



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 3

ENFORCEMENT OF CONSUMER PROTECTION LAW

CHAPTER 3

CONSUMER PROTECTION ORDERS AND UNDERTAKINGS

Powers of court on application under [section 153](#)

156 Enforcement orders and undertakings

- (1) [This section](#) applies if, on an application under [section 153](#) for an enforcement order, the court finds that the person in respect of whom the application is made (“the respondent”)—
 - (a) has engaged, is engaging or is likely to engage in a commercial practice which constitutes a relevant infringement (“the infringing practice”), or
 - (b) is an accessory to the infringing practice.
- (2) The court may—
 - (a) make an enforcement order against the respondent, or
 - (b) accept an undertaking from the respondent given under [subsection \(5\)](#).
- (3) In considering whether to make an enforcement order the court must have regard to whether the respondent—
 - (a) has given an undertaking under [section 163](#) or [185](#) in respect of the infringing practice, and
 - (b) if so, whether the respondent has failed to comply with the undertaking.

Status: This is the original version (as it was originally enacted).

- (4) An enforcement order is an order that—
 - (a) indicates the nature of the infringing practice, and
 - (b) directs the respondent to comply with [subsection \(6\)](#).
- (5) The respondent gives an undertaking under [this subsection](#) by undertaking—
 - (a) to comply with [subsection \(6\)](#), or
 - (b) to take steps which the court believes will secure that the respondent complies with [subsection \(6\)](#).
- (6) The respondent complies with [this subsection](#) by—
 - (a) in the case of a respondent within [subsection \(1\)\(a\)](#), not continuing or repeating the infringing practice (where it is alleged that the person has engaged or is engaging in that practice);
 - (b) in the case of a respondent within [subsection \(1\)\(b\)](#), not consenting to or conniving in the infringing practice;
 - (c) in either case, not engaging in the infringing practice in the course of the respondent’s business or another business;
 - (d) in either case, not consenting to or conniving in the carrying out of the infringing practice by a body corporate with which the respondent has a special relationship (see [section 220](#)).
- (7) See also—
 - (a) [section 157](#) about the inclusion of enhanced consumer measures in an enforcement order or undertaking;
 - (b) [section 158](#) about the inclusion of a requirement to pay a monetary penalty in an enforcement order.
- (8) An enforcement order may require the respondent to publish—
 - (a) the order;
 - (b) a corrective statement.
- (9) An undertaking under [subsection \(5\)](#) may include a further undertaking by the respondent to publish—
 - (a) the terms of the undertaking;
 - (b) a corrective statement.
- (10) Publication under [subsection \(8\)](#) or [\(9\)](#)—
 - (a) must be made in such form and manner, and to such extent, as the court considers appropriate for the purpose of eliminating any continuing effects of the conduct in respect of which the order was made or undertaking given;
 - (b) is not an enhanced consumer measure for the purposes of [this Chapter](#).
- (11) Where the court has accepted from the respondent an undertaking under [subsection \(5\)](#)—
 - (a) the court may accept from the respondent any variation of the undertaking that the court considers appropriate for meeting the purposes for which the undertaking was given;
 - (b) the court may release the respondent from the undertaking (whether on its own initiative or at the respondent’s request) if the court considers that the undertaking is no longer necessary to further those purposes.