

**Changes to legislation:** Consumer Rights Act 2015, Paragraph 16A is up to date with all changes known to be in force on or before 05 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

## SCHEDULES

### SCHEDULE 5

#### INVESTIGATORY POWERS ETC.

##### Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (8.12.2016) by [The Electromagnetic Compatibility Regulations 2016 \(S.I. 2016/1091\)](#), reg. 1, **Sch. 7 para. 3** (with regs. 74, 75(5))
- C1** Sch. 5 applied (with modifications) (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), reg. 1, **Sch. 10 para. 3** (with regs. 3-5, 77)
- C1** Sch. 5: power to amend conferred (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 180(3)(a)**, 186(6); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

### PART 3

#### POWERS IN RELATION TO THE PRODUCTION OF INFORMATION

*[<sup>F1</sup>Non-compliance with notice under paragraph 14: power of court to impose monetary penalties*

##### Textual Amendments

- F1** Sch. 5 paras. 16A-16J inserted (24.5.2024 for specified purposes) by [Digital Markets, Competition and Consumers Act 2024 \(c. 13\)](#), s. 339(2)(c), **Sch. 17 para. 2(3)** (with Sch. 19)

- 16A (1) This paragraph applies where—
- (a) an enforcer or an officer of an enforcer has given a notice to a person (“the respondent”) under paragraph 14, and
  - (b) the enforcer considers that the respondent has, without reasonable excuse, failed to comply with the notice.
- (2) The enforcer or an officer of the enforcer may make an application under this paragraph to the court.
- (3) If the court finds that the respondent has, without reasonable excuse, failed to comply with the notice, the court may make an order that requires the respondent to pay a monetary penalty to the enforcer.
- (4) The amount of the penalty must be—
- (a) a fixed amount,
  - (b) an amount calculated by reference to a daily rate, or
  - (c) a combination of a fixed amount and an amount calculated by reference to a daily rate.

---

**Changes to legislation:** Consumer Rights Act 2015, Paragraph 16A is up to date with all changes known to be in force on or before 05 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

---

- (5) The penalty must not exceed—
- (a) in the case of a fixed amount, £30,000 or, if higher, 1% of the total value of the turnover (if any) of the respondent;
  - (b) in the case of an amount calculated by reference to a daily rate, £15,000 per day or, if higher, 5% of the total value of the daily turnover (if any) of the respondent;
  - (c) in the case of a fixed amount and an amount calculated by reference to a daily rate, such fixed amount and such amount per day.
- (6) In imposing a penalty by reference to a daily rate—
- (a) no account is to be taken of any days before the notification date, and
  - (b) unless the court determines an earlier date (whether before or after the order imposing the penalty is made), the amount payable ceases to accumulate on the day on which the requirements of the notice under paragraph 14 are complied with.
- (7) An order under this paragraph, or a notice accompanying service of the order, must state—
- (a) the amount of the penalty (including whether it is a fixed amount, an amount calculated by reference to a daily rate or both a fixed amount and an amount calculated by reference to a daily rate);
  - (b) the grounds on which the penalty is imposed together with any other factors that the court considers justify the giving of the penalty or its amount;
  - (c) in the case of an amount calculated by reference to a daily rate, the day on which the amount first starts to accumulate and the day or days on which it might cease to accumulate;
  - (d) how the penalty is to be paid to the enforcer;
  - (e) the date or dates, no earlier than the end of 28 days beginning with the date of service of the order on the respondent, by which the penalty or (as the case may be) different portions of it are required to be paid;
  - (f) that the penalty or (as the case may be) different portions of it may be paid earlier than the date or dates by which it or they are required to be paid;
  - (g) that the respondent has the right to apply under sub-paragraph (8), and the rights available to the respondent to appeal against the order, and the main details of those rights.
- (8) The respondent may, within 14 days of the date on which an order under this paragraph is served on the respondent, apply to the court for it to specify a different date or dates by which the penalty, or portions of it, are to be paid.
- (9) An application by an enforcer or officer of an enforcer under this paragraph—
- (a) may be made in addition to, or instead of, an application under paragraph 16, and
  - (b) where made in addition to an application under paragraph 16, may be combined with the application under that paragraph.
- (10) In addition to any right of appeal on a point of law, a person liable to pay a penalty by virtue of an order under this paragraph may appeal in respect of the amount of the penalty.

---

**Changes to legislation:** Consumer Rights Act 2015, Paragraph 16A is up to date with all changes known to be in force on or before 05 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](#)

---

- (11) Where an appeal is brought in respect of a penalty imposed by virtue of an order under this paragraph, the penalty is not payable until the appeal is determined or withdrawn, unless the court dealing with the appeal orders otherwise.
- (12) Sub-paragraphs (4) and (5) of paragraph 16 apply to an order under this paragraph as they apply to an order under that paragraph.
- (13) In the application of this paragraph to Scotland, the references in sub-paragraphs (7) and (8) to an order being served include service of an extract order in execution of or diligence on the order.
- (14) In this paragraph, other than in sub-paragraph (11)—
  - “the court” has the same meaning as in paragraph 16;
  - “the notification date”, in relation to an order under this paragraph, means the date on which notice of the application for the order is given to the respondent.]

**Changes to legislation:**

Consumer Rights Act 2015, Paragraph 16A is up to date with all changes known to be in force on or before 05 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.

[View outstanding changes](#)

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

- specified provision(s) amendment to earlier commencing SI 2015/1630, art. 4, 6 by [S.I. 2016/484 art. 2](#)

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

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

- s. 12(2A) inserted by [2024 c. 13 s. 278\(3\)\(a\)](#)
- s. 37(2A) inserted by [2024 c. 13 s. 278\(5\)\(a\)](#)
- s. 93(2A) inserted by [2024 c. 13 s. 216\(2\)\(a\)](#)
- Sch. 5 para. 17A inserted by [2024 c. 13 Sch. 17 para. 3](#)
- Sch. 5 para. 17B inserted by [2024 c. 13 Sch. 17 para. 4](#)
- Sch. 5 para. 20(7)(8) inserted by [2024 c. 13 Sch. 18 para. 11\(9\)\(h\)](#)
- Sch. 5 para. 20A inserted by [2024 c. 13 Sch. 18 para. 11\(10\)](#)
- Sch. 10 para. 6(7A) inserted by [2024 c. 13 s. 216\(4\)\(d\)](#)