\)](#)

- 6 Making an invitation to purchase products at a specified price and then—
- (a) refusing to show the advertised item to consumers,
 - (b) refusing to take orders for it or deliver it within a reasonable time, or
 - (c) demonstrating a defective sample of it,
- with the intention of promoting a different product.

Commencement Information

I6 Sch. 20 para. 6 not in force at Royal Assent, see [s. 339\(1\)](#)

- 7 Falsely stating that a product will only be available for a limited time, or that it will only be available on particular terms for a limited time, in order to elicit an immediate decision and deprive consumers of sufficient opportunity or time to make an informed choice.

Commencement Information

I7 Sch. 20 para. 7 not in force at Royal Assent, see [s. 339\(1\)](#)

- 8 Undertaking to provide an after-sales service to consumers and then making such service available only in a language which is different to the language used in communication with the consumer for, or prior to, the transaction without clearly disclosing this to the consumer before the consumer committed to the transaction.

Commencement Information

I8 Sch. 20 para. 8 not in force at Royal Assent, see [s. 339\(1\)](#)

- 9 Falsely claiming or creating the false impression that an after-sales service is available, including falsely claiming that it is available in, or accessible from, any particular country or location.

Commencement Information

I9 Sch. 20 para. 9 not in force at Royal Assent, see [s. 339\(1\)](#)

- 10 Stating or otherwise creating the impression that a product can be legally sold when it cannot.

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Commencement Information

I10 Sch. 20 para. 10 not in force at Royal Assent, see [s. 339\(1\)](#)

- 11 Presenting rights given to consumers by law as a distinctive feature of the trader's offer.

Commencement Information

I11 Sch. 20 para. 11 not in force at Royal Assent, see [s. 339\(1\)](#)

- 12 Using editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer.

Commencement Information

I12 Sch. 20 para. 12 not in force at Royal Assent, see [s. 339\(1\)](#)

- 13 (1) Submitting, or commissioning another person to submit or write—
- (a) a fake consumer review, or
 - (b) a consumer review that conceals the fact it has been incentivised.
- (2) Publishing consumer reviews, or consumer review information, in a misleading way.
- (3) Publishing consumer reviews, or consumer review information, without taking such reasonable and proportionate steps as are necessary for the purposes of—
- (a) preventing the publication of—
 - (i) fake consumer reviews,
 - (ii) consumer reviews that conceal the fact they have been incentivised,or
 - (iii) consumer review information that is false or misleading, and
 - (b) removing any such reviews or information from publication.
- (4) Offering services to traders—
- (a) for the doing of anything covered by sub-paragraph (1) or (2);
 - (b) for the facilitating of anything covered by sub-paragraph (1) or (2) to be done.
- (5) For the purposes of this paragraph—
- (a) “consumer review” means a review of a product, a trader or any other matter relevant to a transactional decision;
 - (b) “fake consumer review” means a consumer review that purports to be, but is not, based on a person's genuine experience;
 - (c) a consumer review conceals the fact it has been incentivised if—
 - (i) a person has been commissioned to submit or write the review, and
 - (ii) that fact is not made apparent (whether through the contents of the review or otherwise);
 - (d) “consumer review information” means information that is derived from, or is influenced by, consumer reviews;

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- (e) a person “submits” a review or information if they supply it with a view to publication;
- (f) “writing” includes creating by any means;
- (g) “commissioning” includes incentivising by any means (and “commissioned” is to be read accordingly);
- (h) “publishing” includes disseminating, or otherwise making available, by any means;
- (i) publishing in a “misleading way” includes (for example)—
 - (i) failing to publish, or removing from publication, negative consumer reviews whilst publishing positive ones (or vice versa);
 - (ii) giving greater prominence to positive consumer reviews over negative ones (or vice versa);
 - (iii) omitting information that is relevant to the circumstances in which a consumer review has been written (including that a person has been commissioned to write the review).

Commencement Information

I13 Sch. 20 para. 13 not in force at Royal Assent, see [s. 339\(1\)](#)

- 14 Making a materially inaccurate claim concerning the nature and extent of the risk to the personal security or safety of the consumer, a member of the consumer’s family or anyone living in the consumer’s home, if the consumer does not purchase the product.

Commencement Information

I14 Sch. 20 para. 14 not in force at Royal Assent, see [s. 339\(1\)](#)

- 15 Promoting a product similar to a product made by a particular manufacturer in such a manner as deliberately to mislead the consumer into believing that the product is made by that same manufacturer when it is not.

Commencement Information

I15 Sch. 20 para. 15 not in force at Royal Assent, see [s. 339\(1\)](#)

- 16 (1) Establishing, operating or promoting a pyramid promotional scheme.
- (2) In sub-paragraph (1), a pyramid promotional scheme means a scheme where a consumer gives consideration for the opportunity to receive compensation that is derived primarily from the introduction of other consumers into the scheme rather than from the supply or consumption of products.

Commencement Information

I16 Sch. 20 para. 16 not in force at Royal Assent, see [s. 339\(1\)](#)

- 17 Claiming that the trader is about to cease trading or move premises when the trader is not.

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Commencement Information

I17 Sch. 20 para. 17 not in force at Royal Assent, see [s. 339\(1\)](#)

18 Claiming that products are able to facilitate winning in games of chance.

Commencement Information

I18 Sch. 20 para. 18 not in force at Royal Assent, see [s. 339\(1\)](#)

19 (1) Falsely claiming that a product is able to—
(a) prevent or treat disease or a malformation,
(b) restore, correct or modify a physiological function, or
(c) modify a person’s appearance.

(2) For the purposes of sub-paragraph (1), “disease” includes any injury, ailment or adverse condition, whether of body or mind.

Commencement Information

I19 Sch. 20 para. 19 not in force at Royal Assent, see [s. 339\(1\)](#)

20 Providing (including passing on) materially inaccurate information about market conditions or about the availability of the product with the intention of inducing the consumer to acquire the product under conditions that are less favourable than normal market conditions.

Commencement Information

I20 Sch. 20 para. 20 not in force at Royal Assent, see [s. 339\(1\)](#)

21 Claiming to offer a competition or prize promotion without awarding the prizes described or a reasonable equivalent.

Commencement Information

I21 Sch. 20 para. 21 not in force at Royal Assent, see [s. 339\(1\)](#)

22 Creating the false impression that the consumer has already won, will win, or will on doing a particular act win, a prize or other equivalent benefit, when in fact either—
(a) there is no prize or other equivalent benefit, or
(b) taking any action in relation to claiming the prize or other equivalent benefit requires the consumer to pay money or incur a cost.

Commencement Information

I22 Sch. 20 para. 22 not in force at Royal Assent, see [s. 339\(1\)](#)

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- 23 Describing a product as “gratis”, “free”, “without charge” or similar if the consumer has to pay anything other than the unavoidable cost of responding to the commercial practice and collecting or paying for delivery of the item.

Commencement Information

I23 Sch. 20 para. 23 not in force at Royal Assent, see [s. 339\(1\)](#)

- 24 Including in marketing material an invoice or similar document seeking payment which gives the consumer the impression that the consumer has already ordered the marketed product when the consumer has not.

Commencement Information

I24 Sch. 20 para. 24 not in force at Royal Assent, see [s. 339\(1\)](#)

- 25 Falsely claiming or creating the false impression that the trader is not acting for purposes relating to the trader’s business or falsely representing oneself as a consumer.

Commencement Information

I25 Sch. 20 para. 25 not in force at Royal Assent, see [s. 339\(1\)](#)

- 26 Creating the impression that the consumer cannot leave the premises until a contract is formed.

Commencement Information

I26 Sch. 20 para. 26 not in force at Royal Assent, see [s. 339\(1\)](#)

- 27 Ignoring a request from a consumer to leave or not return to the consumer’s home except in circumstances and to the extent justified to enforce a contractual obligation.

Commencement Information

I27 Sch. 20 para. 27 not in force at Royal Assent, see [s. 339\(1\)](#)

- 28 Making persistent and unwanted solicitations by any means, other than by attending at the consumer’s home, except in circumstances and to the extent justified to enforce a contractual obligation.

Commencement Information

I28 Sch. 20 para. 28 not in force at Royal Assent, see [s. 339\(1\)](#)

- 29 Requiring a consumer who wishes to claim on an insurance policy to produce documents which could not reasonably be considered relevant as to whether the claim was valid, or failing systematically to respond to correspondence, in order to dissuade a consumer from exercising the consumer’s contractual rights.

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Commencement Information

I29 Sch. 20 para. 29 not in force at Royal Assent, see [s. 339\(1\)](#)

- 30 Including in an advertisement a direct appeal to children to buy advertised products or persuade their parents or other adults to buy advertised products for them.

Commencement Information

I30 Sch. 20 para. 30 not in force at Royal Assent, see [s. 339\(1\)](#)

- 31 Supplying products to a consumer that have not been requested by the consumer and demanding that the consumer—
- (a) pays for the products,
 - (b) returns the products, or
 - (c) safely stores the products.

Commencement Information

I31 Sch. 20 para. 31 not in force at Royal Assent, see [s. 339\(1\)](#)

- 32 Explicitly telling a consumer that if the consumer does not buy the product, the trader's job or livelihood will be at risk.

Commencement Information

I32 Sch. 20 para. 32 not in force at Royal Assent, see [s. 339\(1\)](#)

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