



# Competition Act 1998

## 1998 CHAPTER 41

### PART I

#### COMPETITION

#### CHAPTER III

#### INVESTIGATION AND ENFORCEMENT

##### *Investigations*

#### **[<sup>F1</sup>26A Investigations: power to ask questions**

- (1) For the purposes of an investigation, the CMA may give notice to an individual who has a connection with a relevant undertaking requiring the individual to answer questions with respect to any matter relevant to the investigation—
  - (a) at a place specified in the notice, and
  - (b) either at a time so specified or on receipt of the notice.
- (2) The CMA must give a copy of the notice under subsection (1) to each relevant undertaking with which the individual has a current connection at the time the notice is given to the individual.
- (3) The CMA must take such steps as are reasonable in all the circumstances to comply with the requirement under subsection (2) before the time at which the individual is required to answer questions.
- (4) Where the CMA does not comply with the requirement under subsection (2) before the time mentioned in subsection (3), it must comply with that requirement as soon as practicable after that time.
- (5) A notice under subsection (1) must be in writing and must indicate—
  - (a) the subject matter and purpose of the investigation, and

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**Changes to legislation:** Competition Act 1998, Section 26A is up to date with all changes known to be in force on or before 14 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) the nature of the offence created by section 44.
- (6) For the purposes of this section—
- (a) an individual has a connection with an undertaking if he or she is or was—
    - (i) concerned in the management or control of the undertaking, or
    - (ii) employed by, or otherwise working for, the undertaking, and
  - (b) an individual has a current connection with an undertaking if, at the time in question, he or she is so concerned, is so employed or is so otherwise working.
- (7) In this section, a “relevant undertaking” means an undertaking whose activities are being investigated as part of the investigation in question.]

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**Textual Amendments**

- F1** S. 26A inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 39(2)**, 103(3); [S.I. 2014/416](#), art. 2(1)(b) (with Sch.)

**Changes to legislation:**

Competition Act 1998, Section 26A is up to date with all changes known to be in force on or before 14 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 26-29 powers extended by [2024 c. 13 s. 319](#)
- s. 26A(1) words omitted by [2024 c. 13 s. 142\(2\)\(a\)](#)
- s. 26A(1)(a) words inserted by [2024 c. 13 s. 142\(2\)\(b\)](#)
- s. 26A(2) word substituted by [2024 c. 13 s. 142\(3\)](#)
- s. 26A(5) word omitted by [2024 c. 13 Sch. 10 para. 3\(2\)](#)
- s. 26A(5)(a) word inserted by [2024 c. 13 Sch. 10 para. 3\(3\)](#)
- s. 26A(5)(b) substituted by [2024 c. 13 Sch. 10 para. 3\(4\)](#)
- s. 26A(6) substituted by [2024 c. 13 s. 142\(4\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 5](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 25A(1A) inserted by [2024 c. 13 Sch. 28 para. 9\(3\)](#)
- s. 25B inserted by [2024 c. 13 s. 121\(2\)](#)
- s. 25B(1)(a) words in s. 25B(1) renumbered as s. 25B(1)(a) by [2024 c. 13 Sch. 28 para. 10\(2\)\(a\)](#)
- s. 25B(1)(b) and word inserted by [2024 c. 13 Sch. 28 para. 10\(2\)\(b\)](#)
- s. 25B(2) words inserted by [2024 c. 13 Sch. 28 para. 10\(3\)](#)
- s. 28(2)(g)-(i) inserted by [2024 c. 13 s. 122\(3\)\(b\)](#)
- s. 28A(2)(g)-(i) words omitted by [2024 c. 13 s. 122\(6\)\(b\)](#)
- s. 30(1A) inserted by [2024 c. 13 s. 122\(7\)](#)
- s. 31A(2A) inserted by [2024 c. 13 Sch. 11 para. 2](#)
- s. 31E(4) inserted by [2024 c. 13 Sch. 11 para. 3](#)
- s. 31G-31L and cross-heading inserted by S.I. 2019/93, reg. 8A (as inserted) by [S.I. 2019/1245 reg. 3](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 34(4) inserted by [2024 c. 13 Sch. 11 para. 5](#)
- s. 40A(7)(d) inserted by [2024 c. 13 Sch. 28 para. 11](#)
- s. 40B(5A) inserted by [2024 c. 13 Sch. 10 para. 10\(5\)](#)
- s. 40ZD(3)(a) words in s. 40ZD(3) renumbered as s. 40ZD(3)(a) by [2024 c. 13 Sch. 10 para. 6\(2\)](#)
- s. 40ZD(3)(b) and word inserted by [2024 c. 13 Sch. 10 para. 6\(3\)](#)
- s. 40ZE inserted by [2024 c. 13 Sch. 10 para. 8](#)
- s. 40ZE(1)(a) words inserted by [2024 c. 13 s. 121\(3\)](#)
- s. 42(8) inserted by [2024 c. 13 Sch. 10 para. 11\(3\)](#)
- s. 43(1A) inserted by [2024 c. 13 Sch. 10 para. 12](#)
- s. 44(2A) inserted by [2024 c. 13 Sch. 10 para. 13](#)
- s. 44A and cross-heading inserted by [2024 c. 13 Sch. 13 para. 2](#)
- s. 44B inserted by [2024 c. 13 Sch. 13 para. 15](#)
- s. 46(3)(ha)(hb) inserted by [2024 c. 13 s. 124\(1\)\(a\)](#)
- s. 46(3)(ha)(hb) inserted by S.I. 2019/93, reg. 14(d) (as inserted) by [S.I. 2019/1245 reg. 5](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in

- Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 47(1)(ca) inserted by S.I. 2019/93, reg. 15(b) (as substituted) by [S.I. 2019/1245 reg. 6](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - s. 47A(3A) inserted by [2024 c. 13 Sch. 3 para. 3](#)
  - s. 47DA inserted by [2024 c. 13 Sch. 3 para. 4](#)
  - s. 49(1A)(c) and word inserted by [2024 c. 13 Sch. 3 para. 7\(3\)](#)
  - s. 60A(10) inserted by [2023 c. 28 s. 6\(10\)](#)
  - s. 109B inserted by [2024 c. 13 Sch. 13 para. 16](#)
  - Sch. 6A para. 1A inserted by S.I. 2019/93, reg. 29A(2) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Sch. 6A Pt. 3 inserted by S.I. 2019/93, reg. 29A(4) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Sch. 8A para. 15(1) Sch. 8A para. 15 renumbered as Sch. 8A para. 15(1) by [2024 c. 13 s. 126\(2\)\(a\)\(i\)](#)
  - Sch. 8A para. 7(2A) inserted by [2024 c. 13 s. 116\(6\)\(a\)](#)
  - Sch. 8A para. 15(2) inserted by [2024 c. 13 s. 126\(2\)\(a\)\(iii\)](#)
  - Sch. 8A para. 19(6A) inserted by [2024 c. 13 Sch. 3 para. 8\(8\)](#)
  - Sch. 8A para. 42(1)(a)(b) substituted for words by [2024 c. 13 Sch. 3 para. 8\(11\)](#)
  - Sch. 8A para. 15(1) word substituted by [2024 c. 13 s. 126\(2\)\(a\)\(ii\)](#)