



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1

DIGITAL MARKETS

CHAPTER 6

INVESTIGATORY POWERS ETC AND COMPLIANCE REPORTS

Investigatory powers etc

PROSPECTIVE

74 Power to enter business premises without a warrant

- (1) For the purposes of a breach investigation, the CMA may authorise an officer of the CMA (“an investigating officer”) to enter any business premises (see section 71(7)) and exercise the powers in subsection (5) if the CMA has reasonable grounds to suspect that information is on or accessible from the premises that is relevant to the breach investigation.
- (2) No investigating officer is to enter any premises in the exercise of their powers under [this section](#) unless they have given to the occupier of the premises a notice which—
 - (a) gives at least two working days’ notice of the intended entry,
 - (b) describes the subject matter and purpose of the breach investigation, and
 - (c) includes information about the possible consequences of not complying with the notice.

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 74. (See end of Document for details)

- (3) **Subsection (2)** does not apply if—
- (a) the CMA has a reasonable suspicion that the premises are, or have been, occupied by the undertaking which is the subject of the breach investigation, or
 - (b) the investigating officer has taken all such steps as are reasonably practicable to give notice but has not been able to do so.
- (4) In a case falling within **subsection (3)**, the power of entry conferred by **subsection (1)** is to be exercised by the investigating officer on production of—
- (a) evidence of their authorisation, and
 - (b) a document containing the information referred to in paragraphs (b) and (c) of **subsection (2)**.
- (5) An investigating officer may, in addition to entering any premises—
- (a) take with them such equipment as appears to them to be necessary;
 - (b) require any person on the premises to—
 - (i) give information to the officer which the officer considers relevant to the breach investigation;
 - (ii) if any required information is not given to the officer, state, to the best of the person’s knowledge and belief, where that information may be found;
 - (c) take copies of, or extracts from, any information given to an investigating officer;
 - (d) take any steps which appear to be necessary for the purpose of preserving or preventing interference with any information which the officer considers relevant to the breach investigation.
- (6) Any information which is given to an investigating officer under **subsection (5)** must be in a form—
- (a) in which it can be taken away, and
 - (b) which is visible and legible or from which it can be readily be generated in a visible and legible form.
- (7) The powers conferred by **this section** are not exercisable in relation to premises outside the United Kingdom.
- (8) But the powers conferred by this section are exercisable in relation to information whether it is stored within or outside the United Kingdom.

Commencement Information

11 S. 74 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 74.