



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 4

CONSUMER RIGHTS AND DISPUTES

CHAPTER 1

PROTECTION FROM UNFAIR TRADING

Prohibition of unfair commercial practices

228 Aggressive practices

- (1) For the purposes of this Chapter, a commercial practice involves an aggressive practice if it uses harassment, coercion or undue influence.
- (2) In determining whether a commercial practice uses harassment, coercion or undue influence, account must be taken of—
 - (a) the nature of the practice;
 - (b) the timing and location of the practice;
 - (c) whether the practice involves the use of any threatening or abusive language or behaviour;
 - (d) whether the practice exploits any vulnerability of a consumer (including any vulnerability of a kind mentioned in [section 247\(4\)](#));
 - (e) whether the practice involves a threat to take action which cannot legally be taken;
 - (f) whether the practice requires a consumer to take onerous or disproportionate action in order to exercise rights that the consumer has in relation to a product.
- (3) In this section—

Status: *This is the original version (as it was originally enacted).*

- (a) “coercion” includes the use or threat of physical force;
- (b) “undue influence” means exploiting a position of power in relation to a consumer so as to apply pressure in a way which significantly limits the consumer’s ability to make an informed decision.