



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 3

ENFORCEMENT OF CONSUMER PROTECTION LAW

CHAPTER 4

DIRECT ENFORCEMENT POWERS OF CMA

Directions

PROSPECTIVE

195 Substantiation of claims

- (1) **This section** applies where—
 - (a) the CMA gives a provisional notice under **this Chapter** to a person (“the respondent”) in respect of a relevant infringement involving a contravention of **Chapter 1** of **Part 4** (protection from unfair trading), and
 - (b) the respondent makes representations to the CMA in response to that notice.
- (2) The CMA may, for the purpose of considering the representations, require the respondent to provide evidence as to the accuracy of any factual claim made as part of a commercial practice of the respondent.
- (3) The CMA may determine that a factual claim of the respondent is inaccurate if—
 - (a) the respondent fails to provide evidence of the accuracy of the claim in response to a requirement imposed under **subsection (2)**, or
 - (b) the CMA considers that any such evidence that is provided is inadequate.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 195. (See end of Document for details)

- (4) In this section “provisional notice” means—
- (a) a provisional infringement notice,
 - (b) a provisional breach of undertakings enforcement notice, or
 - (c) a provisional breach of directions enforcement notice.

Modifications etc. (not altering text)

- C1** Ss. 191-196 applied (24.5.2024 for specified purposes) by 2015 c. 15, Sch. 5 para. 16C(11) (as inserted by Digital Markets, Competition and Consumers Act 2024 (c. 13), s. 339(2)(c), **Sch. 17 para. 2(3)** (with Sch. 19))

Commencement Information

- II** S. 195 not in force at Royal Assent, see **s. 339(1)**

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 195.