



# United Kingdom Internal Market Act 2020

## 2020 CHAPTER 27

### PART 4

#### INDEPENDENT ADVICE ON AND MONITORING OF UK INTERNAL MARKET

##### *Information-gathering powers*

#### **42 Enforcement**

- (1) Where the CMA considers that a person has, without reasonable excuse, failed to comply with any requirement of a notice under section 41, it may impose a penalty in accordance with section 43.
- (2) Where the CMA considers that a person has intentionally obstructed or delayed any person in the exercise of the power under section 41(7), it may impose a penalty in accordance with section 43.
- (3) In deciding whether and, if so, how to proceed under subsection (1) or (2), the CMA must have regard to the statement of policy which was most recently published under subsection (6) or (8) at the time the failure or (as the case may be) the obstruction or delay concerned occurred.
- (4) Subject to subsection (5), no penalty may be imposed by virtue of subsection (1) or (2) after the end of the period of 4 weeks beginning with—
  - (a) where the penalty is imposed in connection with the exercise of the CMA's functions under section 33—
    - (i) if that exercise involves the publication of a report in accordance with subsection (3) of that section, the day on which the report is published,
    - (ii) if that exercise involves arranging for a copy of a report to be laid in accordance with subsection (7) of that section, the day on which the laying mentioned in paragraphs (a) to (d) of that subsection is fully accomplished, or

*Changes to legislation: There are currently no known outstanding effects for the United Kingdom Internal Market Act 2020, Section 42. (See end of Document for details)*

- (iii) in the case of a review under subsection (1) of that section which does not involve the publication or laying of a report as mentioned in subparagraph (i) or (ii), the day on which the review is concluded,
  - (b) where the penalty is imposed in connection with the exercise of the CMA's functions under section 34, the day on which the advice or report is given or provided in accordance with subsection (1) of that section,
  - (c) where the penalty is imposed in connection with the exercise of the CMA's functions under section 35, the day on which the report is provided in accordance with subsection (1) of that section,
  - (d) where the penalty is imposed in connection with the exercise of the CMA's functions under section 36, the day on which the report is provided in accordance with subsection (1) of that section, or
  - (e) where the penalty is imposed in connection with the exercise of the CMA's functions under section 5 of the Enterprise Act 2002 in the circumstances mentioned in section 41(1)(b), the day on which the CMA finally concludes the carrying out of those functions.
- (5) Subsection (4) does not apply in relation to any variation or substitution of the penalty which is permitted by virtue of section 43(11).
- (6) The CMA must prepare and publish a statement of policy in relation to the enforcement of notices given under section 41.
- (7) The statement must include a statement about the considerations relevant to the determination of the nature and amount of any penalty imposed under subsection (1) or (2).
- (8) The CMA may revise its statement of policy under subsection (6) and, where it does so, it must publish the revised statement.
- (9) The CMA must consult—
- (a) each relevant national authority, and
  - (b) such other persons as it considers appropriate,
- when preparing or revising its statement of policy under subsection (6) or (8).
- (10) Any statement or revised statement published by the CMA under this section is to be published in such manner as the CMA considers appropriate.

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

- C1** Ss. 41-43: power to modify conferred (28.4.2022) by [Subsidy Control Act 2022 \(c. 23\)](#), **ss. 67(3)**, 91(1)(b)
- C2** S. 42 applied (with modifications) (4.1.2023) by [The Subsidy Control \(Information-Gathering Powers\) \(Modification\) Regulations 2022 \(S.I. 2022/1152\)](#), regs. 1(1), **2(b)**
- C3** Ss. 41-43 applied (with modifications) (4.1.2023) by [Subsidy Control Act 2022 \(c. 23\)](#), **ss. 67(1)(2)**, 91(2); S.I. 2022/1359, **reg. 2**

**Commencement Information**

- I1** S. 42 in force at 14.6.2021 by [S.I. 2021/706](#), **reg. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the United Kingdom Internal Market Act 2020, Section 42.