



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1 **U.K.**

DIGITAL MARKETS

PROSPECTIVE

CHAPTER 1 **U.K.**

OVERVIEW

1 Overview **U.K.**

- (1) **This Part**—
 - (a) confers functions on the CMA in relation to the regulation of competition in digital markets, and
 - (b) makes related provision.
- (2) **Chapter 2** makes provision about the designation of undertakings as having strategic market status in respect of a digital activity.
- (3) **Chapter 3** provides for the CMA to be able to impose conduct requirements on a designated undertaking.
- (4) **Chapter 4** provides for the CMA to take steps to promote competition where it considers that activities of a designated undertaking are having an adverse effect on competition.
- (5) **Chapter 5** makes provision about a duty to report certain possible mergers involving a designated undertaking.

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- (6) [Chapter 6](#) makes provision about investigatory powers and compliance reports in relation to a designated undertaking.
- (7) [Chapter 7](#) makes provision about enforcement and appeals in relation to functions of the CMA under [this Part](#).
- (8) [Chapter 8](#) makes provision about administration and other matters in relation to functions of the CMA under [this Part](#).

Commencement Information

II S. 1 not in force at Royal Assent, see [s. 339\(1\)](#)

CHAPTER 2 **U.K.**

STRATEGIC MARKET STATUS

Power to designate undertaking as having SMS

PROSPECTIVE

2 Designation of undertaking **U.K.**

- (1) The CMA may designate an undertaking as having strategic market status (“SMS”) in respect of a digital activity carried out by the undertaking where the CMA considers that—
 - (a) the digital activity is linked to the United Kingdom (see [section 4](#)), and
 - (b) the undertaking meets the SMS conditions in respect of the digital activity.
- (2) The SMS conditions are that the undertaking has—
 - (a) substantial and entrenched market power (see [section 5](#)), and
 - (b) a position of strategic significance (see [section 6](#)),
 in respect of the digital activity.
- (3) Subsection (1) is subject to [section 7](#) (the turnover condition).
- (4) The CMA may only designate an undertaking as having SMS in respect of a digital activity after carrying out an SMS investigation in accordance with this Chapter.

Commencement Information

I2 S. 2 not in force at Royal Assent, see [s. 339\(1\)](#)

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PROSPECTIVE

3 Digital activities U.K.

- (1) For the purposes of this Part, the following are “digital activities”—
 - (a) the provision of a service by means of the internet, whether for consideration or otherwise;
 - (b) the provision of one or more pieces of digital content, whether for consideration or otherwise;
 - (c) any other activity carried out for the purposes of an activity within paragraph (a) or (b).
- (2) For the purposes of this section, a service is provided by means of the internet even where it is provided by means of a combination of—
 - (a) the internet, and
 - (b) an electronic communications service (within the meaning given by section 32(2) of the Communications Act 2003).
- (3) The CMA may treat two or more activities within [subsection \(1\)](#) that are carried out by a single undertaking as a single digital activity where—
 - (a) the activities have substantially the same or similar purposes, or
 - (b) the activities can be carried out in combination with each other to fulfil a specific purpose.
- (4) In any notice or other document that the CMA is required to give or publish under or by virtue of this Part, the CMA may describe a digital activity by reference to the nature of the activity, brand names or both.

Commencement Information

I3 S. 3 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

4 Link to the United Kingdom U.K.

A digital activity is linked to the United Kingdom for the purposes of [section 2\(1\)\(a\)](#) if—

- (a) the digital activity has a significant number of UK users,
- (b) the undertaking that carries out the digital activity carries on business in the United Kingdom in relation to the digital activity, or
- (c) the digital activity or the way in which the undertaking carries on the digital activity is likely to have an immediate, substantial and foreseeable effect on trade in the United Kingdom.

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Commencement Information

I4 S. 4 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

5 Substantial and entrenched market power **U.K.**

In order to assess whether an undertaking has substantial and entrenched market power in respect of a digital activity for the purposes of [section 2\(2\)\(a\)](#), the CMA must carry out a forward-looking assessment of a period of at least 5 years, taking into account developments that—

- (a) would be expected or foreseeable if the CMA did not designate the undertaking as having SMS in respect of the digital activity, and
- (b) may affect the undertaking's conduct in carrying out the digital activity.

Commencement Information

I5 S. 5 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

6 Position of strategic significance **U.K.**

An undertaking has a position of strategic significance in respect of a digital activity for the purposes of [section 2\(2\)\(b\)](#) where one or more of the following conditions is met—

- (a) the undertaking has achieved a position of significant size or scale in respect of the digital activity;
- (b) a significant number of other undertakings use the digital activity as carried out by the undertaking in carrying on their business;
- (c) the undertaking's position in respect of the digital activity would allow it to extend its market power to a range of other activities;
- (d) the undertaking's position in respect of the digital activity allows it to determine or substantially influence the ways in which other undertakings conduct themselves, in respect of the digital activity or otherwise.

Commencement Information

I6 S. 6 not in force at Royal Assent, see [s. 339\(1\)](#)

7 The turnover condition **U.K.**

- (1) The CMA may not designate an undertaking as having SMS in respect of a digital activity unless the turnover condition is met in relation to the undertaking.

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- (2) The turnover condition is met in relation to an undertaking if the CMA estimates that—
 - (a) the total value of the global turnover of an undertaking or, where the undertaking is part of a group, the global turnover of that group in the relevant period exceeds £25 billion, or
 - (b) the total value of the UK turnover of an undertaking or, where the undertaking is part of a group, the UK turnover of that group in the relevant period exceeds £1 billion.
- (3) The Secretary of State may by regulations amend either of the sums mentioned in [subsection \(2\)](#).
- (4) Regulations under [subsection \(3\)](#) are subject to the affirmative procedure.
- (5) The CMA must—
 - (a) keep under review the sums mentioned in [subsection \(2\)](#), and
 - (b) from time to time advise the Secretary of State as to whether the sums are still appropriate.
- (6) In this section—
 - (a) the “relevant period” means—
 - (i) the most recent period of 12 months (“period A”) in respect of which the CMA considers that it is able to make an estimate of the total value of the relevant turnover of the undertaking or group, or
 - (ii) if the CMA estimates that the relevant turnover of the undertaking or group in the period of 12 months ending immediately before period A was higher than the relevant turnover of the undertaking or group in period A, that earlier period of 12 months;
 - (b) the “relevant turnover” of the undertaking or group is the UK turnover or, as the case may be, global turnover of the undertaking or group.

Commencement Information

I7 S. 7 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

8 Turnover of an undertaking **U.K.**

- (1) [This section](#) applies for the purposes of the turnover condition.
- (2) The total value of the global turnover of an undertaking or group in the relevant period (as defined in [section 7\(6\)](#)) is, subject to regulations under [subsection \(4\)](#), the total value of the turnover of the undertaking or group arising in connection with any of its activities.
- (3) The total value of the UK turnover of an undertaking or group in the relevant period is, subject to regulations under [subsection \(4\)](#), the total value of the turnover of the undertaking or group—
 - (a) arising in connection with any of its activities, and
 - (b) relating to UK users or UK customers.
- (4) The Secretary of State may by regulations make provision about how the total value of the global turnover or UK turnover of an undertaking or group in a period is to be estimated for the purposes of the turnover condition.

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- (5) Regulations under [subsection \(4\)](#) may (among other things)—
- (a) make provision about amounts which are, or are not, to be regarded as comprising the turnover of an undertaking or group;
 - (b) confer on the CMA the power to determine matters specified in the regulations (including the matter mentioned in paragraph (a)).
- (6) Regulations under [subsection \(4\)](#) are subject to the negative procedure.

Commencement Information

18 S. 8 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

Procedure

9 Initial SMS investigations **U.K.**

- (1) The CMA may begin an initial SMS investigation where it has reasonable grounds to consider that it may be able to designate an undertaking as having SMS in respect of a digital activity in accordance with [section 2](#).
- (2) An “initial SMS investigation” is an investigation into whether to designate an undertaking as having SMS in respect of a digital activity where the undertaking is not already designated in respect of that activity (subject to [section 10\(4\)](#)).
- (3) The CMA may begin an initial SMS investigation into whether to designate an undertaking as having SMS in respect of a digital activity even if it has previously made a decision not to designate the undertaking as having SMS in respect of that activity.

Commencement Information

19 S. 9 not in force at Royal Assent, see [s. 339\(1\)](#)

10 Further SMS investigations **U.K.**

- (1) The CMA may begin a further SMS investigation in relation to the designation of a designated undertaking in respect of a relevant digital activity at any time during the designation period (see [section 18](#)) relating to that designation.
- (2) The CMA must begin a further SMS investigation in relation to the designation of a designated undertaking in respect of a relevant digital activity not later than 9 months before the end of the designation period relating to that designation, if it is not already carrying one out at that time under subsection (1).
- (3) A “further SMS investigation” is an investigation into whether—
 - (a) to revoke a designated undertaking’s designation in respect of the relevant digital activity or to designate the undertaking again in respect of that activity, and

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(b) to make provision under [section 17](#) (existing obligations).

- (4) A further SMS investigation may also include an investigation into whether to designate the designated undertaking in respect of a digital activity that the CMA considers to be similar or connected to the relevant digital activity (whether instead of, or in addition to, the relevant digital activity).

Commencement Information

I10 S. 10 not in force at Royal Assent, see [s. 339\(1\)](#)

11 Procedure relating to SMS investigations **U.K.**

- (1) When the CMA begins an SMS investigation it must give the undertaking to which the investigation relates a notice (an “SMS investigation notice”).
- (2) The SMS investigation notice must state—
- (a) in the case of an initial SMS investigation—
 - (i) the reasonable grounds mentioned in [section 9\(1\)](#);
 - (ii) that the CMA may close the investigation in accordance with [section 12](#);
 - (b) the purpose and scope of the SMS investigation;
 - (c) the period by the end of which the CMA must give the undertaking a notice setting out its decisions as a result of the investigation (see [section 14\(2\)](#));
 - (d) the circumstances in which that period may be extended (see [section 104](#)).
- (3) The statement of the purpose and scope of the investigation must include a description of the undertaking and digital activities to which the investigation relates.
- (4) The CMA must give the undertaking one or more revised versions of the SMS investigation notice if it changes its view of the purpose and scope of the investigation.
- (5) As soon as reasonably practicable after giving an SMS investigation notice or a revised version of an SMS investigation notice, the CMA must—
- (a) publish the notice, and
 - (b) give a copy of the notice to the FCA, OFCOM, the Information Commissioner, the Bank of England and the PRA.

Commencement Information

I11 S. 11 not in force at Royal Assent, see [s. 339\(1\)](#)

12 Closing an initial SMS investigation without a decision **U.K.**

- (1) The CMA may close an initial SMS investigation at any time before it has reached a final view on the matters mentioned in paragraphs (a) and (b) of [section 2\(1\)](#).
- (2) When the CMA decides to close an initial SMS investigation, the CMA must give the undertaking to which the investigation related a notice to that effect.
- (3) The notice must include the CMA’s reasons for closing the investigation.

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- (4) As soon as reasonably practicable after giving a notice under subsection (2), the CMA must publish the notice.

Commencement Information

I12 S. 12 not in force at Royal Assent, see [s. 339\(1\)](#)

13 Consultation on proposed decision **U.K.**

- (1) The CMA must—
- (a) carry out a public consultation on any decision that it is considering making as a result of an SMS investigation (see [section 14\(1\)](#)), and
 - (b) bring the public consultation to the attention of such persons as it considers appropriate.
- (2) Consultation under subsection (1) may be carried out at the same time as consultation under [section 24\(1\)](#) (consultation in relation to a conduct requirement).

Commencement Information

I13 S. 13 not in force at Royal Assent, see [s. 339\(1\)](#)

14 Outcome of SMS investigations **U.K.**

- (1) The CMA must—
- (a) in the case of an initial SMS investigation which it does not close under [section 12](#), decide whether to designate the undertaking to which the investigation relates as having SMS in respect of a digital activity to which the investigation relates;
 - (b) in the case of a further SMS investigation, make a decision on the matters mentioned in [section 10\(3\)](#) and, where relevant, [section 10\(4\)](#).
- (2) The CMA must give the undertaking a notice (an “SMS decision notice”) setting out its decisions under subsection (1) on or before the last day of the period (the “SMS investigation period”) of 9 months beginning with the day on which the SMS investigation notice is given.
- (3) The giving of a revised version of an SMS investigation notice under [section 11\(4\)](#) does not change the day on which the SMS investigation period begins.
- (4) [Sections 15](#) and [16](#) make provision about the content of an SMS decision notice.
- (5) As soon as reasonably practicable after giving an SMS decision notice, the CMA must publish the notice.
- (6) If the CMA does not give an SMS decision notice on or before the last day of the SMS investigation period, the CMA and the undertaking to which the investigation related are to be treated as if—
- (a) in the case of an initial SMS investigation, the CMA had given the undertaking an SMS decision notice stating that it had decided not to designate the

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undertaking in respect of any digital activity to which the investigation related, and

- (b) in the case of a further SMS investigation, the CMA had given an SMS decision notice stating that it had decided to revoke the designated undertaking's designation in respect of the relevant digital activity with effect from the end of the SMS investigation period.

Commencement Information

I14 S. 14 not in force at Royal Assent, see [s. 339\(1\)](#)

15 Notice requirements: decisions about whether to designate **U.K.**

- (1) Where the CMA decides as a result of an initial SMS investigation not to designate the undertaking to which the investigation relates as having SMS in respect of a digital activity to which the investigation relates, the SMS decision notice must include the CMA's reasons for its decision.
- (2) [Subsections \(3\) to \(6\)](#) apply where the CMA decides to designate an undertaking as having SMS in respect of a digital activity (whether or not that undertaking is already a designated undertaking).
- (3) The SMS decision notice must include—
- a description of the designated undertaking,
 - a description of the digital activity with respect to which the designation has effect,
 - any provision that the CMA has decided to make in reliance on [section 17](#) (existing obligations),
 - the CMA's reasons for its decisions under [section 14\(1\)](#),
 - a statement of the period (the “designation period”) for which the designation has effect (see [section 18](#)),
 - a statement of the circumstances in which the designation period may be extended (see [section 104](#)), and
 - a statement of the circumstances in which the designation may be revoked before the end of the designation period (see [sections 10 and 14\(1\)\(b\)](#)).
- (4) The CMA may give one or more revised versions of an SMS decision notice if it changes its view of—
- the undertaking, or
 - the digital activity,
- provided that the undertaking or digital activity, as the case may be, remains substantially the same.
- (5) The giving of a revised SMS decision notice providing for the designation of an undertaking does not affect—
- the day on which the designation period in relation to that designation begins, or
 - anything done under this Part in relation to that undertaking.
- (6) As soon as reasonably practicable after giving a revised SMS decision notice, the CMA must publish the revised notice.

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Commencement Information

I15 S. 15 not in force at Royal Assent, see [s. 339\(1\)](#)

16 Notice requirements: decisions to revoke a designation **U.K.**

- (1) [This section](#) applies where the CMA decides, as a result of a further SMS investigation, to revoke the existing designation of a designated undertaking in respect of a digital activity without making a further designation in respect of that digital activity under [section 14\(1\)\(b\)](#).
- (2) The SMS decision notice must provide for the revocation of the existing designation—
 - (a) to have effect at the end of the day on which the notice is given, or
 - (b) to have effect from such earlier time as the CMA may specify in the notice.
- (3) The SMS decision notice must include—
 - (a) any provision that the CMA has decided to make in reliance on [section 17](#) (existing obligations);
 - (b) the CMA’s reasons for its decisions under [section 14\(1\)\(b\)](#).

Commencement Information

I16 S. 16 not in force at Royal Assent, see [s. 339\(1\)](#)

17 Existing obligations **U.K.**

- (1) Where the CMA decides, as a result of a further SMS investigation, to revoke a designated undertaking’s designation in respect of a relevant digital activity, the CMA may make transitional, transitory or saving provision in respect of any existing obligation.
- (2) Provision may be made in reliance on [subsection \(1\)](#) only for the purpose of managing the impact of the revocation—
 - (a) on any person who benefited from the existing obligation, and
 - (b) in a way that appears to the CMA to be fair and reasonable.
- (3) In [Chapters 6](#) (investigatory powers and compliance reports) and [7](#) (enforcement and appeals), references to a “designated undertaking” are to be read as including an undertaking to which an existing obligation applies by virtue of provision made in reliance on [subsection \(1\)](#).
- (4) [Subsection \(5\)](#) applies where the CMA decides, as a result of a further SMS investigation, to—
 - (a) designate an undertaking again in respect of a relevant digital activity, or
 - (b) designate an undertaking in respect of a different digital activity in reliance on [section 10\(4\)](#).
- (5) Where this subsection applies, the CMA may—
 - (a) apply any existing obligation, with or without modification, to the designated undertaking in respect of the new designation;

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- (b) make transitional, transitory or saving provision in respect of any existing obligation.
- (6) For the purposes of this section, an “existing obligation” is any—
- (a) conduct requirement (see [section 19](#)),
 - (b) enforcement order (see [section 31](#)),
 - (c) commitment (see [sections 36 and 56](#));
 - (d) final offer order (see [section 41\(2\)](#)), or
 - (e) pro-competition order (see [section 46\(3\)\(a\)](#)),
- that is in force in relation to a designated undertaking in respect of the relevant digital activity before the revocation mentioned in [subsection \(1\)](#) or, as the case may be, the designation mentioned in [subsection \(4\)](#).
- (7) Provision made in reliance on this section is to be included in an SMS decision notice.

Commencement Information

I17 S. 17 not in force at Royal Assent, see [s. 339\(1\)](#)

18 Designation period **U.K.**

- (1) Where the CMA decides to designate an undertaking as having SMS in respect of a digital activity, the designation period is 5 years beginning with the day after the day on which the SMS decision notice is given.
- (2) See—
- (a) [section 104](#) for circumstances in which the designation period may be extended, and
 - (b) [sections 10 and 14\(1\)\(b\)](#) for circumstances in which a designation may be revoked before the end of the designation period.

Commencement Information

I18 S. 18 not in force at Royal Assent, see [s. 339\(1\)](#)

CHAPTER 3 **U.K.**

CONDUCT REQUIREMENTS

Imposition of conduct requirements

PROSPECTIVE

19 Power to impose conduct requirements **U.K.**

- (1) The CMA may impose one or more conduct requirements on a designated undertaking by giving the undertaking a notice containing the information set out in [section 21](#).

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- (2) The CMA may vary a conduct requirement imposed on a designated undertaking by giving the undertaking a revised version of that notice.
- (3) “Conduct requirements” are requirements as to how the designated undertaking must conduct itself in relation to a relevant digital activity, and references in this Part to imposing conduct requirements include references to varying conduct requirements in reliance on [subsection \(2\)](#).
- (4) As soon as reasonably practicable after giving a notice under [subsection \(1\)](#) or [\(2\)](#), the CMA must publish the notice.
- (5) The CMA may only impose a conduct requirement or a combination of conduct requirements on a designated undertaking if it considers that it would be proportionate to do so for the purposes of one or more of the following objectives—
 - (a) the fair dealing objective,
 - (b) the open choices objective, and
 - (c) the trust and transparency objective,having regard to what the conduct requirement or combination of conduct requirements is intended to achieve.
- (6) The fair dealing objective is that users or potential users of the relevant digital activity are—
 - (a) treated fairly, and
 - (b) able to interact, whether directly or indirectly, with the undertaking on reasonable terms.
- (7) The open choices objective is that users or potential users of the relevant digital activity are able to choose freely and easily between the services or digital content provided by the undertaking and services or digital content provided by other undertakings.
- (8) The trust and transparency objective is that users or potential users of the relevant digital activity have the information they require to enable them to—
 - (a) understand the services or digital content provided by the undertaking through the relevant digital activity, including the terms on which they are provided, and
 - (b) make properly informed decisions about whether and how they interact with the undertaking in respect of the relevant digital activity.
- (9) A conduct requirement must be of a permitted type (see [section 20](#)).
- (10) Before imposing a conduct requirement or a combination of conduct requirements on a designated undertaking, the CMA must have regard in particular to the benefits for consumers that the CMA considers would likely result (directly or indirectly) from the conduct requirement or combination of conduct requirements.
- (11) A conduct requirement—
 - (a) comes into force at a time determined by the CMA, and
 - (b) ceases to have effect—
 - (i) in accordance with a decision of the CMA to revoke the requirement (see [section 22](#)), or
 - (ii) subject to provision made in reliance on [section 17](#) (existing obligations), when the designation to which the requirement relates ceases to have effect.

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119 S. 19 not in force at Royal Assent, see [s. 339\(1\)](#)

20 Permitted types of conduct requirement **U.K.**

- (1) Conduct requirements are of a permitted type if they are within subsection (2) or (3).
- (2) Requirements are within this subsection if they are for the purpose of obliging a designated undertaking to—
 - (a) trade on fair and reasonable terms;
 - (b) have effective processes for handling complaints by and disputes with users or potential users;
 - (c) provide clear, relevant, accurate and accessible information about the relevant digital activity to users or potential users;
 - (d) give explanations, and a reasonable period of notice, to users or potential users of the relevant digital activity, before making changes in relation to the relevant digital activity where those changes are likely to have a material impact on the users or potential users;
 - (e) present to users or potential users any options or default settings in relation to the relevant digital activity in a way that allows those users or potential users to make informed and effective decisions in their own best interests about those options or settings.
- (3) Requirements are within this subsection if they are for the purpose of preventing a designated undertaking from—
 - (a) applying discriminatory terms, conditions or policies to certain users or potential users or certain descriptions of users or potential users;
 - (b) using its position in relation to the relevant digital activity, including its access to data relating to that activity, to treat its own products more favourably than those of other undertakings;
 - (c) carrying on activities other than the relevant digital activity in a way that is likely to materially increase the undertaking's market power, or materially strengthen its position of strategic significance, in relation to the relevant digital activity;
 - (d) requiring or incentivising users or potential users of one of the designated undertaking's products to use one or more of the undertaking's other products alongside services or digital content the provision of which is, or is comprised in, the relevant digital activity;
 - (e) restricting interoperability between the relevant service or digital content and products offered by other undertakings;
 - (f) restricting whether or how users or potential users can use the relevant digital activity;
 - (g) using data unfairly;
 - (h) restricting the ability of users or potential users to use products of other undertakings.
- (4) The Secretary of State may by regulations amend this section so as to modify the permitted types of requirement.
- (5) Regulations under [subsection \(4\)](#) are subject to the affirmative procedure.

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Commencement Information

I20 S. 20 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

21 Content of notice imposing a conduct requirement **U.K.**

A notice under section [19\(1\)](#) or [\(2\)](#) must include, in relation to each conduct requirement or, as the case may be, each conduct requirement as varied, a statement of—

- (a) the conduct requirement and the relevant digital activity to which it relates;
- (b) the CMA’s reasons for imposing the conduct requirement, including—
 - (i) the objective for the purposes of which the CMA considers it is proportionate to impose the conduct requirement (see [section 19\(5\)](#)),
 - (ii) the benefits that the CMA considers would likely result from the conduct requirement (see [section 19\(10\)](#)), and
 - (iii) the permitted type of requirement to which the CMA considers the conduct requirement belongs (see [section 20](#));
- (c) when the conduct requirement comes into force;
- (d) the last day of the designation period for the designation to which the conduct requirement relates;
- (e) how the conduct requirement interacts with any other conduct requirement that has been imposed on the undertaking.

Commencement Information

I21 S. 21 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

22 Revocation of conduct requirements **U.K.**

- (1) The CMA may revoke a conduct requirement with effect from such time as the CMA may determine.
- (2) Where the CMA decides to revoke a conduct requirement it must give the designated undertaking to which the requirement relates a notice specifying when the revocation is to have effect.
- (3) As soon as reasonably practicable after giving the notice, the CMA must publish the notice.

Commencement Information

I22 S. 22 not in force at Royal Assent, see [s. 339\(1\)](#)

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PROSPECTIVE

23 Transitional provision relating to conduct requirements etc **U.K.**

- (1) A notice under [section 19\(1\)](#) or [\(2\)](#) (content of notice imposing a conduct requirement), or under [section 22\(2\)](#) (revocation of conduct requirements), may include transitional, transitory or saving provision.
- (2) The fact that a conduct requirement ceases to have effect does not affect the exercise of any digital markets functions in relation to a breach or possible breach of that requirement.

Commencement Information

I23 S. 23 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

24 Consultation in relation to a conduct requirement **U.K.**

- (1) Before imposing a conduct requirement on a designated undertaking, the CMA must—
 - (a) carry out a public consultation on the conduct requirement which it proposes to impose, and
 - (b) bring the public consultation to the attention of such persons as it considers appropriate.
- (2) For the purposes of the consultation, the CMA must publish—
 - (a) the conduct requirement which the CMA proposes to impose, or a description of that requirement, and
 - (b) a statement of the permitted type of requirement to which the CMA considers the proposed conduct requirement belongs.
- (3) Consultation under subsection [\(1\)](#) may be carried out at the same time as consultation under [section 13](#) (consultation on proposed decision).
- (4) Before revoking a conduct requirement, the CMA must—
 - (a) carry out a public consultation on the proposed revocation, and
 - (b) bring the public consultation to the attention of such persons as it considers appropriate.

Commencement Information

I24 S. 24 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

25 Duty to keep conduct requirements under review **U.K.**

The CMA must keep under review, in relation to a designated undertaking—

- (a) whether to impose, vary or revoke a conduct requirement;
- (b) the extent to which it is complying with each conduct requirement to which it is subject;
- (c) the effectiveness of each conduct requirement to which it is subject;
- (d) whether to take action in accordance with [sections 26 to 35](#) (enforcement of conduct requirements) or [Chapter 7](#) (enforcement and appeals) in respect of any breaches or suspected breaches of a conduct requirement.

Commencement Information

I25 S. 25 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Enforcement of conduct requirements

26 Power to begin a conduct investigation **U.K.**

- (1) The CMA may begin an investigation (a “conduct investigation”) where it has reasonable grounds to suspect that an undertaking has breached a conduct requirement.
- (2) A conduct investigation is an investigation into—
 - (a) whether a breach has occurred, and
 - (b) if it has, what action, if any, the CMA should take in relation to the breach.
- (3) When the CMA begins a conduct investigation it must give a notice (a “conduct investigation notice”) to the undertaking which it suspects has breached a conduct requirement.
- (4) The conduct investigation notice must—
 - (a) state the conduct requirement which the CMA suspects has been breached;
 - (b) describe the conduct which the CMA suspects constituted the breach;
 - (c) state the period within which the undertaking may make representations in relation to the conduct investigation (see subsection (5));
 - (d) state the period by the end of which the CMA must give a notice to the undertaking setting out its findings as a result of the conduct investigation (see [section 30\(2\)](#));
 - (e) state the circumstances in which that period may be extended (see [section 104](#));
 - (f) state the effect of the following provisions—
 - (i) [section 28](#) (closing a conduct investigation without making a finding);
 - (ii) [section 30](#) (notice of findings);

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(iii) [section 36](#) (commitments).

- (5) The period mentioned in [subsection \(4\)\(c\)](#) is such period as the CMA may determine.
- (6) As soon as reasonably practicable after giving a conduct investigation notice, the CMA must publish the conduct investigation notice.

Commencement Information

I26 S. 26 not in force at Royal Assent, see [s. 339\(1\)](#)

27 **Consideration of representations** **U.K.**

Before making a finding that an undertaking to which a conduct investigation relates has breached or is breaching a conduct requirement, the CMA must consider any representations that the undertaking makes in relation to the conduct investigation.

Commencement Information

I27 S. 27 not in force at Royal Assent, see [s. 339\(1\)](#)

28 **Closing a conduct investigation without making a finding** **U.K.**

- (1) The CMA may close a conduct investigation at any time without making a finding as to whether or not a breach of a conduct requirement has occurred.
- (2) When the CMA decides to close a conduct investigation, the CMA must give the undertaking to which the investigation related a notice to that effect.
- (3) The notice must—
 - (a) describe the undertaking in respect of which the CMA began the investigation,
 - (b) state the conduct requirement to which the investigation related, and
 - (c) include the CMA's reasons for closing the investigation.
- (4) As soon as reasonably practicable after giving a notice under subsection (2), the CMA must publish the notice.

Commencement Information

I28 S. 28 not in force at Royal Assent, see [s. 339\(1\)](#)

29 **Countervailing benefits exemption** **U.K.**

- (1) The CMA must close a conduct investigation under [section 28](#) where representations made by the undertaking to which the investigation relates lead the CMA to consider that the countervailing benefits exemption applies.
- (2) The countervailing benefits exemption applies where—
 - (a) the conduct to which the investigation relates gives rise to benefits to users or potential users of the digital activity in respect of which the conduct requirement in question applies,

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) those benefits outweigh any actual or likely detrimental impact on competition resulting from a breach of the conduct requirement,
 - (c) those benefits could not be realised without the conduct,
 - (d) the conduct is proportionate to the realisation of those benefits, and
 - (e) the conduct does not eliminate or prevent effective competition.
- (3) Where the CMA closes a conduct investigation as a result of [subsection \(1\)](#), the undertaking to which the decision relates is to be treated as if the CMA had found that the conduct did not constitute a breach of the conduct requirement.

Commencement Information

I29 S. 29 not in force at Royal Assent, see [s. 339\(1\)](#)

30 Notice of findings **U.K.**

- (1) The CMA must give a notice to the undertaking to which a conduct investigation relates setting out its findings as a result of the conduct investigation (subject to [subsection \(5\)](#)).
- (2) The notice must be given on or before the last day of the period (the “conduct investigation period”) of 6 months beginning with the day on which the conduct investigation notice is given to the undertaking.
- (3) The notice must—
- (a) state whether or not the CMA has found that a breach has occurred, and
 - (b) include reasons for the CMA’s findings.
- (4) As soon as reasonably practicable after giving the notice, the CMA must publish the notice.
- (5) [Subsection \(1\)](#) does not apply—
- (a) where the CMA closes the conduct investigation under [section 28](#), or
 - (b) in relation to any behaviour in respect of which the CMA has accepted a commitment from the undertaking (see [section 36](#)).

Commencement Information

I30 S. 30 not in force at Royal Assent, see [s. 339\(1\)](#)

31 Enforcement orders **U.K.**

- (1) Where the CMA finds, as a result of a conduct investigation, that an undertaking has breached a conduct requirement, it may make an order (an “enforcement order”) imposing on the undertaking such obligations as the CMA considers appropriate for one or more of the following purposes—
- (a) in a case where the breach is ongoing, stopping the breach;
 - (b) preventing the breach from happening again;
 - (c) addressing any damage caused by the breach.
- (2) The CMA may vary an enforcement order by making a revised version of that order.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (3) An enforcement order may include transitional, transitory or saving provision.
- (4) An enforcement order must—
 - (a) specify the breach to which it relates;
 - (b) include the CMA’s reasons for imposing the obligations in the order.
- (5) The CMA may consult such persons as the CMA considers appropriate before making an enforcement order (including a revised version of an order).
- (6) Where the CMA decides to make an enforcement order (other than an interim enforcement order under section 32), it must do so as soon as reasonably practicable after giving the undertaking a notice of its findings under section 30(1).
- (7) As soon as reasonably practicable after making an enforcement order (including a revised version of an order), the CMA must publish the order.
- (8) The CMA may consent to an undertaking acting in a way that would otherwise constitute a breach of an enforcement order.

Commencement Information

I31 S. 31 not in force at Royal Assent, see [s. 339\(1\)](#)

32 Interim enforcement orders **U.K.**

- (1) The CMA may make an enforcement order on an interim basis (an “interim enforcement order”) in relation to a suspected breach of a conduct requirement where—
 - (a) the CMA has begun a conduct investigation in relation to the suspected breach, and
 - (b) the CMA considers that it is necessary to act on an interim basis—
 - (i) to prevent significant damage to a particular person or category of person,
 - (ii) to prevent conduct which could reduce the effectiveness of any other steps the CMA might take in relation to the conduct requirement which it suspects the undertaking has breached or is breaching, or
 - (iii) to protect the public interest.
- (2) An interim enforcement order must specify the suspected breach to which it relates.
- (3) Before making an interim enforcement order, the CMA must give the undertaking to which it would relate an opportunity to make representations to it about the order which it proposes to make.
- (4) But the duty in subsection (3) does not apply where the CMA considers that compliance would substantially reduce the effectiveness of the order.
- (5) Where the CMA makes an interim enforcement order in relation to an undertaking without complying with subsection (3), the CMA must, as soon as reasonably practicable, give the undertaking a notice including—
 - (a) the reasons for the CMA’s decision to make the interim enforcement order without complying with subsection (3), and

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- (b) the period within which the undertaking may make representations in relation to the interim enforcement order (see [subsection \(7\)](#)).
- (6) As soon as reasonably practicable after giving a notice under [subsection \(5\)](#), the CMA must publish the notice.
- (7) The period mentioned in [subsection \(5\)\(b\)](#) is such period as the CMA may determine.
- (8) The CMA must consider representations which it receives following a notice under [subsection \(5\)](#) as soon as reasonably practicable.

Commencement Information

I32 S. 32 not in force at Royal Assent, see [s. 339\(1\)](#)

33 Duration of enforcement orders **U.K.**

- (1) An enforcement order (including a revised version of an order) comes into force at such time as the CMA may specify in the order.
- (2) An interim enforcement order ceases to have effect—
 - (a) when revoked under [section 34](#),
 - (b) subject to provision made in reliance on [section 17](#) (existing obligations), when the designation to which it relates ceases to have effect, or
 - (c) when one of the following events occurs in relation to the suspected breach to which the order relates—
 - (i) the CMA gives the undertaking a notice stating that the CMA has found that no breach has occurred (see [section 30](#));
 - (ii) the CMA accepts a commitment from the undertaking (see [section 36](#));
 - (iii) the CMA makes an enforcement order (see [section 31\(1\)](#));
 - (iv) the CMA notifies the undertaking that it has decided not to make an enforcement order that is not an interim enforcement order.
- (3) An enforcement order other than an interim enforcement order ceases to have effect—
 - (a) when revoked under [section 34](#), or
 - (b) subject to provision made in reliance on [section 17](#) (existing obligations), when the designation to which it relates ceases to have effect.
- (4) The fact that an enforcement order ceases to have effect does not affect the exercise of any functions in relation to a breach or possible breach of that order.

Commencement Information

I33 S. 33 not in force at Royal Assent, see [s. 339\(1\)](#)

34 Revocation of enforcement orders **U.K.**

- (1) The CMA may revoke an enforcement order by giving a notice to that effect to the undertaking to which the order applies.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) The notice must include the reasons for the CMA’s decision to revoke the enforcement order.
- (3) The notice may include transitional, transitory or saving provision in relation to the revocation of the enforcement order.
- (4) As soon as reasonably practicable after revoking an enforcement order, the CMA must publish the notice.
- (5) The CMA may consult such persons as the CMA considers appropriate on any proposal to revoke an enforcement order.

Commencement Information

I34 S. 34 not in force at Royal Assent, see [s. 339\(1\)](#)

35 Duty to keep enforcement orders under review **U.K.**

The CMA must keep under review—

- (a) the extent to which an undertaking to which it has given an enforcement order is complying with that order,
- (b) the effectiveness of an enforcement order,
- (c) whether to vary or revoke an enforcement order,
- (d) where an enforcement order is revoked, whether to make a new enforcement order, and
- (e) whether to take action in accordance with [Chapter 7](#) (enforcement and appeals) in respect of an undertaking which does not comply with an enforcement order.

Commencement Information

I35 S. 35 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Commitments relating to conduct requirements

36 Commitments **U.K.**

- (1) The CMA may accept an appropriate commitment from an undertaking subject to a conduct investigation as to its behaviour in respect of a conduct requirement to which the investigation relates.
- (2) A commitment is appropriate where the CMA considers that compliance with the commitment by the undertaking would mean that it would not be necessary to carry out a conduct investigation so far as relating to the behaviour to which the commitment relates.

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- (3) Following the acceptance of a commitment by the CMA as to the behaviour of an undertaking—
- (a) the undertaking that gave the commitment must comply with it at all times when it is in force, and
 - (b) so far as relating to the behaviour, the CMA may not give a notice to the undertaking under [section 30](#) (notice of findings).
- (4) The acceptance of a commitment does not prevent—
- (a) a conduct investigation from continuing so far as it relates to other behaviour in relation to the same or a different conduct requirement, or
 - (b) the CMA beginning a new conduct investigation in relation to the behaviour to which the commitment relates where—
 - (i) it has reasonable grounds to believe that there has been a material change of circumstances since the commitment was accepted,
 - (ii) it has reasonable grounds to suspect that the undertaking has not complied with one or more of the terms of the commitment, or
 - (iii) it has reasonable grounds to suspect that information which led it to accept the commitment was incomplete, false or misleading in a material particular.
- (5) A commitment under [this section](#) comes into force when a notice of its acceptance is published by the CMA.
- (6) A commitment under this section ceases to have effect—
- (a) subject to provision made in reliance on [section 17](#) (existing obligations)—
 - (i) in accordance with any terms of the commitment about when it is to cease to have effect, or
 - (ii) when the conduct requirement to which the commitment relates ceases to have effect, or
 - (b) when the undertaking is released from the requirement to comply with the commitment.
- (7) The CMA may by notice accept a variation to a commitment from time to time provided the commitment as varied would still be appropriate.
- (8) The CMA may release an undertaking from the requirement to comply with a commitment where it considers that it would be appropriate to do so.
- (9) The fact that a commitment ceases to have effect does not affect the exercise of any functions in relation to a breach or possible breach of that commitment.
- (10) [Schedule 1](#) makes provision about—
- (a) accepting, or accepting a variation of, a commitment, and
 - (b) releasing an undertaking from the requirement to comply with a commitment, for the purposes of this Chapter and [Chapter 4](#) (pro-competition orders).

Commencement Information

I36 S. 36 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

37 Duty to keep commitments under review **U.K.**

The CMA must keep under review—

- (a) the appropriateness of a commitment or releasing an undertaking from a commitment,
- (b) the extent to which an undertaking which has given a commitment is complying with it, and
- (c) the appropriateness of taking further action in accordance with [Chapter 7](#) (enforcement and appeals) in respect of an undertaking which does not comply with a commitment which it has given.

Commencement Information

I37 S. 37 not in force at Royal Assent, see [s. 339\(1\)](#)

Final offer mechanism

PROSPECTIVE

38 Power to adopt final offer mechanism **U.K.**

- (1) Where the CMA considers that the following three conditions are met in relation to a transaction between a designated undertaking and a third party, the CMA may—
 - (a) require the undertaking, and
 - (b) invite the third party,
 to submit to the CMA terms as to payment (“final offer payment terms”) which the undertaking or, as the case may be, the third party regards as fair and reasonable for the transaction.
- (2) The first condition is that the transaction is a transaction in which the designated undertaking would—
 - (a) provide goods or services to the third party, or
 - (b) acquire goods or services from, or use goods or services of, the third party.
- (3) The second condition is that, by failing to agree fair and reasonable terms as to payment for the transaction, the designated undertaking has breached an enforcement order, other than an interim enforcement order, made in relation to a breach of a conduct requirement of the type permitted by [section 20\(2\)\(a\)](#) (requirement to trade on fair and reasonable terms).
- (4) The third condition is that the CMA could not satisfactorily address the breach within a reasonable time frame by exercising any of its other digital markets functions.
- (5) In subsection (1), “transaction” means—
 - (a) a future transaction, or
 - (b) the future performance of an ongoing transaction, whether in accordance with a contract or otherwise.
- (6) In sections [39](#) to [44](#)—

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“the designated undertaking” means the undertaking mentioned in [subsection \(1\)](#);

“the transaction” means the transaction mentioned in [subsection \(1\)](#);

“the third party” means the third party mentioned in [subsection \(1\)](#).

Commencement Information

I38 S. 38 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

39 Collective submissions **U.K.**

(1) Where the CMA considers that—

- (a) the conditions in section [38\(2\)](#), [\(3\)](#) and [\(4\)](#) are met in relation to a single transaction between the designated undertaking and two or more third parties, and
- (b) the third parties are capable of acting jointly in relation to final offer payment terms relating to the transaction,

the CMA may exercise the power in section [38\(1\)](#) to invite the third parties (the “joined third parties”) to make a single submission to the CMA of final offer payment terms that the joined third parties collectively regard as fair and reasonable for the transaction.

(2) Where the CMA proceeds in reliance on [subsection \(1\)](#), sections [40](#) to [44](#) apply as if—

- (a) in section [40\(8\)](#) references to “the third party” were to any one or more of the joined third parties;
- (b) all other references to “the third party” were to the joined third parties.

(3) Where the CMA considers that—

- (a) the conditions in section [38\(2\)](#), [\(3\)](#) and [\(4\)](#) are met in relation to two or more transactions between the designated undertaking and two or more third parties,
- (b) the same terms as to payment are capable of applying to the transactions, and
- (c) the third parties are capable of acting jointly in relation to final offer payment terms relating to the transactions,

the CMA may exercise the power in section [38\(1\)](#) to invite the third parties (the “grouped third parties”) to make a single submission to the CMA of final offer payment terms that the grouped third parties collectively regard as fair and reasonable for the transactions (the “grouped transactions”).

(4) Where the CMA proceeds in reliance on [subsection \(3\)](#), sections [40](#) to [44](#) apply as if—

- (a) in the following provisions, references to “the third party” were to any one or more of the grouped third parties—
 - (i) section [40\(8\)](#);
 - (ii) section [41\(2\)\(b\)](#);
 - (iii) section [42\(1\)\(b\)](#);
 - (iv) section [43\(2\)](#);
- (b) all other references to “the third party” were to the grouped third parties;

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- (c) in section 43(1) and (2), the reference to “the transaction” were to any one or more of the grouped transactions;
- (d) all other references to “the transaction” were to the grouped transactions.

Commencement Information

I39 S. 39 not in force at Royal Assent, see s. 339(1)

PROSPECTIVE

40 Final offer mechanism **U.K.**

- (1) The power conferred by section 38(1) is to be exercised by giving a notice (a “final offer initiation notice”) to the designated undertaking and the third party.
- (2) The final offer initiation notice must—
 - (a) specify the designated undertaking, the third party and the digital activity in respect of which the power is being exercised;
 - (b) describe the breach of the enforcement order in relation to which the second condition in section 38 is met;
 - (c) summarise the transaction;
 - (d) specify a date (the “submission date”) on or before which final offer payment terms are to be submitted to the CMA;
 - (e) state the period by the end of which the CMA must make any final offer order (see section 41(3));
 - (f) state the circumstances in which that period may be extended (see section 104).
- (3) As soon as reasonably practicable after giving a final offer initiation notice, the CMA must publish a statement which—
 - (a) includes the information mentioned in subsection (2), and
 - (b) if the CMA is considering taking any other action relating to any underlying cause of the breach of the enforcement order, includes a summary of, and explanation for considering, that action.
- (4) After giving a final offer initiation notice, the CMA may—
 - (a) change its view of the transaction or the third party, provided that the new transaction or third party remains substantially the same as the previous transaction or third party,
 - (b) revise any list of joined third parties or grouped third parties, or
 - (c) change the submission date.
- (5) The powers conferred by subsection (4) are to be exercised by giving a revised version of the final offer initiation notice to the designated undertaking and the third party.
- (6) Where the power conferred by subsection (4)(b) is being exercised, the reference in subsection (5) to “the third party” includes each person that was a joined third party or a grouped third party prior to the exercise of the power or that is to be a joined third party or a grouped third party after the exercise of the power.

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- (7) As soon as reasonably practicable after giving a revised version of a final offer initiation notice, the CMA must publish a statement summarising the contents of the revised notice.
- (8) To facilitate the submission of final offer payment terms, the CMA may (among other things)—
- (a) use an information notice to require that the designated undertaking or the third party give information to the CMA (see section 69);
 - (b) share information between the designated undertaking and the third party in accordance with section 241 of EA 2002 (statutory functions);
 - (c) specify the form or manner in which final offer payment terms must be submitted.

Commencement Information

I40 S. 40 not in force at Royal Assent, see [s. 339\(1\)](#)

41 Final offers: outcome **U.K.**

- (1) This section applies where—
- (a) the CMA has exercised its power under [section 38\(1\)](#), and
 - (b) either—
 - (i) the CMA has received final offer payment terms from both the designated undertaking and the third party, or
 - (ii) the CMA has received final offer payment terms from either the designated undertaking or the third party (but not both), and the submission date has passed.
- (2) The CMA must, unless [section 43\(1\)](#) applies, make an order (a “final offer order”) requiring that final offer payment terms it has received from the designated undertaking or the third party are to be given effect for the purposes of—
- (a) the transaction, and
 - (b) any transaction between the designated undertaking and the third party which is substantially the same as the transaction.
- (3) The CMA must comply with subsection (2) on or before the last day of the period (the “final offer period”) of 6 months beginning with the day on which the final offer initiation notice is given to the designated undertaking and the third party.
- (4) The Secretary of State may by regulations amend this section so as to modify the length of the final offer period.
- (5) Regulations under [subsection \(4\)](#) are subject to the affirmative procedure.

Commencement Information

I41 S. 41 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

42 Final offer orders: supplementary U.K.

- (1) A final offer order must impose on the designated undertaking such obligations as the CMA considers appropriate for the purpose of—
 - (a) securing compliance with the requirement imposed by virtue of [section 41\(2\)](#), and
 - (b) preventing the designated undertaking from making an agreement with the third party which conflicts with that requirement.
- (2) At the same time as making a final offer order, the CMA must give the designated undertaking and the third party a notice—
 - (a) summarising the transaction,
 - (b) including the reasons for the order, and
 - (c) enclosing a copy of the order.
- (3) As soon as reasonably practicable after making a final offer order, the CMA must publish a statement summarising the contents of the final offer order and the notice given under subsection (2).

Commencement Information

I42 S. 42 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

43 Decision not to make final offer order U.K.

- (1) The CMA may decide not to make a final offer order in relation to the transaction where it has reasonable grounds to believe that there has been a material change of circumstances since the final offer initiation notice was given.
- (2) For the purposes of [this section](#) and [section 44\(3\)](#) a material change of circumstances includes an agreement between the designated undertaking and the third party with respect to terms as to payment in relation to the transaction.
- (3) Where the CMA decides not to make a final offer order, it must give a notice to that effect to the designated undertaking and the third party.
- (4) The notice must include the reasonable grounds referred to in subsection (1).
- (5) As soon as reasonably practicable after giving a notice under subsection (3), the CMA must publish a statement summarising the contents of the notice.

Commencement Information

I43 S. 43 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

44 Duration and revocation of final offer orders **U.K.**

- (1) A final offer order comes into force at such time as the CMA may specify in the order.
- (2) A final offer order ceases to have effect—
 - (a) when revoked under this section, or
 - (b) subject to provision made in reliance on [section 17](#) (existing obligations), when the designation to which it relates ceases to have effect.
- (3) The CMA may revoke, or partially revoke, a final offer order where it has reasonable grounds to believe that there has been a material change of circumstances since the final offer order was made.
- (4) Where the CMA decides to revoke, or partially revoke, a final offer order, it must give a notice to that effect to the designated undertaking and the third party.
- (5) The notice must include the reasons for the CMA's decision.
- (6) The notice may include transitional, transitory or saving provision in relation to the revocation, or partial revocation, of the final offer order.
- (7) As soon as reasonably practicable after revoking, or partially revoking, a final offer order, the CMA must publish a statement summarising the contents of the notice revoking, or partially revoking, the order.
- (8) The fact that a final offer order ceases to have effect does not affect the exercise of any digital markets functions in relation to a breach or possible breach of that order.

Commencement Information

I44 S. 44 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

45 Duty to keep final offer orders under review **U.K.**

The CMA must keep under review—

- (a) the extent to which an undertaking to which it has given a final offer order is complying with that order,
- (b) the effectiveness of the final offer order,
- (c) whether to revoke the final offer order, and
- (d) whether to take action in accordance with [Chapter 7](#) (enforcement and appeals) in respect of an undertaking which does not comply with a final offer order.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I45 S. 45 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

CHAPTER 4 **U.K.**

PRO-COMPETITION INTERVENTIONS

46 Power to make pro-competition interventions **U.K.**

- (1) The CMA may make a pro-competition intervention (a “PCI”) in relation to a designated undertaking where, following a PCI investigation (see section 47), the CMA considers that—
 - (a) a factor or combination of factors relating to a relevant digital activity is having an adverse effect on competition, and
 - (b) it would be proportionate to make the PCI for the purposes of remedying, mitigating or preventing the adverse effect on competition.
- (2) In considering whether to make a PCI, and the form and content of any PCI, the CMA may have regard to any benefits to UK users or UK customers that the CMA considers have resulted, or may be expected to result, from a factor or combination of factors that is having an adverse effect on competition.
- (3) A PCI may take the form of one or both of the following—
 - (a) an order imposing on the designated undertaking requirements as to how the undertaking must conduct itself, in relation to the relevant digital activity or otherwise (a “pro-competition order”: see section 51);
 - (b) recommendations made by the CMA to any person exercising functions of a public nature about steps which the CMA considers the person ought to take in respect of the designated undertaking or the digital activity, or otherwise.
- (4) A PCI may include provision for the purposes of remedying, mitigating or preventing any detrimental effect on UK users or UK customers that the CMA considers has resulted, or may be expected to result, from the adverse effect on competition to which the PCI relates.
- (5) A factor or combination of factors relating to a digital activity has an adverse effect on competition where it prevents, restricts or distorts competition in connection with the relevant digital activity in the United Kingdom.

Commencement Information

I46 S. 46 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

47 Power to begin a PCI investigation etc **U.K.**

- (1) The CMA may begin an investigation (a “PCI investigation”) in relation to a designated undertaking where it has reasonable grounds to consider that a factor or combination of factors relating to a relevant digital activity may be having an adverse effect on competition.
- (2) A PCI investigation is an investigation to enable the CMA to determine—
 - (a) whether to make a PCI, and
 - (b) if it concludes that it should make a PCI, the form and content of that PCI.
- (3) The CMA may begin a PCI investigation in relation to a designated undertaking even if it has previously made a decision not to make a PCI in respect of that undertaking.

Commencement Information

I47 S. 47 not in force at Royal Assent, see [s. 339\(1\)](#)

48 Procedure relating to PCI investigations **U.K.**

- (1) Where the CMA begins a PCI investigation it must give the designated undertaking to which the investigation relates a notice (a “PCI investigation notice”).
- (2) The PCI investigation notice must state—
 - (a) the reasonable grounds mentioned in [section 47\(1\)](#);
 - (b) the purpose and scope of the PCI investigation;
 - (c) the period by the end of which the CMA must give the undertaking a notice setting out its decision as a result of the investigation (see [section 50\(1\)](#));
 - (d) the circumstances in which that period may be extended (see [section 104](#)).
- (3) The CMA may give the undertaking one or more revised versions of the PCI investigation notice if it changes its view of the purpose and scope of the investigation, provided that the purpose and scope of the investigation remains substantially the same.
- (4) As soon as reasonably practicable after giving a PCI investigation notice or a revised version of the PCI investigation notice, the CMA must publish the notice or the revised version of the notice.

Commencement Information

I48 S. 48 not in force at Royal Assent, see [s. 339\(1\)](#)

49 Consultation on proposed PCI decision **U.K.**

- (1) Before making a final decision (a “PCI decision”) on whether to make a PCI as a result of a PCI investigation, the CMA must—
 - (a) carry out a public consultation on its proposed decision, and
 - (b) bring the public consultation to the attention of such persons as it considers appropriate.
- (2) For the purposes of the consultation the CMA must publish a statement setting out—

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) the CMA’s findings as a result of the investigation, and
- (b) a description of any PCI which the CMA is considering making.

Commencement Information

I49 S. 49 not in force at Royal Assent, see [s. 339\(1\)](#)

50 PCI decision **U.K.**

- (1) The CMA must give the designated undertaking to which a PCI investigation relates a notice of the PCI decision resulting from the investigation on or before the last day of the period (the “PCI investigation period”) of 9 months beginning with the day on which the PCI investigation notice is given to the undertaking.
- (2) The notice must—
 - (a) state the CMA’s findings as a result of the PCI investigation,
 - (b) describe any PCI which the CMA intends to make, and
 - (c) include reasons for the CMA’s findings and decision.
- (3) The giving of a revised version of the PCI investigation notice under [section 48\(3\)](#) does not change the day on which the PCI investigation period begins.
- (4) The CMA must make any PCI within the period of 4 months beginning with the day on which the CMA gives the notice under subsection (1).
- (5) The CMA may extend the period mentioned in subsection (4) by up to 2 months where it considers that there are special reasons for doing so.
- (6) Where the CMA decides not to make a PCI having previously indicated in a notice under subsection (1) that it intended to make a PCI, the CMA must give the undertaking a further notice—
 - (a) stating the CMA’s decision, and
 - (b) including reasons for the decision.
- (7) As soon as reasonably practicable after giving a notice under subsection (1) or (6), the CMA must publish a copy of the notice.

Commencement Information

I50 S. 50 not in force at Royal Assent, see [s. 339\(1\)](#)

51 Pro-competition orders **U.K.**

- (1) A pro-competition order may include any provision that may be included in an enforcement order under section 161 of EA 2002 (final orders following market investigation references; and see section 164 of and Schedule 8 to EA 2002 on the provision that may be included).
- (2) For the purposes of [subsection \(1\)](#), Schedule 8 to EA 2002 (provision that may be contained in certain enforcement orders) has effect as if—
 - (a) the reference in paragraph 8(2) to “the relevant report” were to the notice under [section 50\(1\)](#) of this Act;

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- (b) paragraphs 20A to 20BA were omitted.
- (3) A pro-competition order may include provision imposing requirements on an undertaking on a trial basis for the purpose of assisting the CMA in establishing requirements that would be effective in remedying, mitigating or preventing—
 - (a) the adverse effect on competition to which the order relates;
 - (b) any detrimental effect on UK users or UK customers resulting from, or expected to result from, the adverse effect on competition.
- (4) The provision that may be made in reliance on subsection (3) includes provision requiring an undertaking to act differently in respect of different users or customers (and such provision may be by reference to a description of users or customers, to absolute numbers of users or customers, or to a proportion of the undertaking's total number of users or customers).
- (5) A pro-competition order must contain provision in accordance with section 55(3) (duty to ensure order contains date of next review).
- (6) As soon as reasonably practicable after making a pro-competition order, the CMA must publish the order.

Commencement Information

I51 S. 51 not in force at Royal Assent, see [s. 339\(1\)](#)

52 Replacement of pro-competition orders **U.K.**

- (1) The CMA may, by making a further pro-competition order, replace a pro-competition order where it considers that it is appropriate to do so, having regard in particular to—
 - (a) the effectiveness of the pro-competition order, or of particular provisions in the pro-competition order, in remedying, mitigating or preventing the adverse effect on competition and, where applicable, any detrimental effect on UK users or UK customers identified in the PCI investigation, and
 - (b) any change of circumstances since the pro-competition order was made.
- (2) The CMA may, in particular, replace a pro-competition order so as to—
 - (a) replace requirements imposed by virtue of that order on a trial basis, or
 - (b) impose requirements on an undertaking that are similar to or informed by one or more requirements previously imposed on that undertaking, or on a different undertaking, by virtue of another pro-competition order on a trial basis.
- (3) In this Chapter—
 - (a) references to making a replacement order are to revoking a pro-competition order (see section 53) made following a PCI investigation and making a new pro-competition order in reliance on the findings of that PCI investigation, and
 - (b) references to a “replacement order” are to a pro-competition order made in reliance on subsection (1).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I52 S. 52 not in force at Royal Assent, see [s. 339\(1\)](#)

53 Duration and revocation etc of pro-competition orders **U.K.**

- (1) A pro-competition order comes into force at such time as the CMA may specify in the order.
- (2) A pro-competition order ceases to have effect—
 - (a) when revoked under this section, or
 - (b) subject to provision made in reliance on [section 17](#) (existing obligations), when the designation to which it relates ceases to have effect.
- (3) The CMA may revoke a pro-competition order where it considers that it is appropriate to do so, having regard in particular to any change of circumstances since the pro-competition order was made.
- (4) Where the CMA decides to revoke a pro-competition order, it must give a notice to that effect to the designated undertaking to which the order relates.
- (5) The notice may include transitional, transitory or saving provision in relation to the revocation of the pro-competition order.
- (6) The CMA must publish the notice as soon as reasonably practicable after giving it.
- (7) Where a pro-competition order resulting from a PCI investigation is revoked without being replaced, the CMA may not make a new pro-competition order in reliance on the same PCI investigation.
- (8) The fact that a pro-competition order ceases to have effect does not affect the exercise of any functions in relation to a breach or possible breach of that order.

Commencement Information

I53 S. 53 not in force at Royal Assent, see [s. 339\(1\)](#)

54 Consultation **U.K.**

- (1) The CMA must carry out a public consultation on the terms of any pro-competition order before making it (subject to [subsection \(4\)](#)).
- (2) The duty to consult imposed by [subsection \(1\)](#) may be satisfied by consultation on a proposed PCI decision in a case where—
 - (a) a draft pro-competition order was published for the purposes of that consultation, and
 - (b) the CMA proposes to make a pro-competition order that is the same or materially the same as the draft pro-competition order.
- (3) Before revoking a pro-competition order, the CMA must (subject to [subsection \(4\)](#))—
 - (a) carry out a public consultation on the proposed revocation, and

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(b) bring the public consultation to the attention of such persons as it considers appropriate.

(4) The duties in subsections (1) and (3) do not apply in relation to the making of a replacement order which, in the opinion of the CMA, is not materially different from the order which it replaces.

Commencement Information

I54 S. 54 not in force at Royal Assent, see [s. 339\(1\)](#)

55 Duty to review pro-competition orders etc **U.K.**

(1) The CMA must carry out a review of a pro-competition order, including a replacement order, to determine whether to—

- (a) revoke it without making a replacement order, or
- (b) make a replacement order.

(2) Each time the CMA makes a pro-competition order, including a replacement order, it must identify a date by which it will carry out the review under subsection (1).

(3) The CMA must secure that the date is specified in the order.

(4) The CMA must keep under review—

- (a) the effectiveness of a pro-competition order;
- (b) the extent to which an undertaking subject to a pro-competition order is complying with it;
- (c) whether to take action in accordance with [Chapter 7](#) (enforcement and appeals) in respect of any undertaking that breaches a pro-competition order.

Commencement Information

I55 S. 55 not in force at Royal Assent, see [s. 339\(1\)](#)

56 Commitments **U.K.**

(1) The CMA may accept an appropriate commitment from a designated undertaking as to its conduct in respect of an adverse effect on competition or a detrimental effect on UK users or UK customers that the CMA considers has resulted, or may be expected to result, from an adverse effect on competition.

(2) A commitment is appropriate where the CMA considers that compliance with the commitment by the undertaking would contribute to or otherwise be of use in remedying, mitigating or preventing—

- (a) the adverse effect on competition, or
- (b) the detrimental effect on UK users or UK customers.

(3) Following the acceptance of a commitment by the CMA as to the conduct of an undertaking—

- (a) the undertaking that gave the commitment must comply with it at all times when it is in force, and

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- (b) so far as relating to the conduct, the CMA may give a notice to the undertaking—
 - (i) ending a PCI investigation (if it has begun one) without making a PCI decision, or
 - (ii) changing the scope of a PCI investigation.
- (4) As soon as reasonably practicable after giving a notice under [subsection \(3\)\(b\)](#), the CMA must publish a statement summarising the contents of the notice.
- (5) The acceptance of a commitment does not prevent—
 - (a) a PCI investigation from continuing so far as it relates to conduct other than that to which the commitment relates, or
 - (b) the CMA beginning a new PCI investigation in relation to the conduct to which the commitment relates where it has reasonable grounds—
 - (i) to believe that there has been a material change of circumstances since the commitment was accepted,
 - (ii) to suspect that the undertaking has not complied with one or more of the terms of the commitment, or
 - (iii) to suspect that information which led it to accept the commitment was incomplete, false or misleading in a material particular.
- (6) A commitment under [this section](#) comes into force when a notice of its acceptance is published by the CMA.
- (7) A commitment under this section ceases to have effect—
 - (a) subject to provision made in reliance on [section 17](#) (existing obligations)—
 - (i) in accordance with any terms of the commitment about when it is to cease to have effect, or
 - (ii) when the designation to which the commitment relates ceases to have effect, or
 - (b) when the undertaking is released from the requirement to comply with the commitment.
- (8) The following provisions apply in relation to commitments under [this section](#) as they apply in relation to commitments under [section 36](#)—
 - (a) [subsections \(7\) to \(10\)](#) of [section 36](#);
 - (b) [section 37](#).

Commencement Information

I56 S. 56 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

CHAPTER 5 U.K.

MERGERS

PROSPECTIVE

57 Duty to report possible mergers etc U.K.

- (1) A relevant person (in this Chapter, “P”) must report an event to which [subsection \(2\)](#) or [\(3\)](#) applies (a “reportable event”) to the CMA before the event takes place.
- (2) [This subsection](#) applies to an event where—
 - (a) the event results in P having qualifying status (see [section 58](#)) in respect of shares or voting rights in relation to a UK-connected body corporate, and
 - (b) the value of all consideration (see [section 59](#)) provided by P, whether before or as part of the event, for shares or voting rights in the UK-connected body corporate is at least £25 million.
- (3) [This subsection](#) applies to an event which consists of the formation by P and at least one other person of a body corporate (in this Chapter, a “joint venture vehicle”) where—
 - (a) P expects or intends that the joint venture vehicle will be a UK-connected body corporate,
 - (b) P has qualifying status in respect of shares or voting rights in relation to the joint venture vehicle, and
 - (c) the total value of—
 - (i) all capital and assets contributed by P to the joint venture vehicle when it is formed, and
 - (ii) all other consideration provided by P, whether directly or indirectly, in relation to the formation of the joint venture vehicle,
 is at least £25 million.
- (4) In this Chapter, “relevant person” means—
 - (a) a designated undertaking, or
 - (b) where a designated undertaking is part of a group, any member of that group.
- (5) In this Chapter, a “UK-connected body corporate” is any body corporate (wherever established or recognised) which—
 - (a) carries on activities in the United Kingdom, or
 - (b) supplies goods or services (whether for consideration or otherwise) to a person or persons in the United Kingdom.
- (6) For the purposes of [subsection \(5\)](#), anything done by a subsidiary of a body corporate is to be treated as being done by the body corporate.
- (7) The reference in [subsection \(3\)](#) to an “other person” is to a person who is not—
 - (a) the designated undertaking or part of the designated undertaking, or
 - (b) where the designated undertaking is part of a group, a member of that group.
- (8) The duty to report an event under [subsection \(1\)](#) is subject to provision made by or under regulations under [section 67](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (9) For steps that the CMA may take in relation to a possible merger, see—
- (a) section 33 of EA 2002 (duty to make references in relation to anticipated mergers), and
 - (b) section 72 of that Act (initial enforcement orders).

Commencement Information

I57 S. 57 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

58 Qualifying status **U.K.**

- (1) For the purposes of section [57\(2\)](#), an event results in P having qualifying status in respect of shares or voting rights in relation to a UK-connected body corporate where the event results in the percentage of the shares or, as the case may be, the voting rights that P holds in the body corporate increasing—
 - (a) from less than 15% to 15% or more,
 - (b) from 25% or less to more than 25%, or
 - (c) from 50% or less to more than 50%.
- (2) For the purposes of section [57\(3\)](#), P has qualifying status in respect of shares or voting rights in relation to a joint venture vehicle where the event results in P holding at least 15% of the shares or, as the case may be, voting rights in the joint venture vehicle.
- (3) In subsections (1) and (2), references to holding a percentage of shares are—
 - (a) in the case of a body corporate that has a share capital, to holding shares comprised in the issued share capital of the body corporate of a nominal value (in aggregate) of that percentage of the share capital,
 - (b) in the case of a body corporate that does not have a share capital, to holding a right to a share of that percentage of the capital or profits of the body corporate, and
 - (c) in the case of a limited liability partnership, to holding a right to a share of that percentage of any surplus assets of the partnership on a winding up.
- (4) For the purposes of subsection (3)(c), to the extent that rights to share in any surplus assets of the limited liability partnership on a winding up are not expressly provided for, each member of the partnership is to be treated as holding the right to an equal share of such assets.
- (5) In subsections (1) and (2), references to voting rights are—
 - (a) in the case of a body corporate that has a share capital, to the rights conferred on shareholders in respect of their shares to vote at general meetings of the body corporate on all or substantially all matters, and
 - (b) in the case of a body corporate that does not have a share capital, to the rights conferred on members to vote at general meetings of the body corporate on all or substantially all matters,

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and, in the case of a body corporate that does not have general meetings at which matters are decided by such votes, include any rights in relation to the body corporate that have the equivalent effect.

- (6) A person is to be treated for the purposes of this Chapter as acquiring an interest or right (to the extent that the person would not otherwise be regarded as doing so) where the interest or right becomes treated as held by the person by virtue of [Schedule 2](#).

Commencement Information

I58 S. 58 not in force at Royal Assent, see [s. 339\(1\)](#)

59 Value of consideration **U.K.**

- (1) The references in section [57\(2\)\(b\)](#) to the value of all consideration provided by P for shares or voting rights in a UK-connected body corporate is a reference to the value of all consideration provided by P, whether directly or indirectly, for shares or voting rights in the body corporate in all transactions which result in P holding shares or voting rights in the body corporate (whether or not the transaction is an event within section [57\(2\)](#)).
- (2) In this Chapter, references to “consideration” are to fees, remuneration, assets of any description, liabilities assumed and any other kind of consideration, however provided, and include conditional and deferred consideration.
- (3) The Secretary of State may by regulations make further provision about how the value of—
- consideration,
 - capital, or
 - assets,
- is to be calculated for the purposes of this Chapter.
- (4) The Secretary of State must consult the CMA before making regulations under [subsection \(3\)](#).
- (5) Regulations under [subsection \(3\)](#) are subject to the negative procedure.

Commencement Information

I59 S. 59 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

60 Content of report etc **U.K.**

- (1) The CMA must by notice make provision setting out—
- the information which a report for the purposes of [section 57\(1\)](#) must contain;
 - the form in which such a report must be made.

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- (2) The notice may not require a report to contain information other than information which the CMA considers necessary to allow it to determine whether to—
 - (a) begin an investigation for the purposes of deciding whether to make a reference under section 33 of EA 2002 in relation to a reportable event, or
 - (b) make an initial enforcement order under section 72 of that Act in relation to a reportable event.
- (3) The CMA may from time to time replace the notice.
- (4) The CMA must publish any notice or replacement notice which it makes under [this section](#).
- (5) The CMA must consult—
 - (a) the Secretary of State, and
 - (b) such other persons as it considers appropriate, before making or replacing a notice under [this section](#).

Commencement Information

160 S. 60 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

61 Application of the duty to report etc **U.K.**

- (1) Two or more persons may comply with the duty in [section 57\(1\)](#) by making a joint report to the CMA.
- (2) For the purposes of this Chapter, where a designated undertaking is part of a group—
 - (a) anything which a member of a group does or fails to do is to be treated as being done or not done by each member of the group;
 - (b) each member of a group is to be treated as providing the combined consideration provided by all members of the group;
 - (c) each member of a group is to be treated as holding the combined interests or rights of all members of the group.
- (3) Schedule 2 makes further provision about cases in which a person is to be treated for the purposes of this Chapter as holding an interest or right.
- (4) The duty to make a report under [section 57\(1\)](#) does not apply—
 - (a) in relation to a reportable event which does not differ in any material respect from an event which has already been reported under [section 57\(1\)](#);
 - (b) in relation to a reportable event so far as it consists of “notified arrangements” within the meaning of section 96(6) of EA 2002;
 - (c) in relation to a reportable event so far as the CMA has informed P that it has begun an investigation for the purposes of deciding whether it has to make a reference under section 33 of EA 2002 (duty to make references in relation to anticipated mergers) in relation to a matter that does not differ in any material respect from the reportable event;

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- (d) in relation to a reportable event so far as the Secretary of State has given the CMA an intervention notice under section 42 of EA 2002 (intervention by the Secretary of State in certain public interest cases) in relation to a relevant merger situation that does not differ in any material respect from the reportable event;
 - (e) in relation to a reportable event so far as the Secretary of State has given the CMA a special intervention notice under section 59 of EA 2002 (intervention by the Secretary of State in special public interest cases) in relation to a special merger situation that does not differ in any material respect from the reportable event.
- (5) This Chapter does not require any steps to be taken in relation to an event where, after it has been reported to the CMA—
- (a) the Secretary of State gives the CMA an intervention notice under section 42 of EA 2002 in relation to a relevant merger situation that does not differ in any material respect from the event;
 - (b) the Secretary of State gives the CMA a special intervention notice under section 59 of EA 2002 in relation to a special merger situation that does not differ in any material respect from the event;
 - (c) the CMA makes an initial enforcement order under section 72 of EA 2002 imposing obligations, prohibitions or restrictions in relation to the event;
 - (d) the undertaking to which the event relates ceases to be a designated undertaking.

Commencement Information

I61 S. 61 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

62 Acceptance of report **U.K.**

- (1) Where the CMA receives a report under [section 57\(1\)](#), the CMA must, within the period of 5 working days beginning with the first working day after the day on which it receives the report, give a notice to the person that made the report confirming whether the CMA accepts that the report is sufficient.
- (2) Where the CMA does not accept that a report is sufficient it must, in its notice under [subsection \(1\)](#), include reasons for its decision.
- (3) The CMA may not decide that a report is not sufficient where the report—
 - (a) contains all information required by notice under [section 60\(1\)\(a\)](#), and
 - (b) is made in the form required by notice under [section 60\(1\)\(b\)](#).
- (4) A person who makes a report under [section 57\(1\)](#) may withdraw that report at any time before the CMA gives notice that it has accepted that the report is sufficient.
- (5) Where a report is withdrawn, this Chapter applies as if the event to which it related had not been reported to the CMA.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I62 S. 62 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

63 Delay to possible mergers etc **U.K.**

- (1) A person to whom the duty in [section 57\(1\)](#) applies in relation to a reportable event must not allow the event to take place—
 - (a) without a report in relation to the event having been given to the CMA under [section 57\(1\)](#), or
 - (b) before the end of the waiting period in relation to the event.
- (2) The waiting period in relation to a reportable event is the period of 5 working days beginning with the first working day after the day on which the CMA gives the person that made a report a notice under [section 62\(1\)](#) confirming that the CMA accepts that the report relating to the event is sufficient.
- (3) If a reportable event takes place in contravention of [subsection \(1\)](#), each person to whom the duty in [section 57\(1\)](#) applied in relation to the event is to be treated as having breached [subsection \(1\)](#).
- (4) The CMA may—
 - (a) give its consent to a reportable event happening before the end of the waiting period;
 - (b) revoke that consent before the reportable event happens.
- (5) [Subsection \(1\)](#) does not apply in relation to a reportable event where the CMA gives and does not revoke consent under [subsection \(4\)](#) in relation to a reportable event.
- (6) Section 95 of EA 2002 (rights to enforce statutory restrictions) applies in relation to the obligation to comply with [subsection \(1\)](#) as it applies in relation to the obligation to comply with [section 77\(2\) or \(3\) or 78\(2\)](#) of that Act.

Commencement Information

I63 S. 63 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

64 Timing of a reportable event **U.K.**

Where a reportable event results from an agreement providing for P to acquire shares or voting rights, or to form a joint venture vehicle together with at least one other person, the event is to be treated as taking place for the purposes of [section 57\(1\)](#) and [section 63\(1\)](#) when P becomes unconditionally obliged to acquire the shares or voting rights, or to form the joint venture vehicle.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I64 S. 64 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

65 Authorisation for one person to act for another **U.K.**

- (1) P may authorise another person to make a report under [section 57\(1\)](#) and receive the notice under [section 62\(1\)](#) which relates to the report on P's behalf by giving a notice of the authorisation to the CMA.
- (2) P may revoke an authorisation made under this section by giving a notice to that effect to the CMA.
- (3) A notice under [subsection \(1\)](#) or [\(2\)](#) must be signed by an officer of P.
- (4) In this section, references to an “officer” of an undertaking are to an officer of a body corporate that is, or is comprised in, the undertaking.

Commencement Information

I65 S. 65 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

66 Applications for review of decisions relating to mergers **U.K.**

Section 120 of EA 2002 (review of decisions under Part 3 of EA 2002: mergers) applies in relation to a decision made by the CMA in connection with its functions under this Chapter, other than a decision about the imposition of a penalty under [section 85\(4\)](#) or [87](#), as it applies in relation to decisions listed in [subsection \(1A\)](#) of that section.

Commencement Information

I66 S. 66 not in force at Royal Assent, see [s. 339\(1\)](#)

67 Regulations about duty to report **U.K.**

- (1) The Secretary of State may by regulations make provision about the duty to report a reportable event.
- (2) The Secretary of State must consult the CMA before making regulations under [subsection \(1\)](#).
- (3) Regulations under [subsection \(1\)](#) may (among other things) make provision—

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- (a) varying, adding or removing circumstances in which the duty to make a report applies;
 - (b) varying the period in [section 62\(1\)](#);
 - (c) varying the waiting period in [section 63](#);
 - (d) about exemptions from the duty to make a report;
 - (e) varying, adding or removing circumstances in which one person may act on behalf of another under [section 65](#);
 - (f) modifying how [section 332](#) applies for the purposes of this Chapter or [Schedule 2](#);
 - (g) conferring functions on the CMA in relation to the duty to report, including power to make provision by notice or general or specific directions about a matter mentioned in [paragraph \(d\)](#);
 - (h) amending this Chapter or [Schedule 2](#).
- (4) Regulations under [subsection \(1\)](#) that contain provision made in reliance on any of paragraphs (a), (b), (c), (d), (e) or (h) of [subsection \(3\)](#), whether alone or with other provision, are subject to the affirmative procedure.
- (5) Any other regulations under [subsection \(1\)](#) are subject to the negative procedure.

Commencement Information

I67 S. 67 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

68 Duty to keep compliance under review **U.K.**

The CMA must keep under review—

- (a) the extent to which persons comply with provisions made by, under or by virtue of this Chapter, and
- (b) the appropriateness of taking action—
 - (i) in accordance with section 95 of EA 2002 (rights to enforce statutory restrictions) in respect of any person to whom [section 63\(1\)](#) applies, and
 - (ii) in accordance with [Chapter 7](#) (enforcement and appeals) in respect of any person that does not comply with provisions made by, under or by virtue of this Chapter.

Commencement Information

I68 S. 68 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

CHAPTER 6 **U.K.**

INVESTIGATORY POWERS ETC AND COMPLIANCE REPORTS

Investigatory powers etc

69 Power to require information **U.K.**

- (1) For the purpose of exercising, or deciding whether to exercise, any of its digital markets functions, the CMA may require a person (“P”) to give specified information to it where it considers that the information is relevant to a digital markets function.
- (2) The power conferred by [subsection \(1\)](#) is to be exercised by giving P a notice (an “information notice”).
- (3) The CMA must include in an information notice—
 - (a) the time and place at which the specified information must be given to the CMA;
 - (b) the manner and form in which the information must be given to the CMA;
 - (c) information about the possible consequences of not complying with the notice.
- (4) The power under [this section](#) to require P to give information to the CMA includes the power to—
 - (a) take copies of or extracts from information;
 - (b) require P to obtain or generate information;
 - (c) require P to collect or retain information that they would not otherwise collect or retain;
 - (d) if any specified information is not given to the CMA, require P to state, to the best of their knowledge and belief, both where that information is and why it has not been given to the CMA.
- (5) For the purposes of [subsection \(4\)\(b\)](#), the CMA may include in an information notice—
 - (a) a requirement for P to vary their usual conduct (whether in relation to some or all users or potential users of any service or digital content that P provides);
 - (b) a requirement for P to perform a specified demonstration or test.
- (6) In this section, “specified” means—
 - (a) specified, or described, in the information notice, or
 - (b) falling within a category which is specified, or described, in the information notice.
- (7) The powers conferred by this section are exercisable in relation to information whether it is stored within or outside the United Kingdom.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I69 S. 69 not in force at Royal Assent, see [s. 339\(1\)](#)

70 Requirement to name a senior manager **U.K.**

- (1) Where the CMA gives an information notice to a designated undertaking or an undertaking that is the subject of a breach investigation, the CMA may include in the notice a requirement that the undertaking must name, in response to the notice, an individual who—
 - (a) the undertaking considers to be a senior manager of the undertaking, and
 - (b) may reasonably be expected to be in a position to ensure compliance with the requirements of the notice.
- (2) Where the CMA imposes a requirement to name an individual, the information notice must require the undertaking to inform the individual about the consequences for the individual of any failure by the undertaking to comply with the notice (see [section 87](#)).
- (3) An individual can be considered to be a senior manager of an undertaking only if the individual plays a significant role in—
 - (a) making decisions about how the undertaking’s relevant activities are to be managed or organised, or
 - (b) managing or organising the undertaking’s relevant activities.
- (4) An undertaking’s “relevant activities” are activities relating to the undertaking’s compliance with requirements imposed on it by or under this Part.

Commencement Information

I70 S. 70 not in force at Royal Assent, see [s. 339\(1\)](#)

71 Power of access **U.K.**

- (1) The CMA may exercise the powers in [this section](#) where it considers that a designated undertaking or an undertaking that is the subject of a breach investigation—
 - (a) has not complied with the requirements of an information notice (see [section 69](#)), or
 - (b) has not complied with the duty to assist a skilled person with the preparation of a report (see [section 79\(12\)](#)).
- (2) The CMA may access business premises, equipment, services, information or individuals in order to—
 - (a) supervise the obtaining, generation, collection or retention of information by the undertaking,
 - (b) observe the undertaking’s conduct in relation to users, or
 - (c) observe a demonstration or test performed by the undertaking,for the purpose of securing compliance with requirements imposed on the undertaking under [section 69](#) or [section 79\(12\)](#).

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- (3) Where the CMA requires access under subsection (2), it must give the undertaking a notice specifying—
 - (a) the access that it requires,
 - (b) a date by which the access must be provided, and
 - (c) the manner in which the access must be provided (which may be remote).
- (4) The undertaking must give the CMA the access specified in the notice under subsection (3).
- (5) The powers conferred by this section are not exercisable in relation to premises, equipment or individuals outside the United Kingdom.
- (6) But the powers conferred by this section are exercisable in relation to information and services whether stored or provided within or outside the United Kingdom.
- (7) In this Chapter, “business premises” means premises (or any part of premises) not used as a dwelling.

Commencement Information

I71 S. 71 not in force at Royal Assent, see s. 339(1)

72 Power to interview **U.K.**

- (1) If the CMA considers that an individual (“X”) has information relevant to a digital markets investigation, the CMA may give a notice to X requiring X to answer questions with respect to any matter relevant to that digital markets investigation—
 - (a) at a place or in a manner (which may be remote) specified in the notice, and
 - (b) either at a time specified in the notice or on receipt of the notice.
- (2) The CMA must include in the notice—
 - (a) details of the digital markets investigation;
 - (b) information about the possible consequences of not complying with the notice.
- (3) Where X is connected to (see section 118(3)) the undertaking that is the subject of the digital markets investigation, the CMA must give a copy of the notice under subsection (1) to the undertaking.
- (4) The CMA must comply with the requirement under subsection (3)—
 - (a) at the time the notice is given to X, or
 - (b) where that is not practicable, as soon as reasonably practicable after the notice is given to X.
- (5) The CMA, or any person nominated by it, may take evidence in answer to questions under subsection (1) on oath, and for that purpose may administer oaths.
- (6) The powers conferred by this section are not exercisable in relation to an individual outside the United Kingdom.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I72 S. 72 not in force at Royal Assent, see s. 339(1)

73 Use of interview statements in prosecution **U.K.**

- (1) A statement by X in response to a requirement imposed by virtue of [section 72](#) (a “[section 72](#) statement”) may only be used in evidence against X—
 - (a) on a prosecution for an offence under [section 93](#) or [94](#);
 - (b) on a prosecution for some other offence in a case falling within [subsection \(2\)](#).
- (2) A prosecution falls within [this subsection](#) if, in the proceedings—
 - (a) in giving evidence, X makes a statement inconsistent with the [section 72](#) statement, and
 - (b) evidence relating to the [section 72](#) statement is adduced, or a question relating to it is asked, by or on behalf of X.

Commencement Information

I73 S. 73 not in force at Royal Assent, see s. 339(1)

74 Power to enter business premises without a warrant **U.K.**

- (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.
- (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 \(2\)](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (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

I74 S. 74 not in force at Royal Assent, see [s. 339\(1\)](#)

75 Power to enter premises under a warrant **U.K.**

- (1) On an application made to it by the CMA for the purposes of a breach investigation, the court or the Tribunal may issue a warrant if it is satisfied that—
- (a) there are reasonable grounds for suspecting that there is information on or accessible from any premises which is relevant to the breach investigation (“information of the relevant kind”), and
 - (b) one or both of the following applies—
 - (i) the exercise by the CMA of another digital markets investigation power has not resulted in the CMA being given the information of the relevant kind;
 - (ii) there are reasonable grounds for suspecting that there is no other digital markets investigation power the exercise of which would result in the CMA being given the information of the relevant kind.
- (2) A warrant under [this section](#) authorises a named officer of the CMA (“the authorised officer”), and any other of the CMA’s officers whom the CMA has authorised in writing to accompany the authorised officer, to—
- (a) enter the premises specified in the warrant, using such force as is reasonably necessary;

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- (b) take onto the premises such equipment as appears to the authorised officer to be necessary;
 - (c) search the premises for information appearing to be information of the relevant kind;
 - (d) operate any equipment found on the premises for the purpose of producing information;
 - (e) require any person on the premises to provide such assistance as the authorised officer may reasonably require (including providing passwords or encryption keys and operating equipment on the premises);
 - (f) require any person on the premises to give information to the authorised officer;
 - (g) require any person on the premises to state, to the best of their knowledge and belief, where information appearing to be of the relevant kind may be found;
 - (h) take copies of, or extracts from, any information appearing to be information of the relevant kind;
 - (i) take possession of any information appearing to be information of the relevant kind that is produced under paragraph (d) or given to the authorised officer under paragraph (f);
 - (j) take possession of any other information appearing to be information of the relevant kind if—
 - (i) such action appears to be necessary for preserving the information or preventing interference with it, or
 - (ii) it is not reasonably practicable to take copies of the information on the premises;
 - (k) take any other steps which appear to be necessary for the purpose of preserving any information appearing to be information of the relevant kind or preventing interference with it.
- (3) Any information which is given to an investigating officer under subsection (2) 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.
- (4) A warrant under [this section](#) may authorise persons specified in the warrant to accompany the authorised officer who is executing it.
- (5) A warrant under [this section](#) continues in force until the end of the period of one month beginning with the day on which it is issued.
- (6) Any information which the CMA obtains under [subsection \(2\)](#) may be retained for a period of three months.
- (7) For the purposes of [this section](#) and section 76—
- “domestic premises” means premises (or any part of premises) that are used as a dwelling and are—
- (a) premises also used in connection with the affairs of an undertaking or, where the undertaking is part of a group, a member of that group, or
 - (b) premises where information relating to the affairs of an undertaking or, where the undertaking is part of a group, a member of that group, is located;

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“occupier”, in relation to any premises, means a person whom the authorised officer reasonably believes is the occupier of those premises;

“premises” includes business premises (see section 71(7)) and domestic premises.

Commencement Information

I75 S. 75 not in force at Royal Assent, see [s. 339\(1\)](#)

76 Power to enter premises under a warrant: supplementary **U.K.**

- (1) A warrant under [section 75](#) must describe—
 - (a) the subject matter and purpose of the breach investigation, and
 - (b) the offence created by [section 95](#).
- (2) The powers conferred by [section 75](#) are to be exercised on production of the warrant issued under that section.
- (3) If there is no one at the premises when the authorised officer proposes to execute the warrant they must, before executing it—
 - (a) take reasonable steps to inform the occupier of the intended entry, and
 - (b) if the occupier is informed, afford them or their legal or other representative a reasonable opportunity to be present when the warrant is executed.
- (4) If the authorised officer is unable to inform the occupier of the intended entry they must, when executing the warrant, leave a copy of it in a prominent place on the premises.
- (5) On leaving any premises which they have entered by virtue of a warrant under [section 75](#), the authorised officer must, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured as they found them.
- (6) The powers conferred by [section 75](#) are not exercisable in relation to premises outside the United Kingdom.
- (7) But the powers conferred by [section 75](#) are exercisable in relation to information whether it is stored within or outside the United Kingdom.

Commencement Information

I76 S. 76 not in force at Royal Assent, see [s. 339\(1\)](#)

77 Amendments to the Criminal Justice and Police Act 2001 **U.K.**

- (1) The Criminal Justice and Police Act 2001 is amended as follows.
- (2) In section 50 (additional powers of seizure from premises), at the end insert—
 - “(7) Without prejudice to any power conferred by this section to take a copy of any document, nothing in this section, so far as it has effect by reference to the power to take copies of, or extracts from, information under [section 75\(2\)\(h\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
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of the Digital Markets, Competition and Consumers Act 2024, is to be taken to confer any power to seize any information.”

- (3) In section 57 (retention of seized items), in subsection (1), at the end insert—
- “(v) section 75(6) of the Digital Markets, Competition and Consumers Act 2024.”
- (4) In section 63 (powers of seizure: copies), in subsection (1), at the end insert—
- “(d) for the purposes of this Part, except sections 50 and 51, the powers in section 75(2)(d) and (f) of the Digital Markets, Competition and Consumers Act 2024 are to be treated as powers of seizure, and references to seizure and to seized property are to be construed accordingly.”
- (5) In section 64 (meaning of “appropriate judicial authority”), in subsection (3), in paragraph (a), at the end insert—
- “(iv) section 75(2) of the Digital Markets, Competition and Consumers Act 2024.”
- (6) In section 65 (meaning of “legal privilege”), after subsection (3A) insert—
- “(3B) In relation to property which has been seized in exercise, or purported exercise, of—
- (a) the power of seizure conferred by section 75(2) of the Digital Markets, Competition and Consumers Act 2024, or
- (b) so much of any power of seizure conferred by section 50 as is exercisable by reference to that power,
- references in this Part to an item subject to legal privilege are to be read as references to a privileged communication within the meaning of section 81 (privileged communications) of that Act.”
- (7) In section 66 (general interpretation of Part 2), in subsection (5), after paragraph (i) insert—
- “(j) section 75(2)(j) of the Digital Markets, Competition and Consumers Act 2024;”
- (8) In Part 1 of Schedule 1 (powers of seizure to which section 50 of that Act applies), at the end insert—
- “73W Digital Markets, Competition and Consumers Act 2024
- Each of the powers of seizure conferred by section 75(2)(i) and (j) of the Digital Markets, Competition and Consumers Act 2024 (seizure of information for the purposes of a breach investigation).”

Commencement Information

I77 S. 77 not in force at Royal Assent, see s. 339(1)

78 Application for a warrant **U.K.**

- (1) An application for a warrant under section 75 must be made—
- (a) in the case of an application to the court, in accordance with rules of court;

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(b) in the case of an application to the Tribunal, in accordance with Tribunal rules.

(2) In Schedule 4 to EA 2002 (tribunal: procedure), in paragraph 10A, in subparagraph (1), after “the 1998 Act” insert “or [section 75](#) of the Digital Markets, Competition and Consumers Act 2024”.

Commencement Information

I78 S. 78 not in force at Royal Assent, see [s. 339\(1\)](#)

79 Reports by skilled persons **U.K.**

- (1) The CMA may exercise the powers in [this section](#) in relation to a designated undertaking, an undertaking that is the subject of a breach investigation or an undertaking that is the subject of an SMS investigation (in each case, “U”) for the purpose of exercising, or deciding whether to exercise, any of its digital markets functions.
- (2) The CMA may appoint a skilled person to provide it with a report in a specified form about matters relevant to the purposes for which the powers under [this section](#) are or may be exercised (“the relevant matters”).
- (3) Where the CMA makes such an appointment, the CMA must give a notice to U—
 - (a) confirming the appointment;
 - (b) specifying the relevant matters.
- (4) A notice under [subsection \(3\)](#) may also make provision for U to be liable for payment, directly to the skilled person, of the skilled person’s remuneration and expenses relating to the preparation of the report.
- (5) As an alternative to [subsection \(2\)](#), the CMA may give a notice to U—
 - (a) requiring U to appoint a skilled person to provide the CMA with a report in such form as may be specified in the notice;
 - (b) specifying the relevant matters to be explored in the report;
 - (c) specifying the date by which the report must be provided.
- (6) Where the skilled person is to be appointed by U, U may not make an appointment unless the CMA has approved in writing—
 - (a) the identity of the skilled person, and
 - (b) the terms on which they will be appointed, including in relation to their remuneration and expenses.
- (7) [Subsections \(8\) to \(10\)](#) apply in relation to an amount due to a skilled person from U under [this section](#).
- (8) In England and Wales, such an amount is recoverable—
 - (a) if the county court so orders, as if it were payable under an order of that court;
 - (b) if the High Court so orders, as if it were payable under an order of that court.
- (9) In Scotland, such an amount may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

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- (10) In Northern Ireland, such an amount is recoverable—
- (a) if a county court so orders, as if it were payable under an order of that court;
 - (b) if the High Court so orders, as if it were payable under an order of that court.
- (11) References in [this section](#) to a skilled person are to a person appearing to the CMA to have the skills necessary to prepare a report about the relevant matters.
- (12) It is the duty of—
- (a) U, and
 - (b) any person connected to (see [section 118\(3\)](#)) U,
- to give a skilled person who has been appointed under this section all such assistance (including access to such business premises (see [section 71\(7\)](#)), equipment, services, information and individuals) as the skilled person may reasonably require to prepare the report.
- (13) The duty in [section 79\(12\)](#) does not include a duty to give access to premises, equipment or individuals outside the United Kingdom.
- (14) But the duty in [section 79\(12\)](#) does include a duty to give access to information and services whether stored or provided within or outside the United Kingdom.

Commencement Information

I79 S. 79 not in force at Royal Assent, see [s. 339\(1\)](#)

80 Duty to preserve information **U.K.**

- (1) A person to whom any of subsections (2), (3), (4) and (5) applies must not, without reasonable excuse—
- (a) destroy, otherwise dispose of, falsify or conceal, or
 - (b) cause or permit the destruction, disposal, falsification or concealment of, any relevant information.
- (2) This subsection applies to a person where the person knows or suspects that a breach investigation or a PCI investigation is being or is likely to be carried out in relation to an undertaking.
- (3) This subsection applies to a person where the person is, or is connected to (see [section 118\(3\)](#)), an undertaking that is not a designated undertaking and knows that the undertaking is the subject of an initial SMS investigation.
- (4) This subsection applies to a person where the person is, or is connected to, a designated undertaking and knows that—
- (a) the undertaking is required to produce a compliance report under [section 84](#), or
 - (b) the undertaking is the subject of a further SMS investigation.
- (5) This subsection applies to a person where the person is, or is connected to, an undertaking and knows or suspects that the CMA is assisting, or is likely to assist, an overseas regulator in carrying out, in relation to the undertaking, any of its functions which correspond or are similar to the functions of the CMA under this Part (see [Chapter 2](#) of [Part 5](#) (provision of investigative assistance to overseas regulators)).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (6) For the purposes of this section, relevant information is information which the person knows or suspects is or would be—
- (a) relevant to the investigation mentioned in subsection (2), (3), (4) or (5), as the case may be,
 - (b) used by an undertaking to produce the compliance report, or
 - (c) relevant to the provision of assistance to the overseas regulator.

Commencement Information

I80 S. 80 not in force at Royal Assent, see [s. 339\(1\)](#)

81 Privileged communications **U.K.**

- (1) A person may not be required under any provision of this Chapter to produce, generate or give to the CMA or an officer of the CMA a privileged communication.
- (2) Nothing in this Chapter authorises the CMA or an officer of the CMA to produce or take possession of, or take copies of or extracts from, a privileged communication (but this is subject to Part 2 of the Criminal Justice and Police Act 2001, as amended by [section 77](#) of this Act).
- (3) A “privileged communication” is a communication—
 - (a) between a professional legal adviser and their client, or
 - (b) made in connection with, or in contemplation of, legal proceedings and for the purposes of those proceedings,
 which in proceedings in the High Court would be protected from disclosure on grounds of legal professional privilege.
- (4) In the application of this section to Scotland—
 - (a) the reference to the High Court is to be read as a reference to the Court of Session, and
 - (b) the reference to legal professional privilege is to be read as a reference to the confidentiality of communications.

Commencement Information

I81 S. 81 not in force at Royal Assent, see [s. 339\(1\)](#)

82 Power of CMA to publish notice of investigative assistance **U.K.**

- (1) Where the CMA assists an overseas regulator in carrying out any of its functions which correspond or are similar to the functions of the CMA under this Part (see [Chapter 2](#) of [Part 5](#) (provision of investigative assistance to overseas regulators)), the CMA may publish a notice of its decision to do so which may, in particular—
 - (a) identify the overseas regulator concerned;
 - (b) summarise the matter in respect of which the assistance is requested;
 - (c) identify the undertaking in respect of which the assistance is requested.
- (2) [Section 112](#) does not apply to a notice under subsection (1) to the extent that it includes information other than information mentioned in that subsection.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I82 S. 82 not in force at Royal Assent, see [s. 339\(1\)](#)

Compliance reports etc

83 Nominated officer **U.K.**

- (1) An undertaking must ensure that, at all times when the undertaking is subject to a digital markets requirement, it has an officer with responsibility for carrying out the functions set out in [subsection \(2\)](#) in relation to that digital markets requirement (a “nominated officer”).
- (2) The functions are—
 - (a) monitoring the undertaking’s compliance with the digital markets requirement and all related requirements;
 - (b) cooperating with the CMA for the purposes of securing that the undertaking complies with the digital markets requirement and all related requirements to the satisfaction of the CMA;
 - (c) securing that the undertaking complies with [section 84](#) (compliance reports).
- (3) A “digital markets requirement” is any of the following—
 - (a) a conduct requirement under [section 19](#);
 - (b) a requirement imposed by virtue of a pro-competition order under [section 46](#);
 - (c) a requirement to comply with a commitment given under [section 56](#).
- (4) A “related requirement” is any of the following relating to a digital markets requirement—
 - (a) a requirement imposed by virtue of an enforcement order under [section 31](#) or [section 32](#);
 - (b) the requirement to comply with a commitment given under [section 36](#);
 - (c) a requirement imposed by virtue of a final offer order under [section 41\(2\)](#) or [section 42](#);
 - (d) a requirement in a direction under [section 87](#) of EA 2002 (delegated power of directions) given by virtue of a pro-competition order (see [section 51\(1\)](#)).
- (5) A nominated officer must be an individual who the undertaking—
 - (a) considers to be a senior manager of the undertaking, within the meaning of [section 70\(3\)](#), and
 - (b) reasonably expects to be in a position to fulfil the functions set out in [subsection \(2\)](#) in relation to the digital markets requirement.
- (6) An undertaking that is required to have a nominated officer under [subsection \(1\)](#) must, as soon as reasonably practicable, inform the CMA of the identity of the nominated officer (including any replacement officer).

Commencement Information

I83 S. 83 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

84 Compliance reports **U.K.**

- (1) An undertaking that is subject to a digital markets requirement (as defined in section 83(3)) must provide the CMA with a compliance report in relation to that digital markets requirement for each reporting period (as specified in a notice under subsection (3)).
- (2) A compliance report is a report setting out—
 - (a) the extent to which the nominated officer considers that the undertaking has complied with the digital markets requirement and each related requirement (see section 83(4)) during the reporting period;
 - (b) how the undertaking has complied, and intends to continue to comply, with the digital markets requirement and each related requirement;
 - (c) such other information as the CMA may direct in relation to compliance with the digital markets requirement and each related requirement.
- (3) At the same time as imposing a digital markets requirement on an undertaking, the CMA must give a notice to the undertaking specifying—
 - (a) the manner and form of the compliance report to be provided in relation to that digital markets requirement, and
 - (b) the reporting period for that digital markets requirement.
- (4) The CMA may amend the requirements specified in a notice under subsection (3) by giving a further notice to the undertaking.
- (5) The CMA may give a notice to an undertaking requiring it to publish a compliance report or a summary of a compliance report at such time, and in such manner and form, as the CMA may set out in the notice.

Commencement Information

I84 S. 84 not in force at Royal Assent, see s. 339(1)

CHAPTER 7 **U.K.**

ENFORCEMENT AND APPEALS

Civil penalties

PROSPECTIVE

85 Penalties for failure to comply with competition requirements **U.K.**

- (1) Where the CMA considers that an undertaking has, without reasonable excuse, failed to comply with a requirement listed in subsection (2), it may impose a penalty on the undertaking.
- (2) The requirements are—
 - (a) a requirement imposed by virtue of an enforcement order under section 31 or section 32,

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) a requirement imposed by virtue of a final offer order under [section 41](#) (including a requirement imposed in reliance on [section 42](#)),
 - (c) a requirement imposed by virtue of a pro-competition order under [section 46](#), and
 - (d) the requirement to comply with a commitment given under [section 36](#) or [56](#).
- (3) The CMA may impose a penalty on an undertaking where the CMA considers that the undertaking has, without reasonable excuse, failed to comply with a conduct requirement under [section 19](#).
- (4) The CMA may impose a penalty on an undertaking or, where the undertaking is part of a group, the group, where the CMA considers that the undertaking or any member of the group has, without reasonable excuse, failed to comply with a requirement in [Chapter 5](#) (mergers).

Commencement Information

185 S. 85 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

86 Amount of penalties under [section 85](#) **U.K.**

- (1) The amount of a penalty imposed on a person under [section 85](#) may be such amount as the CMA considers appropriate, provided it does not exceed the amounts set out in subsection (4).
- (2) The amount of a penalty under [section 85\(1\)](#) 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.
- (3) The amount of a penalty under [section 85\(3\)](#) or (4) must be a fixed amount.
- (4) The maximum amounts of a penalty that may be imposed are—
- (a) in the case of a fixed amount, an amount equal to 10% of the total value of the turnover of the undertaking or, where the undertaking is part of a group, the turnover of the group;
 - (b) in the case of an amount calculated by reference to a daily rate, for each day an amount equal to 5% of the total value of the daily turnover of the undertaking or, where the undertaking is part of a group, the daily turnover of the group;
 - (c) in the case of a combination of a fixed amount and an amount calculated by reference to a daily rate, the amounts mentioned in paragraph (a), in relation to the fixed amount, and paragraph (b), in relation to the amount calculated by reference to a daily rate.
- (5) In [subsection \(4\)](#), references to the total value of the turnover or daily turnover of an undertaking or group are to the total value of the turnover or daily turnover of the undertaking or, as the case may be, group, both inside and outside the United Kingdom.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

186 S. 86 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

87 Penalties for failure to comply with investigative requirements **U.K.**

- (1) The CMA may impose a penalty on a person where it considers that the person has, without reasonable excuse—
 - (a) failed to comply with a requirement imposed by or under [Chapter 6](#),
 - (b) given information which is false or misleading in a material particular in connection with any function of the CMA under this Part, or
 - (c) given information which is false or misleading in a material particular to another person knowing that the information was to be used for the purpose of giving information to the CMA in connection with any function of the CMA under this Part.
- (2) The CMA may impose a penalty on an individual named as a senior manager under [section 70](#) as well as on the undertaking that names the individual where—
 - (a) the CMA considers that the individual has failed, without reasonable excuse, to prevent a failure or an action by the undertaking of a sort mentioned in subsection (1), and
 - (b) the failure or action relates to an information notice in response to which the individual was named as a senior manager.
- (3) The CMA may impose a penalty on an individual who is appointed by an undertaking to be a nominated officer under [section 83](#) in relation to a digital markets requirement (within the meaning of that section), as well as on the undertaking that appoints the individual, where the CMA considers that the individual has failed, without reasonable excuse, to prevent the undertaking from failing to comply with a requirement in or under [section 84](#) (compliance reports) in relation to that digital markets requirement.
- (4) The CMA may impose a penalty on an individual where it considers that the individual has, without reasonable excuse, obstructed an officer of the CMA acting in the exercise of the officer's powers under—
 - (a) [section 74](#), or
 - (b) a warrant issued under [section 75](#).

Commencement Information

187 S. 87 not in force at Royal Assent, see [s. 339\(1\)](#)

88 Amount of penalties under section 87 **U.K.**

- (1) The amount of a penalty imposed on a person under [section 87](#) may be such amount as the CMA considers appropriate, provided it does not exceed the amounts set out in subsections (3) and (5).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) The amount of a penalty under section 87 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.
- (3) The maximum amounts of a penalty that may be imposed on an undertaking that is not an individual are—
- (a) in the case of a fixed amount, an amount equal to 1% of the total value of the person’s turnover (both inside and outside the United Kingdom);
 - (b) in the case of an amount calculated by reference to a daily rate, for each day an amount equal to 5% of the total value of the person’s daily turnover (both inside and outside the United Kingdom);
 - (c) in the case of a combination of a fixed amount and an amount calculated by reference to a daily rate, the amounts mentioned in paragraph (a), in relation to the fixed amount, and paragraph (b), in relation to the amount calculated by reference to a daily rate.
- (4) Where a person is an undertaking that is part of a group, references in subsection (3) to the person’s turnover are to the turnover of that group.
- (5) The maximum amounts of a penalty that may be imposed on an individual or a person that is not an undertaking are—
- (a) in the case of a fixed amount, £30,000,
 - (b) in the case of an amount calculated by reference to a daily rate, £15,000 per day, or
 - (c) in the case of a combination of a fixed amount and an amount calculated by reference to a daily rate, the amounts mentioned in paragraph (a), in relation to the fixed amount, and paragraph (b), in relation to the amount calculated by reference to a daily rate.
- (6) The Secretary of State may by regulations amend the amounts mentioned in paragraphs (a) and (b) of subsection (5).
- (7) The Secretary of State must consult the CMA and such other persons as the Secretary of State considers appropriate before making regulations under subsection (6).
- (8) Regulations under subsection (6) are subject to the affirmative procedure.

Commencement Information

188 S. 88 in force at Royal Assent for specified purposes, see s. 339(2)(c)

PROSPECTIVE

89 Procedure and appeals etc **U.K.**

- (1) Sections 112 (penalties: main procedural requirements), 113 (payments and interest by instalments), 114 (appeals), and 115 (recovery of penalties) of EA 2002 apply in relation to a penalty imposed under section 85 or 87 as they apply in relation to a penalty imposed under section 110(1) of that Act.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

(2) For the purposes of this section—

- (a) sections 112 to 115 of EA 2002 are to be read as if references to “the appropriate authority” were references to “the CMA” only;
- (b) section 114(5A) of that Act is to be read as if the words “In the case of a penalty imposed on a person by the CMA or OFCOM,” were omitted;
- (c) section 114(12) of that Act is to be read as if, for paragraph (b), there were substituted—

“(b) “the relevant guidance” means the statement of policy which was most recently published under section 91 of the Digital Markets, Competition and Consumers Act 2024 at the time of the act or omission giving rise to the penalty.”

Commencement Information

I89 S. 89 not in force at Royal Assent, see [s. 339\(1\)](#)

90 Calculation of daily rates and turnover **U.K.**

- (1) In imposing a penalty by reference to a daily rate—
 - (a) no account is to be taken of any days before the service on the person concerned of the provisional penalty notice under section 112(A1) of EA 2002 (as applied by section 89), and
 - (b) unless the CMA determines an earlier day (whether before or after the penalty is imposed), the amount payable ceases to accumulate at the beginning of—
 - (i) the day on which the person first complies with the requirement in question, or
 - (ii) if earlier, where the requirement was imposed in connection with the provision by the CMA of assistance to an overseas regulator (see [section 319](#) (provision of investigative assistance to overseas regulators)), the day on which the overseas regulator no longer requires that assistance.
- (2) The Secretary of State may by regulations make provision for determining the turnover (both inside and outside the United Kingdom) of a person for the purposes of this Chapter.
- (3) The regulations may (among other things)—
 - (a) make provision about amounts which are, or are not, to be included in a person’s turnover;
 - (b) make provision about the date or dates by reference to which a person’s turnover is to be determined;
 - (c) confer on the CMA the power to determine and make provision about matters specified in the regulations (including the matters mentioned in paragraphs (a) and (b)).
- (4) Regulations under subsection (2) are subject to the negative procedure.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

190 S. 90 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

91 Statement of policy on penalties **U.K.**

- (1) The CMA must prepare and publish a statement of policy in relation to the exercise of powers to impose a penalty under sections 85 and 87.
- (2) The statement must include a statement about the considerations relevant to the determination of—
 - (a) whether to impose a penalty under section 85 or 87;
 - (b) the nature and amount of any such penalty.
- (3) The CMA may revise its statement of policy and, where it does so, must publish the revised statement.
- (4) In preparing or revising its statement of policy the CMA must consult—
 - (a) the Secretary of State, and
 - (b) such other persons as the CMA considers appropriate.
- (5) A statement of policy, or revised statement, may not be published under [this section](#) without the approval of the Secretary of State.
- (6) Subsection (7) applies where the CMA proposes to impose a penalty on a person.
- (7) The CMA must have regard to the statement of policy most recently published under this section at the time of the act or omission giving rise to the penalty when deciding—
 - (a) whether to impose the penalty, and
 - (b) if so, the amount of the penalty.

Commencement Information

191 S. 91 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

92 Monetary penalties: criminal proceedings and convictions **U.K.**

- (1) The CMA may not impose a penalty on a person under section 87 in relation to an act or omission which constitutes an offence under section 93, 94 or 95 if the person has, in relation to that act or omission, been found guilty of that offence.
- (2) A person may not be found guilty of an offence under section 93, 94 or 95 by virtue of an act or omission if the person has paid a penalty imposed under section 87 in relation to that act or omission.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I92 S. 92 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Offences

93 Destroying or falsifying information **U.K.**

- (1) A person (“P”) commits an offence if, having been required to give information to the CMA or any other person under a provision of [Chapter 6](#), P—
 - (a) intentionally or recklessly destroys or otherwise disposes of it, falsifies it or conceals it, or
 - (b) causes or permits its destruction, disposal, falsification or concealment.
- (2) See [section 97](#) for provision restricting the application of this section in relation to acts done by a person who is outside the United Kingdom.

Commencement Information

I93 S. 93 not in force at Royal Assent, see [s. 339\(1\)](#)

94 False or misleading information **U.K.**

- (1) A person (“P”) commits an offence if—
 - (a) P gives information to the CMA in connection with any of the CMA’s digital markets functions,
 - (b) the information is false or misleading in a material particular, and
 - (c) P knows that it is or is reckless as to whether it is.
- (2) A person (“P”) commits an offence if P gives information to another person which is false or misleading in a material particular and P—
 - (a) either—
 - (i) knows the information to be false or misleading in a material particular, or
 - (ii) is reckless as to whether the information is false or misleading in a material particular, and
 - (b) knows that the information will be given to the CMA in connection with any of its digital markets functions.
- (3) See [section 97](#) for provision restricting the application of this section in relation to acts done by a person who is outside the United Kingdom.

Commencement Information

I94 S. 94 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

95 Obstructing an officer **U.K.**

- (1) A person (“P”) commits an offence if P intentionally obstructs an officer of the CMA acting in the exercise of the officer’s powers under—
 - (a) section 74, or
 - (b) a warrant issued under section 75.
- (2) See section 97 for provision restricting the application of this section in relation to acts done by a person who is outside the United Kingdom.

Commencement Information

I95 S. 95 not in force at Royal Assent, see s. 339(1)

96 Offences by officers of a body corporate etc **U.K.**

- (1) If an offence under section 93, 94 or 95 committed by a body corporate is proved—
 - (a) to have been committed with the consent or connivance of an officer of the body corporate, or
 - (b) to be attributable to neglect on the part of an officer of the body corporate, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were an officer of the body corporate.
- (3) If an offence under section 93, 94 or 95 committed by a partnership in Scotland is proved—
 - (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to neglect on the partner’s part, the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) In subsection (3), “partner” includes a person purporting to act as a partner.
- (5) See section 97 for provision restricting the application of this section in relation to acts done by a person who is outside the United Kingdom.

Commencement Information

I96 S. 96 not in force at Royal Assent, see s. 339(1)

97 Offences: limits on extra-territorial jurisdiction **U.K.**

A person does not commit an offence under section 93, 94 or 95 (including as those sections are applied by section 96) by virtue of an act done when the person is outside the United Kingdom unless one or more of the following applies at the time of the act—

- (a) the person is a United Kingdom national;
- (b) the person is an individual who is habitually resident in the United Kingdom;

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- (c) the person is a body incorporated under the law of any part of the United Kingdom.

Commencement Information

I97 S. 97 not in force at Royal Assent, see [s. 339\(1\)](#)

98 Sentences **U.K.**

A person guilty of an offence under section [93](#), [94](#) or [95](#) is liable—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Commencement Information

I98 S. 98 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Further enforcement provisions etc

99 Director disqualification **U.K.**

(1) In the Company Directors Disqualification Act 1986, in section 9A (competition disqualification order), in subsection (4)—

- (a) in the words before paragraph (a), for “either” substitute “any”;
- (b) at the end insert—
 - “(e) a requirement imposed by or under [Chapter 3](#) of Part 1 of the Digital Markets, Competition and Consumers Act 2024 (undertakings with strategic market status in respect of a digital activity: conduct requirements);
 - (f) a requirement imposed by or under [Chapter 4](#) of Part 1 of that Act (pro-competition interventions).”

(2) In the Company Directors Disqualification (Northern Ireland) Order 2002 ([S.I. 2002/3150 \(N.I. 4\)](#)), in Article 13A (competition disqualification order), in paragraph (4)—

- (a) in the words before paragraph (a), for “either” substitute “any”;
- (b) at the end insert—
 - “(e) a requirement imposed by or under [Chapter 3](#) of Part 1 of the Digital Markets, Competition and Consumers Act 2024 (undertakings with strategic market status in respect of a digital activity: conduct requirements);

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- (f) a requirement imposed by or under [Chapter 4](#) of Part 1 of that Act (pro-competition interventions).”

Commencement Information

I99 S. 99 not in force at Royal Assent, see [s. 339\(1\)](#)

100 Enforcement of requirements [U.K.](#)

- (1) If a person fails, without reasonable excuse, to comply with a requirement mentioned in [subsection \(2\)](#) (a “[subsection \(2\)](#) requirement”), the CMA may apply to the court for an order—
- (a) requiring the person to comply with the [subsection \(2\)](#) requirement within a time specified in the court’s order, or
 - (b) if the [subsection \(2\)](#) requirement related to anything to be done in the management or administration of an undertaking, requiring the undertaking, or any of its officers, members or partners, to do it.
- (2) The requirements are—
- (a) a requirement imposed by virtue of an enforcement order (see [section 31](#) and [section 32](#));
 - (b) a requirement to comply with a commitment given under [section 36](#) or [56](#);
 - (c) a requirement imposed by virtue of a final offer order (see [section 41\(2\)](#) and [section 42](#));
 - (d) a requirement imposed by virtue of a pro-competition order (see [section 46](#)).
- (3) An order of the court under [subsection \(1\)](#) may provide for all of the costs of, or incidental to, the application for the order to be borne by—
- (a) the person that failed to comply with the [subsection \(2\)](#) requirement, or
 - (b) where the person responsible for the failure is an undertaking, any officer of a body corporate that is or is comprised in that undertaking.
- (4) In the application of [subsection \(3\)](#) to Scotland, the reference to “costs” is to be read as a reference to “expenses”.
- (5) In [this section](#), references to an “officer”, “member” or “partner” of an undertaking are to an officer, member or partner of a body corporate or, as the case may be, partnership, that is, or is comprised in, the undertaking.

Commencement Information

I100 S. 100 not in force at Royal Assent, see [s. 339\(1\)](#)

101 Rights to enforce requirements of this Part [U.K.](#)

- (1) A relevant requirement is to be treated as a duty owed by the person that is subject to the requirement to any other person (“P”) who may be affected by a breach of the requirement.
- (2) Where a breach of a relevant requirement causes P to sustain loss or damage, P may bring civil proceedings against the person that has breached the requirement before

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the appropriate court or the Tribunal for damages, an injunction or interdict or any other appropriate relief or remedy.

- (3) Subsections (1) and (2) are subject to the defences and other incidents applying to actions for breach of statutory duty.
- (4) For the purposes of this section and section 102, a relevant requirement is—
 - (a) a conduct requirement under section 19;
 - (b) a requirement imposed by virtue of a pro-competition order under section 46;
 - (c) a requirement to comply with a commitment given under section 36 or 56.
- (5) Rules of court and Tribunal rules may make provision about the transfer from the Tribunal to the appropriate court or from the appropriate court to the Tribunal of all or any part of a claim made in proceedings under subsection (2).
- (6) For the purposes of this section and section 102, the “appropriate court” means—
 - (a) in relation to England and Wales or Northern Ireland, the High Court, and
 - (b) in relation to Scotland, the Court of Session or a sheriff court of any sheriffdom.
- (7) In Schedule 4 to EA 2002 (tribunal: procedure), in paragraph 1A, in sub-paragraph (1) after “the 1998 Act” insert “or section 101 of the Digital Markets, Competition and Consumers Act 2024”.

Commencement Information

I101 S. 101 not in force at Royal Assent, see s. 339(1)

102 Treatment of CMA breach decisions etc **U.K.**

- (1) The appropriate court (see section 101) and the Tribunal are bound by a CMA breach decision once it has become final.
- (2) A CMA breach decision becomes final—
 - (a) when the time for applying for a review of that decision has passed without an application being made, or
 - (b) where an application has been made, when the application has been finally determined or has otherwise ended.
- (3) For the purposes of subsection (2)(b), an application is not finally determined until any appeal relating to it has been determined (ignoring any possibility of an appeal out of time with permission).
- (4) This section applies to the extent that the appropriate court or the Tribunal would not otherwise be bound by the CMA breach decision in question.
- (5) In this section, a “CMA breach decision” is a decision by the CMA in accordance with this Part that a person has breached a relevant requirement (as defined in section 101).
- (6) Rules of court or Tribunal rules may make provision in respect of assistance to be given by the CMA to the appropriate court or the Tribunal in proceedings brought otherwise than by the CMA in respect of a breach, or an alleged breach, of a relevant requirement.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

1102 S. 102 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Applications for review

103 Applications for review etc **U.K.**

- (1) A person with a sufficient interest in any decision to which subsection (2) applies may apply to the Tribunal in accordance with Tribunal rules for a review of that decision.
- (2) This subsection applies to any decision made by the CMA in connection with its digital markets functions (including a decision not to exercise a function) apart from—
 - (a) a decision made by the CMA in connection with its functions under [Chapter 5](#) (but see section [66](#));
 - (b) a decision about the imposition of a penalty under section [85](#) or [87](#) (but see section [89\(1\)](#)).
- (3) The making of an application under [subsection \(1\)](#) does not suspend the effect of the decision to which the application relates except so far as a direction to the contrary is given by the Tribunal.
- (4) In determining an application under [this section](#), the Tribunal must apply the same principles as would be applied—
 - (a) in the case of proceedings in England and Wales or Northern Ireland, by the High Court in determining proceedings on judicial review;
 - (b) in the case of proceedings in Scotland, by the Court of Session on an application to the supervisory jurisdiction of that Court.
- (5) The Tribunal may—
 - (a) dismiss the application or quash the whole or part of the decision to which it relates, and
 - (b) where it quashes the whole or part of that decision, refer the matter back to the CMA with a direction to reconsider and make a new decision in accordance with the ruling of the Tribunal.
- (6) An appeal lies on any point of law arising from a decision of the Tribunal under [this section](#) to the appropriate court.
- (7) An appeal under subsection (6) requires the permission of the Tribunal or the appropriate court.
- (8) In [this section](#), “the appropriate court” means—
 - (a) in relation to England and Wales or Northern Ireland, the Court of Appeal, or
 - (b) in relation to Scotland, the Court of Session.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I103 S. 103 not in force at Royal Assent, see [s. 339\(1\)](#)

CHAPTER 8 **U.K.**

ADMINISTRATION ETC

Administration

PROSPECTIVE

104 Extension etc of periods **U.K.**

- (1) The CMA may publish a notice extending a relevant investigation period or a final offer period by a period of up to 3 months where it considers that there are special reasons for doing so.
- (2) A notice under [subsection \(1\)](#) must specify how long the extension is for.
- (3) The CMA may also publish a notice extending a relevant investigation period or a final offer period where it considers that—
 - (a) in relation to a relevant investigation period—
 - (i) a person has failed to comply with any requirement of a notice under [section 69](#) (power to require information) or under [section 72](#) (power to interview) which was given in relation to an SMS investigation, a conduct investigation or a PCI investigation, and
 - (ii) the failure is preventing the CMA from properly discharging the digital markets functions to which the investigation relates, or
 - (b) in relation to a final offer period—
 - (i) a person has failed to comply with any requirement of a notice under [section 69](#), and
 - (ii) the failure is preventing the CMA from properly discharging any of its functions under [sections 38 to 45](#) (final offer mechanism).
- (4) An extension under [subsection \(3\)](#) is for the period—
 - (a) beginning with the day on which it comes into force, and
 - (b) ending with the day on which the CMA publishes a notice of its decision to end the extension.
- (5) The CMA must publish a notice under [subsection \(4\)\(b\)](#) where the person who had failed to comply as mentioned in [subsection \(3\)](#) gives the information in question to the CMA or, as the case may be, answers questions and provides explanations to the satisfaction of the CMA.
- (6) An extension under [subsection \(1\)](#) or [\(3\)](#) begins with the day on which the notice under [subsection \(1\)](#) or [\(3\)](#), as the case may be, is published.
- (7) Where—

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) the CMA extends an SMS investigation period relating to a further SMS investigation under [subsection \(1\)](#) or [\(3\)](#),
 - (b) the extension means that the SMS investigation period would (apart from this subsection) continue after the end of the designation period for the existing designation which is the subject of the further SMS investigation, and
 - (c) in the case of an extension under [subsection \(3\)](#), the person who had failed to comply is, or is connected to, the designated undertaking,
- the designation period for the existing designation is extended until the end of the SMS investigation period.
- (8) In [this section](#) and in [section 105](#) references to a “relevant investigation period” are to—
- (a) an SMS investigation period;
 - (b) a conduct investigation period;
 - (c) a PCI investigation period.

Commencement Information

I104 S. 104 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

105 Extensions: supplementary **U.K.**

- (1) A period may be extended under both [section 104\(1\)](#) and [\(3\)](#).
- (2) No more than one extension is possible under [section 104\(1\)](#).
- (3) Where a relevant investigation period or a final offer period is extended or further extended under [section 104\(1\)](#) or [\(3\)](#), the period as extended or, as the case may be, further extended is, subject to [subsection \(4\)](#), to be calculated by taking the period being extended and adding to it the period of the extension (whether or not those periods overlap in time).
- (4) Where—
 - (a) a relevant investigation period or a final offer period is further extended under [section 104\(3\)](#), and
 - (b) the further extension overlaps with a previous extension under [section 104\(3\)](#),
 the period of overlap is to be disregarded in calculating the period of the further extension.

Commencement Information

I105 S. 105 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

106 Exercise and delegation of functions **U.K.**

- (1) The CMA may make a reference to the CMA chair for the constitution of a group under Schedule 4 to ERRA 2013 in respect of any non-reserved digital markets function.
- (2) A reference under [this section](#) must specify the non-reserved digital markets function in respect of which the reference is made (“the referred function”).
- (3) A CMA group constituted under ERRA 2013 for the purposes of a reference under [this section](#) must carry out the referred function.
- (4) For the purposes of [this section](#), a “non-reserved digital markets function” is any digital markets function other than a digital markets function that the CMA Board may not delegate—
 - (a) under paragraph 29(1) of Schedule 4 to ERRA 2013, as a result of paragraph 29(2) of that Schedule as it has effect from time to time, or
 - (b) under paragraph 29(1)(a) of that Schedule, as a result of paragraph 29(2A) of that Schedule as it has effect from time to time.
- (5) In [subsection \(1\)](#), “CMA chair” means the person appointed under paragraph 1(1)(a) of Schedule 4 to ERRA 2013.
- (6) In Schedule 4 to ERRA 2013 (the Competition and Markets Authority), paragraph 29 (delegation) is amended as follows.
- (7) In sub-paragraph (2) (functions which cannot be delegated), at the end insert—
 - (g) whether to begin an initial SMS investigation under [section 9](#) of the Digital Markets, Competition and Consumers Act 2024 (“the 2024 Act”);
 - (h) whether to begin a further SMS investigation under [section 10](#) of the 2024 Act;
 - (i) whether to begin a PCI investigation under [section 47](#) of the 2024 Act.”
- (8) After sub-paragraph (2) insert—

“(2A) Sub-paragraph (1)(a) does not apply to the functions of deciding—

 - (a) whether to make a designation under [section 2](#) of the 2024 Act;
 - (b) what, if any, provision to make in reliance on [section 17](#) of the 2024 Act;
 - (c) whether to impose a conduct requirement under [section 19](#) of the 2024 Act;
 - (d) whether to revoke a conduct requirement under [section 22](#) of the 2024 Act;
 - (e) whether to make, and the form of, an enforcement order, other than an interim enforcement order, under [section 31](#) of the 2024 Act;
 - (f) whether to accept a commitment under [section 36](#) or [section 56](#) of the 2024 Act;
 - (g) whether to exercise the power conferred by [section 38\(1\)](#) of the 2024 Act (power to adopt final offer mechanism);
 - (h) whether to make, and the form of, a pro-competition intervention under [section 46](#) of the 2024 Act;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (i) the contents of a notice under [section 50](#) of the 2024 Act (notice of decision on pro-competition intervention);
 - (j) whether to replace a pro-competition order under [section 52](#) of the 2024 Act;
 - (k) whether to revoke a pro-competition order under [section 53](#) of the 2024 Act.
 - (l) whether to impose a penalty on a person under [section 85](#) or [section 87](#) of the 2024 Act;
 - (m) the amount of any such penalty.
- (2B) A committee or sub-committee of the CMA Board may not be authorised to carry out any of the functions listed in sub-paragraph (2A) unless—
- (a) the committee or sub-committee includes—
 - (i) at least two members of the Board who are not members of the CMA’s staff, or
 - (ii) the chair and at least one member of the Board who is not a member of the CMA’s staff, and
 - (b) at least half of the members of the committee or sub-committee are—
 - (i) members of the Board who are not members of the CMA’s staff, or
 - (ii) members of the CMA panel.”
- (9) After sub-paragraph (3) insert—
- “(4) The Secretary of State may by regulations made by statutory instrument amend sub-paragraphs (2) or (2A) so as to add or remove functions of the CMA under Part 1 of the 2024 Act.
- (5) The regulations may make incidental, transitional or saving provision.
- (6) A statutory instrument containing regulations under sub-paragraph (4) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Commencement Information

I106 S. 106 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

Regulatory coordination and information sharing

107 Coordination with relevant regulators **U.K.**

- (1) The CMA must consult the FCA on a proposal to exercise a regulatory digital markets function in respect of a matter where the CMA considers the matter is a matter in relation to which the CMA and the FCA may have concurrent functions (see sections 234I (functions under Part 4 of EA 2002) and 234J (functions under CA 1998) of the Financial Services and Markets Act 2000 (as amended by this Act) (“FSMA”)).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) The CMA must consult OFCOM on a proposal to exercise a regulatory digital markets function in respect of a matter where the CMA considers the matter is a matter in relation to which the CMA and OFCOM may have concurrent functions (see sections 370 (functions under Part 4 of EA 2002) and 371 (functions under CA 1998) of the Communications Act 2003 (as amended by this Act)).
- (3) The CMA must consult the Information Commissioner on a proposal to exercise a regulatory digital markets function in a manner that the CMA considers is likely to have a material adverse effect on the ability of the Information Commissioner to exercise functions under—
 - (a) the data protection legislation,
 - (b) the Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), or
 - (c) the Network and Information Systems Regulations 2018 (S.I. 2018/506).
- (4) The CMA must consult the Bank of England on a proposal to exercise a regulatory digital markets function in a manner that the CMA considers is likely to have a material adverse effect on the ability of the Bank of England to advance the Financial Stability Objective as defined in section 2A of the Bank of England Act 1998.
- (5) The CMA must consult the PRA on a proposal to exercise a regulatory digital markets function in a manner that the CMA considers is likely to have a material adverse effect on the ability of the PRA to advance—
 - (a) its general objective under section 2B of FSMA, or
 - (b) its insurance objective under section 2C of FSMA.
- (6) The duties in [subsections \(1\) to \(5\)](#) apply only to the extent that the CMA considers that compliance does not impose a burden on it that outweighs the benefits of compliance.

Commencement Information

I107 S. 107 not in force at Royal Assent, see [s. 339\(1\)](#)

108 Recommendations to the CMA **U.K.**

- (1) The FCA or OFCOM may make a recommendation to the CMA where they consider that the CMA should exercise a regulatory digital markets function in relation to an undertaking and a digital activity.
- (2) A recommendation under [subsection \(1\)](#) must—
 - (a) describe the undertaking, the digital activity, and the regulatory digital markets function to which it relates, and
 - (b) be given to the CMA in writing.
- (3) A recommendation under [this section](#) must be accompanied by a statement of reasons for the recommendation.
- (4) Within the period of 90 days beginning with the day on which it receives a recommendation, the CMA must—
 - (a) give notice to the regulator that made the recommendation—
 - (i) setting out the action that the CMA has taken or intends to take in response to the recommendation, and

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (ii) including the reasons for its decision, and
 (b) publish a summary of the notice.

Commencement Information

I108 S. 108 not in force at Royal Assent, see [s. 339\(1\)](#)

109 Information sharing **U.K.**

- (1) In Schedule 14 to EA 2002 (provisions about disclosure of information) at the appropriate place insert—
 “Part 1 of the Digital Markets, Competition and Consumers Act 2024.”
- (2) In Schedule 15 to EA 2002 (provisions about disclosure of information) at the appropriate places insert—
 “Privacy and Electronic Communications (EC Directive) Regulations 2003 ([S.I. 2003/2426](#)).”;
 ““[Regulation \(EU\) No 910/2014](#) of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing [Directive 1999/93/EC](#).”;
 ““[Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (United Kingdom General Data Protection Regulation).”;
 ““Part 4 of the Network and Information Systems Regulations 2018 ([S.I. 2018/506](#)).”;
 ““Data Protection Act 2018.”;
 ““Part 1 of the Digital Markets, Competition and Consumers Act 2024.”

Commencement Information

I109 S. 109 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Miscellaneous

110 Power to charge levy **U.K.**

- (1) The CMA may require an undertaking to pay it a levy in respect of a chargeable year during the whole or part of which the undertaking is a designated undertaking.
- (2) The amount of the levy is to be calculated in accordance with rules made for the purposes of [this section](#) by the CMA (“the levy rules”).
- (3) The CMA may amend or replace the levy rules.
- (4) The levy rules must—

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- (a) secure that the aggregate amount payable in respect of a chargeable year is not to exceed the costs which the CMA incurs in exercising its digital markets functions during that year;
 - (b) make provision about how the aggregate amount payable in respect of a chargeable year is to be divided between the undertakings which are designated undertakings for the whole or part of that year;
 - (c) secure that where an undertaking is a designated undertaking for only part of a chargeable year, the amount of the levy payable by that undertaking in respect of that chargeable year is proportionately reduced;
 - (d) set out how the CMA is to estimate the costs which it expects to incur in exercising its digital markets functions during a chargeable year;
 - (e) set out how the CMA is to calculate the costs which it actually incurs in exercising its digital markets functions during a chargeable year;
 - (f) make provision about the repayment or crediting of any amounts of levy paid in respect of a chargeable year on the basis of the CMA's estimate of the costs it would incur in exercising its digital markets functions during that year where the CMA's estimated costs exceed the CMA's actual costs of exercising those functions during that year;
 - (g) secure that any repayment or crediting in respect of a chargeable year in accordance with provision made under [paragraph \(f\)](#), so far as relating to an undertaking, is in proportion to the amount paid by that undertaking in respect of that year;
 - (h) make provision about the charging of amounts of levy in respect of a chargeable year where the CMA's actual costs of exercising its digital markets functions during that year exceed the costs which the CMA estimated it would incur;
 - (i) secure that, where an undertaking is required to pay an amount of levy in respect of a chargeable year in accordance with provision made under [paragraph \(h\)](#), the amount which the undertaking is required to pay is in proportion to the amount already paid by the undertaking in respect of that year;
 - (j) make provision about the administration and payment of the levy.
- (5) The levy rules may make provision for interest to be charged, at the rate specified for the time being in section 17 of the Judgments Act 1838, on any amount of levy not paid by the date on which it is due.
 - (6) References in [subsection \(4\)](#) to an amount payable by an undertaking do not include interest charged in accordance with provision made under [subsection \(5\)](#).
 - (7) The CMA must pay any amount that it receives in accordance with provision made under [subsection \(5\)](#) into the Consolidated Fund.
 - (8) The CMA must consult such persons as it considers appropriate before making the levy rules, including any amended or replacement levy rules (see [section 113](#)).
 - (9) The consultation must include a draft of the proposed levy rules.
 - (10) The CMA must, at the same time as beginning consultation under [subsection \(8\)](#), arrange for the draft of the proposed levy rules to be laid before Parliament.
 - (11) The CMA must publish the levy rules, including amended or replacement rules.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

(12) An amount payable by an undertaking in accordance with [this section](#) and the levy rules is recoverable as a civil debt due to the CMA.

(13) For the purposes of [this section](#)—

- (a) a chargeable year is a period of 12 months ending with 31 March;
- (b) the CMA's costs of exercising its digital markets functions do not include costs incurred by the CMA for the purposes of litigation.

Commencement Information

I110 S. 110 not in force at Royal Assent, see [s. 339\(1\)](#)

111 Extra-territorial application **U.K.**

- (1) Unless otherwise stated, this Part applies in relation to persons outside the United Kingdom.
- (2) A power to give a notice to a person outside the United Kingdom by virtue of [this Part](#) is exercisable only if the person is within [subsection \(3\)](#), [\(4\)](#) or [\(5\)](#).
- (3) A person is within [this subsection](#) if the person is, or is part of—
 - (a) a designated undertaking or an undertaking to which an obligation applies by virtue of provision made in reliance on [section 17\(1\)](#) (existing obligations);
 - (b) an undertaking that is the subject of a digital markets investigation.
- (4) A person is within this subsection if the person is an individual—
 - (a) who is named as a senior manager under [section 70](#) or appointed as a nominated officer under [section 83](#), and
 - (b) on whom the CMA has imposed or is considering imposing a penalty under [section 87\(2\)](#) or [87\(3\)](#), as the case may be.
- (5) A person is within [this subsection](#) if the person—
 - (a) is a United Kingdom national,
 - (b) is an individual who is habitually resident in the United Kingdom,
 - (c) is a body incorporated under the law of any part of the United Kingdom, or
 - (d) carries on business in the United Kingdom.
- (6) Nothing in [this section](#) is to be taken to limit any other power of the CMA to give a notice to a person outside the United Kingdom.

Commencement Information

I111 S. 111 not in force at Royal Assent, see [s. 339\(1\)](#)

112 Defamation **U.K.**

For the purposes of the law relating to defamation, absolute privilege attaches to anything done by the CMA in the exercise of any of its functions under [this Part](#).

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I112 S. 112 not in force at Royal Assent, see [s. 339\(1\)](#)

113 Consultation and publication of documents **U.K.**

- (1) The CMA must comply with any duty to consult under [this Part](#) in such manner as it considers practicable, having regard in particular to—
 - (a) any need to keep information confidential, and
 - (b) the timetable for making a final decision or taking any action following the consultation.
- (2) Any consultation which the CMA carries out under [this Part](#) must include—
 - (a) reasons for the finding, decision or proposal to which the consultation relates, and
 - (b) such other information as the CMA considers necessary to allow a proper understanding of those reasons (subject to [subsection \(1\)\(b\)](#)).
- (3) The CMA must comply with any duty to publish a notice or any other document under [this Part](#) by publishing the notice or document online, having regard to any need to keep information confidential.
- (4) In order to give effect to any need to keep information confidential, the CMA may publish the notice or other document in a redacted form.

Commencement Information

I113 S. 113 not in force at Royal Assent, see [s. 339\(1\)](#)

114 Guidance **U.K.**

- (1) The CMA must publish guidance on how it will exercise its functions under [this Part](#).
- (2) The CMA may revise or replace guidance published under [this section](#).
- (3) The CMA must publish any revised or replacement guidance.
- (4) Before publishing guidance (including any revised or replacement guidance) under [this section](#), the CMA must—
 - (a) consult such persons as it considers appropriate, and
 - (b) obtain the approval of the Secretary of State.
- (5) When the CMA seeks the approval of the Secretary of State for guidance, the Secretary of State must—
 - (a) approve the guidance, or
 - (b) give reasons to the CMA for not approving it.
- (6) The Secretary of State must comply with [subsection \(5\)](#) before the end of the 30th working day after the day on which the CMA seeks the Secretary of State's approval.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I114 S. 114 not in force at Royal Assent, see [s. 339\(1\)](#)

115 Protected disclosures **U.K.**

In the Public Interest Disclosure (Prescribed Persons) Order 2014 ([S.I. 2014/2418](#)), in the table in the Schedule, in the entry for the Competition and Markets Authority, in the right hand column, after “Kingdom” insert “, including matters relating to Part 1 of the Digital Markets, Competition and Consumers Act 2024 (digital markets)”.

Commencement Information

I115 S. 115 not in force at Royal Assent, see [s. 339\(1\)](#)

116 Restriction on disclosure orders **U.K.**

- (1) This section applies for the purposes of—
 - (a) digital markets proceedings, or
 - (b) competition proceedings.
- (2) A court or the Tribunal must not make a disclosure order requiring the CMA to disclose or produce information where the court or the Tribunal is satisfied that another person would be reasonably able to provide the information.
- (3) A court or the Tribunal must not make a disclosure order requiring the disclosure or production of digital markets investigation information before the CMA gives notice of the closure or outcome of each investigation to which the information relates.
- (4) In this section—

“competition proceedings” has the meaning given by paragraph 2(4) of Schedule 8A to the Competition Act 1998 (further provision about claims in respect of loss or damage before a court or the Tribunal);

“digital markets investigation information” means information—

 - (a) prepared by a person other than the CMA for the purpose of a digital markets investigation;
 - (b) sent by the CMA in connection with such an investigation to a person that is the subject of the investigation;

“digital markets proceedings” means proceedings under [section 101](#) (rights to enforce requirements of [Part 1](#)) or proceedings on appeal from such proceedings.
- (5) Paragraphs 7 and 27 of Schedule 8A to the Competition Act 1998 (other definitions; disclosure orders) apply for the purposes of this section as they apply for the purposes of Part 6 of that Schedule.
- (6) In Schedule 8A to the Competition Act 1998—
 - (a) in paragraph 7 (other definitions), after sub-paragraph (2) insert—

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- “(2A) “Digital markets proceedings” means proceedings under [section 101](#) of the Digital Markets, Competition and Consumer Act 2024 (rights to enforce requirements of [Part 1](#)).”;
- (b) in paragraph 28, after “competition proceedings” insert “or digital markets proceedings”;
 - (c) in paragraph 29, after “competition proceedings” insert “or digital markets proceedings”;
 - (d) in paragraph 30(1), after “competition proceedings” insert “or digital markets proceedings”.

Commencement Information

I116 S. 116 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Interpretation

117 Groups **U.K.**

- (1) [This section](#) makes provision about groups for the purposes of [this Part](#).
- (2) An undertaking is part of a group if one or more bodies corporate which are comprised in the undertaking are members of the same group as one or more other bodies corporate.
- (3) For the purposes of [this Part](#), two bodies corporate are members of the same group if—
 - (a) one is the subsidiary of the other, or
 - (b) both are subsidiaries of the same body corporate.

Commencement Information

I117 S. 117 not in force at Royal Assent, see [s. 339\(1\)](#)

118 General interpretation **U.K.**

- (1) In [this Part](#)—
 - “breach investigation” means an investigation (including a conduct investigation) into whether an undertaking is breaching or has breached a requirement imposed on the undertaking under this Part by virtue of the undertaking being, or having been, a designated undertaking;
 - “conduct investigation” has the meaning given by [section 26\(1\)](#);
 - “conduct investigation notice” has the meaning given by [section 26\(3\)](#);
 - “conduct investigation period” has the meaning given by [section 30\(2\)](#);
 - “conduct requirements” has the meaning given by [section 19\(3\)](#);
 - “consumer” has the meaning given by [section 129\(1\)](#) of EA 2002;
 - “the court”, except where otherwise stated, means—

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- (a) in relation to England and Wales or Northern Ireland, the High Court, and
 - (b) in relation to Scotland, the Court of Session;
- “customer” includes a customer who is not a consumer;
- “designated undertaking” means an undertaking which the CMA has designated as having SMS in respect of a digital activity;
- “designation” means the designation of an undertaking as having SMS in respect of a relevant digital activity;
- “designation period” has the meaning given by [section 15\(3\)\(e\)](#);
- “digital activity” has the meaning given by [section 3\(1\)](#);
- “digital content” has the meaning given by [section 330](#);
- “digital markets functions” means—
- (a) the functions that the CMA has under [this Part](#), and
 - (b) the CMA’s power to do anything that is calculated to facilitate, or is conducive or incidental to, the performance of those functions (see paragraph 20 of Schedule 4 to ERRA 2013 (additional powers));
- “digital markets investigation” means—
- (a) an SMS investigation;
 - (b) a breach investigation (including a conduct investigation);
 - (c) a PCI investigation;
- the “digital markets investigation powers” are the powers that the CMA has under—
- (a) [section 69](#) (power to require information);
 - (b) [section 71](#) (power of access);
 - (c) [section 72](#) (power to interview);
 - (d) [section 74](#) (power to enter business premises without a warrant);
 - (e) [section 75](#) (power to enter premises under a warrant);
 - (f) [section 79](#) (reports by skilled persons);
- “enforcement order” has the meaning given by [section 31\(1\)](#);
- “the FCA” means the Financial Conduct Authority;
- “final offer initiation notice” has the meaning given by [section 40\(1\)](#);
- “final offer order” has the meaning given by [section 41\(2\)](#);
- “final offer payment terms” has the meaning given by [section 38\(1\)](#);
- “final offer period” has the meaning given by [section 41\(3\)](#);
- “further SMS investigation” has the meaning given by [section 10\(3\)](#);
- “grouped third parties” has the meaning given by [section 39\(3\)](#);
- “grouped transactions” has the meaning given by [section 39\(3\)](#);
- “information” includes—
- (a) information in the form of a document, whether in draft or final form;
 - (b) information in any other form;
 - (c) data, code, algorithms, estimates, forecasts, returns and explanations;
- “information notice” has the meaning given by [section 69\(2\)](#);
- “initial SMS investigation” has the meaning given by [section 9\(2\)](#);
- “interim enforcement order” has the meaning given by [section 32\(1\)](#);
- “joined third parties” has the meaning given by [section 39\(1\)](#);
- “OFCOM” means the Office of Communications;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

“officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body;

“PCI” stands for “pro-competition intervention”;

“PCI decision” has the meaning given by [section 49\(1\)](#);

“PCI investigation” has the meaning given by [section 47\(1\)](#);

“PCI investigation notice” has the meaning given by [section 48\(1\)](#);

“PCI investigation period” has the meaning given by [section 50\(1\)](#);

“person”, in addition to the meaning given by the Interpretation Act 1978, includes an undertaking;

“the PRA” means the Prudential Regulation Authority;

“pro-competition order” has the meaning given by [section 46\(3\)\(a\)](#);

“product” means—

- (a) goods;
- (b) services;
- (c) digital content;

the “regulatory digital markets functions” are—

- (a) the power to open an SMS investigation under [section 9\(1\)](#) (initial SMS investigation) or [section 10\(1\)](#) or (2) (further SMS investigation);
- (b) the power to designate an undertaking as having SMS under [Chapter 2](#) (strategic market status);
- (c) the power to revoke a designation under [Chapter 2](#) (strategic market status);
- (d) the power to impose or revoke conduct requirements under [Chapter 3](#) (conduct requirements);
- (e) the power to make, replace or revoke PCIs under [Chapter 4](#) (pro-competition interventions);

“relevant digital activity” in relation to a designated undertaking means a digital activity in respect of which the undertaking has been designated as having SMS;

the “relevant service or digital content” in relation to a digital activity means the service or digital content the provision of which constitutes (together with any other activity carried out for the purposes of that provision) the digital activity;

“SMS” stands for “strategic market status”;

“SMS conditions” are the conditions set out in [section 2\(2\)](#);

“SMS decision notice” has the meaning given by [section 14\(2\)](#);

“SMS investigation” means an initial SMS investigation and a further SMS investigation;

“SMS investigation notice” has the meaning given by [section 11\(1\)](#);

“SMS investigation period” has the meaning given by [section 14\(2\)](#);

“submission date” has the meaning given by [section 40\(2\)\(d\)](#);

“subsidiary” has the meaning given by section 1159 of the Companies Act 2006;

“the Tribunal” means the Competition Appeal Tribunal;

“Tribunal rules” means rules under section 15 of EA 2002;

“the turnover condition” has the meaning given by [section 7](#);

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“UK user” and “UK customer” mean any user or, as the case may be, customer who it is reasonable to assume—

- (a) in the case of an individual, is normally in the United Kingdom, and
- (b) in any other case, is established in the United Kingdom;

“undertaking” has the same meaning as it has for the purposes of Part 1 of CA 1998 (competition: agreements, abuse of dominant position etc);

“user” includes any person, legal or natural, and, in relation to a digital activity, means any user of the relevant service or digital content.

(2) In [this Part](#)—

- (a) references to “giving notice” or “giving a notice” are to giving notice or giving a notice in writing;
- (b) references to “using” include, in relation to a service or digital content, interacting, or carrying out activities that interact, in any way, directly or indirectly, with the service or digital content;
- (c) references to the supply, provision, acquisition or use of goods or services include the supply, provision, acquisition or use of digital content.

(3) In this Part, a person is “connected to” an undertaking if that person—

- (a) is concerned in the management or control of the undertaking,
- (b) is employed by the undertaking, or
- (c) works for the undertaking in any other capacity.

Commencement Information

I118 S. 118 not in force at Royal Assent, see [s. 339\(1\)](#)

PART 2 **U.K.**

COMPETITION

PROSPECTIVE

CHAPTER 1 **U.K.**

ANTI-TRUST

The Chapter 1 and 2 prohibitions

119 **Removal of requirement for agreements etc to be implemented in the UK **U.K.****

- (1) In Chapter 1 of Part 1 of CA 1998 (agreements), section 2 (agreements etc preventing, restricting or distorting competition) is amended as follows.
- (2) For subsection (1) substitute—

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“(1) Subject to section 3, agreements between undertakings, decisions by associations of undertakings or concerted practices which have as their object or effect the prevention, restriction or distortion of competition within the United Kingdom and which—

(a) in the case of agreements, decisions or practices implemented, or intended to be implemented in the United Kingdom, may affect trade in the United Kingdom, or

(b) in any other case, are likely to have an immediate, substantial and foreseeable effect on trade within the United Kingdom,

are prohibited unless they are exempt in accordance with the provisions of this Part.”

(3) Omit subsection (3).

(4) The amendments made by this section do not have effect in relation to agreements between undertakings (within the meaning of CA 1998) made before the coming into force of [this section](#).

(5) Subsection (5) of section 2 of CA 1998 applies for the purposes of [subsection \(4\)](#) as it applies for the purposes of Part 1 of that Act.

Commencement Information

I119 S. 119 not in force at Royal Assent, see [s. 339\(1\)](#)

120 Repeal of exclusions relating to the European Coal and Steel Community **U.K.**

(1) Part 1 of CA 1998 (competition) is amended as follows.

(2) In Schedule 3 (planning obligations and general exclusions) omit paragraph 8 (coal and steel).

(3) In section 3 (Chapter 1: excluded agreements), in subsection (3)(b)(ii) omit “, 2, 8”.

(4) In section 19 (Chapter 2: excluded cases) omit subsection (3).

Commencement Information

I120 S. 120 not in force at Royal Assent, see [s. 339\(1\)](#)

Investigations

121 Duty to preserve documents relevant to investigations **U.K.**

(1) Chapter 3 of Part 1 of CA 1998 (competition: investigation and enforcement) is amended as follows.

(2) After section 25A insert—

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“25B Duty to preserve documents relevant to investigations

- (1) **Subsection (2)** applies where a person knows or suspects that an investigation by the CMA under section 25 is being or is likely to be carried out.
- (2) The person must not—
 - (a) falsify, conceal, destroy or otherwise dispose of, or
 - (b) cause or permit the falsification, concealment, destruction or disposal of,

a document which the person knows or suspects is or would be relevant to the investigation.
- (3) In this section, the reference to concealing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.”
- (3) In **section 40ZE** (enforcement of requirements: imposition of penalties) (inserted by **paragraph 8** of **Schedule 10**), in **subsection (1)**, in **paragraph (a)**, after “imposed on the person” insert “by section 25B or”.

Commencement Information

I121 S. 121 not in force at Royal Assent, see **s. 339(1)**

122 Production of information authorised by warrant **U.K.**

- (1) Section 28 of CA 1998 (power to enter business premises under a warrant) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), in the words before sub-paragraph (i), after “there are on” insert “or accessible from”;
 - (b) in paragraph (b), in sub-paragraph (i), after “there are on” insert “or accessible from”;
 - (c) in paragraph (c), after “there are on” insert “or accessible from”.
- (3) In subsection (2)—
 - (a) in paragraph (f) omit “and which the named officer considers relates to any matter relevant to the investigation,”;
 - (b) after that paragraph insert—
 - “(g) to operate any equipment found on the premises for the purposes of producing such information in such a form;
 - (h) to require any person on the premises to give the named officer any assistance the named officer may reasonably require (including for the purposes of paragraphs (f) and (g));
 - (i) to take copies of, or take possession of, anything produced in accordance with paragraph (f) or (g) which the named officer considers relates to any matter relevant to the investigation.”
- (4) Section 28A of CA 1998 (power to enter domestic premises under a warrant) is amended as follows.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (5) In subsection (1)—
- (a) in paragraph (a), in the words before sub-paragraph (i), after “there are on” insert “or accessible from”;
 - (b) in paragraph (b), in sub-paragraph (i), after “there are on” insert “or accessible from”.
- (6) In subsection (2)—
- (a) in paragraph (f) omit “and which the named officer considers relates to any matter relevant to the investigation,”;
 - (b) after that paragraph insert—
 - “(g) to operate any equipment found on the premises for the purposes of producing such information in such a form;
 - (h) to require any person on the premises to give the named officer any assistance the named officer may reasonably require (including for the purposes of paragraphs (f) and (g));
 - (i) to take copies of, or take possession of, anything produced in accordance with paragraph (f) or (g) which the named officer considers relates to any matter relevant to the investigation.”
- (7) In section 30 of CA 1998 (privileged communications), after subsection (1) insert—
- “(1A) Nothing in section 28 or 28A authorises an officer to produce or take possession of, or make copies of or take extracts from, anything which, by virtue of subsection (1), a person could not be required to produce or disclose under this Part.”

Commencement Information

I122 S. 122 not in force at Royal Assent, see [s. 339\(1\)](#)

123 Additional powers of seizure from domestic premises **U.K.**

- (1) Part 2 of the Criminal Justice and Police Act 2001 (powers of seizure) is amended as follows.
- (2) In section 50 (additional powers of seizure from premises), in subsection (6), after “section 28(2)(b)” insert “or 28A(2)(b)”.
- (3) In section 57(1) (retention of seized items), in paragraph (n), for “section 28(7)” substitute “sections 28(7) and 28A(8)”.
- (4) In section 63(2) (powers of seizure: copies), in paragraph (h), after “section 28(2)(f)” insert “or (g) or 28A(2)(f) or (g)”.
- (5) In section 64(3) (meaning of “appropriate judicial authority”), in paragraph (a)(iii), for “section 28(2)” substitute “sections 28(2) and 28A(2)”.
- (6) In section 65(2) (meaning of “legal privilege”), in paragraph (a)—
 - (a) for “power” substitute “powers”;
 - (b) after “section 28(2)” insert “or 28A(2)”.
- (7) In section 66(5) (general interpretation of Part 2), in paragraph (h), for “section 28(2)(c)” substitute “sections 28(2)(c) and 28A(2)(c)”.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (8) In Part 1 of Schedule 1 (powers of seizure: powers to which section 50 applies), in paragraph 67 (the Competition Act 1998), for “section 28(2)” substitute “sections 28(2) and 28A(2)”.

Commencement Information

I123 S. 123 not in force at Royal Assent, see [s. 339\(1\)](#)

Proceedings before the Competition Appeal Tribunal

124 Standard of review on appeals against interim measures directions **U.K.**

- (1) In section 46 of CA 1998 (appealable decisions), in subsection (3)—
- (a) after paragraph (h) insert—
 - “(ha) to make directions under section 35,
 - (hb) not to make directions under section 35,”;
 - (b) in the words after paragraph (i), for “, 33 or 35” substitute “or 33”.
- (2) Schedule 8 to CA 1998 (appeals) is amended as follows.
- (3) In paragraph 3 (decisions of the tribunal: merits-based appeals), in sub-paragraph (A1)—
- (a) in paragraph (a), for “or (h)” substitute “, (h), (ha) or (hb)”;
 - (b) in paragraph (b), for “or (c)” substitute “, (c), (d) or (e)”.
- (4) In paragraph 3A (decisions of the tribunal: appeals on judicial review principles), in sub-paragraph (1)—
- (a) in paragraph (a), for “or (h)” substitute “, (h), (ha) or (hb)”;
 - (b) in paragraph (b), for “or (c)” substitute “, (c), (d) or (e)”.

Commencement Information

I124 S. 124 not in force at Royal Assent, see [s. 339\(1\)](#)

125 Declaratory relief **U.K.**

[Schedule 3](#) makes provision allowing the Competition Appeal Tribunal to grant declaratory relief.

Commencement Information

I125 S. 125 not in force at Royal Assent, see [s. 339\(1\)](#)

126 Exemplary damages **U.K.**

- (1) In section 47C of CA 1998 (collective proceedings: damages and costs), before subsection (2) insert—
- “(1) The Tribunal may not award exemplary damages in collective proceedings.”

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) In Schedule 8A of CA 1998 (further provision about claims in respect of loss or damage before a court or the Tribunal)—
- (a) in Part 4 (cartels), in paragraph 15 (liability of immunity recipients)—
- (i) the existing text becomes sub-paragraph (1);
 - (ii) in sub-paragraph (1), in the words before paragraph (a), for “in respect of loss and damage suffered by” substitute “to”;
 - (iii) after that sub-paragraph insert—

“(2) But an immunity recipient is not liable (either alone or jointly) by virtue of sub-paragraph (1)(e) to pay exemplary damages.”;
- (b) omit Part 8 (exemplary damages);
- (c) in Part 10 (application), in paragraph 42, in sub-paragraph (1) omit “, 8”.
- (3) The amendments made by this section have effect in relation to competition claims, competition proceedings, claims for contribution arising from competition claims and proceedings relating to such claims to the extent that—
- (a) the claims and proceedings relate to an infringement of competition law that takes place after the coming into force of this section, and
 - (b) the loss or damage (if any) to which the claims or proceedings relate is suffered after the coming into force of this section.
- (4) For the purposes of [subsection \(3\)](#), where an infringement of competition law takes place over a period of two or more days it is to be taken to have taken place on the first of those days.
- (5) Terms used in [subsection \(3\)](#) and in Schedule 8A to CA 1998 have the same meaning in [subsection \(3\)](#) as they do in that Schedule (see Part 1 of that Schedule).

Commencement Information

I126 S. 126 not in force at Royal Assent, see [s. 339\(1\)](#)

CHAPTER 2 **U.K.**

MERGERS

PROSPECTIVE

127 Relevant merger situations and special merger situations **U.K.**

[Schedule 4](#) makes provision amending the thresholds in Part 3 of EA 2002 (mergers) for the creation of relevant merger situations and special merger situations.

Commencement Information

I127 S. 127 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

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PROSPECTIVE

128 Fast-track references under sections 22 and 33 of EA 2002 U.K.

[Schedule 5](#) makes provision amending Part 3 of EA 2002 (mergers) to include provision about the making of fast-track references under section 22 or 33 of that Act.

Commencement Information

I128 S. 128 not in force at Royal Assent, see [s. 339\(1\)](#)

VALID FROM 24/07/2024

129 Mergers of energy network enterprises U.K.

[Schedule 6](#) makes provision amending Part 3 of EA 2002 (mergers) and Schedule 16 to the Energy Act 2023 (mergers of energy network enterprises) in relation to mergers involving energy network enterprises.

Commencement Information

I129 S. 129 in force at 24.7.2024, see [s. 339\(3\)](#)

130 Mergers involving newspaper enterprises and foreign powers U.K.

- (1) [Schedule 7](#) makes provision for the purposes of preventing foreign powers from gaining control or influence over newspaper enterprises.
- (2) The amendments made by that Schedule—
 - (a) apply in relation to enterprises ceasing to be distinct on or after the effective date, but not in relation to enterprises ceasing to be distinct before the effective date;
 - (b) apply in relation to arrangements in progress or in contemplation on or after the effective date which, if carried into effect, would result in the creation of a foreign state newspaper merger situation by virtue of enterprises ceasing to be distinct on or after the effective date.
- (3) In [subsection \(2\)](#), “the effective date” means 13 March 2024.

Commencement Information

I130 S. 130 in force at Royal Assent, see [s. 339\(2\)\(a\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

131 Mutual agreements to extend time-limits: duty to make reference cases **U.K.**

- (1) Chapter 1 of Part 3 of EA 2002 (mergers: duty to make references) is amended as follows.
- (2) In section 39 (time-limits for investigations and reports)—
- (a) before subsection (3) insert—
- “(2A) Where the CMA and the persons carrying on the enterprises concerned agree—
- (a) that the period within which a report under section 38 is to be prepared and published (the “original period”) should be extended, and
- (b) the duration of the period by which the original period should be extended (the “extension period”),
- the CMA may extend the original period by the extension period.”;
- (b) in subsection (7), after “subsection” insert “(2A),”;
- (c) after that subsection insert—
- “(7A) An extension under subsection (2A) continues in force until—
- (a) the end of the extension period, or
- (b) an earlier time if, before the end of that period—
- (i) the CMA and the persons carrying on the enterprises concerned agree that the extension should be cancelled with effect from the earlier time, and
- (ii) the CMA publishes its decision to cancel the extension with effect from that time.”
- (3) In section 40 (section 39: supplementary)—
- (a) for subsection (3) substitute—
- “(3) A period extended under any subsection of section 39 may also be extended under any other subsection of that section.”;
- (b) in subsection (5), for “section 39(3)” substitute “section 39(2A), (3)”.
- (4) In Chapter 5 of Part 3 (mergers: supplementary), in section 107(2) (further publicity requirements), in paragraph (d), for “section 39(8)(b)” substitute “section 39(7A)(b) or (8)(b)”.

Commencement Information

I131 S. 131 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

132 Mutual agreements to extend time-limits: public interest cases **U.K.**

(1) Chapter 2 of Part 3 of EA 2002 (mergers: public interest cases) is amended as follows.

(2) In section 51 (time-limits for investigations and reports by CMA)—

(a) before subsection (3) insert—

“(2A) Where —

(a) the CMA and the persons carrying on the enterprises concerned agree—

(i) that the period within which a report under section 50 is to be prepared and published (the “original period”) should be extended, and

(ii) the duration of the period by which the original period should be extended (the “extension period”), and

(b) the Secretary of State consents to the original period being extended by the extension period,

the CMA may extend the original period by the extension period.”;

(b) in subsection (7), after “subsection” insert “(2A),”;

(c) after that subsection insert—

“(7A) An extension under subsection (2A) continues in force until—

(a) the end of the extension period, or

(b) an earlier time if, before the end of that period—

(i) the CMA and the persons carrying on the enterprises concerned agree that the extension should be cancelled with effect from the earlier time,

(ii) the Secretary of State consents to the cancellation of the extension with effect from that time, and

(iii) the CMA publishes its decision to cancel the extension with effect from that time.”

(3) In section 52 (section 51: supplementary)—

(a) for subsection (3) substitute—

“(3) A period extended under any subsection of section 51 may also be extended under any other subsection of that section.”;

(b) in subsection (5), for “section 51(3)” substitute “section 51(2A), (3)”.

(4) In Chapter 5 of Part 3 (mergers: supplementary), in section 107(2)(j), for “section 51(8)(b)” substitute “section 51(7A)(b) or (8)(b)”.

Commencement Information

I132 S. 132 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

133 Publication of merger notices online **U.K.**

In Chapter 5 of Part 3 of EA 2002 (mergers: supplementary), in section 96(5) (merger notices), for “in the London, Edinburgh and Belfast Gazettes” substitute “online”.

Commencement Information

I133 S. 133 not in force at Royal Assent, see [s. 339\(1\)](#)

CHAPTER 3 **U.K.**

MARKETS

PROSPECTIVE

134 Market studies: removal of time-limit on pre-reference consultation **U.K.**

- (1) Chapter 1 of Part 4 of EA 2002 (market studies and market investigations: references) is amended as follows.
- (2) In section 131B (market studies and the making of decisions to refer: time-limits) omit subsections (1) to (3).
- (3) In section 131C (time-limits under section 131B: supplementary)—
 - (a) in subsection (1) omit paragraph (a);
 - (b) in subsection (2) omit paragraph (a) and the “or” after it.

Commencement Information

I134 S. 134 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

135 Power to make a reference after previously deciding not to do so **U.K.**

- (1) Section 131B of EA 2002 (market studies and the making of decisions to refer: time limits) is amended as follows.
- (2) In the heading, after “time-limits” insert “etc”.
- (3) In subsection (7), for “This section is” substitute “Subsections (4) to (6) are”.
- (4) After subsection (7) insert—

“(8) Where the CMA—

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- (a) has published a market study notice, and
- (b) has decided not to make a reference under section 131 in relation to the matter specified in the notice,

the CMA may subsequently make a reference under section 131 in relation to the matter (without first publishing a market study notice in relation to the matter) only where [subsection \(9\)](#) applies.

- (9) This subsection applies where—
 - (a) the reference under section 131 is made two years or more after the publication of the market study report in relation to the market study notice, or
 - (b) there has been a material change in circumstances since the preparation of the report.”

Commencement Information

I135 S. 135 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

136 Scope of market investigations **U.K.**

- (1) Chapter 1 of Part 4 of EA 2002 (market studies and market investigations: references) is amended as follows.
- (2) In section 133 (contents of market investigation references)—
 - (a) after subsection (1) insert—
 - “(1A) A market investigation reference may be framed so as to require the group constituted by the chair of the CMA in respect of the reference to confine its investigation into the effects of features of markets in the United Kingdom for goods or services of a description specified in the reference to the effects of particular features of such markets.
 - (1B) For the purposes of [subsection \(1A\)](#), “particular features” means features specified in the reference.”;
 - (b) in subsection (2), for the words before paragraph (a) substitute “For the purposes of [subsection \(1A\)](#), a reference may (for example) specify or describe features that exist in connection with—”.
- (3) In section 134 (questions to be decided on market investigation references)—
 - (a) in subsection (1), for “feature, or combination of features,” substitute “relevant feature”;
 - (b) in subsection (2), for “feature, or combination of features,” substitute “relevant feature”;
 - (c) after subsection (2A) insert—
 - “(2B) In subsections (1) and (2), “relevant feature” means—
 - (a) any feature of a relevant market which is not excluded from investigation by virtue of section 133(1A), or

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- (b) a combination of such features.”;
- (d) in subsection (7), after “features” insert “concerned”.

Commencement Information

I136 S. 136 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

137 Acceptance of undertakings at any stage of a market study or investigation **U.K.**

[Schedule 8](#) makes provision allowing the CMA to accept undertakings under Part 4 of EA 2002 (market studies and market investigations) at any stage during a market study or investigation.

Commencement Information

I137 S. 137 not in force at Royal Assent, see [s. 339\(1\)](#)

138 Final undertakings and orders: power to conduct trials **U.K.**

- (1) [Schedule 9](#) makes provision amending Part 4 of EA 2002 allowing the CMA or the Secretary of State to conduct trials to assess the likely effectiveness of final undertakings and orders that the CMA or the Secretary of State is minded to accept or impose under that Part.
- (2) The Secretary of State may by regulations amend—
 - (a) any sectoral enactment, or
 - (b) section 168 of EA 2002 (regulated markets),
 in connection with provision made by [Schedule 9](#).
- (3) The power to make regulations under [subsection \(2\)](#) includes power to make provision for the CMA or Secretary of State to be able to modify, or request that another person modifies, any agreement, arrangement, condition, licence, statement (or anything of a similar nature) in connection with an implementation trial measure (within the meaning of Part 4 of EA 2002, as amended by [Schedule 9](#)).
- (4) But so far as the power to make regulations under [subsection \(2\)](#) is exercised to amend a sectoral enactment that is mentioned in section 168 of EA 2002 (regulated markets), the power may only make provision in connection with a relevant action mentioned in subsection (3) of that section.
- (5) For the purposes of this section the sectoral enactments are—
 - (a) the Civil Aviation Act 2012;
 - (b) the Health and Social Care Act 2012;
 - (c) the Transport Act 2000;
 - (d) the Chiropractors Act 1994;

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (e) the Railways Act 1993;
 - (f) the Osteopaths Act 1993;
 - (g) the Water Industry Act 1991;
 - (h) the Broadcasting Act 1990;
 - (i) the Electricity Act 1989;
 - (j) the Copyright, Designs and Patents Act 1988;
 - (k) the Gas Act 1986;
 - (l) the Patents Act 1977;
 - (m) the Registered Designs Act 1949;
 - (n) the Water and Sewerage Services (Northern Ireland) Order 2006 ([S.I. 2006/3336 \(N.I. 21\)](#));
 - (o) the Gas (Northern Ireland) Order 1996 ([S.I. 1996/275 \(N.I. 2\)](#));
 - (p) the Electricity (Northern Ireland) Order 1992 ([S.I. 1992/231 \(N.I. 1\)](#)).
- (6) The Secretary of State must, before making regulations under [subsection \(2\)](#) that—
- (a) amend a sectoral enactment, consult the relevant sectoral authority;
 - (b) amend section 168 of EA 2002, consult any relevant sectoral authority whom the Secretary of State considers is likely to have an interest in the amendment.
- (7) For the purposes of [subsection \(6\)](#) the relevant sectoral authorities are—
- (a) in relation to the Civil Aviation Act 2012, the Civil Aviation Authority;
 - (b) in relation to the Health and Social Care Act 2012, NHS England;
 - (c) in relation to the Transport Act 2000, the Civil Aviation Authority;
 - (d) in relation to the Chiropractors Act 1994, the General Chiropractic Council;
 - (e) in relation to the Railways Act 1993, the Office of Rail and Road;
 - (f) in relation to the Osteopaths Act 1993, the General Osteopathic Council;
 - (g) in relation to the Water Industry Act 1991, the Water Services Regulation Authority;
 - (h) in relation to the Broadcasting Act 1990, the Office of Communications;
 - (i) in relation to the Electricity Act 1989 and the Gas Act 1986, the Gas and Electricity Markets Authority;
 - (j) in relation to the Copyright, Designs and Patents Act 1988, the Patents Act 1977 and the Registered Designs Act 1949, the Comptroller-General of Patents, Designs and Trade Marks;
 - (k) in relation to the Water and Sewerage Services (Northern Ireland) Order 2006, the Gas (Northern Ireland) Order 1996 and the Electricity (Northern Ireland) Order 1992, the Northern Ireland Authority for Utility Regulation.
- (8) The Secretary of State may by regulations—
- (a) amend [subsection \(5\)](#) so as to add or remove an enactment;
 - (b) amend [subsection \(7\)](#) so as to add, vary or remove an entry.
- (9) Regulations under this section are subject to the affirmative procedure.

Commencement Information

I138 S. 138 in force at Royal Assent, see [s. 339\(2\)\(c\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

139 Duty of CMA to monitor undertakings and orders **U.K.**

- (1) Chapter 3 of Part 4 of EA 2002 (market studies and market investigations: enforcement) is amended as follows.
- (2) In section 161 (final orders: Part 4), in subsection (5)—
 - (a) after “advises” insert “, in accordance with section 162(3) or [section 162A\(8\)](#),”;
 - (b) omit “by reason of a change of circumstances”.
- (3) In section 162 (duty of CMA to monitor undertakings and orders: Part 4)—
 - (a) in the heading, after “monitor” insert “the carrying out of”;
 - (b) omit subsections (5) to (7).
- (4) After that section insert—

“162A Duty of CMA to monitor effectiveness of undertakings and orders: Part 4

- (1) The CMA must keep under review the effectiveness of enforcement undertakings accepted under this Part and enforcement orders made under this Part.
- (2) The CMA must, whenever requested to do so by the Secretary of State and otherwise from time to time, prepare a report of its findings under [subsection \(1\)](#).
- (3) The CMA must—
 - (a) give a copy of any report prepared by it under [subsection \(2\)](#) to the Secretary of State, and
 - (b) publish the report.
- (4) [Subsection \(5\)](#) applies, in relation to an adverse effect on competition identified in a report mentioned in section 138(1), where—
 - (a) the report was published within the previous 10 years,
 - (b) the CMA last took action in accordance with section 138(2) or [subsection \(5\)](#) of this section no less than two years ago, and
 - (c) the CMA concludes, as a result of a review under [subsection \(1\)](#), that the action mentioned in [paragraph \(b\)](#) has been ineffective for the purposes mentioned in that section.
- (5) The CMA must take such action as it considers appropriate for the purposes mentioned in section 138(2) in relation to—
 - (a) any possible variation or release by the CMA of an enforcement undertaking accepted by it;
 - (b) any possible new enforcement undertaking to be accepted by the CMA so as to supersede another enforcement undertaking given to it;
 - (c) any possible variation or revocation by the CMA of an enforcement order made by it;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (d) any possible enforcement undertaking to be accepted by the CMA instead of an enforcement order made by it, or any possible enforcement order to be made by the CMA instead of an enforcement undertaking accepted by it.
- (6) Where the CMA decides to take action under [subsection \(5\)](#), the CMA must take the action within the period of six months beginning with the date on which that decision is published under [section 172\(2\)\(h\)](#).
- (7) [Subsection \(8\)](#) applies, in relation to an adverse effect on competition or an effect adverse to the public interest identified in a report mentioned in [section 146\(1\)](#) or [146A\(1\)](#) (as the case may be), where—
- the report was laid before each House of Parliament in accordance with [section 172\(10\)](#) within the previous 10 years,
 - the Secretary of State last took action in accordance with [section 142\(2\)](#) or [147A\(2\)](#) (as the case may be) no less than two years ago, and
 - the CMA concludes, as a result of a review under [subsection \(1\)](#), that action taken in accordance with that section has been ineffective for the purposes mentioned in that section.
- (8) The CMA must give the Secretary of State such advice as it considers appropriate for the purposes mentioned in [section 147\(2\)](#) or [147A\(2\)](#) (as the case may be) in relation to—
- any possible variation or release by the Secretary of State of an enforcement undertaking accepted by the Secretary of State;
 - any possible new enforcement undertaking to be accepted by the Secretary of State under that section so as to supersede another enforcement undertaking given to the Secretary of State;
 - any possible variation or revocation by the Secretary of State of an enforcement order made by the Secretary of State;
 - any possible enforcement undertaking to be accepted by the Secretary of State instead of an enforcement order, or any possible enforcement order to be made by the Secretary of State instead of an enforcement undertaking accepted under that section.”
- (5) Chapter 4 of Part 4 of EA 2002 (market studies and market investigations: supplementary) is amended as follows.
- (6) In [section 169](#) (certain duties of relevant authorities to consult: Part 4), in [subsection \(6\)](#), in paragraph (a) of the definition of “relevant decision”, after [sub-paragraph \(iv\)](#) (inserted by [paragraph 10\(3\)](#) of [Schedule 9](#)) insert—
- “(v) to take action under [section 162A\(5\)](#); and”.
- (7) In [section 172](#) (further publicity requirements: Part 4)—
- in [subsection \(2\)](#)—
 - omit the “and” at the end of paragraph (f);
 - at the end insert “; and
 - any decision by it to take action under [section 162A\(5\)](#).”;
 - after [subsection \(10\)](#) insert—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

“(11) Where the Secretary of State has decided, in accordance with the CMA’s advice under section 162(3) or 162A(8), to accept or release an undertaking under section 159, or to make or revoke an order under section 161, the Secretary of State must, after the acceptance or release of the undertaking or (as the case may be) the making or revocation of the order, lay details of the Secretary of State’s decision and the reasons for it, and the CMA’s advice, before each House of Parliament.”

(8) In section 177 (excisions from reports: Part 4)—

- (a) in the heading, after “reports” insert “etc”;
- (b) in subsection (1)—
 - (i) the words from “the Secretary of State” to the end become paragraph (a);
 - (ii) after that paragraph insert “;
 - (b) the Secretary of State is under a duty to lay the CMA’s advice under section 162(3) or 162A(8) before each House of Parliament.”
- (c) in subsection (2)—
 - (i) after “report” insert “or advice”;
 - (ii) after “publication of the matter” insert “, or the inclusion of it in the advice laid before Parliament,”.

Commencement Information

I139 S. 139 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

140 Taking action in relation to regulated markets **U.K.**

- (1) In Chapter 4 of Part 4 of EA 2002 (market studies and market investigations: supplementary), section 168 (regulated markets) is amended as follows.
- (2) In subsection (3) omit paragraph (j).
- (3) In subsection (4)—
 - (a) in paragraph (g), for “the duty of the Director General of Electricity Supply for Northern Ireland under article 6 of that Order” substitute “the objective and duties of the Northern Ireland Authority for Utility Regulation under Article 12 of the Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6))”;
 - (b) omit paragraph (l);
 - (c) in paragraph (m), for “the duties of the Director General of Gas for Northern Ireland under article 5 of that Order” substitute “the objective and duties of the Northern Ireland Authority for Utility Regulation under Article 14 of the Energy (Northern Ireland) Order 2003”;
 - (d) in paragraph (r), for “Monitor” substitute “NHS England”.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

(4) In subsection (5), in paragraph (ia), for “Monitor” substitute “NHS England”.

Commencement Information

I140 S. 140 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

CHAPTER 4 **U.K.**

CARTELS

141 Production of information authorised by warrant **U.K.**

- (1) Section 194 of EA 2002 (power to enter premises under a warrant) is amended as follows.
- (2) In subsection (1), in paragraph (a), after “there are on” insert “or accessible from”.
- (3) In subsection (2)—
 - (a) in paragraph (d) omit “and which the named officer considers relates to any matter relevant to the investigation,”;
 - (b) after that paragraph insert—
 - “(e) to operate any equipment found on the premises for the purposes of producing such information in such a form;
 - (f) to require any person on the premises to give the named officer any assistance the named officer may reasonably require (including for the purposes of paragraphs (d) and (e));
 - (g) to take copies of, or seize, anything produced in accordance with paragraph (d) or (e) which the named officer considers relates to any matter relevant to the investigation.”
- (4) In section 196 of EA 2002 (privileged information etc), after subsection (2) insert—

“(2A) Nothing in section 194 authorises an officer to produce or take possession of, or make copies of or take extracts from, anything which, by virtue of subsections (1) or (2), a person could not be required to disclose or produce under section 193 or 194.”

Commencement Information

I141 S. 141 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

CHAPTER 5 U.K.

MISCELLANEOUS

PROSPECTIVE

142 Attendance of witnesses etc U.K.

- (1) Section 26A of CA 1998 (investigations: power to ask questions) is amended as follows.
- (2) In subsection (1)—
 - (a) in the words before paragraph (a) omit “who has a connection with a relevant undertaking”;
 - (b) in paragraph (a), after “at a place” insert “or in a manner (which may be remote)”.
- (3) In subsection (2), for “each” substitute “any”.
- (4) For subsection (6) substitute—

“(6) For the purposes of this section, an individual has a current connection with an undertaking if, at the time in question, the individual is—

 - (a) concerned in the management or control of the undertaking, or
 - (b) employed by, or otherwise working for, the undertaking.”
- (5) In section 109(1) of EA 2002 (attendance of witnesses and production of documents etc: Part 3), in paragraph (a) for “place” substitute “at a place, or in a manner (which may be remote),”.
- (6) In section 174(3) of EA 2002 (attendance of witnesses and production of documents etc: Part 4), in paragraph (a) for “place” substitute “at a place, or in a manner (which may be remote),”.

Commencement Information

I142 S. 142 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

143 Civil penalties etc in connection with competition matters U.K.

- (1) [Schedule 10](#) makes provision for, and in connection with, the imposition of civil penalties in relation to investigations under—
 - (a) Part 1 of CA 1998 (competition);
 - (b) Parts 3 (mergers) and 4 (market studies and market investigations) of EA 2002.
- (2) [Schedule 11](#) makes provision for, and in connection with, the imposition of civil penalties in relation to breaches of—

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) commitments and directions under Part 1 of CA 1998;
 - (b) undertakings and orders under Parts 3 and 4 of EA 2002.
- (3) [Schedule 12](#) makes provision providing that certain functions being conferred on the CMA by Schedules [10](#) and [11](#) are not exercisable concurrently by sectoral regulators.

Commencement Information

I143 S. 143 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

144 Service and extra-territoriality of notices under CA 1998 and EA 2002 **U.K.**

[Schedule 13](#) makes provision about—

- (a) the service of documents under Chapter 3 of Part 1 of CA 1998 (investigation and enforcement) and Parts 3 (mergers) and 4 (market studies and market investigations) of EA 2002;
- (b) the extra-territorial application of notices under sections 26 and 40ZD of CA 1998 and sections 109(2) and (3) and 174(4) and (5) of EA 2002.

Commencement Information

I144 S. 144 not in force at Royal Assent, see [s. 339\(1\)](#)

145 Orders and regulations under CA 1998 and EA 2002 **U.K.**

[Schedule 14](#) makes provision about the making of orders and regulations under—

- (a) CA 1998, and
- (b) Parts 3 (mergers) and 4 (market studies and market investigations) of EA 2002.

Commencement Information

I145 S. 145 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

146 Meaning of “working day” in Parts 3 and 4 of EA 2002 **U.K.**

- (1) Part 3 of EA 2002 (mergers) is amended as follows.
- (2) In Chapter 1 (duty to make references)—
 - (a) in section 25 (extension of time limits)—
 - (i) in subsection (1), after “20” insert “working”;
 - (ii) in subsection (5), in paragraph (b), after “10” insert “working”;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) omit section 32 (supplementary provision for the purposes of section 25);
 - (c) in section 34ZA(3) (time limits for decisions about references) omit the definition of “working day”;
 - (d) in section 34ZB (extension of time limits) omit subsection (9);
 - (e) in section 34ZC (sections 34ZA and 34ZB: supplementary) omit subsection (9).
- (3) In Chapter 2 (public interest cases)—
- (a) in section 54 (decision of Secretary of State in public interest cases)—
 - (i) in subsection (5), after “30” insert “working”;
 - (ii) omit subsection (8);
 - (b) in section 56 (competition cases where intervention on public interest grounds ceases)—
 - (i) in subsection (4), in paragraph (b), after “20” insert “working”;
 - (ii) omit subsection (5).
- (4) In Chapter 4 (enforcement), in section 73A (time limits for consideration of undertakings) omit subsection (12).
- (5) In Chapter 5 (supplementary)—
- (a) in section 129(1) (other interpretative provisions), at the appropriate place insert—
 - ““working day” means any day other than—
 - (a) a Saturday or Sunday, or
 - (b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.”;
 - (b) in section 130 (index of defined expressions), at the appropriate place insert—
-
- | | |
|--------------|------------------|
| “Working day | Section 129(1)”. |
|--------------|------------------|
- (6) In Part 4 of EA 2002 (market studies and market investigations), in section 151 (public interest intervention cases: interaction with general procedure)—
- (a) in subsection (3), after “20” insert “working”;
 - (b) in subsection (5), after “20” insert “working”;
 - (c) omit subsection (6);
 - (d) at the end insert—
 - “(7) In this section, “working day” means any day other than—
 - (a) a Saturday or Sunday, or
 - (b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.”
- (7) In regulation 2(1) of the Enterprise Act 2002 (Merger Prenotification) Regulations 2003 (S.I. 2003/1369), for the definition of “working day” substitute—
- ““working day” means any day other than—
 - (a) a Saturday or Sunday, or
 - (b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.”

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I146 S. 146 not in force at Royal Assent, see [s. 339\(1\)](#)

PART 3 U.K.

ENFORCEMENT OF CONSUMER PROTECTION LAW

PROSPECTIVE

CHAPTER 1 U.K.

OVERVIEW

147 Overview U.K.

- (1) [This Part](#) confers enforcement powers, and makes provision about other remedies, in connection with infringements of consumer protection law.
- (2) [Chapter 2](#) provides for the kinds of infringements in respect of which enforcement powers conferred by [Chapter 3](#) or [4](#) are available.
- (3) [Chapter 3](#)—
 - (a) confers powers on courts to make consumer protection orders, and
 - (b) provides for the acceptance of undertakings as an alternative to the making of such orders.
- (4) [Chapter 4](#) confers powers on the CMA in connection with certain kinds of infringements, including powers of the CMA to impose monetary penalties.
- (5) [Chapter 5](#) contains general provisions about monetary penalties imposed under [Chapter 3](#) or [4](#).
- (6) [Chapter 6](#) amends Schedule 5 to CRA 2015 in relation to the giving of information notices.
- (7) [Chapter 7](#) contains miscellaneous provisions and [Chapter 8](#) contains interpretative provisions.

Commencement Information

I147 S. 147 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

CHAPTER 2 **U.K.**

RELEVANT INFRINGEMENTS

148 Relevant infringements **U.K.**

- (1) A commercial practice is a relevant infringement for the purposes of [Chapter 3](#) or [4](#) if it—
 - (a) harms the collective interests of consumers,
 - (b) meets the UK connection condition (see [section 149](#)), and
 - (c) meets the specified prohibition condition (see [section 150](#)).
- (2) In this Part—

“commercial practice” means an act or omission by a trader relating to the promotion or supply of—

 - (a) the trader’s goods, services or digital content to a consumer,
 - (b) another trader’s goods, services or digital content to a consumer, or
 - (c) a consumer’s goods, services or digital content to the trader or another person;

“consumer” means an individual acting for purposes that are wholly or mainly outside the individual’s business;

“trader” means—

 - (a) a person (“P”) acting for purposes relating to P’s business, or
 - (b) a person acting in the name of, or on behalf of, P for purposes relating to P’s business.
- (3) It is immaterial for the purposes of the definition of “commercial practice” in subsection (2) whether the act or omission takes place—
 - (a) at the time of the promotion or supply in question, or
 - (b) before or after that time.
- (4) It is immaterial for the purposes of the definition of “trader” in subsection (2)—
 - (a) in relation to paragraph (a) of that definition, whether P is acting personally or through another person acting in P’s name or on P’s behalf;
 - (b) in relation to paragraph (b) of that definition, whether or not the purposes relating to P’s business are the only or main purposes for which the person is acting.
- (5) For the purposes of [this Part](#)—
 - (a) references to consumers include persons who may become consumers in the future;
 - (b) the collective interests of consumers are capable of being harmed by a single act or omission (as well as by repeated acts or omissions).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I148 S. 148 not in force at Royal Assent, see [s. 339\(1\)](#)

149 The UK connection condition **U.K.**

- (1) A commercial practice meets the UK connection condition for the purposes of [section 148](#) if at least one of the following conditions is met—
 - (a) the trader has a place of business in the United Kingdom;
 - (b) the trader carries on business in the United Kingdom;
 - (c) the commercial practice occurs in the carrying on of activities by the trader that are, by any means, directed to consumers in the United Kingdom.
- (2) It is immaterial for the purposes of subsection (1)(c) whether the activities are carried on in the United Kingdom or elsewhere.

Commencement Information

I149 S. 149 not in force at Royal Assent, see [s. 339\(1\)](#)

150 The specified prohibition condition **U.K.**

- (1) A commercial practice meets the specified prohibition condition for the purposes of [section 148](#) as it applies for the purposes of [Chapter 3](#) if the commercial practice is—
 - (a) in breach of an enactment listed in Part 1 of [Schedule 15](#) (to the extent specified), or
 - (b) in breach of an obligation or rule of law listed in [Part 2](#) of that Schedule.
- (2) A commercial practice meets the specified prohibition condition for the purposes of [section 148](#) as it applies for the purposes of [Chapter 4](#) if it is in breach of an enactment listed in [Schedule 16](#) (to the extent specified).
- (3) In the Table listing enactments in Part 1 of [Schedule 15](#)—
 - (a) the first column lists the enactments;
 - (b) the corresponding entry in the second column specifies the authorised enforcers in relation to the enactment for the purposes of [section 153](#);
 - (c) the third column provides information about transitional provision etc in relation to certain enactments.
- (4) In the Table listing obligations and rules of law in [Part 2](#) of [Schedule 15](#)—
 - (a) the first column describes the obligations or rules of law;
 - (b) the corresponding entry in the second column specifies the authorised enforcers in relation to the obligation or rule of law for the purposes of [section 153](#).

Commencement Information

I150 S. 150 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

CHAPTER 3 U.K.

CONSUMER PROTECTION ORDERS AND UNDERTAKINGS

Enforcers for purposes of Chapter

151 Enforcers U.K.

- (1) Each of the following is a public designated enforcer for the purposes of [this Chapter](#)—
 - (a) the CMA;
 - (b) every local weights and measures authority in Great Britain;
 - (c) the Department for the Economy in Northern Ireland;
 - (d) the Civil Aviation Authority;
 - (e) the Financial Conduct Authority;
 - (f) the Gas and Electricity Markets Authority;
 - (g) the Department of Health in Northern Ireland;
 - (h) the Department for Infrastructure in Northern Ireland;
 - (i) the Northern Ireland Authority for Utility Regulation;
 - (j) an enforcement authority within the meaning of section 120(15) of the Communications Act 2003 (regulation of premium rate services);
 - (k) the Information Commissioner;
 - (l) the Maritime and Coastguard Agency;
 - (m) the Office of Communications;
 - (n) the Office of Rail and Road;
 - (o) the Office for the Traffic Commissioner;
 - (p) the Secretary of State;
 - (q) the Water Services Regulation Authority.
- (2) The Consumers' Association is a private designated enforcer for the purposes of [this Chapter](#).
- (3) The Secretary of State may by regulations amend [subsection \(1\)](#) or [\(2\)](#) so as to—
 - (a) add or remove a person as a public designated enforcer;
 - (b) add or remove a person as a private designated enforcer;
 - (c) vary the entry of a person as a public or private designated enforcer.
- (4) The power under [subsection \(3\)\(a\)](#) to add a person as a public designated enforcer is exercisable only if the Secretary of State considers that the person is a public body that has, as one of their purposes, the protection of the collective interests of consumers.
- (5) The power under [subsection \(3\)\(b\)](#) to add a person as a private designated enforcer is exercisable only if the Secretary of State considers that the person—
 - (a) is not a public body,
 - (b) satisfies the designation criteria in [section 152](#), and
 - (c) has, as one of their purposes, the protection of the collective interests of consumers.
- (6) The power under [subsection \(3\)\(a\)](#) and [\(c\)](#) to remove a person as a public designated enforcer, or to vary the entry of such a person, does not apply so far as relating to the persons listed in paragraphs [\(a\)](#) to [\(c\)](#) of [subsection \(1\)](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

(7) Regulations under this section are subject to the affirmative procedure.

Commencement Information

I151 S. 151 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

152 Designation criteria **U.K.**

- (1) These are the designation criteria in respect of a person (“P”) for the purposes of [section 151\(5\)\(b\)](#)—
- (a) P is constituted, managed and controlled in such a way as to be expected to act independently, impartially and with integrity;
 - (b) P has established procedures to ensure that any potential conflicts of interest are properly dealt with;
 - (c) P has demonstrated experience, competence and expertise in promoting or protecting the collective interests of consumers;
 - (d) P has demonstrated the ability to protect the interests of consumers by promoting high standards of integrity and fair dealing in the conduct of business in relation to consumers;
 - (e) P has the capability to investigate infringements and carry out enforcement procedures under [this Chapter](#);
 - (f) P is ready and willing to follow best practice in enforcement;
 - (g) P is ready and willing to co-operate with other enforcers and relevant persons.
- (2) P does not fail to meet the criteria in [subsection \(1\)\(a\)](#) by reason only of a connection with another person carrying on a business of a kind that could be affected (directly or indirectly) by action taken under [this Chapter](#) if—
- (a) the other person does not control P, and
 - (b) the profits of the other person’s business are used for the purposes of furthering the objectives of P.
- (3) For the purposes of [subsection \(1\)\(g\)](#)—
- (a) “relevant persons” are any persons responsible for the regulation of matters in respect of which acts or omissions may constitute a relevant infringement;
 - (b) co-operation includes, in particular—
 - (i) sharing of information (so far as legally permitted), and
 - (ii) participating in arrangements to co-ordinate action under [this Part](#).

Commencement Information

I152 S. 152 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

Applications for enforcement orders and interim enforcement orders

153 Applications **U.K.**

- (1) An enforcer may (subject to [subsection \(2\)](#)) apply to the appropriate court for an enforcement order or an interim enforcement order if the enforcer considers that—
 - (a) a person has engaged in, is engaging in or is likely to engage in a commercial practice which constitutes a relevant infringement, or
 - (b) a person is an accessory to such a practice.
- (2) An enforcer may make an application in respect of a relevant infringement only if—
 - (a) in the case of a commercial practice in breach of an enactment listed in the first column of the Table in [Part 1](#) of [Schedule 15](#), the enforcer is an authorised enforcer in respect of that enactment in accordance with the second column of that Table;
 - (b) in the case of a commercial practice in breach of an obligation or rule of law listed in the first column of the Table in [Part 2](#) of [Schedule 15](#), the enforcer is an authorised enforcer in respect of that obligation or rule of law in accordance with the second column of that Table.
- (3) An application for an enforcement order or an interim enforcement order—
 - (a) must be made in respect of the person the enforcer considers falls within [subsection \(1\)\(a\)](#) or [\(b\)](#) (“the respondent”), and
 - (b) must (where known) name the respondent.
- (4) An application by a public designated enforcer for an enforcement order may, subject to [subsection \(5\)](#), include an application for the respondent to pay a monetary penalty.
- (5) In the case of a respondent within [subsection \(1\)\(a\)](#), an application under [subsection \(4\)](#) may be made only in respect of a commercial practice that the enforcer considers a person has engaged, or is engaging, in (but not in respect of a practice that the enforcer considers a person is likely to engage in).

Commencement Information

I153 S. 153 not in force at Royal Assent, see [s. 339\(1\)](#)

154 CMA directions to other enforcers **U.K.**

- (1) [This section](#) applies where it appears to the CMA that another enforcer intends to make an application for an enforcement order or an interim enforcement order.
- (2) The CMA may direct that an application for such an order in respect of a particular relevant infringement—
 - (a) may be made only by the CMA,
 - (b) may be made only by such other enforcer as may be specified in the direction, or
 - (c) is not to be made by any enforcer.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (3) A direction under [subsection \(2\)](#)—
 - (a) does not prevent the acceptance of an undertaking under [section 163](#) by the CMA or another enforcer;
 - (b) does not prevent the CMA from taking such other steps as it considers appropriate for the purpose of securing that the infringement is not committed, continued or repeated.
- (4) A direction under [subsection \(2\)\(c\)](#) may be made—
 - (a) only in respect of an infringement that is a relevant infringement for the purposes of [Chapter 4](#) (in addition to being a relevant infringement for the purposes of this Chapter), and
 - (b) only if the CMA is conducting, or proposes to conduct, an investigation under [section 180](#) in relation to that infringement.
- (5) A direction under [this section](#) may be varied or withdrawn.
- (6) The CMA must take such steps as it considers appropriate to bring a direction (or its variation or withdrawal) to the attention of enforcers likely to be affected by it.

Commencement Information

I154 S. 154 not in force at Royal Assent, see [s. 339\(1\)](#)

155 Consultation **U.K.**

- (1) Before making an application for an enforcement order or an interim enforcement order, an enforcer must (subject to [subsection \(5\)](#)) engage in appropriate consultation with the person in respect of whom the order would be made (“the respondent”).
- (2) Consultation is “appropriate consultation” for the purposes of [subsection \(1\)](#) if it is carried out for the purposes of—
 - (a) achieving the cessation of a relevant infringement (in a case where the infringement is occurring) and ensuring it does not recur;
 - (b) ensuring there is no repetition of a relevant infringement in a case where the infringement has occurred;
 - (c) ensuring that a relevant infringement does not take place in a case where the infringement has yet to occur;
 - (d) ensuring, in the case of consultation carried out by a public designated enforcer, that the respondent is aware that an application for an enforcement order may include an application for the respondent to pay a monetary penalty.
- (3) Engagement under [subsection \(1\)](#) must be initiated by the giving of a consultation request to the respondent.
- (4) A consultation request must be given by notice in writing.
- (5) The requirement to consult under [this section](#) does not apply if—
 - (a) the CMA considers that an application for the order in question should be made without delay, or
 - (b) it is not reasonably practicable for the enforcer to ascertain the identity and whereabouts of the respondent.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (6) The requirement to consult under [this section](#) ceases to apply—
- (a) in the case of an application for an enforcement order, at the end of the applicable period;
 - (b) in the case of an application for an interim enforcement order, at the end of the period of 7 days beginning with the day after the respondent receives a consultation request.
- (7) In [subsection \(6\)\(a\)](#) the “applicable period” means—
- (a) in a case where the respondent is a member of, or is represented by, an approved representative body, the period of 28 days beginning with the day after the respondent receives a consultation request;
 - (b) in any other case, the period of 14 days beginning with the day after the respondent receives a consultation request.
- (8) In [subsection \(7\)\(a\)](#) “approved representative body” means a representative body that operates a consumer code which has been approved by—
- (a) a public designated enforcer,
 - (b) a body which represents a public designated enforcer,
 - (c) a group of public designated enforcers, or
 - (d) a community interest company whose objects include the approval of consumer codes.
- (9) In [subsection \(8\)](#)—
- “consumer code” means an agreement or set of rules regulating, with a view to safeguarding or promoting the interests of consumers, the behaviour of traders who—
- (a) are engaged in commercial practices, and
 - (b) choose to be bound by the agreement or set of rules;
- “representative body” means an organisation established to represent the interests of two or more businesses in a particular sector or area.

Commencement Information

I155 S. 155 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Powers of court on application under [section 153](#)

156 Enforcement orders and undertakings **U.K.**

- (1) [This section](#) applies if, on an application under [section 153](#) for an enforcement order, the court finds that the person in respect of whom the application is made (“the respondent”)—
- (a) has engaged, is engaging or is likely to engage in a commercial practice which constitutes a relevant infringement (“the infringing practice”), or
 - (b) is an accessory to the infringing practice.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) The court may—
 - (a) make an enforcement order against the respondent, or
 - (b) accept an undertaking from the respondent given under [subsection \(5\)](#).
- (3) In considering whether to make an enforcement order the court must have regard to whether the respondent—
 - (a) has given an undertaking under [section 163](#) or [185](#) in respect of the infringing practice, and
 - (b) if so, whether the respondent has failed to comply with the undertaking.
- (4) An enforcement order is an order that—
 - (a) indicates the nature of the infringing practice, and
 - (b) directs the respondent to comply with [subsection \(6\)](#).
- (5) The respondent gives an undertaking under [this subsection](#) by undertaking—
 - (a) to comply with [subsection \(6\)](#), or
 - (b) to take steps which the court believes will secure that the respondent complies with [subsection \(6\)](#).
- (6) The respondent complies with [this subsection](#) by—
 - (a) in the case of a respondent within [subsection \(1\)\(a\)](#), not continuing or repeating the infringing practice (where it is alleged that the person has engaged or is engaging in that practice);
 - (b) in the case of a respondent within [subsection \(1\)\(b\)](#), not consenting to or conniving in the infringing practice;
 - (c) in either case, not engaging in the infringing practice in the course of the respondent’s business or another business;
 - (d) in either case, not consenting to or conniving in the carrying out of the infringing practice by a body corporate with which the respondent has a special relationship (see [section 220](#)).
- (7) See also—
 - (a) [section 157](#) about the inclusion of enhanced consumer measures in an enforcement order or undertaking;
 - (b) [section 158](#) about the inclusion of a requirement to pay a monetary penalty in an enforcement order.
- (8) An enforcement order may require the respondent to publish—
 - (a) the order;
 - (b) a corrective statement.
- (9) An undertaking under [subsection \(5\)](#) may include a further undertaking by the respondent to publish—
 - (a) the terms of the undertaking;
 - (b) a corrective statement.
- (10) Publication under [subsection \(8\)](#) or [\(9\)](#)—
 - (a) must be made in such form and manner, and to such extent, as the court considers appropriate for the purpose of eliminating any continuing effects of the conduct in respect of which the order was made or undertaking given;
 - (b) is not an enhanced consumer measure for the purposes of [this Chapter](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (11) Where the court has accepted from the respondent an undertaking under subsection (5)—
- (a) the court may accept from the respondent any variation of the undertaking that the court considers appropriate for meeting the purposes for which the undertaking was given;
 - (b) the court may release the respondent from the undertaking (whether on its own initiative or at the respondent’s request) if the court considers that the undertaking is no longer necessary to further those purposes.

Commencement Information

I156 S. 156 not in force at Royal Assent, see [s. 339\(1\)](#)

157 Enforcement orders and undertakings: enhanced consumer measures **U.K.**

- (1) An enforcement order or undertaking may include a requirement to take such enhanced consumer measures as the court considers just and reasonable.
- (2) For this purpose, the court must in particular consider whether any proposed enhanced consumer measures are proportionate having regard to—
 - (a) the likely benefit of the measures to consumers,
 - (b) the costs likely to be incurred by the respondent, and
 - (c) the likely cost to consumers of obtaining the benefit of the measures.
- (3) The costs referred to in [subsection \(2\)\(b\)](#) are—
 - (a) the cost of the measures, and
 - (b) the reasonable administrative costs associated with taking the measures.
- (4) Where the respondent is required under an enforcement order or an undertaking to take enhanced consumer measures, the order or undertaking may include requirements for the respondent to provide information or documents to the court in order that the court may determine whether the respondent is taking those measures.
- (5) [Subsection \(6\)](#) applies if—
 - (a) an enforcement order or undertaking includes enhanced consumer measures offering compensation, and
 - (b) a settlement agreement is entered into in connection with the payment of compensation.
- (6) A waiver of a person’s rights in the settlement agreement is not valid if it is a waiver of the right to bring civil proceedings in respect of conduct other than conduct which has given rise to the enforcement order or undertaking.
- (7) [This section](#) is subject to [section 177](#) (private designated enforcers).
- (8) In [this section](#) “undertaking” means an undertaking given under [section 156\(5\)](#).
- (9) References in [this Part](#) to “enhanced consumer measures” are to be read in accordance with [section 221](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I157 S. 157 not in force at Royal Assent, see [s. 339\(1\)](#)

158 Enforcement orders: requirement to pay monetary penalty **U.K.**

- (1) [This section](#) applies where the court makes an enforcement order against the respondent on an application made by a public designated enforcer.
- (2) The order may, subject to [subsection \(3\)](#), include a requirement for the respondent to pay a monetary penalty.
- (3) In the case of a respondent within [section 156\(1\)\(a\)](#), a requirement to pay a monetary penalty may be imposed only if the court finds that the respondent has engaged, or is engaging, in a commercial practice constituting a relevant infringement (and not in respect of a practice that the court finds that the person is likely to engage in).
- (4) Where the order includes a requirement under [subsection \(2\)](#), the order, or a notice accompanying service of the order, must set out the monetary penalty information (see [section 203](#)).
- (5) The amount of a monetary penalty must be a fixed amount not exceeding £300,000 or, if higher, 10% of the total value of the turnover (if any) of the respondent.
- (6) A monetary penalty may not be imposed on the respondent by virtue of [this section](#) in respect of any conduct that constitutes an offence if the respondent has been found guilty of that offence.
- (7) The respondent does not commit an offence in relation to any conduct in respect of which a monetary penalty is imposed on the respondent by virtue of this section.
- (8) In addition to any right of appeal on a point of law, a person liable to pay a monetary penalty by virtue of [this section](#) may appeal in respect of—
 - (a) the decision to impose the penalty, or
 - (b) the nature or amount of the penalty.
- (9) In the application of [subsection \(4\)](#) to Scotland, “service of the order” includes service of an extract order in execution of or diligence on the order.

Commencement Information

I158 S. 158 not in force at Royal Assent, see [s. 339\(1\)](#)

159 Interim enforcement orders and undertakings **U.K.**

- (1) [This section](#) applies if—
 - (a) it is alleged in an application under [section 153](#) for an interim enforcement order that a person (“the respondent”)—
 - (i) has engaged, is engaging or is likely to engage in a commercial practice which constitutes a relevant infringement (“the infringing practice”), or
 - (ii) is an accessory to the infringing practice,

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) it appears to the court that if the application had been an application for an enforcement order it would be likely to be granted, and
 - (c) the court considers it is expedient that the infringing practice is prohibited or prevented immediately.
- (2) The court may—
 - (a) make an interim enforcement order against the respondent, or
 - (b) accept an undertaking from the respondent to comply with [subsection \(5\)](#) or to take steps which the court believes will secure such compliance.
- (3) If no notice of the application has been given to the respondent, the court may proceed under [subsection \(2\)\(a\)](#) only if it considers it appropriate to make an interim enforcement order without notice.
- (4) An interim enforcement order is an order that—
 - (a) indicates the nature of the infringing practice, and
 - (b) directs the respondent to comply with [subsection \(5\)](#).
- (5) The respondent complies with [this subsection](#) by—
 - (a) in the case of a respondent within [subsection \(1\)\(a\)\(i\)](#), not continuing or repeating the infringing practice (where it is alleged that the person has engaged or is engaging in that practice);
 - (b) in the case of a respondent within [subsection \(1\)\(a\)\(ii\)](#), not consenting to or conniving in the infringing practice;
 - (c) in either case, not engaging in the infringing practice in the course of the respondent's business or another business;
 - (d) in either case, not consenting to or conniving in the carrying out of the infringing practice by a body corporate with which the respondent has a special relationship (see [section 220](#)).
- (6) An application for an interim enforcement order in respect of alleged conduct of the respondent may not be made at any time after—
 - (a) an application for an enforcement order against the respondent in respect of that conduct is determined, or
 - (b) a final infringement notice in respect of that conduct has been given to the respondent (see [section 182](#)).
- (7) An application for an interim enforcement order must—
 - (a) include all information known to the applicant that is material to the question of whether or not the application is granted;
 - (b) if made without notice, state why no notice has been given.
- (8) The court may vary or discharge an interim enforcement order on the application of the applicant or the respondent.
- (9) An interim enforcement order made in respect of conduct of the respondent is discharged—
 - (a) on the determination of an application for an enforcement order made against the respondent in respect of that conduct, or
 - (b) on the giving of a final infringement notice to the respondent in respect of that conduct.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I159 S. 159 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Online interface orders and interim online interface orders

160 Applications **U.K.**

- (1) A public designated enforcer may apply to the appropriate court for an online interface order, or an interim online interface order, if the enforcer considers that a person has engaged, is engaging or is likely to engage in a commercial practice that constitutes a relevant infringement.
- (2) An application for an online interface order, or an interim online interface order, may be made in respect of—
 - (a) the person that the enforcer considers has engaged, is engaging or is likely to engage in a commercial practice that constitutes a relevant infringement, or
 - (b) any other person (subject to [subsection \(3\)](#)).
- (3) An application under [subsection \(2\)\(b\)](#) in respect of a person who is outside the United Kingdom may be made only if the person—
 - (a) is a United Kingdom national,
 - (b) is an individual who is habitually resident in the United Kingdom,
 - (c) is a firm established in the United Kingdom, or
 - (d) carries on business in the United Kingdom or by any means directs activities in the course of carrying on a business to consumers in the United Kingdom.
- (4) For the purposes of [subsection \(3\)\(c\)](#), a firm is “established in the United Kingdom” if—
 - (a) it is incorporated or formed under the law of a part of the United Kingdom, or
 - (b) it is administered under arrangements governed by the law of a part of the United Kingdom.
- (5) Section [154](#) (CMA directions to other enforcers) applies where it appears to the CMA that another public designated enforcer intends to make an application for an online interface order, or an interim online interface order, as it applies in relation to intended applications for enforcement orders and interim enforcement orders, but for this purpose the reference to such other enforcer in [subsection \(2\)\(b\)](#) is to be taken as a reference only to such other public designated enforcer.
- (6) Nothing in [this section](#) or in [section 161](#) or [162](#) limits other powers under [this Chapter](#) to make enforcement orders or interim enforcement orders or to accept undertakings.

Commencement Information

I160 S. 160 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

161 Online interface orders **U.K.**

- (1) The court may make an online interface order on an application under [section 160](#) if the court finds that—
 - (a) a person has engaged, is engaging or is likely to engage in a commercial practice that constitutes a relevant infringement,
 - (b) there are no other available means under this Chapter of bringing about the cessation or prohibition of the infringement which, by themselves, would be wholly effective, and
 - (c) it is necessary to make the order to avoid the risk of serious harm to the collective interests of consumers.
- (2) An online interface order is an order that directs the person against whom it is made to do, or to co-operate with another person so that person can do, one or more of the following—
 - (a) remove content from, or modify content on, an online interface;
 - (b) disable or restrict access to an online interface;
 - (c) display a warning to consumers accessing an online interface;
 - (d) delete a fully qualified domain name and take any steps necessary to facilitate the registration of that domain name by the public designated enforcer that applied for the order.
- (3) Where an online interface order is made, the public designated enforcer that applied for the order may publish—
 - (a) the order, and
 - (b) where known, the identity of the person who has engaged, is engaging or is likely to engage in a commercial practice which constitutes the relevant infringement.
- (4) Publication under [subsection \(3\)](#) is to be made in such form and manner as the enforcer considers appropriate for the purpose of eliminating any continuing effects of the relevant infringement.
- (5) In [subsection \(2\)](#) “online interface” means any software, including a website, part of a website, an application or other digital content which—
 - (a) is operated by a person (“P”) acting for purposes relating to P’s business or by a person acting in the name of, or on behalf of, P, and
 - (b) is operated for or in connection with the purposes of giving access to, or promoting, goods, services or digital content that P or another person supplies.

Commencement Information

I161 S. 161 not in force at Royal Assent, see [s. 339\(1\)](#)

162 Interim online interface orders **U.K.**

- (1) The court may make an interim online interface order against a person (“the respondent”) on an application under [section 160](#) if—
 - (a) it is alleged that there has been or is likely to be a relevant infringement,
 - (b) it appears to the court that if the application had been an application for an online interface order it would be likely to be granted, and

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (c) the court considers it expedient to bring about the cessation or prohibition of the infringement immediately.
- (2) If no notice of the application has been given to the respondent—
 - (a) the application must state why no notice has been given, and
 - (b) the court may make the order only if it considers it appropriate for the order to be made without notice.
- (3) An interim online interface order is an order that directs the respondent to do, or to co-operate with another person so that person can do, one or more of the following—
 - (a) remove content from, or modify content on, an online interface;
 - (b) disable or restrict access to an online interface;
 - (c) display a warning to consumers accessing an online interface;
 - (d) delete a fully qualified domain name and take any steps necessary to facilitate the registration of that domain name by the public designated enforcer that applied for the order.

In [this subsection](#) “online interface” has the meaning given by [section 161\(5\)](#).

- (4) An application for an interim online interface order against the respondent may not be made at any time after—
 - (a) an application for an online interface order against the respondent in respect of the same relevant infringement is determined, or
 - (b) an online interface notice in respect of the same relevant infringement has been given to the respondent (see [section 184](#)).
- (5) An application for an interim online interface order must include all information known to the public designated enforcer making the application that is material to the question of whether or not the application is granted.
- (6) The court may vary or discharge an interim online interface order on the application of the enforcer that applied for the order or the respondent.
- (7) An interim online interface order against the respondent is discharged on the determination of—
 - (a) an application for an online interface order made against the respondent in respect of the same relevant infringement, or
 - (b) an online interface notice in respect of the same relevant infringement has been given to the respondent.

Commencement Information

1162 S. 162 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

Undertakings and further proceedings

163 Acceptance of undertakings by enforcers **U.K.**

- (1) **This section** applies where an enforcer could make an application under **section 153** for an enforcement order, or an interim enforcement order, against a person (“the respondent”) whom the enforcer believes—
 - (a) has engaged, is engaging or is likely to engage in a commercial practice which constitutes a relevant infringement (“the infringing practice”), or
 - (b) is an accessory to the infringing practice.
- (2) The enforcer may accept an undertaking from the respondent to do one or more of the following—
 - (a) in the case of a respondent within **subsection (1)(a)**, not to continue or repeat the infringing practice (where it is alleged that the respondent has engaged or is engaging in that practice);
 - (b) in the case of a respondent within **subsection (1)(b)**, not to consent to or connive in the infringing practice;
 - (c) in either case, not to engage in the infringing practice in the course of the respondent’s business or another business;
 - (d) in either case, not to consent to or connive in the carrying out of the infringing practice by a body corporate with which the respondent has a special relationship (see **section 220**).
- (3) See also **section 164** about the inclusion of enhanced consumer measures in an undertaking under **this section**.
- (4) Where the enforcer accepts an undertaking under **subsection (2)** the enforcer may publish the undertaking or accept a further undertaking from the respondent to do so.
- (5) Publication under **subsection (4)**—
 - (a) must be made in such form and manner, and to such an extent, as the enforcer considers appropriate for the purpose of eliminating any continuing effects of the infringing practice;
 - (b) is not an enhanced consumer measure for the purposes of **this Chapter**.
- (6) Where an enforcer has accepted from the respondent an undertaking under this section—
 - (a) the enforcer may accept from the respondent any such variation of the undertaking that the enforcer considers appropriate for meeting the purposes for which the undertaking was given;
 - (b) the enforcer may release the respondent from the undertaking (whether on its own initiative or at the respondent’s request) if the enforcer considers that the undertaking is no longer necessary to meet those purposes.
- (7) Each enforcer must keep a record of—
 - (a) undertakings it has accepted under this section, and
 - (b) reviews it has carried out into the effectiveness of such undertakings.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
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- (8) In determining for the purposes of subsection (1) whether an enforcer could make an application under [section 153](#), [section 169](#) is to be ignored.

Commencement Information

I163 S. 163 not in force at Royal Assent, see [s. 339\(1\)](#)

164 Undertakings under [section 163](#): enhanced consumer measures **U.K.**

- (1) An undertaking under [section 163\(2\)](#) may include a requirement to take such enhanced consumer measures as the enforcer accepting the undertaking considers just and reasonable.
- (2) For this purpose, the enforcer must in particular consider whether any proposed enhanced consumer measures are proportionate having regard to—
- the likely benefit of the measures to consumers,
 - the costs likely to be incurred by the respondent, and
 - the likely cost to consumers of obtaining the benefit of the measures.
- (3) The costs referred to in [subsection \(2\)\(b\)](#) are—
- the cost of the measures, and
 - the reasonable administrative costs associated with taking the measures.
- (4) Where the respondent is required by an undertaking to take enhanced consumer measures, the undertaking may include requirements for the respondent to provide information or documents to the enforcer accepting the undertaking in order that the enforcer may determine if the respondent is taking those measures.
- (5) [Subsection \(6\)](#) applies if—
- an undertaking under [section 163\(2\)](#) includes enhanced consumer measures offering compensation, and
 - a settlement agreement is entered into in connection with the payment of compensation.
- (6) A waiver of a person's rights in the settlement agreement is not valid if it is a waiver of the right to bring civil proceedings in respect of conduct other than conduct which has given rise to the undertaking.
- (7) [This section](#) is subject to [section 177](#) (private designated enforcers).

Commencement Information

I164 S. 164 not in force at Royal Assent, see [s. 339\(1\)](#)

165 Undertakings under [section 163](#): procedural requirements **U.K.**

- (1) [This section](#) applies where an enforcer proposes to—
- accept a material variation of an undertaking under [section 163](#), or
 - release the respondent from any such undertaking,
- and the proposed variation or release has not been requested by the respondent.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) Before taking the proposed action mentioned in [subsection \(1\)](#) the enforcer must—
 - (a) give notice to the respondent under [subsection \(3\)](#), and
 - (b) consider any representations made in accordance with the notice.
- (3) A notice under [this subsection](#) must state—
 - (a) the fact that the enforcer is proposing to act as mentioned in [subsection \(1\)](#),
 - (b) the reasons for doing so, and
 - (c) the means by which, and the time by which, representations may be made in relation to the proposed action.
- (4) If after considering any representations made in accordance with a notice under [subsection \(3\)](#) an enforcer decides to take an action mentioned in [subsection \(1\)](#), the enforcer must give notice to the respondent of that decision.
- (5) The reference in [subsection \(1\)\(a\)](#) to a material variation is a reference to any variation that the enforcer considers to be material in any respect.

Commencement Information

I165 S. 165 not in force at Royal Assent, see [s. 339\(1\)](#)

166 Consumer protection orders or undertakings to court: further proceedings **U.K.**

- (1) [This section](#) applies if the court—
 - (a) makes a consumer protection order against a person (“the respondent”) on an application made by an enforcer (“the original application”), or
 - (b) accepts an undertaking from the respondent under [section 156](#) or [159](#) on the making of the original application.
- (2) References in this Part to a “consumer protection order” are references to—
 - (a) an enforcement order,
 - (b) an interim enforcement order,
 - (c) an online interface order, or
 - (d) an interim online interface order.
- (3) An application may (subject to [subsection \(7\)](#)) be made to the same court to which the original application was made in respect of a failure to comply with the order or undertaking in question—
 - (a) by the enforcer that made the original application, or
 - (b) by any other enforcer other than a private designated enforcer.
- (4) An application to the court in respect of a failure to comply with an undertaking may include an application for a consumer protection order of any kind that the enforcer concerned is authorised under this Chapter to apply for.
- (5) If on an application under [this section](#) the court finds that an undertaking is not being complied with, the court may do either or both of the following—
 - (a) make a consumer protection order (instead of making any other order it has power to make);
 - (b) make an order requiring the respondent to pay a monetary penalty.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (6) Where an application is made under [subsection \(4\)](#) for a consumer protection order—
- (a) sections [154](#) and [160\(5\)](#) (directions by CMA) and section [155](#) (consultation) do not apply;
 - (b) the application may be made only in respect of a commercial practice that the enforcer considers a person has engaged or is engaging in (and not in respect of a practice that a person is likely to engage in);
 - (c) a power of the court to accept an undertaking instead of making a consumer protection order does not apply,
- and the preceding provisions of [this Chapter](#) apply subject to [this subsection](#).
- (7) An application may not be made under [subsection \(3\)](#) in the case of a failure to comply with an order or undertaking which consists only of a failure to provide information or documents required by the order or undertaking under [section 157\(4\)](#).
- (8) 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 [subsection \(5\)\(b\)](#) may appeal in respect of—
- (a) the decision to impose the penalty, or
 - (b) the nature or amount of the penalty.
- (9) In connection with orders under [subsection \(5\)\(b\)](#), see further—
- (a) [section 168](#), which provides for the amount of penalties, and
 - (b) [section 203](#), which provides for information to accompany such orders.

Commencement Information

1166 S. 166 not in force at Royal Assent, see [s. 339\(1\)](#)

167 Undertakings to public designated enforcers: further proceedings **U.K.**

- (1) [This section](#) applies where a public designated enforcer accepts an undertaking from a person (“the respondent”) under [section 163](#).
- (2) The enforcer may apply to the court in respect of a failure to comply with the undertaking.
- (3) An application under [subsection \(2\)](#) may include an application for a consumer protection order of any kind that the enforcer concerned is authorised under this Chapter to apply for.
- (4) If the court finds that the undertaking is not being complied with, the court may do either or both of the following—
 - (a) make a consumer protection order (instead of making any other order it has power to make);
 - (b) make an order requiring the respondent to pay a monetary penalty.
- (5) A requirement under [subsection \(4\)\(b\)](#) to pay a monetary penalty may be imposed only if the court is satisfied that the respondent’s failure in question is without reasonable excuse.
- (6) Where an application is made under [subsection \(2\)](#) for a consumer protection order—
 - (a) sections [154](#) and [160\(5\)](#) (directions by CMA) and section [155](#) (consultation) do not apply;

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) the application may be made only in respect of a commercial practice that the enforcer considers a person has engaged or is engaging in (and not in respect of a practice that a person is likely to engage in);
 - (c) a power of the court to accept an undertaking instead of making a consumer protection order does not apply,
- and the preceding provisions of [this Chapter](#) apply subject to [this subsection](#).
- (7) An application may not be made under [subsection \(2\)](#) in the case of a failure to comply with an undertaking which consists only of a failure to provide information or documents under [section 164\(4\)](#).
- (8) 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 [subsection \(4\)\(b\)](#) may appeal in respect of—
- (a) the decision to impose the penalty, or
 - (b) the nature or amount of the penalty.
- (9) In connection with orders under [subsection \(4\)\(b\)](#), see further—
- (a) [section 168](#), which provides for the amount of penalties, and
 - (b) [section 203](#), which provides for information to accompany such orders.

Commencement Information

I167 S. 167 not in force at Royal Assent, see [s. 339\(1\)](#)

168 Monetary penalties under [sections 166](#) and [167](#): amount **U.K.**

- (1) [This section](#) applies in relation to a monetary penalty imposed on a person (“the respondent”) by an order made under [section 166](#) or [167](#).
- (2) 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.
- (3) The penalty must not exceed—
- (a) in the case of a fixed amount, £150,000 or, if higher, 5% 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, for each day £15,000 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.
- (4) In imposing a penalty by reference to a daily rate—
- (a) no account is to be taken of any days before notice of the application under [section 166\(3\)](#) or [167\(2\)](#) was given to the respondent, and
 - (b) unless the court determines an earlier date, the amount payable ceases to accumulate on the day on which the requirements of the undertaking that the respondent has failed to comply with are complied with.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I168 S. 168 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Notification of CMA

169 Notification requirements: applications **U.K.**

- (1) [This section](#) applies to an enforcer that is not the CMA.
- (2) Before making an application for a consumer protection order the enforcer—
 - (a) must by notice inform the CMA of its intention to do so, and
 - (b) may only proceed to make the application after expiry of the minimum period or, if sooner, after the CMA has by notice informed the enforcer that it consents to the making of the application.
- (3) The “minimum period” is—
 - (a) in the case of an enforcement order or an online interface order, 14 days beginning with the day on which the notice under [subsection \(2\)\(a\)](#) is given;
 - (b) in the case of an interim enforcement order or an interim online interface order, 7 days beginning with the day on which the notice under [subsection \(2\)\(a\)](#) is given.
- (4) Where an enforcer proceeds to make an application for a consumer protection order, the enforcer must by notice inform the CMA of the result of the application.
- (5) [Subsection \(6\)](#) applies where the enforcer makes an application under [section 166](#) in respect of a failure to comply with—
 - (a) a consumer protection order, or
 - (b) an undertaking given under [section 156](#) or [159](#).
- (6) The enforcer must by notice inform the CMA of the making of the application and of any order made by the court on the application.

Commencement Information

I169 S. 169 not in force at Royal Assent, see [s. 339\(1\)](#)

170 Notification requirements: undertakings **U.K.**

- (1) [This section](#) applies to an enforcer that is not the CMA which accepts an undertaking under [section 163](#).
- (2) The enforcer must by notice inform the CMA of—
 - (a) the terms of the undertaking, and
 - (b) the identity of the person who gave it.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I170 S. 170 not in force at Royal Assent, see [s. 339\(1\)](#)

171 Notification requirements: proceedings **U.K.**

- (1) [This section](#) applies where a local weights and measures authority in England and Wales intends to start proceedings for an offence under an enactment listed in Part 1 of [Schedule 15](#).
- (2) Before starting the proceedings the authority—
 - (a) must by notice inform the CMA of its intention to do so, and
 - (b) may only start the proceedings on or after the relevant day.
- (3) The “relevant day” is—
 - (a) the day on which the CMA notifies the authority that the CMA has received the authority’s notice given under [subsection \(2\)\(a\)](#), or
 - (b) if sooner, the day beginning 14 days after the day on which that notice was given.
- (4) Where the authority starts the proceedings, the authority must by notice inform the CMA of outcome of the proceedings.
- (5) A failure of an authority to comply with a requirement under this section does not invalidate any proceedings started by the authority.

Commencement Information

I171 S. 171 not in force at Royal Assent, see [s. 339\(1\)](#)

172 Notification requirements: convictions and judgments **U.K.**

- (1) [This section](#) applies where—
 - (a) a person is convicted of an offence by or before a court in the United Kingdom, or
 - (b) a judgment is given against a person by a court in civil proceedings in the United Kingdom.
- (2) The court may make arrangements to bring the conviction or judgment to the attention of the CMA if it appears to the court—
 - (a) having regard to the functions of the CMA under this Chapter or Chapter 4, that it is expedient for the conviction or judgment to be brought to the attention of the CMA, and
 - (b) without such arrangements the conviction or judgment may not be brought to the attention of the CMA.
- (3) For the purposes of [subsection \(2\)](#) it is immaterial whether the proceedings have been finally disposed of by the court.
- (4) Judgment includes an order or decree (and references to the giving of a judgment are to be construed accordingly).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I172 S. 172 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Jurisdiction etc

173 **Appropriate court** **U.K.**

- (1) This section applies for the purposes of determining the appropriate court in relation to an application for, or the making of, a consumer protection order against a person (“the respondent”) in connection with a relevant infringement.
- (2) If the respondent has a place of business in, or carries on business in, a part of the United Kingdom, the appropriate court is—
 - (a) the High Court or the county court in England and Wales, if the respondent carries on business in England and Wales or has a place of business in England and Wales;
 - (b) the High Court or a county court in Northern Ireland, if the respondent carries on business in Northern Ireland or has a place of business in Northern Ireland;
 - (c) the Court of Session or the sheriff, if the respondent carries on business in Scotland or has a place of business in Scotland.
- (3) If the respondent does not have a place of business in, and does not carry on business in, any part of the United Kingdom, the appropriate court is—
 - (a) the High Court or the county court in England and Wales, if a relevant consumer is domiciled in England or Wales;
 - (b) the High Court or a county court in Northern Ireland, if a relevant consumer is domiciled in Northern Ireland;
 - (c) the Court of Session or the sheriff, if a relevant consumer is domiciled in Scotland.
- (4) References in subsection (3) to a “relevant consumer” are to any consumer—
 - (a) to or for whom goods, services or digital content are supplied in connection with which the relevant infringement has, or is alleged to have, taken place,
 - (b) to whom activities are directed the carrying out of which constitutes, or is alleged to constitute, the relevant infringement, or
 - (c) from whom goods are received in connection with which the relevant infringement has, or is alleged to have, taken place.
- (5) Section 41 of the Civil Jurisdiction and Judgments Act 1982 applies for the purposes of determining the part of the United Kingdom in which a relevant consumer is domiciled.

Commencement Information

I173 S. 173 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

174 Effect of orders in other parts of the United Kingdom **U.K.**

A consumer protection order made in a part of the United Kingdom by a court specified in relation to that part in the second or third column of the Table has effect in another part of the United Kingdom as if made by a court specified in relation to that other part in the same column of the Table—

England and Wales	The High Court	The county court
Scotland	The Court of Session	The sheriff
Northern Ireland	The High Court	A county court.

Commencement Information

I174 S. 174 not in force at Royal Assent, see [s. 339\(1\)](#)

175 Evidence **U.K.**

- (1) Proceedings under [this Chapter](#) are civil proceedings for the purposes of—
 - (a) section 11 of the Civil Evidence Act 1968 (convictions admissible as evidence in civil proceedings);
 - (b) section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (corresponding provision in Scotland);
 - (c) section 7 of the Civil Evidence Act (Northern Ireland) 1971 ([c.36 \(N.I.\)](#)) (corresponding provision in Northern Ireland).
- (2) In proceedings under [this Chapter](#) any finding by a court in civil proceedings that a person has engaged in infringing conduct—
 - (a) is admissible as evidence that the conduct has occurred;
 - (b) unless the contrary is proved, is sufficient evidence that the conduct has occurred.
- (3) But [subsection \(2\)](#) does not apply to any finding—
 - (a) which has been reversed on appeal;
 - (b) which has been varied on appeal so as to negate it.
- (4) For the purposes of [subsection \(2\)](#), a person engages in “infringing conduct” if—
 - (a) the person has engaged in a commercial practice that constitutes a relevant infringement, or
 - (b) the person is an accessory to such a practice.

Commencement Information

I175 S. 175 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Miscellaneous

PROSPECTIVE

176 Interconnected bodies corporate **U.K.**

- (1) **This section** applies if—
 - (a) a court makes a consumer protection order against a body corporate (“the respondent”), and
 - (b) the interconnection condition applies in relation to the respondent.
- (2) The interconnection condition applies in relation to the respondent if—
 - (a) at the time the order is made the respondent is a member of a group of interconnected bodies corporate,
 - (b) at any time when the order is in force the respondent becomes a member of a group of interconnected bodies corporate, or
 - (c) at any time when the order is in force a group of interconnected bodies corporate of which the respondent is a member is increased by the addition of one or more further members.
- (3) The order may include provision for the requirements (or any particular requirements) imposed by the order to be binding upon all other members of the group (in addition to the respondent) as if each of them were the respondent.
- (4) Provision may be included in an order under **subsection (3)** only if the court considers it just, reasonable and proportionate to include that provision.
- (5) A group of interconnected bodies corporate is a group consisting of two or more bodies corporate all of whom are interconnected with each other.
- (6) Any two bodies corporate are interconnected—
 - (a) if one of them is a subsidiary of the other, or
 - (b) if both of them are subsidiaries of the same body corporate.
- (7) Where an order includes provision under **subsection (3)**, a copy of the order must be given to any other member of the respondent’s group in relation to which the requirements imposed by the order are to be binding.

Commencement Information

1176 S. 176 not in force at Royal Assent, see **s. 339(1)**

177 Enhanced consumer measures: private designated enforcers **U.K.**

- (1) **This section** applies where—
 - (a) an enforcement order is made on the application of a private designated enforcer,
 - (b) an undertaking is given under **section 156** on an application for an enforcement order made by a private designated enforcer, or
 - (c) an undertaking is given under **section 163** to a private designated enforcer.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) The enforcement order or undertaking may include a requirement for the taking of any enhanced consumer measures only if both of the following conditions are met.
- (3) The first condition is that the private designated enforcer is specified for the purposes of [this section](#) in regulations made by the Secretary of State.
- (4) The second condition is that the enhanced consumer measures do not directly benefit the private designated enforcer or an associated undertaking.
- (5) Enhanced consumer measures directly benefiting an enforcer or an associated undertaking include (for example) measures which—
 - (a) require a person to pay money to the enforcer or an associated undertaking;
 - (b) require a person to participate in a scheme, administered by the enforcer or associated undertaking, that is designed to recommend persons supplying goods, services or digital content to consumers;
 - (c) would give the enforcer or associated undertaking a commercial advantage over any of its competitors.
- (6) An enforcer may be specified in regulations under [subsection \(3\)](#) only if—
 - (a) the functions of the enforcer under [this Chapter](#) have been specified under section 24 of the Legislative and Regulatory Reform Act 2006 (functions to which principles under section 21 and code of practice under section 22 apply), so far as capable of being so specified, and
 - (b) the Secretary of State is satisfied that to do so is likely to—
 - (i) improve the availability to consumers of redress for relevant infringements,
 - (ii) improve the availability to consumers of information which enables them to choose more effectively between persons supplying goods, services or digital content, or
 - (iii) improve compliance with consumer law.
- (7) [Subsection \(8\)](#) applies if—
 - (a) an enforcer exercises a function in relation to a person by virtue of [this section](#),
 - (b) the function is a relevant function for the purposes of Part 2 of the Regulatory Enforcement and Sanctions Act 2008 (co-ordination of regulatory enforcement), and
 - (c) a primary authority (within the meaning of that Part) has given advice or guidance under section 24A(1) or (2) of that Act—
 - (i) to that person in relation to the function, or
 - (ii) to other local authorities (within the meaning of that Part) with that function as to how they should exercise it in relation to that person.
- (8) The enforcer must have regard to the advice or guidance in exercising the function in relation to that person.
- (9) Regulations under this section are subject to the negative procedure.
- (10) In [this section](#) “associated undertaking”, in relation to a private designated enforcer, means—
 - (a) a parent undertaking or subsidiary undertaking of the enforcer, or
 - (b) a subsidiary undertaking of a parent undertaking of the enforcer,

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and for this purpose “parent undertaking” and “subsidiary undertaking” have the meanings given by section 1162 of the Companies Act 2006.

Commencement Information

I177 S. 177 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

178 Substantiation of claims **U.K.**

- (1) [This section](#) applies where an application for a consumer protection order is made to a court in respect of a relevant infringement involving a contravention of [Chapter 1](#) of [Part 4](#) (protection from unfair trading).
- (2) The court may, for the purpose of considering the application, require a respondent to provide evidence as to the accuracy of any factual claim made as part of a commercial practice of the respondent.
- (3) The court may find that a factual claim of a respondent is inaccurate if—
 - (a) the respondent fails to provide evidence of the accuracy of the claim in response to a requirement imposed under [subsection \(2\)](#), or
 - (b) the court considers that any such evidence that is provided is inadequate.
- (4) In [this section](#) “respondent”, in relation to an application for a consumer protection order, means—
 - (a) where the application is for an enforcement order or an interim enforcement order, the person against whom the order is sought;
 - (b) where the application is for an online interface order or an interim online interface order, the person against whom the order is sought or another person who is a party to the proceedings.

Commencement Information

I178 S. 178 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

179 Crown application **U.K.**

- (1) Subject to [subsection \(2\)](#), this Chapter binds the Crown.
- (2) The Crown is not liable for any monetary penalty imposed by virtue of this Chapter.

Commencement Information

I179 S. 179 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

CHAPTER 4 **U.K.**

DIRECT ENFORCEMENT POWERS OF CMA

Investigations

180 Power of CMA to investigate suspected infringements **U.K.**

- (1) **This section** applies where the CMA has reasonable grounds for suspecting that—
 - (a) a person has engaged, is engaging or is likely to engage in a commercial practice that constitutes a relevant infringement, or
 - (b) a person is an accessory to such a practice.
- (2) The CMA may conduct an investigation into the matter.
- (3) Where the CMA conducts an investigation, it may publish a notice which (among other things) may—
 - (a) state its decision to conduct the investigation,
 - (b) summarise the matter under investigation (including the industry sectors affected),
 - (c) identify, so far as possible, the persons under investigation (including whether they are suspected of falling within **subsection (1)(a)** or **(b)**), and
 - (d) indicate the timetable for the conduct of the investigation.
- (4) If after giving a notice under **subsection (3)** the CMA decides to close an investigation, the CMA must publish a notice confirming that the investigation is to be closed.

Commencement Information

I180 S. 180 not in force at Royal Assent, see **s. 339(1)**

Infringement notices and penalties

181 Provisional infringement notice **U.K.**

- (1) **This section** applies where—
 - (a) the CMA has started an investigation under **section 180** that is continuing, and
 - (b) the condition in **subsection (2)** is met in respect of any person (“the respondent”) who is subject to the investigation.
- (2) The condition in **this subsection** is met in respect of the respondent if the CMA has reasonable grounds to believe that—
 - (a) the respondent has engaged, is engaging or is likely to engage in a commercial practice constituting a relevant infringement (“the infringing practice”), or
 - (b) the respondent is an accessory to such a practice.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (3) The CMA may give to the respondent a notice under [this section](#) (a “provisional infringement notice”).
- (4) A provisional infringement notice must—
- (a) set out the grounds on which it is given, including the respondent’s acts or omissions giving rise to the CMA’s belief that the condition in [subsection \(2\)](#) is met;
 - (b) set out proposed directions for the purposes of securing that the respondent complies with [subsection \(5\)](#);
 - (c) invite the respondent to make representations to the CMA about the giving of the notice;
 - (d) specify the means by which, and the time by which, such representations must be made.
- (5) The respondent complies with [this subsection](#) by—
- (a) in the case of a respondent within [subsection \(2\)\(a\)](#), not continuing or repeating the infringing practice (where it is believed that the respondent has engaged or is engaging in that practice);
 - (b) in the case of a respondent within [subsection \(2\)\(b\)](#), not consenting to or conniving in the infringing practice;
 - (c) in either case, not engaging in the infringing practice in the course of the respondent’s business or another business;
 - (d) in either case, not consenting to or conniving in the carrying out of the infringing practice by a body corporate with which the respondent has a special relationship (see [section 220](#)).
- (6) If the proposed directions mentioned in [subsection \(4\)\(b\)](#) include the taking by the respondent of enhanced consumer measures, the notice must state that fact and include details of the proposed measures to be taken (but [section 183](#) applies in respect of any such proposed measures specified in a provisional infringement notice as that section applies to such measures specified in a final infringement notice).
- (7) The means specified under [subsection \(4\)\(d\)](#) for making representations must include arrangements for them to be made orally if the respondent chooses to make representations in that way.
- (8) If the CMA is considering the imposition of a monetary penalty on the respondent (see [section 182\(4\)\(b\)](#)), the provisional infringement notice must also state—
- (a) that the CMA is considering imposing a monetary penalty;
 - (b) the proposed amount of the penalty;
 - (c) any further factors (in addition to those provided under [subsection \(4\)\(a\)](#)) which the CMA considers may justify the imposition of the proposed penalty and its amount.

Commencement Information

1181 S. 181 not in force at Royal Assent, see [s. 339\(1\)](#)

182 Final infringement notice **U.K.**

- (1) [This section](#) applies where—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) the CMA has given to the respondent a provisional infringement notice under [section 181](#),
 - (b) the time for the respondent to make representations to the CMA in accordance with that notice has expired, and
 - (c) after considering such representations (if any), the CMA is satisfied that—
 - (i) the respondent has engaged, is engaging or is likely to engage in a commercial practice constituting a relevant infringement, or
 - (ii) the respondent is an accessory to such a practice.
- (2) The CMA may give to the respondent a notice under [this section](#) (a “final infringement notice”).
- (3) In deciding whether to give a final infringement notice the CMA must, in particular, have regard to whether the respondent has previously given an undertaking under [this Chapter](#) or [Chapter 3](#) in respect of the acts or omissions in relation to which the final infringement notice would be given.
- (4) A final infringement notice may impose on the respondent a requirement to do either or both of the following—
 - (a) a requirement to comply with such directions as the CMA considers appropriate for or in connection with the purpose of securing that the respondent complies with [section 181\(5\)](#) (which may include directions to take enhanced consumer measures in accordance with [section 183](#));
 - (b) subject to [subsection \(5\)](#), a requirement to pay a monetary penalty.
- (5) In the case of a respondent within [subsection \(1\)\(c\)\(i\)](#), a requirement to pay a monetary penalty may be imposed only if the CMA is satisfied that the respondent has engaged, or is engaging, in a commercial practice constituting a relevant infringement (and not in respect of a practice that the CMA is satisfied that the person is likely to engage in).
- (6) The amount of a monetary penalty imposed under [subsection \(4\)\(b\)](#) must be a fixed amount not exceeding £300,000 or, if higher, 10% of the total value of the turnover (if any) of the respondent.
- (7) A final infringement notice must—
 - (a) set out the grounds on which it is given, including the respondent’s acts or omissions on account of which the notice is given;
 - (b) state any further factors (in addition to those provided under [paragraph \(a\)](#)) which the CMA considers justify the giving of the notice;
 - (c) if a penalty is imposed by the notice under [subsection \(4\)\(b\)](#), contain the monetary penalty information (see [section 203](#));
 - (d) state that the respondent has a right to appeal against the notice and the main details of that right (so far as not stated in accordance with [paragraph \(c\)](#)).
- (8) A final infringement notice may require the respondent to publish—
 - (a) the notice;
 - (b) a corrective statement.
- (9) Publication under [subsection \(8\)](#) must be made in such form and manner, and to such extent, as the CMA considers appropriate for the purpose of eliminating any continuing effects of the relevant infringement.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

1182 S. 182 not in force at Royal Assent, see [s. 339\(1\)](#)

183 Final infringement notice: directions to take enhanced consumer measures **U.K.**

- (1) Directions contained in a final infringement notice may include directions requiring the respondent to take such enhanced consumer measures as the CMA considers just and reasonable.
- (2) For this purpose, in deciding whether to require the taking of enhanced consumer measures the CMA must in particular consider whether any proposed enhanced consumer measures are proportionate having regard to—
 - (a) the likely benefit of the measures to consumers,
 - (b) the costs likely to be incurred by the respondent, and
 - (c) the likely cost to consumers of obtaining the benefit of the measures.
- (3) The costs referred to in [subsection \(2\)\(b\)](#) are—
 - (a) the cost of the measures, and
 - (b) the reasonable administrative costs associated with taking the measures.
- (4) Where the respondent is required by a final infringement notice to take enhanced consumer measures, the notice may include requirements for the respondent to provide information or documents to the CMA in order that the CMA may determine if the respondent is taking those measures.
- (5) [Subsection \(6\)](#) applies if—
 - (a) a final infringement notice requires the taking of enhanced consumer measures offering compensation, and
 - (b) a settlement agreement is entered into in connection with the payment of compensation.
- (6) A waiver of a person’s rights in the settlement agreement is not valid if it is a waiver of the right to bring civil proceedings in respect of conduct other than conduct which has given rise to the final infringement notice.

Commencement Information

1183 S. 183 not in force at Royal Assent, see [s. 339\(1\)](#)

Online interface notices

184 Online interface notices **U.K.**

- (1) [This section](#) applies where the CMA is satisfied that a person has engaged, is engaging or is likely to engage in a commercial practice that constitutes a relevant infringement.
- (2) The CMA may give a notice under [this section](#) (an “online interface notice”) to—
 - (a) the person that the CMA is satisfied has engaged, is engaging or is likely to engage in the commercial practice constituting the relevant infringement, or

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) any other person (subject to [subsection \(3\)](#)).
- (3) A notice under [subsection \(2\)\(b\)](#) may be given to a person who is outside the United Kingdom only if the person—
- (a) is a United Kingdom national,
 - (b) is an individual who is habitually resident in the United Kingdom,
 - (c) is a firm established in the United Kingdom, or
 - (d) carries on business in the United Kingdom or by any means directs activities in the course of carrying on a business to consumers in the United Kingdom.
- (4) An online interface notice may contain whatever directions the CMA considers appropriate for the purpose of requiring the person to whom it is given to do, or to co-operate with another person so that person can do, one or more of the following—
- (a) remove content from, or modify content on, an online interface;
 - (b) disable or restrict access to an online interface;
 - (c) display a warning to consumers accessing an online interface;
 - (d) delete a fully qualified domain name and take any steps necessary to facilitate the registration of that domain name by the CMA.
- (5) An online interface notice may be given to a person only if the CMA is satisfied that—
- (a) there are no other available means under [section 162](#) or under another provision of [this Chapter](#) of bringing about the cessation or prohibition of the infringement which, by themselves, would be wholly effective, and
 - (b) it is necessary for the directions contained in the notice to be given to avoid the risk of serious harm to the collective interests of consumers.
- (6) An online interface notice must—
- (a) set out the grounds on which it is given;
 - (b) state that the respondent has the right to appeal against the notice and the main details of that right.
- (7) Where an online interface notice is given, the CMA may publish—
- (a) the notice, and
 - (b) where known, the identity of the person who has engaged, is engaging or is likely to engage in a commercial practice which constitutes the relevant infringement.
- (8) Publication under [subsection \(7\)](#) must be made in such form and manner as the CMA considers appropriate for the purpose of eliminating any continuing effects of the relevant infringement.
- (9) For the purposes of [subsection \(3\)\(c\)](#), a firm is “established in the United Kingdom” if—
- (a) it is incorporated or formed under the law of a part of the United Kingdom, or
 - (b) it is administered under arrangements governed by the law of a part of the United Kingdom.
- (10) In [subsection \(4\)](#) “online interface” means any software, including a website, part of a website, an application or other digital content which—
- (a) is operated by a person (“P”) acting for purposes relating to P’s business or by a person acting in the name of, or on behalf of, P, and

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- (b) is operated for or in connection with the purposes of giving access to, or promoting, the goods, services or digital content that P or another person supplies.

Commencement Information

I184 S. 184 not in force at Royal Assent, see [s. 339\(1\)](#)

Undertakings

185 Undertakings **U.K.**

- (1) [This section](#) applies where the CMA—
- has started an investigation under [section 180](#) which is continuing, and
 - has not given a final infringement notice or an online interface notice in relation to the matter under investigation.
- (2) The CMA may accept an undertaking under [this section](#) in connection with that matter from any person whom the CMA believes—
- has engaged, is engaging or is likely to engage in a commercial practice that constitutes a relevant infringement (“the infringing practice”), or
 - is an accessory to such a practice.
- (3) Subsections (1) to (6) of [section 164](#) (inclusion of enhanced consumer measures in undertakings) apply to an undertaking under this section as they apply to an undertaking under [section 163\(2\)](#).
- (4) An undertaking under [this section](#) is an undertaking to do one or more of the following—
- in the case of an undertaking from a person within [subsection \(2\)\(a\)](#), not to continue or repeat the infringing practice (where the CMA believes the person has engaged or is engaging in the practice);
 - in the case of an undertaking from a person within [subsection \(2\)\(b\)](#), not to consent to or connive in the infringing practice;
 - in either case, not to engage in the infringing practice in the course of the person’s business or another business;
 - in either case, not to consent to, or connive in, the carrying out of the infringing practice by a body corporate with which the person has a special relationship (see [section 220](#)).
- (5) Where the CMA has accepted from a person an undertaking under [this section](#)—
- the CMA may accept from the person any such variation of the undertaking that the CMA considers appropriate for meeting the purposes for which the undertaking was given;
 - the CMA may release the person from the undertaking (whether on its own initiative or at the person’s request) if the CMA considers that the undertaking is no longer necessary to further those purposes.
- (6) The powers of the CMA under [this section](#) do not limit other powers of the CMA to accept, vary or release undertakings under [Chapter 3](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I185 S. 185 not in force at Royal Assent, see [s. 339\(1\)](#)

186 Effect of undertakings under [section 185](#) **U.K.**

- (1) [This section](#) applies where the CMA accepts an undertaking from a person under [section 185](#) in connection with a matter that it was investigating under [section 180](#).
- (2) The CMA may not give a final infringement notice or an online interface notice to the person in relation to the matter.
- (3) Subsection (2) does not prevent the CMA from giving a final infringement notice or an online interface notice to the person—
 - (a) if and to the extent that the notice relates to anything not addressed by the acceptance of the undertaking mentioned in [subsection \(1\)](#);
 - (b) if the CMA considers that there has been a material change of circumstances since the undertaking was accepted;
 - (c) if the CMA has reasonable grounds for suspecting that a person from whom the undertaking was accepted has failed to adhere to one or more of the terms of the undertaking;
 - (d) if the CMA has reasonable grounds for suspecting that information which led it to accept the undertaking was incomplete, false or misleading in a material way.
- (4) If the CMA gives a final infringement notice or an online interface notice by virtue of [subsection \(3\)\(b\)](#), [\(c\)](#) or [\(d\)](#), the undertaking is to be treated as released as from the date on which the notice is given.

Commencement Information

I186 S. 186 not in force at Royal Assent, see [s. 339\(1\)](#)

187 Undertakings under [section 185](#): procedural requirements **U.K.**

- (1) [This section](#) applies where the CMA proposes to—
 - (a) accept a material variation of an undertaking under [section 185](#), or
 - (b) release a person from any such undertaking,
 and the proposed variation or release has not been requested by the person who gave the undertaking.
- (2) Before taking the proposed action mentioned in [subsection \(1\)](#) the CMA must—
 - (a) give notice to the person under [subsection \(3\)](#), and
 - (b) consider any representations made in accordance with the notice.
- (3) A notice under [this subsection](#) must state—
 - (a) the fact that the CMA is proposing to act as mentioned in [subsection \(1\)](#),
 - (b) the reasons for doing so, and

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- (c) the means by which, and the time by which, representations may be made in relation to the proposed action.
- (4) If after considering any representations made in accordance with a notice under [subsection \(3\)](#) the CMA decides to take an action mentioned in [subsection \(1\)](#), the CMA must give notice to the person of that decision.
- (5) The reference in [subsection \(1\)\(a\)](#) to a material variation is a reference to any variation that the CMA considers to be material in any respect.

Commencement Information

1187 S. 187 not in force at Royal Assent, see [s. 339\(1\)](#)

188 Provisional breach of undertakings enforcement notice **U.K.**

- (1) [This section](#) applies where—
 - (a) the CMA has accepted an undertaking from a person (“the respondent”) under [section 185](#), and
 - (b) the CMA has reasonable grounds to believe that the respondent has failed to comply with one or more of the terms of the undertaking.
- (2) The CMA may give to the respondent a notice under [this section](#) (a “provisional breach of undertakings enforcement notice”).
- (3) A provisional breach of undertakings enforcement notice must—
 - (a) set out the grounds on which it is given, including the respondent’s alleged acts or omissions giving rise to the belief mentioned in [subsection \(1\)\(b\)](#);
 - (b) set out proposed directions for the purpose of securing that the respondent complies with [subsection \(5\)](#);
 - (c) invite the respondent to make representations to the CMA about the giving of the notice;
 - (d) specify the means by which, and the time by which, such representations must be made.
- (4) The means specified under [subsection \(3\)\(d\)](#) for making representations must include arrangements for them to be made orally if the respondent chooses to make representations in that way.
- (5) The respondent complies with [this subsection](#) by—
 - (a) in the case of a respondent within [section 185\(2\)\(a\)](#), not continuing or repeating the infringing practice (where it is believed that the respondent has engaged or is engaging in that practice);
 - (b) in the case of a respondent within [section 185\(2\)\(b\)](#), not consenting to or conniving in the infringing practice;
 - (c) in either case, not engaging in the infringing practice in the course of the respondent’s business or another business;
 - (d) in either case, not consenting to or conniving in the carrying out of the infringing practice by a body corporate with which the respondent has a special relationship (see [section 220](#)).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (6) If the CMA is considering the imposition of a monetary penalty on the respondent (see [section 189\(3\)\(b\)](#)), the provisional breach of undertakings enforcement notice must also state—
- (a) that the CMA is considering imposing a monetary penalty;
 - (b) the proposed amount of the penalty (including whether the penalty would be 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);
 - (c) any further factors (in addition to those provided under [subsection \(3\)\(a\)](#)) which the CMA considers justify the imposition of the proposed penalty and its amount or amounts.

Commencement Information

I188 S. 188 not in force at Royal Assent, see [s. 339\(1\)](#)

189 Final breach of undertakings enforcement notice **U.K.**

- (1) [This section](#) applies where—
- (a) the CMA has given to the respondent a provisional breach of undertakings enforcement notice under [section 188](#),
 - (b) the time for the respondent to make representations to the CMA in accordance with that notice has expired, and
 - (c) after considering such representations (if any), the CMA is satisfied that the respondent has failed to comply with one or more of the terms of the undertaking.
- (2) The CMA may give to the respondent a notice under [this section](#) (a “final breach of undertakings enforcement notice”).
- (3) A final breach of undertakings enforcement notice may, subject to [subsection \(4\)](#), impose on the respondent a requirement to do either or both of the following—
- (a) to comply with such directions as the CMA considers appropriate for the purpose of securing that the respondent complies with [section 188\(5\)](#);
 - (b) to pay a monetary penalty in respect of the failure mentioned in [subsection \(1\)\(c\)](#).
- (4) A requirement under [subsection \(3\)\(b\)](#) to pay a monetary penalty may be imposed only if the CMA is satisfied that the failure in question is without reasonable excuse.
- (5) A final breach of undertakings enforcement notice must—
- (a) set out the grounds on which it is given, including the respondent’s acts or omissions giving rise to the failure mentioned in [subsection \(1\)\(c\)](#);
 - (b) state any further factors (in addition to those provided under [paragraph \(a\)](#)) which the CMA considers justify the giving of the notice;
 - (c) if directions are given under [subsection \(3\)\(a\)](#), specify the actions to be taken by the respondent in accordance with the directions;
 - (d) if a penalty is imposed under [subsection \(3\)\(b\)](#), specify the monetary penalty information (see [section 203](#));
 - (e) state that the respondent has a right to appeal against the notice and the main details of that right (so far as not stated in accordance with [paragraph \(d\)](#)).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (6) The CMA may publish a final breach of undertakings enforcement notice in such manner, and to such extent, as the CMA considers appropriate.

Commencement Information

I189 S. 189 not in force at Royal Assent, see [s. 339\(1\)](#)

190 Monetary penalties under [section 189](#): amount **U.K.**

- (1) [This section](#) applies in relation to a requirement imposed on the respondent to pay a monetary penalty under a final breach of undertakings enforcement notice.
- (2) The amount of the penalty must be—
- a fixed amount,
 - an amount calculated by reference to a daily rate, or
 - a combination of a fixed amount and an amount calculated by reference to a daily rate.
- (3) The penalty must not exceed—
- in the case of a fixed amount, £150,000 or, if higher, 5% of the total value of the turnover (if any) of the respondent;
 - in the case of an amount calculated by reference to a daily rate, for each day £15,000 or, if higher, 5% of the total value of the daily turnover (if any) of the respondent;
 - 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.
- (4) In imposing a penalty by reference to a daily rate—
- no account is to be taken of any days before the date on which the provisional breach of undertakings enforcement notice was given to the respondent, and
 - unless the CMA determines an earlier date, the amount payable ceases to accumulate on the day on which the requirements of the final breach of undertakings enforcement notice are complied with.

Commencement Information

I190 S. 190 not in force at Royal Assent, see [s. 339\(1\)](#)

Directions

191 Provisional breach of directions enforcement notice **U.K.**

- (1) [This section](#) applies where—
- an enforcement direction has been given to a person (“the respondent”), and
 - the CMA has reasonable grounds to believe that the respondent has without reasonable excuse failed to comply with the direction (fully or to any respect).
- (2) The CMA may give to the respondent a notice under [this section](#) (a “provisional breach of directions enforcement notice”).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (3) A provisional breach of directions enforcement notice must—
- (a) set out the grounds on which it is given, including the respondent’s acts or omissions giving rise to the belief mentioned in [subsection \(1\)\(b\)](#);
 - (b) set out proposed directions for the purpose of securing that the respondent complies with the direction;
 - (c) invite the respondent to make representations to the CMA about the giving of the notice;
 - (d) specify the means by which, and the time by which, such representations must be made.
- (4) The means specified under subsection (3)(d) for making representations must include arrangements for them to be made orally if the respondent chooses to make representations in that way.
- (5) A provisional breach of directions enforcement notice must also state—
- (a) that the CMA is considering imposing a monetary penalty;
 - (b) the proposed amount of the penalty (including whether the penalty would be 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);
 - (c) any further factors (in addition to those provided under [subsection \(3\)\(a\)](#)) which the CMA considers justify the imposition of the proposed penalty and its amount or amounts.
- (6) In [this Chapter](#) “enforcement direction” means a direction given in—
- (a) a final infringement notice,
 - (b) an online interface notice, or
 - (c) a final breach of undertakings enforcement notice.

Modifications etc. (not altering text)

- C1** [Ss. 191-196](#) applied (24.5.2024 for specified purposes) by 2015 c. 15, Sch. 5 para. 16C(11) (as inserted by [Digital Markets, Competition and Consumers Act 2024 \(c. 13\)](#), s. 339(2)(c), [Sch. 17 para. 2\(3\)](#) (with [Sch. 19](#)))

Commencement Information

- I191** S. 191 not in force at Royal Assent, see [s. 339\(1\)](#)

192 Final breach of directions enforcement notice **U.K.**

- (1) [This section](#) applies where—
- (a) the CMA has given to the respondent a provisional breach of directions enforcement notice under [section 191](#) in respect of a suspected failure to comply with an enforcement direction,
 - (b) the time for the respondent to make representations to the CMA in accordance with that notice has expired, and
 - (c) after considering such representations (if any), the CMA is satisfied that the respondent has, without reasonable excuse, failed to comply with the direction.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) The CMA may give to the respondent a notice under this section (a “final breach of directions enforcement notice”).
- (3) A final breach of directions enforcement notice is a notice that imposes on the respondent a requirement to pay a monetary penalty.
- (4) A final breach of directions enforcement notice must—
 - (a) set out the grounds on which it is given, including the respondent’s acts or omissions giving rise to the failure mentioned in [subsection \(1\)\(c\)](#);
 - (b) state any further factors (in addition to those provided under [paragraph \(a\)](#)) which the CMA considers justify the giving of the notice;
 - (c) specify the monetary penalty information (see [section 203](#)).
- (5) A final breach of directions enforcement notice may—
 - (a) vary or revoke the enforcement direction mentioned in [subsection \(1\)](#);
 - (b) specify such other directions as the CMA considers appropriate for the purpose of securing that the respondent complies with the requirements in respect of which the enforcement direction was given.
- (6) Where a final breach of directions enforcement notice includes provision under [subsection \(5\)](#) that varies an enforcement direction or specifies other directions, the notice must (in addition to the requirements under [subsection \(4\)](#)) also state that the respondent has a right to appeal against the notice and the main details of that right.
- (7) The CMA may publish a final breach of directions enforcement notice in such manner, and to such extent, as the CMA considers appropriate.

Modifications etc. (not altering text)

- C1** [Ss. 191-196](#) applied (24.5.2024 for specified purposes) by 2015 c. 15, Sch. 5 para. 16C(11) (as inserted by [Digital Markets, Competition and Consumers Act 2024 \(c. 13\)](#), s. 339(2)(c), [Sch. 17 para. 2\(3\)](#) (with [Sch. 19](#)))

Commencement Information

- I192** S. 192 not in force at Royal Assent, see [s. 339\(1\)](#)

193 Monetary penalties under [section 192](#): amount **U.K.**

- (1) [This section](#) applies in relation to a requirement imposed on the respondent to pay a monetary penalty under a final breach of directions enforcement notice.
- (2) 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.
- (3) The penalty imposed on a person must not exceed—
 - (a) in the case of a fixed amount, £150,000 or, if higher, 5% of the total value of the turnover (if any) of the respondent;

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- (b) in the case of an amount calculated by reference to a daily rate, for each day £15,000 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.
- (4) In imposing a penalty by reference to a daily rate—
- (a) no account is to be taken of any days before the date on which the provisional breach of directions enforcement notice was given to the respondent, and
 - (b) unless the CMA determines an earlier date, the amount payable ceases to accumulate on the day on which the relevant directions are fully complied with.
- (5) In [subsection \(4\)\(b\)](#) the “relevant directions” are—
- (a) the enforcement direction mentioned in [section 192\(1\)\(a\)](#) (if not revoked under [section 192\(5\)\(a\)](#));
 - (b) any further directions specified under [section 192\(5\)\(b\)](#).

Modifications etc. (not altering text)

- C1** [Ss. 191-196](#) applied (24.5.2024 for specified purposes) by 2015 c. 15, Sch. 5 para. 16C(11) (as inserted by [Digital Markets, Competition and Consumers Act 2024 \(c. 13\)](#), s. 339(2)(c), [Sch. 17 para. 2\(3\)](#) (with [Sch. 19](#)))

Commencement Information

- I193** S. 193 not in force at Royal Assent, see [s. 339\(1\)](#)

194 Powers of court to enforce directions **U.K.**

- (1) [This section](#) applies where the CMA considers that a person (“the respondent”) has failed to comply with—
- (a) an enforcement direction, or
 - (b) a direction given in a final breach of directions enforcement notice under [section 192\(5\)\(b\)](#).
- (2) The CMA may make an application to the appropriate court under [this section](#).
- (3) If on an application under [subsection \(2\)](#) the court finds that the respondent has failed to comply with the direction concerned, the court may make an order imposing such requirements on the respondent as the court considers appropriate for the purpose of remedying the failure.
- (4) An order under [this section](#) may provide for all of the costs or expenses of, and incidental to, the application for the order to be met by the respondent or any officer of a person that is responsible for the respondent’s failure to comply with the direction.
- (5) Nothing in [this section](#) limits the powers of the court to make orders under [Chapter 3](#) or otherwise (and an application under [this section](#) may be combined with an application under that Chapter for a consumer protection order).
- (6) The following provisions of [Chapter 3](#) apply to an order under [this section](#) as if the order were a consumer protection order—
- (a) [section 173](#) (appropriate court);

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) [section 174](#) (effect of orders in other parts of the United Kingdom);
- (c) [section 178](#) (substantiation of claims).

Modifications etc. (not altering text)

- C1** [Ss. 191-196](#) applied (24.5.2024 for specified purposes) by 2015 c. 15, Sch. 5 para. 16C(11) (as inserted by [Digital Markets, Competition and Consumers Act 2024 \(c. 13\)](#), s. 339(2)(c), [Sch. 17 para. 2\(3\)](#) (with [Sch. 19](#)))

Commencement Information

- I194** S. 194 not in force at Royal Assent, see [s. 339\(1\)](#)

195 Substantiation of claims **U.K.**

- (1) [This section](#) applies where—
 - (a) the CMA gives a provisional notice under [this Chapter](#) to a person (“the respondent”) in respect of a relevant infringement involving a contravention of [Chapter 1](#) of [Part 4](#) (protection from unfair trading), and
 - (b) the respondent makes representations to the CMA in response to that notice.
- (2) The CMA may, for the purpose of considering the representations, require the respondent to provide evidence as to the accuracy of any factual claim made as part of a commercial practice of the respondent.
- (3) The CMA may determine that a factual claim of the respondent is inaccurate if—
 - (a) the respondent fails to provide evidence of the accuracy of the claim in response to a requirement imposed under [subsection \(2\)](#), or
 - (b) the CMA considers that any such evidence that is provided is inadequate.
- (4) In this section “provisional notice” means—
 - (a) a provisional infringement notice,
 - (b) a provisional breach of undertakings enforcement notice, or
 - (c) a provisional breach of directions enforcement notice.

Modifications etc. (not altering text)

- C1** [Ss. 191-196](#) applied (24.5.2024 for specified purposes) by 2015 c. 15, Sch. 5 para. 16C(11) (as inserted by [Digital Markets, Competition and Consumers Act 2024 \(c. 13\)](#), s. 339(2)(c), [Sch. 17 para. 2\(3\)](#) (with [Sch. 19](#)))

Commencement Information

- I195** S. 195 not in force at Royal Assent, see [s. 339\(1\)](#)

196 Variation or revocation of directions **U.K.**

- (1) [This section](#) applies where the CMA proposes to—
 - (a) make a material variation of an enforcement direction given to a person (“the respondent”), or
 - (b) revoke any such direction.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) Before taking the proposed action mentioned in [subsection \(1\)](#) the CMA must—
 - (a) give notice to the respondent under [subsection \(3\)](#), and
 - (b) consider any representations made in accordance with the notice.
- (3) A notice under [this subsection](#) must state—
 - (a) the fact that CMA is proposing to act as mentioned in [subsection \(1\)](#),
 - (b) the reasons for doing so, and
 - (c) the means by which, and the time by which, representations may be made in relation to the proposed variation or revocation.
- (4) If after considering any representations made in accordance with a notice under [subsection \(3\)](#) the CMA decides to take the action mentioned in [subsection \(1\)](#), the CMA must give notice to the respondent of that decision.
- (5) The reference in [subsection \(1\)\(a\)](#) to a material variation is a reference to any variation that the CMA considers to be material in any respect.
- (6) In [this section](#) “enforcement direction” includes a direction given in a notice under [section 192\(5\)\(b\)](#).

Modifications etc. (not altering text)

- C1** [Ss. 191-196](#) applied (24.5.2024 for specified purposes) by 2015 c. 15, Sch. 5 para. 16C(11) (as inserted by [Digital Markets, Competition and Consumers Act 2024 \(c. 13\)](#), s. 339(2)(c), [Sch. 17 para. 2\(3\)](#) (with [Sch. 19](#)))

Commencement Information

- I196** S. 196 not in force at Royal Assent, see [s. 339\(1\)](#)

False or misleading information

197 Provisional false information enforcement notice **U.K.**

- (1) [This section](#) applies if—
 - (a) the CMA has reasonable grounds to believe that a person (“the respondent”) has, without reasonable excuse, provided information to the CMA that is materially false or misleading, and
 - (b) the information was provided in connection with the carrying out by the CMA of a direct enforcement function.
- (2) The CMA may give to the respondent a notice under [this section](#) (a “provisional false information enforcement notice”).
- (3) A provisional false information enforcement notice must—
 - (a) set out the grounds on which it is given;
 - (b) state that the CMA is considering imposing a monetary penalty;
 - (c) state the proposed amount of the penalty;
 - (d) state any further factors (in addition to those provided under paragraph (a)) which the CMA considers justify the imposition of the proposed penalty and its amount;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (e) invite the respondent to make representations to the CMA about the giving of the notice;
 - (f) specify the means by which, and the time by which, such representations must be made.
- (4) The means specified under subsection (3)(f) for making representations must include arrangements for them to be made orally if the respondent chooses to make representations in that way.
- (5) In [this Part](#) “direct enforcement function” means—
- (a) a function of the CMA under [this Chapter](#), or
 - (b) a function of the CMA under paragraph 16B or 16C of Schedule 5 to CRA 2015.

Commencement Information

1197 S. 197 not in force at Royal Assent, see [s. 339\(1\)](#)

198 Final false information enforcement notice **U.K.**

- (1) [This section](#) applies where—
- (a) the CMA has given to the respondent a provisional false information enforcement notice under [section 197](#) in connection with the provision of information,
 - (b) the time for the respondent to make representations to the CMA in accordance with the notice has expired, and
 - (c) after considering such representations (if any), the CMA is satisfied that—
 - (i) the information mentioned in [paragraph \(a\)](#) is materially false or misleading, and
 - (ii) the respondent provided the false or misleading information without reasonable excuse.
- (2) The CMA may give to the respondent a notice under [this section](#) (“a final false information enforcement notice”).
- (3) A final false information enforcement notice is a notice that imposes on the respondent a requirement to pay a monetary penalty.
- (4) The amount of the penalty must be a fixed amount not exceeding £30,000 or, if higher, 1% of the total value of the turnover (if any) of the respondent.
- (5) A final false information enforcement notice must—
- (a) set out the grounds on which it is given;
 - (b) state any further factors (in addition to those provided under [paragraph \(a\)](#)) which the CMA considers justify the giving of the notice;
 - (c) specify the monetary penalty information (see [section 203](#)).
- (6) The CMA may publish a final false information enforcement notice in such manner, and to such extent, as the CMA considers appropriate.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

1198 S. 198 not in force at Royal Assent, see [s. 339\(1\)](#)

Miscellaneous and appeals

199 Statement of policy in relation to monetary penalties **U.K.**

- (1) The CMA must prepare and publish a statement of policy in relation to the exercise of powers to impose a monetary penalty under this Chapter.
- (2) The statement must include a statement about the considerations relevant to the determination of—
 - (a) whether to impose a penalty under this Chapter, and
 - (b) the nature and amount of any such penalty.
- (3) The CMA may revise its statement of policy and, where it does so, must publish the revised statement.
- (4) In preparing or revising its statement of policy the CMA must consult—
 - (a) the Secretary of State, and
 - (b) such other persons as the CMA considers appropriate.
- (5) A statement of policy, or revised statement, may not be published under [this section](#) without the approval of the Secretary of State.
- (6) [Subsection \(7\)](#) applies where the CMA proposes to impose under this Chapter a monetary penalty on a person.
- (7) The CMA must have regard to the statement of policy most recently published under [this section](#) at the time of the act or omission giving rise to the penalty in deciding—
 - (a) whether to impose the penalty, and
 - (b) if so, the nature and amount of the penalty.

Commencement Information

1199 S. 199 not in force at Royal Assent, see [s. 339\(1\)](#)

200 Interconnected bodies corporate **U.K.**

- (1) This section applies where—
 - (a) the CMA gives to a body corporate (“the respondent”) a final notice, and
 - (b) the interconnection condition applies in relation to the respondent.
- (2) The interconnection condition applies in relation to the respondent if—
 - (a) at the time the final notice is given, the respondent is a member of a group of interconnected bodies corporate,
 - (b) at any time when requirements imposed by the final notice remain in force, the respondent becomes a member of a group of interconnected bodies corporate,
 or

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- (c) at any time when requirements imposed by the final notice remain in force, a group of interconnected bodies corporate of which the respondent is a member is increased by the addition of one or more further members.
- (3) The notice may include provision for the requirements (or any particular requirements) imposed by the final notice on the respondent also to be binding upon all other members of the group (in addition to the respondent), as if each of them were the respondent.
- (4) Provision may be included in a notice under [subsection \(3\)](#) only if the CMA considers it just, reasonable and proportionate to include that provision.
- (5) A group of interconnected bodies corporate is a group consisting of two or more bodies corporate all of whom are interconnected with each other.
- (6) Any two bodies corporate are interconnected—
- if one of them is a subsidiary of the other, or
 - if both of them are subsidiaries of the same body corporate.
- (7) Where a final notice includes provision under [subsection \(3\)](#), the notice must also be given to any other member of the respondent's group in relation to which the requirements imposed by the notice are to be binding.
- (8) In this section “final notice” means—
- a final infringement notice,
 - an online interface notice, or
 - a final breach of directions enforcement notice.

Commencement Information

I200 S. 200 not in force at Royal Assent, see [s. 339\(1\)](#)

201 Record-keeping and reporting requirements **U.K.**

- (1) The CMA must keep a record of—
- undertakings it has accepted and enforcement directions it has given, and
 - reviews it has carried out in relation to the effectiveness of such undertakings and directions.
- (2) If requested to do so by the Secretary of State, the CMA must prepare a report on—
- the effectiveness of undertakings and enforcement directions, and
 - the number and outcome of appeals brought under [section 202](#).
- (3) The CMA must—
- provide to the Secretary of State a report prepared under [this section](#), and
 - publish the report in such manner as the CMA considers appropriate.
- (4) In [this section](#)—
- “undertakings” means undertakings given under [section 185](#);
 - “enforcement directions” includes directions given in a notice under [section 192\(5\)\(b\)](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I201 S. 201 not in force at Royal Assent, see [s. 339\(1\)](#)

202 Appeals **U.K.**

- (1) A person to whom a relevant notice is given may appeal to the appropriate appeal court against—
 - (a) a decision to impose a monetary penalty by virtue of the notice,
 - (b) the nature or amount of any such penalty, or
 - (c) the giving of directions by virtue of the notice.
- (2) The grounds for an appeal under [subsection \(1\)\(a\)](#) or (b) are that—
 - (a) the decision to impose a monetary penalty was based on an error of fact,
 - (b) the decision was wrong in law,
 - (c) the amount of the penalty is unreasonable, or
 - (d) the decision was unreasonable or wrong for any other reason.
- (3) The grounds for an appeal under [subsection \(1\)\(c\)](#) are that—
 - (a) the decision to give the directions was based on an error of fact,
 - (b) the decision was wrong in law,
 - (c) the nature of the directions is unreasonable, or
 - (d) the decision was unreasonable or wrong for any other reason.
- (4) On an appeal under [this section](#) the appropriate appeal court may quash, confirm or vary the relevant notice.
- (5) Except in the case of an appeal relating to a final false information enforcement notice, in addition to the powers conferred by [subsection \(4\)](#) the appropriate appeal court may also remit any matter that is the subject of the appeal to the CMA.
- (6) An appeal under [this section](#) must be brought before the end of the applicable period beginning with the day on which the relevant notice was given to the person seeking to bring the appeal.
- (7) The appropriate appeal court may extend the applicable period for bringing an appeal.
- (8) Where an appeal is brought in respect of—
 - (a) a requirement to pay a monetary penalty, or
 - (b) a requirement to pay compensation under directions imposing enhanced consumer measures,

the penalty or compensation is not required to be paid until after the appeal is determined, withdrawn or otherwise dealt with.
- (9) In [this section](#)—

“applicable period” means—

 - (a) in relation to a final false information enforcement notice, the period of 28 days;
 - (b) in relation to any other relevant notice, the period of 60 days;

“appropriate appeal court” means—

 - (a) in relation to England and Wales or Northern Ireland, the High Court;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) in relation to Scotland, the Outer House of the Court of Session;
“relevant notice” means—
- (a) a final infringement notice,
 - (b) an online interface notice,
 - (c) a final breach of undertakings enforcement notice,
 - (d) a final breach of directions enforcement notice, or
 - (e) a final false information enforcement notice.

Commencement Information

I202 S. 202 not in force at Royal Assent, see [s. 339\(1\)](#)

CHAPTER 5 U.K.

MONETARY PENALTIES: GENERAL PROVISIONS

PROSPECTIVE

203 Information to accompany orders or notices imposing monetary penalties U.K.

- (1) An order or notice under Chapter 3 or 4 under which a person (“the respondent”) is required to pay a monetary penalty must state the following information (referred to in those Chapters as the “monetary penalty information”)—
- (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 (in the case of an order) or the CMA (in the case of a notice) 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;
 - (e) the date or dates, no earlier than the end of the applicable period beginning with the date on which the order was served on or the notice was given to 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 [subsection \(3\)](#) (in the case of an order) or [subsection \(4\)](#) (in the case of a notice);
 - (h) the rights available to the respondent to appeal in respect of the imposition of the penalty;
 - (i) the main details of the rights mentioned in paragraphs (g) and (h).
- (2) In subsection (1)(e) “the applicable period” means—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) in the case of an order or a final false information enforcement notice, the period of 28 days;
 - (b) in any other case, the period of 60 days.
- (3) The respondent may, within 14 days of the date on which an order imposing a monetary penalty is served on the respondent, apply to the court for the court to specify a different date or dates by which the penalty, or different portions of it, are to be paid.
 - (4) The respondent may, within 14 days of the date on which a notice imposing a monetary penalty is given to the respondent, apply to the CMA to specify a different date or dates by which the penalty, or different portions of it, are required to be paid.
 - (5) References in subsections (1) and (2) to an order include references to a notice accompanying such an order given under [section 158\(4\)](#).
 - (6) In the application of this section to Scotland, the references in subsections (1)(e) and (3) to an order being served include service of an extract order in execution of or diligence on the order.

Commencement Information

I203 S. 203 not in force at Royal Assent, see [s. 339\(1\)](#)

204 Determination of turnover **U.K.**

- (1) In [this Part](#) references to “turnover” of a person include—
 - (a) turnover both in and outside the United Kingdom;
 - (b) where the person controls another person, the turnover of that other person;
 - (c) where the person is controlled by another person, the turnover of that person.
- (2) The Secretary of State may by regulations—
 - (a) make provision for determining when a person is to be treated as controlled by another person for the purposes of subsection (1)(b) and (c);
 - (b) make provision for determining the turnover of a person for the purposes of this Part.
- (3) Regulations under this section may, in particular, make provision as to—
 - (a) the amounts which are, or which are not, to be treated as comprising a person’s turnover or daily turnover;
 - (b) the date or dates by reference to which a person’s turnover or daily turnover is to be determined.
- (4) Regulations under this section may include provision enabling the court or the CMA to determine matters of a description specified in the regulations (including any of the matters mentioned in paragraphs (a) and (b) of [subsection \(3\)](#)).
- (5) Regulations under [this section](#) are subject to the negative procedure.

Commencement Information

I204 S. 204 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

205 Power to amend amounts **U.K.**

- (1) The Secretary of State may by regulations amend any of the following provisions for the purpose of substituting a different monetary amount for an amount of fixed or daily penalty for the time being specified—
 - (a) [section 158\(5\)](#);
 - (b) [section 168\(3\)\(a\)](#) and (b);
 - (c) [section 182\(6\)](#);
 - (d) [section 190\(3\)\(a\)](#) and (b);
 - (e) [section 193\(3\)\(a\)](#) and (b);
 - (f) [section 198\(4\)](#).
- (2) Before making regulations under [this section](#) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (3) Regulations under [this section](#) are subject to the affirmative procedure.

Commencement Information

I205 S. 205 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

206 Recovery of monetary penalties **U.K.**

- (1) [This section](#) applies where a monetary penalty imposed under [Chapter 4](#), or any part of such a penalty, has not been paid by the date on which it is required to be paid and—
 - (a) an appeal to a court against the imposition of the penalty has not been brought before the end of the period within which it is required to be brought, or
 - (b) any such appeal that was brought has been determined, withdrawn or otherwise disposed of.
- (2) The CMA may recover from the person on whom the penalty was imposed any of the penalty and any interest which has not been paid.
- (3) Any such penalty and interest may be recovered summarily (or, in Scotland, recovered) as a civil debt by the CMA.
- (4) [Subsection \(5\)](#) applies where—
 - (a) a penalty is payable by a person by virtue of a final infringement notice,
 - (b) the notice also includes directions imposing a requirement on the person to take enhanced consumer measures, and
 - (c) the enhanced consumer measures that the person is required to take are or include redress measures (see [section 221\(2\)](#)).
- (5) In deciding whether to recover the penalty from the person under [subsection \(2\)](#), the CMA must have regard to—
 - (a) whether any compensation required to be paid to consumers under the redress measures has been, or is likely to be, paid, and

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) where any such payments have not yet been paid (in full or in part), the effect that recovery of the penalty from the person may have on the person's ability to make those compensatory payments.

Commencement Information

I206 S. 206 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

207 Monetary penalties: further provision **U.K.**

- (1) If the whole or any portion of a monetary penalty imposed is not paid by the date by which it is required to be paid, the unpaid balance from time to time carries interest at the statutory rate.
- (2) Where an application has been made under [section 203\(3\)](#) or (4), the penalty is not required to be paid until the application has been determined, withdrawn or otherwise disposed of.
- (3) Where an application has been made to appeal to a court in respect of a monetary penalty, the penalty is not required to be paid until the application has been determined, withdrawn or otherwise disposed of.
- (4) If a portion of a monetary penalty imposed by an order of the court has not been paid by the date required for it, the court may, where it considers it appropriate to do so, by order require so much of the penalty as has not already been paid (and is capable of being paid immediately) to be paid immediately.
- (5) If a portion of a monetary penalty imposed by virtue of a notice given by the CMA has not been paid by the date required for it, the CMA may, where it considers it appropriate to do so, by notice require so much of the penalty as has not already been paid (and is capable of being paid immediately) to be paid immediately.
- (6) Where on an appeal under [section 202](#) the court substitutes a penalty of a different nature or of a lesser amount, the court may require the payment of interest at the statutory rate on the substituted penalty from whatever date it considers appropriate (which may include a date before the determination of the appeal).
- (7) In the case of a monetary penalty imposed on a firm that is not a body corporate, the penalty is to be paid out of the assets or funds of the firm.
- (8) Sums received from a person towards payment of a monetary penalty must be paid—
 - (a) in the case of a penalty imposed by an order of the Court of Session or the Sheriff, into the Scottish Consolidated Fund;
 - (b) in the case of a penalty imposed by an order of a court in Northern Ireland, into the Consolidated Fund of Northern Ireland;
 - (c) in any other case, into the Consolidated Fund of the United Kingdom.
- (9) In [this section](#)—

“monetary penalty” means a monetary penalty imposed under Chapter 3 or 4;

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“the statutory rate” means the rate for the time being specified in section 17 of the Judgments Act 1838.

Commencement Information

I207 S. 207 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

CHAPTER 6 **U.K.**

INVESTIGATORY POWERS

208 Investigatory powers of enforcers **U.K.**

- (1) [Schedule 17](#) contains amendments to Schedule 5 to CRA 2015 (investigatory powers), including amendments about—
- the giving of monetary penalties in connection with a failure to comply with an information notice;
 - the giving of information notices to persons outside the United Kingdom;
 - the means by which information notices are to be given;
 - entry to premises where documents are accessible from the premises.
- (2) In [subsection \(1\)](#) “information notice” means a notice given under paragraph 14 of Schedule 5 to CRA 2015.

Commencement Information

I208 S. 208 not in force at Royal Assent, see [s. 339\(1\)](#)

CHAPTER 7 **U.K.**

MISCELLANEOUS

209 Powers to amend [Schedule 15](#) and [Schedule 16](#) **U.K.**

- (1) The Secretary of State may by regulations amend—
- the first column of the Table in Part 1 of [Schedule 15](#) so as to add, remove or vary an entry for an enactment;
 - the second column of that Table so as to add, remove or vary an entry providing for the authorised enforcers in respect of an enactment;
 - the third column of that Table in consequence of amendments made under the power conferred by paragraph (a);
 - the second column of the Table in [Part 2](#) of [Schedule 15](#) so as to add, remove or vary an entry providing for the authorised enforcers in respect of an obligation or rule of law;

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- (e) [Schedule 16](#) so as to add, remove or vary an entry for an enactment.
- (2) The power under [subsection \(1\)\(a\)](#) or (e) is exercisable so as to add or vary an entry in respect of an enactment only if, and to the extent that, one or more of the following is provided for under or by virtue of the enactment so added or varied—
- (a) a duty, prohibition or restriction enforceable by criminal proceedings;
 - (b) a duty owed to a person that is enforceable by civil proceedings;
 - (c) a remedy or sanction enforceable by civil proceedings;
 - (d) an agreement or security relating to a supply of goods, services or digital content to be void or unenforceable to any extent;
 - (e) a right or remedy exercisable by a person supplying goods, services or digital content to be restricted or excluded;
 - (f) the avoidance (to any extent) of liability relating to the supply of goods, services or digital content to be restricted or prevented.
- (3) It is immaterial for the purposes of [subsection \(2\)](#) whether or not—
- (a) a duty, prohibition or restriction exists in relation to consumers as such;
 - (b) a remedy or sanction is provided for the benefit of consumers as such;
 - (c) proceedings have been brought in relation to the act or omission concerned;
 - (d) a person has been convicted of an offence in relation to the act or omission concerned.
- (4) Regulations under [this section](#) are subject to the affirmative procedure.

Commencement Information

I209 S. 209 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

210 Rules **U.K.**

- (1) The CMA may make rules about procedural and other matters in connection with the carrying out of its direct enforcement functions.
- (2) Rules may provide for any of the CMA’s direct enforcement functions to be carried out on its behalf—
- (a) by one or more members of the CMA Board (see Part 2 of Schedule 4 to the Enterprise and Regulatory Reform Act 2013);
 - (b) by one or more members of the CMA Panel (see Part 3 of Schedule 4 to that Act);
 - (c) by one or more members of staff of the CMA;
 - (d) jointly by one or more of the persons mentioned in [paragraphs \(a\) to \(c\)](#).
- (3) Rules may (among other things) include provision as to the following matters so far as relating to the carrying out of direct enforcement functions—
- (a) the form and manner in which a notice given by the CMA under a direct enforcement function is to be given (subject to [section 332](#));
 - (b) the person (or persons) to whom the notice is to be given;
 - (c) if the CMA is required to publish the notice, the manner in which it is to do so;
 - (d) arrangements to ensure the protection of confidential information;
 - (e) the disclosure of information to persons under investigation;

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- (f) the form and manner in which representations may or must be made to the CMA;
 - (g) the procedure to be followed in relation to the holding of oral hearings as part of an investigation;
 - (h) the procedure to be followed in cases where a person under investigation accepts that there has been a relevant infringement of a kind to which the investigation relates;
 - (i) arrangements for the making of, and dealing with, complaints.
- (4) In [this section](#) and [section 211](#) “rules” means rules made under [this section](#).

Commencement Information

I210 S. 210 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

211 Procedural requirements for making of rules **U.K.**

- (1) In preparing rules the CMA must consult such persons as the CMA considers appropriate.
- (2) The CMA may not bring a rule into operation until the rule has been approved by regulations made by the Secretary of State.
- (3) The Secretary of State may approve a rule—
 - (a) in the form in which it is submitted, or
 - (b) subject to whatever modifications the Secretary of State considers appropriate.
- (4) Where the Secretary of State proposes to approve a rule subject to modifications, the Secretary of State must—
 - (a) inform the CMA of the proposed modifications, and
 - (b) take into account any comments made by the CMA about the proposed modifications.
- (5) The Secretary of State may by regulations—
 - (a) vary or revoke rules, or
 - (b) direct the CMA to vary or revoke rules in accordance with the direction.
- (6) [Subsections \(2\) to \(4\)](#) apply to any variation of rules made by the CMA, except where acting under a direction given under [subsection \(5\)\(b\)](#).
- (7) Regulations under this section are subject to the negative procedure.

Commencement Information

I211 S. 211 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

212 Guidance U.K.

- (1) The CMA must prepare and publish guidance about its general approach to the carrying out of its direct enforcement functions.
- (2) Guidance under [subsection \(1\)](#) must provide information about the factors that the CMA will take into account in determining—
 - (a) whether it will exercise a power under [Chapter 4](#) to accept, vary or release an undertaking;
 - (b) in cases where the exercise of any such power is exercisable only if the CMA considers a person has acted (or failed to act) without a reasonable excuse, whether a reasonable excuse exists;
 - (c) in a case where a monetary penalty has not been paid (or paid in full), whether to start proceedings for recovery of the penalty.
- (3) Guidance under [subsection \(1\)](#) may include information about any other matters in connection with the carrying out of direct enforcement functions, including the factors that the CMA will take into account in determining whether to give a notice to a person in the carrying out of those functions.
- (4) The CMA—
 - (a) must keep the guidance under review, and
 - (b) may from time to time revise or replace the guidance.
- (5) Before issuing the first guidance under [this section](#) the CMA must consult—
 - (a) the Secretary of State, and
 - (b) such other persons as the CMA considers appropriate.
- (6) The CMA must—
 - (a) before publishing the first guidance under this section, obtain the approval of the Secretary of State in respect of the proposed guidance;
 - (b) before revising or replacing any guidance published under this section, inform the Secretary of State of the proposed revision or replacement.

Commencement Information

I212 S. 212 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

213 Defamation U.K.

For the purposes of the law relating to defamation, absolute privilege attaches to anything done by the CMA in exercise of its functions under this Part.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I213 S. 213 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

214 Minor and consequential amendments relating to this Part **U.K.**

[Schedule 18](#) contains minor and consequential amendments relating to this Part.

Commencement Information

I214 S. 214 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

215 Transitional and saving provision relating to this Part **U.K.**

[Schedule 19](#) contains transitional and saving provision relating to this Part.

Commencement Information

I215 S. 215 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

216 Enforcement of requirements relating to secondary ticketing **U.K.**

- (1) CRA 2015 is amended as set out in subsections (2) to (4).
- (2) In section 93 (enforcement of secondary ticketing provisions in Chapter 5 of Part 3)—
 - (a) after subsection (2) insert—

“(2A) The Competition and Markets Authority may also enforce the provisions of this Chapter.”;
 - (b) in subsection (3) for “and (2)” substitute “, (2) and (2A)”.
- (3) In paragraph 11 of Schedule 5 (investigatory powers etc: enforcer’s legislation), in the table, at the appropriate place insert—

“The Competition and Markets Authority

The Breaching of Limits on Ticket Sales Regulations 2018 ([S.I. 2018/735](#))”.

- (4) In paragraph 6 of Schedule 10 (procedure for and appeals against financial penalties imposed under section 93: recovery)—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

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- (a) in sub-paragraph (2) for “local weights and measures” substitute “enforcement”;
- (b) in sub-paragraph (4) for “the Department of Enterprise, Trade and Investment” substitute “the enforcement authority which imposed the financial penalty”;
- (c) in sub-paragraph (5)(a) after “Investment” insert “or by the Competition and Markets Authority”;
- (d) after sub-paragraph (7) insert—

“(7A) The Competition and Markets Authority may use the proceeds of a financial penalty for the purposes of any of its functions (whether or not the function is expressed to be a function of the Authority).”

- (5) In the Breaching of Limits on Ticket Sales Regulations 2018 (S.I. 2018/735), in regulation 5 (offences: prosecution and penalties), after paragraph (2) insert—

“(3) The Competition and Markets Authority may enforce these Regulations.”

Commencement Information

I216 S. 216 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

CHAPTER 8 **U.K.**

INTERPRETATION OF PART

217 Supply of goods or digital content **U.K.**

- (1) [This section](#) provides for how references to the supply of goods or digital content are to be read for the purposes of [this Part](#).
- (2) References to a person who supplies goods or digital content are to be read as including references to a person who seeks to supply goods or digital content (and references to a person who receives goods or digital content are to be read in a corresponding way).
- (3) The supply of goods includes, in relation to buildings and other structures, construction of them by one person for another.
- (4) References to a person supplying goods under—
 - (a) a hire-purchase agreement,
 - (b) a credit-sale agreement, or
 - (c) a conditional sale agreement,
 are to be read as including references to a person who conducts any antecedent negotiations relating to the agreement.
- (5) The following terms have the meanings given by section 189(1) of the Consumer Credit Act 1974—
 - “antecedent negotiations”;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

“conditional sale agreement”;
“credit sale agreement”;
“hire-purchase agreement”.

Commencement Information

I217 S. 217 not in force at Royal Assent, see [s. 339\(1\)](#)

218 Supply of services **U.K.**

- (1) [This section](#) provides for how references to the supply of services are to be read for the purposes of [this Part](#).
- (2) References to a person who supplies services are to be read as including references to a person who seeks to supply services (and references to a person who receives services are to be read in a corresponding way).
- (3) The supply of services does not include the provision of services under a contract of service or of apprenticeship.
- (4) It is immaterial whether the contract mentioned in [subsection \(3\)](#)—
 - (a) is express or implied, or
 - (b) if express, is oral or in writing.
- (5) The supply of services includes—
 - (a) performing for gain or reward any activity other than the supply of goods or digital content;
 - (b) rendering services to order;
 - (c) the provision of services by making them available to potential users;
 - (d) making arrangements for sharing the use of electronic communications apparatus by means of a relevant agreement, within the meaning of paragraph 18 of Schedule 3A to the Communications Act 2003 (the electronic communications code);
 - (e) agreeing to the full or partial settlement of a consumer’s liabilities or purported liabilities in return for the consumer meeting a demand for payment.

Commencement Information

I218 S. 218 not in force at Royal Assent, see [s. 339\(1\)](#)

219 Accessories **U.K.**

- (1) [This section](#) applies for the purposes of [this Part](#).
- (2) A person (“A”) is an accessory to a commercial practice of another person (“B”) if—
 - (a) B is a body corporate,
 - (b) A has a special relationship with B,
 - (c) the commercial practice is one that B has engaged in or is engaging in, and
 - (d) the commercial practice takes place with the consent or connivance of A.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I219 S. 219 not in force at Royal Assent, see [s. 339\(1\)](#)

220 Special relationships **U.K.**

- (1) [This section](#) applies for the purposes of [this Part](#).
- (2) A person has a special relationship with a body corporate if the person is—
 - (a) a controller of the body corporate, or
 - (b) a director, manager, secretary or other similar officer of the body corporate or a person purporting to act in such a capacity.
- (3) A person is a controller of a body corporate if—
 - (a) the directors of the body corporate, or of another body corporate which is its controller, are accustomed to act in accordance with the person’s directions or instructions, or
 - (b) either alone or with one or more associates, the person is entitled to exercise or control the exercise of one third or more of the voting power at any general meeting of the body corporate or of another body corporate which is its controller.
- (4) A person (“P”) is an associate of an individual if—
 - (a) P is the spouse or civil partner of the individual;
 - (b) P is a relative of the individual;
 - (c) P is a relative of the individual’s spouse or civil partner;
 - (d) P is the spouse or civil partner of a relative of the individual;
 - (e) P is a spouse or civil partner of a relative of the individual’s spouse or civil partner;
 - (f) P lives in the same household as the individual otherwise than merely because P, or the individual, is the other’s employer, tenant, lodger or boarder;
 - (g) P is the relative of a person who is an associate of the individual by virtue of [paragraph \(f\)](#);
 - (h) P has at some time in the past fallen within any of [paragraphs \(a\) to \(g\)](#);
 - (i) P is in partnership with the individual;
 - (j) the individual is an associate of an individual with whom P is in partnership.
- (5) A person (“P”) is an associate of a body corporate if—
 - (a) P is a controller of the body corporate, or
 - (b) P is an associate of a person who is a controller of the body corporate.
- (6) A body corporate is an associate of another body corporate if—
 - (a) the same person is a controller of both;
 - (b) a person (“P”) is a controller of one and persons who are P’s associates are controllers of the other;
 - (c) a person (“P”) is a controller of one and P and persons who are P’s associates are controllers of the other;
 - (d) a group of two or more persons is a controller of each company and the groups consist of the same persons;

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- (e) a group of two or more persons is a controller of each company and the groups may be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person of whom that person is an associate.

- (7) In [this section](#) “relative” means a brother, sister, uncle, aunt, nephew, niece, lineal ancestor or lineal descendant.

Commencement Information

I220 S. 220 not in force at Royal Assent, see [s. 339\(1\)](#)

221 Enhanced consumer measures **U.K.**

- (1) References in [this Part](#) to “enhanced consumer measures” are references to—
- redress measures (see [subsection \(2\)](#)),
 - compliance measures (see [subsection \(3\)](#)), or
 - choice measures (see [subsection \(4\)](#)).
- (2) Redress measures are—
- measures offering compensation or other redress to affected consumers;
 - in cases where the commercial practice constituting a relevant infringement relates to a contract, measures enabling affected consumers the option to terminate (but not vary) the contract;
 - in cases where the affected consumers cannot be identified, or cannot be identified without disproportionate cost to the person giving the undertaking in question or against whom the order in question is made, measures intended to be in the collective interests of consumers.
- (3) Compliance measures are measures intended to prevent, or reduce the risk of the occurrence or repetition of, the infringing conduct (which may include measures imposed for the purpose of improving compliance with consumer law more generally).
- (4) Choice measures are measures intended to enable consumers to choose more effectively between persons supplying goods, services or digital content.
- (5) In [this section](#)—
- references to affected consumers are references to consumers who have suffered loss as a result of the infringing conduct or who have otherwise been affected in any other way by the conduct;
 - references to the “infringing conduct” are to the conduct that has given rise to the enforcement order or undertaking concerned.

Commencement Information

I221 S. 221 not in force at Royal Assent, see [s. 339\(1\)](#)

222 Other interpretative provisions **U.K.**

In [this Part](#)—

“business” includes—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

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- (a) a trade, craft or profession,
 - (b) any other undertaking carried on for gain or reward, and
 - (c) the activities of any government department or local or public authority;
- “enforcement order” means an order made under [section 156](#);
- “enforcer” means a public designated enforcer or a private designated enforcer;
- “goods” includes—
- (a) immoveable property, and
 - (b) rights and obligations;
- “interim enforcement order” means an order made under [section 159](#);
- “interim online interface order” means an order made under [section 162](#);
- “online interface order” means an order made under [section 161](#);
- “subsidiary” has the meaning given by section 1159 of the Companies Act 2006;
- “supply” includes supply by means of sale, lease, hire or hire purchase.

Commencement Information

I222 S. 222 not in force at Royal Assent, see [s. 339\(1\)](#)

223 Index of defined expressions **U.K.**

In [this Part](#), the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

Expression	Provision
Accessory	Section 219
Appropriate court	Section 173
Business	Section 222
Commercial practice	Section 148(2)
Consumer	Section 148(2)
Consumer protection order	Section 166(2)
Digital content	Section 330
Direct enforcement function	Section 197(5)
Enactment	Section 330
Enforcement direction	Section 191(6)
Enforcement order	Section 222
Enforcer	Section 222
Enhanced consumer measures	Section 221
Final breach of directions enforcement notice	Section 192(2)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Expression	Provision
Final breach of undertakings enforcement notice	Section 189(2)
Final false information enforcement notice	Section 198(2)
Final infringement notice	Section 182(2)
Goods	Section 222
Interim enforcement order	Section 222
Interim online interface order	Section 222
Online interface notice	Section 184(2)
Online interface order	Section 222
Private designated enforcer	Section 151(2)
Provisional breach of directions enforcement notice	Section 191(2)
Provisional breach of undertakings enforcement notice	Section 188(2)
Provisional false information enforcement notice	Section 197(2)
Provisional infringement notice	Section 181(3)
Public designated enforcer	Section 151(1)
Relevant infringement	Section 148
Special relationship	Section 220
Subsidiary	Section 222
Supply of goods	Section 217
Supply of services	Section 218
Trader	Section 148(2)
Turnover	Section 204
United Kingdom national	Section 330

Commencement Information

I223 S. 223 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PART 4 **U.K.**

CONSUMER RIGHTS AND DISPUTES

CHAPTER 1 **U.K.**

PROTECTION FROM UNFAIR TRADING

PROSPECTIVE

Introduction

224 Overview **U.K.**

- (1) This Chapter confers protections on consumers from unfair commercial practices.
- (2) Section 225 sets out what are unfair commercial practices and prohibits the use and promotion of them.
- (3) Sections 226 to 230 provide more detail about commercial practices which are unfair because they are misleading, aggressive or omit material information, or because they contravene the requirements of professional diligence.
- (4) Section 231 requires, or confers power on, specified public bodies to enforce the prohibitions in section 225.
- (5) Sections 232 to 235 confer rights on consumers in relation to unfair commercial practices and make related provision.
- (6) Section 236 sets out what happens when a trader supplies a product to a consumer that the consumer has not requested.
- (7) Sections 237 to 241 create criminal offences in relation to unfair commercial practices and make related provision.
- (8) Sections 242 to 252 contain miscellaneous and interpretative provisions in relation to this Chapter.

Commencement Information

I224 S. 224 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Prohibition of unfair commercial practices

225 Prohibition of unfair commercial practices **U.K.**

- (1) Unfair commercial practices are prohibited.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

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- (2) The promotion of unfair commercial practices in, or in connection with, a code of conduct by—
- (a) a person responsible for the content of a code of conduct, or
 - (b) a person responsible for monitoring compliance with a code of conduct,
- is prohibited.
- (3) In this Chapter—
- “commercial practice” means an act or omission by a trader relating to the promotion or supply of—
- (a) the trader’s product to a consumer,
 - (b) another trader’s product to a consumer, or
 - (c) a consumer’s product to the trader or another person;
- “consumer” means an individual acting for purposes that are wholly or mainly outside the individual’s business;
- “trader” means—
- (a) a person (“P”) acting for purposes relating to P’s business, or
 - (b) a person acting in the name of, or on behalf of, P for purposes relating to P’s business.
- (4) A commercial practice is unfair if—
- (a) it is likely to cause the average consumer to take a transactional decision that the consumer would not have taken otherwise as a result of the practice involving one or more of the following—
 - (i) a misleading action (see section 226);
 - (ii) a misleading omission (see section 227);
 - (iii) an aggressive practice (see section 228);
 - (iv) a contravention of the requirements of professional diligence (see section 229),
 - (b) it omits material information from an invitation to purchase (see section 230), or
 - (c) it is listed in [Schedule 20](#) (commercial practices which are in all circumstances considered unfair).
- (5) It is immaterial for the purposes of the definition of “commercial practice” in subsection (3) whether the act or omission takes place—
- (a) at the time of the promotion or supply in question, or
 - (b) before or after that time.
- (6) It is immaterial for the purposes of the definition of “trader” in subsection (3)—
- (a) in relation to paragraph (a) of that definition, whether P is acting personally or through another person acting in P’s name or on P’s behalf;
 - (b) in relation to paragraph (b) of that definition, whether or not the purposes relating to P’s business are the only or main purposes for which the person is acting.

Commencement Information

I225 S. 225 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

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226 Misleading actions **U.K.**

- (1) For the purposes of this Chapter, a commercial practice involves a misleading action if the practice involves—
 - (a) the provision of false or misleading information relating to a product, a trader or any other matter relevant to a transactional decision,
 - (b) an overall presentation which is likely to deceive the average consumer about a matter relating to a product, a trader or any other matter relevant to a transactional decision,
 - (c) any marketing of a product which creates confusion, or is likely to create confusion, with any product, trade mark, trade name or other distinguishing mark of another trader, or
 - (d) a failure to comply with a requirement in a code of conduct to which subsection (5) applies in circumstances where the trader asserts that the trader acts in compliance with that code.
- (2) In subsection (1)(a), the reference to misleading information includes a reference to information which, although true, is presented in a misleading way.
- (3) For the purposes of subsection (1)(b), an overall presentation may be deceiving even if the information it contains is true.
- (4) In subsection (1)(c), the reference to another trader is a reference to a trader other than the trader supplying the product that is being marketed.
- (5) This subsection applies to a requirement in a code of conduct if—
 - (a) there is no discretion afforded to the trader in relation to the requirement, and
 - (b) compliance with the requirement is capable of being verified.

Commencement Information

I226 S. 226 not in force at Royal Assent, see [s. 339\(1\)](#)

227 Misleading omissions **U.K.**

- (1) For the purposes of this Chapter, a commercial practice involves a misleading omission if, considering the matters mentioned in subsection (3), the practice—
 - (a) omits material information,
 - (b) omits information which the trader is required under any other enactment to give to a consumer as part of the practice, or
 - (c) fails to identify its commercial intent (unless it is already apparent from the context).
- (2) In subsection (1)(a), “material information” means information that the average consumer needs to take an informed transactional decision.
- (3) The matters referred to in subsection (1) are—
 - (a) any limitations resulting from the means of communication used in the commercial practice (including limitations of space or time), and
 - (b) any steps taken by the trader to overcome those limitations by providing information by other means.
- (4) In this section, references to omitting information include providing information—

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- (a) in a way that is unclear or untimely, or
- (b) in such a way that the consumer is unlikely to see it.

Commencement Information

I227 S. 227 not in force at Royal Assent, see [s. 339\(1\)](#)

228 Aggressive practices **U.K.**

- (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—
 - (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.

Commencement Information

I228 S. 228 not in force at Royal Assent, see [s. 339\(1\)](#)

229 Contravention of the requirements of professional diligence **U.K.**

For the purposes of this Chapter, a commercial practice involves a contravention of the requirements of professional diligence if the practice falls short of the standard of skill and care which a trader may reasonably be expected to exercise towards consumers which is commensurate with either—

- (a) honest market practice in the trader’s field of activity, or
- (b) the general principle of good faith in the trader’s field of activity.

Commencement Information

I229 S. 229 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

230 Omission of material information from invitation to purchase **U.K.**

- (1) For the purposes of this Chapter, a commercial practice which is an invitation to purchase omits material information if, considering the matters mentioned in subsection (8), it omits any of the information which is—
- (a) set out in subsection (2), and
 - (b) not already apparent from the context.
- (2) The information referred to in subsection (1) is—
- (a) the main characteristics of the product (to the extent appropriate considering the means used to communicate the invitation to purchase and the nature of the product);
 - (b) the total price of the product (so far as paragraph (c) does not apply);
 - (c) if, owing to the nature of the product, the whole or any part of the total price cannot reasonably be calculated in advance, how the price (or that part of it) will be calculated;
 - (d) the identity of the trader and the identity of any other person on whose behalf the trader is acting;
 - (e) the business address and, if different, the service address of the trader and any business email address of the trader;
 - (f) in relation to any other person on whose behalf the trader is acting—
 - (i) the person’s business address and business email address (if the person has such addresses), and
 - (ii) if different to the person’s business address, the person’s service address;
 - (g) any freight, delivery or postal charges, including any taxes, not included in the total price of the product but which the consumer may choose to incur (or where those additional charges or taxes cannot reasonably be calculated in advance, the fact that they may be payable);
 - (h) for products involving a right of withdrawal or cancellation, the existence of such a right;
 - (i) to the extent that the trader’s practice in relation to any of the arrangements mentioned in subsection (3) departs from the trader’s published practice in relation to those arrangements, the practice which the trader is currently operating;
 - (j) any information which the trader is required under any other enactment to give to a consumer as part of an invitation to purchase.
- (3) The arrangements referred to in subsection (2)(i) are—
- (a) the arrangements for payment;
 - (b) the arrangements for delivery of the product;
 - (c) the arrangements for performance;
 - (d) the arrangements for handling complaints.
- (4) For the purposes of subsection (2)(b) the total price of a product includes any fees, taxes, charges or other payments that the consumer will necessarily incur if the consumer purchases the product.
- (5) For the purposes of subsection (2)(c) (and subject to the matters mentioned in subsection (8)) the information given must—
- (a) be such that it enables the consumer to calculate the total price, and

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- (b) be set out with as much prominence as any information that is set out in compliance with [subsection \(2\)\(b\)](#).
- (6) For the purposes of [subsection \(2\)\(d\)](#) “identity”, in relation to a trader, means—
- (a) the name of the trader, and
 - (b) if different, the name under which the trader trades.
- (7) For the purposes of [subsection \(2\)\(e\)](#)—
- “business address”, in relation to a person, means—
- (a) where the person is a body corporate, the address of its registered or principal office,
 - (b) where the person is a firm that is not a body corporate, the address of the principal office of the firm, or
 - (c) in a case where neither paragraph (a) or (b) applies, the address of the person’s principal place of business;
- “business email address”, in relation to a person, means any email address used by the person for conducting business;
- “service address”, in relation to a person, means the address at which the person will accept service of documents.
- (8) The matters referred to in [subsection \(1\)](#) are—
- (a) any limitations resulting from the means of communication used in the commercial practice (including limitations of space or time), and
 - (b) any steps taken by the trader to overcome those limitations by providing information by other means.
- (9) In this section, references to omitting information include providing information—
- (a) in a way that is unclear or untimely, or
 - (b) in such a way that the consumer is unlikely to see it.
- (10) In this Chapter, “invitation to purchase” means a commercial practice involving the provision of information to a consumer—
- (a) which indicates the characteristics of a product and its price, and
 - (b) which enables, or purports to enable, the consumer to decide whether to purchase the product or take another transactional decision in relation to the product.

Commencement Information

I230 S. 230 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Public enforcement

231 Public enforcement **U.K.**

- (1) It is the duty of every local weights and measures authority in Great Britain to enforce in its area the prohibitions in [section 225](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) It is the duty of the Department for the Economy in Northern Ireland to enforce the prohibitions in section 225 in Northern Ireland.
- (3) The CMA may also enforce the provisions of this Chapter.
- (4) In exercising functions under this section, every local weights and measures authority in Great Britain, the Department for the Economy in Northern Ireland and the CMA must have regard to the desirability of encouraging control of unfair commercial practices by such established means as it considers appropriate having regard to all the circumstances of the particular case.
- (5) Nothing in this section authorises a local weights and measures authority in Great Britain to bring proceedings in Scotland for an offence.

Commencement Information

I231 S. 231 not in force at Royal Assent, see [s. 339\(1\)](#)

Consumers' rights of redress relating to unfair commercial practices

PROSPECTIVE

232 Rights of redress **U.K.**

- (1) A consumer has rights of redress under this Chapter if each of the following four conditions is met.
- (2) The first condition is that—
 - (a) the consumer enters into a contract with a trader under which the trader supplies a product to the consumer (a “business-to-consumer contract”),
 - (b) the consumer enters into a contract with a trader under which—
 - (i) the consumer supplies a product to the trader, and
 - (ii) the trader does not supply a product to the consumer (a “consumer-to-business contract”), or
 - (c) the consumer makes a payment to the trader for the supply of a product (a “consumer payment”).
- (3) The second condition is that—
 - (a) the trader engages in a prohibited practice in relation to the product, or
 - (b) in a case where a consumer enters into a business-to-consumer contract for goods or digital content—
 - (i) a producer engages in a prohibited practice in relation to the goods or digital content, and
 - (ii) when the contract is entered into, the trader is aware of the commercial practice that constitutes the prohibited practice or could reasonably be expected to be aware of it.
- (4) The third condition is that the prohibited practice is a significant factor in the consumer’s decision—

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- (a) to enter into the contract mentioned in subsection (2)(a) or (b), or
 - (b) to make the payment mentioned in subsection (2)(c).
- (5) The fourth condition is that the product concerned is not a product excluded from the application of rights of redress by regulations under section 233.
- (6) In subsection (3), “producer” means—
- (a) a manufacturer of the goods or digital content,
 - (b) an importer of the goods or digital content into the United Kingdom, or
 - (c) a person purporting to be such a manufacturer or importer by placing the person’s name, trade mark or other distinctive sign on the goods or by using it in connection with the digital content,
- and includes a producer acting personally or through another person acting in the producer’s name or on the producer’s behalf.
- (7) In this Chapter, “prohibited practice” means an unfair commercial practice involving—
- (a) a misleading action, or
 - (b) an aggressive practice.
- (8) For the purposes of subsection (7), section 225(4)(a) applies as if the reference to a transactional decision were a reference to any decision taken by a consumer to—
- (a) enter into a business-to-consumer contract,
 - (b) enter into a consumer-to-business contract, or
 - (c) make a consumer payment.

Commencement Information

I232 S. 232 not in force at Royal Assent, see s. 339(1)

233 Rights of redress: further provision **U.K.**

- (1) The Secretary of State may by regulations provide for any of the following descriptions of rights to be exercisable by a consumer who has rights of redress under this Chapter—
- (a) a right to unwind in respect of a relevant contract or consumer payment;
 - (b) a right to a discount in respect of a supply of a product under a relevant contract;
 - (c) a right to damages in respect of financial loss, distress or physical inconvenience or discomfort.
- (2) Regulations under this section may include provision—
- (a) about how a right is to be exercised by the consumer;
 - (b) for an amount of discount mentioned in subsection (1)(b) to be determined in accordance with the regulations;
 - (c) about the circumstances in which damages mentioned in subsection (1)(c) are or are not payable;
 - (d) imposing conditions or restrictions on the exercise of a right;
 - (e) about the consequences of the exercise of a right;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (f) excluding products of a description specified in the regulations from the application of the rights of redress available under this Chapter.
- (3) Provision under [subsection \(2\)\(e\)](#) about the consequences of the exercise of a right may (among other things)—
 - (a) provide for the termination of a relevant contract;
 - (b) require the trader to make a refund of an amount determined in accordance with the regulations;
 - (c) require goods supplied under a relevant contract to be returned or for payment to be made in respect of such goods.
- (4) In this section, “relevant contract” means—
 - (a) a business-to-consumer contract;
 - (b) a consumer-to-business contract.
- (5) Regulations under this section are subject to the affirmative procedure.

Commencement Information

I233 S. 233 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

234 Enforcement of rights of redress **U.K.**

- (1) A consumer with a right to unwind, a right to a discount or a right to damages by virtue of regulations under [section 233](#) may bring a claim in civil proceedings to enforce that right.
- (2) In Scotland, proceedings to enforce a right to unwind may be brought before the Sheriff or the Court of Session.
- (3) If in proceedings under this section the consumer establishes that the consumer has one of the rights mentioned in [subsection \(1\)](#), the court must make an order that gives effect to—
 - (a) that right, and
 - (b) any associated obligations of the consumer imposed by regulations under [section 233](#).
- (4) The Limitation Act 1980 applies to a claim under this section in England and Wales as if it were an action founded on simple contract.
- (5) The Limitation (Northern Ireland) Order 1989 ([S.I. 1989/1339 \(N.I. 11\)](#)) applies to a claim under this section in Northern Ireland as if it were an action founded on simple contract.

Commencement Information

I234 S. 234 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

235 Relationship between rights of redress and other claims relating to prohibited practices **U.K.**

- (1) Nothing in this Chapter affects the ability of a consumer to make a claim under a rule of law or equity, or under an enactment, in respect of conduct constituting a prohibited practice.
- (2) But a consumer may not—
 - (a) make a claim to be compensated under a rule of law or equity, or under an enactment, in respect of such conduct if the consumer has been compensated in respect of the conduct by virtue of regulations under section 233, or
 - (b) make a claim to be compensated under this Chapter in respect of such conduct if the consumer has been compensated under a rule of law or equity, or under an enactment, in respect of the conduct.

Commencement Information

I235 S. 235 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Inertia selling

236 Inertia selling **U.K.**

- (1) This section applies where a trader engages in the unfair commercial practice described at paragraph 31 of [Schedule 20](#).
- (2) The consumer is exempted from any obligation to pay for (or provide any other consideration for) the products supplied by the trader.
- (3) In the case of a supply of goods that has not been requested, the consumer may, as between the consumer and the trader, use, deal with or dispose of the goods as if they were an unconditional gift to the consumer.
- (4) The absence of a response from a consumer following the supply of the product does not constitute consent from the consumer to comply with the trader's demand for the consumer to—
 - (a) pay for the product;
 - (b) return the product;
 - (c) safely store the product.

Commencement Information

I236 S. 236 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

Offences relating to unfair commercial practices

237 Offences **U.K.**

- (1) A trader commits an offence if, in breach of section 225(1), the trader engages in an unfair commercial practice which involves a misleading action within section 226(1)(a), (b) or (c) (see section 225(4)(a)(i)).
- (2) A trader commits an offence if, in breach of section 225(1), the trader engages in an unfair commercial practice which involves a misleading omission (see section 225(4)(a)(ii)).
- (3) A trader commits an offence if, in breach of section 225(1), the trader engages in an unfair commercial practice which involves an aggressive practice (see section 225(4)(a)(iii)).
- (4) A trader commits an offence if, in breach of section 225(1)—
 - (a) the trader engages in an unfair commercial practice which involves a contravention of the requirements of professional diligence (see section 225(4)(a)(iv)), and
 - (b) the trader knows, or is reckless as to whether, the commercial practice involves a contravention of the requirements of professional diligence.
- (5) For the purposes of subsection (4) a trader who fails to have regard to whether a commercial practice involves a contravention of the requirements of professional diligence is to be treated as being reckless as to whether it does (regardless of whether the trader has reason to believe that it might).
- (6) A trader commits an offence if, in breach of section 225(1), the trader engages in an unfair commercial practice by omitting material information from an invitation to purchase (see section 225(4)(b)).
- (7) A trader commits an offence if, in breach of section 225(1), the trader engages in a commercial practice which is unfair by virtue of it being of a description listed in Schedule 20 (see section 225(4)(c)) other than an excluded description.
- (8) The following are excluded descriptions for the purposes of subsection (7)—
 - (a) the description of practice mentioned in paragraph 12 of Schedule 20;
 - (b) the descriptions of practices mentioned in paragraph 13 of that Schedule;
 - (c) the description of practice mentioned in paragraph 30 of that Schedule.

Commencement Information

I237 S. 237 not in force at Royal Assent, see s. 339(1)

238 Defence of due diligence and innocent publication **U.K.**

- (1) It is a defence for a person (“the defendant”) charged with an offence under subsection (1), (2), (3), (6) or (7) of section 237 to prove—

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- (a) that the commission of the offence was due to—
 - (i) the act or omission of another person,
 - (ii) reliance on information given by another person,
 - (iii) a mistake or accident, or
 - (iv) another cause beyond the defendant’s control, and
 - (b) that the defendant took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by the defendant or any other person under the defendant’s control.
- (2) Subsection (3) applies in a case where a person (“the defendant”) has been charged with an offence under subsection (1), (2), (3), (6) or (7) of section 237 alleged to have been committed by the publication of an advertisement.
- (3) It is a defence for the defendant to prove that—
- (a) the defendant’s business is to publish or arrange for the publication of advertisements,
 - (b) the defendant received the advertisement for publication in the ordinary course of business, and
 - (c) the defendant did not know and had no reason to suspect that its publication would amount to the offence with which the defendant is charged.
- (4) A defendant is not entitled to rely on the defence provided by subsection (1) by reason of the matters referred to in paragraph (a)(i) or (a)(ii) of that subsection without the permission of the court unless—
- (a) the defendant has served on the prosecutor a notice in writing giving such information as was then in the defendant’s possession identifying, or assisting in the identification of, the other person, and
 - (b) the notice is served on the prosecutor at least seven clear days before the hearing of the proceedings or, in Scotland, at least seven clear days before the trial diet.
- (5) In subsection (3), “advertisement”—
- (a) means anything published (in any form) for the purpose of promoting a product to the public or a section of the public, and
 - (b) includes a catalogue, a circular and a price list.

Commencement Information

I238 S. 238 not in force at Royal Assent, see s. 339(1)

239 Offences: criminal liability of others **U.K.**

- (1) Subsections (2) and (3) apply where a trader—
- (a) commits an offence under subsection (1), (2), (3), (6) or (7) of section 237, or
 - (b) would have committed an offence under that subsection but for a defence under section 238,
- and the commission of the offence, or of what would have been the offence, is due to the act or omission of another person “P”.
- (2) P commits the offence (whether or not P is a trader and whether or not P’s act or omission is a commercial practice).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (3) P may be charged with and convicted of the offence by virtue of subsection (2) whether or not proceedings are taken against the trader.
- (4) In other provisions of this Chapter (including the rest of this section), references to an offence under subsection (1), (2), (3), (6) or (7) of section 237 include references to an offence under that subsection by virtue of subsection (2).
- (5) If an offence under section 237 committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body, or
 - (b) to be attributable to any neglect on the part of an officer,
- the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (6) If the affairs of a body corporate are managed by its members, subsection (5) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.
- (7) If an offence under section 237 committed by a Scottish partnership is proved—
- (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on the part of a partner,
- the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (8) In other provisions of this Chapter, references to an offence under section 237 include references to an offence under that section by virtue of subsection (5) or (7).
- (9) In subsection (5) a reference to an officer of a body corporate includes a reference to—
- (a) a director, manager, secretary or other similar officer, or
 - (b) a person purporting to act as a director, manager, secretary or other similar officer.
- (10) In subsection (7), a reference to a partner includes a person purporting to act as a partner.

Commencement Information

I239 S. 239 not in force at Royal Assent, see [s. 339\(1\)](#)

240 Penalty for offences **U.K.**

A person guilty of an offence under section 237 is liable—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine (or both).

Commencement Information

I240 S. 240 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

241 Time limit for prosecution **U.K.**

- (1) No proceedings for an offence under section 237 may be commenced after the earlier of—
 - (a) the end of the period of 3 years beginning with the date of the commission of the offence, or
 - (b) the end of the period of 1 year beginning with the date of discovery of the offence by the prosecutor.
- (2) For the purposes of subsection (1)(b)—
 - (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the prosecutor discovered the offence is conclusive evidence of that fact, and
 - (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.

Commencement Information

I241 S. 241 not in force at Royal Assent, see [s. 339\(1\)](#)

Miscellaneous

242 Powers to amend this Chapter **U.K.**

- (1) The Secretary of State may by regulations amend [Schedule 20](#) (commercial practices which are in all circumstances considered unfair) so as to—
 - (a) add a description of a commercial practice;
 - (b) remove a description of a commercial practice;
 - (c) amend a description of a commercial practice.
- (2) If regulations under subsection (1) amend [Schedule 20](#) so as to add a description of a commercial practice, the regulations must also amend section 237(8) so as to make that practice an excluded description of practice.
- (3) The Secretary of State may by regulations amend section 232(7) (rights of redress: prohibited practices) so as to—
 - (a) add further commercial practices that are unfair under this Chapter to the list of prohibited practices;
 - (b) remove from the list of prohibited practices any commercial practices that have been added by regulations.
- (4) The Secretary of State may by regulations amend section 230(2) (material information in respect of an invitation to purchase) so as to—
 - (a) add descriptions of information;
 - (b) modify descriptions of information;
 - (c) remove descriptions of information added by regulations under this subsection.
- (5) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

(6) Regulations under this section are subject to the affirmative procedure.

Commencement Information

I242 S. 242 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

243 Crown application **U.K.**

- (1) Subject to subsection (2), this Chapter binds the Crown.
- (2) The Crown is not criminally liable as a result of anything in this Chapter.
- (3) Subsection (2) does not affect the application of any provision of this Chapter in relation to persons in the public service of the Crown.

Commencement Information

I243 S. 243 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

244 Validity of agreements **U.K.**

Except as resulting from a consumer’s rights of redress under this Chapter, a contract or any other agreement is not void or unenforceable by reason only of a breach of the prohibition in section [225\(1\)](#) or [\(2\)](#) (prohibition of unfair commercial practices or the promotion of unfair commercial practices).

Commencement Information

I244 S. 244 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Interpretation

245 Meaning of “transactional decision” **U.K.**

In this Chapter, “transactional decision” means any decision made by a consumer relating to—

- (a) the purchase or supply of a product (including whether, how or on what terms to make the purchase or supply);

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- (b) the retention, disposal or withdrawal of a product (including whether, how or on what terms to retain or dispose of it);
- (c) the exercise of contractual rights in relation to a product (including whether, how or on what terms to exercise such rights).

Commencement Information

I245 S. 245 not in force at Royal Assent, see [s. 339\(1\)](#)

246 Meaning of “average consumer”: general **U.K.**

- (1) This section provides for how references to the average consumer are to be read for the purposes of this Chapter.
- (2) The average consumer is—
 - (a) reasonably well informed,
 - (b) reasonably observant, and
 - (c) reasonably circumspect.
- (3) The average consumer is to be treated as not knowing information in relation to a commercial practice where such information has been concealed by the trader (even if the average consumer might know the information from another source).
- (4) Where a commercial practice is directed at a particular group, the average consumer is an average member of that group (and the attributes of the average consumer in subsection (2) are to be read accordingly).
- (5) This section is subject to [section 247](#).

Commencement Information

I246 S. 246 not in force at Royal Assent, see [s. 339\(1\)](#)

247 Meaning of “average consumer”: vulnerable persons **U.K.**

- (1) Subsection (2) applies where a group of consumers is particularly vulnerable to a commercial practice in a way that the trader could reasonably be expected to foresee.
- (2) References in this Chapter to the average consumer, so far as relating to cases to which this subsection applies, are to be read as references to an average member of the group mentioned in subsection (1) (and the attributes of the average consumer in [section 246\(2\)](#) are to be read accordingly).
- (3) For the purposes of subsection (1), the reference to a group of consumers being particularly vulnerable to a commercial practice—
 - (a) is a reference to the members of the group being particularly vulnerable to the commercial practice causing them to take a transactional decision that they would not have taken otherwise, and
 - (b) includes a reference to a group of consumers being vulnerable to a practice because of the product to which it relates.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (4) For the purposes of subsection (1), a group of consumers may be vulnerable as a result of (among other things)—
- (a) their age;
 - (b) their physical or mental health;
 - (c) their credulity;
 - (d) the circumstances they are in.

Commencement Information

I247 S. 247 not in force at Royal Assent, see [s. 339\(1\)](#)

248 Meaning of “product” **U.K.**

- (1) In this Chapter, “product” means—
- (a) goods;
 - (b) a service;
 - (c) digital content.
- (2) For the purposes of this Chapter, a trader agreeing to the full or partial settlement of a consumer’s liabilities or purported liabilities in return for the consumer meeting a demand for payment is supplying a service.

Commencement Information

I248 S. 248 not in force at Royal Assent, see [s. 339\(1\)](#)

249 General interpretation **U.K.**

In this Chapter—

“business” includes—

- (a) a trade, craft or profession,
- (b) any other undertaking carried on for gain or reward, and
- (c) the activities of any government department or local or public authority;

“code of conduct” means an agreement or set of rules which defines the behaviour of traders who choose to be bound by it;

“goods” includes—

- (a) immoveable property, and
- (b) rights and obligations,

but includes water, gas and electricity only if they are put up for sale in a limited volume or set quantity;

“supply”, in relation to a product, includes supply by means of sale, lease, hire or hire purchase.

Commencement Information

I249 S. 249 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

250 Index of defined terms **U.K.**

In this Chapter, the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

Expression	Provision
Aggressive practice	Section 228
Average consumer	Sections 246 and 247
Business	Section 249
Business-to-consumer contract	Section 232(2)(a)
Code of conduct	Section 249
Commercial practice	Section 225(3)
Consumer	Section 225(3)
Consumer payment	Section 232(2)(c)
Consumer-to-business contract	Section 232(2)(b)
Contravention of the requirements of professional diligence	Section 229
Enactment	Section 330
Goods	Section 249
Invitation to purchase	Section 230(10)
Misleading action	Section 226
Misleading omission	Section 227
Product	Section 248
Prohibited practice	Section 232(7)
Supply	Section 249
Trader	Section 225(3)
Transactional decision	Section 245
Unfair commercial practice	Section 225(4)

Commencement Information

I250 S. 250 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

Consequential amendments and transitional provision

251 Consequential amendments relating to this Chapter **U.K.**

- (1) The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277) are revoked.
- (2) [Schedule 21](#) contains further consequential amendments relating to this Chapter.

Commencement Information

I251 S. 251 not in force at Royal Assent, see [s. 339\(1\)](#)

252 Transitional and saving provision relating to this Chapter **U.K.**

- (1) This Chapter applies only in relation to an act or omission which takes place on or after the commencement date.
- (2) The CPUTR 2008 continue to have effect in relation to any act or omission which takes place before the commencement date.
- (3) In this section—
 - “the commencement date” means—
 - (a) for the purposes of the saving by subsection (2) of Part 4A of the CPUTR 2008 (and other provisions of those Regulations so far as relating to that Part), the date on which the first regulations made under section 233 come into force;
 - (b) for all other purposes, the date on which section 225 comes into force;
 - “CPUTR 2008” means the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277).

Commencement Information

I252 S. 252 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

CHAPTER 2 U.K.

SUBSCRIPTION CONTRACTS

Introduction

PROSPECTIVE

253 Overview U.K.

- (1) This Chapter—
 - (a) imposes duties on traders in relation to subscription contracts,
 - (b) provides rights for consumers if those duties are breached, and
 - (c) provides rights for consumers to cancel subscription contracts during cooling-off periods.
- (2) Sections 254 and 255 set out what is a “subscription contract” for the purposes of this Chapter.
- (3) Sections 256 to 261 impose duties on traders in relation to subscription contracts.
- (4) Sections 262 and 263 provide rights for consumers to cancel subscription contracts if traders breach those duties.
- (5) Sections 264 to 266 provide rights for consumers to cancel subscription contracts during cooling-off periods.
- (6) Section 267 confers powers to make further provision about the cancellation of subscription contracts under this Chapter.
- (7) Sections 268 to 271 make provision for the offence of failing to provide information about cooling-off rights.
- (8) Sections 272 to 281 contain miscellaneous provisions in relation to this Chapter.

Commencement Information

I253 S. 253 not in force at Royal Assent, see s. 339(1)

PROSPECTIVE

254 Meaning of “subscription contract” U.K.

- (1) For the purposes of this Chapter, a subscription contract is a contract between a trader and a consumer—
 - (a) for the supply of goods, services or digital content by the trader to the consumer in exchange for payment by the consumer,
 - (b) to which either or both of subsections (2) and (3) apply, and
 - (c) which is not an excluded contract (see section 255).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) This subsection applies to a contract if it contains terms which have the effect of providing—
- (a) for an automatically recurring, or continuing, supply of goods, services or digital content to the consumer for an indefinite period or a fixed period,
 - (b) for the consumer to automatically incur liability for each supply, or recurring liabilities for the continuing supply, and
 - (c) a right for the consumer to bring the contract to an end.
- (3) This subsection applies to a contract if it contains terms which have the effect of providing—
- (a) for a supply of goods, services or digital content to a consumer free of charge, or at a rate specified in the contract (the “original rate”), for a period specified in the contract,
 - (b) for the consumer to become automatically liable for payments, or payments at a rate higher than the original rate, for supplies after that period (including where the trader has an option to impose a charge or a higher charge after the end of the period), and
 - (c) a right for the consumer to bring the contract to an end before such liability is incurred.
- (4) In this Chapter, references to a consumer’s right to bring a subscription contract to an end are references to a right provided under the contract which—
- (a) in the case of a contract for a fixed period, may be exercised to bring the contract to an end before the end of the fixed period;
 - (b) in any case, may be exercised without the consumer incurring any penalty which is more than nominal,
- and include references to a right that is expressed in terms of a right to stop a subscription contract from automatically renewing or continuing or any other similar expression.

Commencement Information

I254 S. 254 not in force at Royal Assent, see [s. 339\(1\)](#)

255 Excluded contracts **U.K.**

- (1) A contract is an excluded contract for the purposes of this Chapter if, and to the extent that, it is of a description set out in [Schedule 22](#).
- (2) The Secretary of State may by regulations amend [Schedule 22](#) so as to add, remove or modify a description of a contract.
- (3) The power under subsection (2) includes power to provide for a contract to be an excluded contract—
 - (a) generally for the purposes of this Chapter, or
 - (b) only for such purposes of this Chapter as are specified.
- (4) Regulations under subsection (2) are subject to the affirmative procedure.
- (5) See [section 275\(4\) to \(8\)](#) for how this Chapter applies in relation to a contract that—
 - (a) was an excluded contract at the time it was entered into, and

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- (b) on subsequently ceasing to be an excluded contract, becomes a subscription contract.

Commencement Information

I255 S. 255 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

Duties of traders

256 Pre-contract information **U.K.**

- (1) Before a trader enters into a subscription contract with a consumer, the trader must—
- (a) give to the consumer the information set out in [Part 1 of Schedule 23](#) (“key pre-contract information”), and
 - (b) give, or make available, to the consumer the information set out in [Part 2 of Schedule 23](#) (“full pre-contract information”).
- (2) The duty imposed by subsection (1) must be carried out—
- (a) as close in time to entering into the contract as is practicable,
 - (b) in accordance with subsections (3) and (4), and
 - (c) in accordance with any other requirements specified in regulations under section [277\(1\)\(a\)](#).
- (3) Key pre-contract information must be given under subsection (1)(a) in accordance with the following requirements—
- (a) it must all be given together;
 - (b) it must be given separately from the full pre-contract information and any other information;
 - (c) in relation to a contract entered into in person, it must be given in writing and on a durable medium;
 - (d) in relation to a contract entered into online and remotely (but not orally), it must be given in writing and in such a way that the consumer is not required to take any steps to read the information, other than the steps the consumer must take to enter into the contract;
 - (e) in relation to a contract entered into orally and remotely, it must be given orally.
- (4) Full pre-contract information must be given, or made available, under subsection (1)(b) in accordance with the following requirements—
- (a) it must all be given, or made available, together;
 - (b) in relation to a contract entered into in person, it must be given in writing and on a durable medium.
- (5) The duty under subsection (1)(b) to give, or make available, full pre-contract information applies in relation to the information set out in paragraphs [14 to 28](#) of [Schedule 23](#) only to the extent that the information is applicable to the contract and not already apparent from the context.
- (6) For the purposes of this section, information is made available to a consumer only if the consumer can reasonably be expected to—
- (a) know how to access it, and

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) be able to access it;
- (7) For the purposes of this Chapter—
 - (a) references to a contract being entered into in person are references to it being entered into in the simultaneous physical presence of the trader and the consumer;
 - (b) references to a contract being entered into remotely are references to it being entered into without the simultaneous physical presence of the trader and the consumer.
- (8) The Secretary of State may by regulations amend Parts 1 and 2 of Schedule 23 so as to add, modify or remove descriptions of information.
- (9) Regulations under subsection (8) are subject to the affirmative procedure.

Commencement Information

I256 S. 256 in force at Royal Assent for specified purposes, see s. 339(2)(c)

PROSPECTIVE

257 Pre-contract information: additional requirements **U.K.**

- (1) Subsections (2) and (3) apply in relation to a subscription contract entered into online.
- (2) The trader must ensure that the final step which the consumer is required to take to enter into the contract involves the consumer expressly acknowledging that the contract imposes an obligation on the consumer to make payments to the trader.
- (3) The trader must ensure that the information mentioned in subsection (4) is given to a consumer—
 - (a) in writing and in such a way that the consumer is not required to take any steps to read the information, other than the steps the consumer must take to enter into the contract, and
 - (b) in accordance with any other requirement specified in regulations under section 277(1)(a).
- (4) The information referred to in subsection (3) is—
 - (a) whether there are any restrictions on the delivery of the product to be supplied under the contract, and
 - (b) which means of payment are accepted in relation to the product.
- (5) If the trader does not comply with subsection (2), the consumer is not bound by the subscription contract.
- (6) Subsection (7) applies in relation to a subscription contract entered into orally and remotely.
- (7) If a trader contacts the consumer, the trader must, from the outset, disclose—
 - (a) the trader's identity,
 - (b) where applicable, the identity of the person on whose behalf the trader is making contact, and

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(c) the commercial purpose of making contact with the consumer.

(8) In cases where—

- (a) the contract has been entered into in person, and
- (b) the consumer has signed the contract,

the trader must give to the consumer a copy of the signed contract immediately after the consumer has signed the contract.

(9) In cases where full pre-contract information has not been given under section 256(1)(b) in writing on a durable medium before the contract is entered into, the trader must give the consumer that information in writing on a durable medium as soon as reasonably practicable after the contract has been entered into and—

- (a) where goods are to be supplied under the contract, before the supply of any goods;
- (b) where services are to be supplied under the contract, before the supply of any service.

Commencement Information

I257 S. 257 not in force at Royal Assent, see [s. 339\(1\)](#)

258 Reminder notices **U.K.**

- (1) Where a trader enters into a subscription contract with a consumer that does not include a concessionary period, the trader must give to the consumer a notice (referred to in this Chapter as a “reminder notice”) in respect of each renewal payment that relates to the end of a relevant six-month period.
- (2) A “relevant six-month period” for the purposes of subsection (1) is—
 - (a) the period of 6 months beginning with the day after the day on which the contract was entered into, and
 - (b) each subsequent period of 6 months beginning with the day after the day on which the consumer last became liable for a renewal payment in respect of which a reminder notice was required under subsection (1).
- (3) Where a trader enters into a subscription contract with a consumer that includes a concessionary period, the trader must give to the consumer a reminder notice in respect of—
 - (a) the first renewal payment for which the consumer will become liable under the contract, and
 - (b) each subsequent renewal payment that relates to the end of a relevant six-month period.
- (4) A “relevant six-month period” for the purposes of subsection (3) is each period of 6 months beginning with the day after the day on which the consumer last became liable for a renewal payment in respect of which a reminder notice was required under subsection (3).
- (5) A renewal payment “relates” to the end of a relevant six-month period for the purposes of subsections (1) and (3) if—

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- (a) it is the last (or only) renewal payment for which the consumer becomes liable during that period, or
 - (b) in a case where the consumer does not become liable for any renewal payment during that period, it is the first renewal payment for which the consumer becomes liable after the end of that period.
- (6) For the purposes of this section a subscription contract includes a concessionary period if it is a contract to which section 254(3) applies.
- (7) In this Chapter, a “renewal payment”, in relation to a subscription contract, means a payment for which the consumer could avoid liability by exercising a right to bring the contract to an end.
- (8) Section 259 contains further provision about—
- (a) the contents of reminder notices,
 - (b) the times at which they must be given, and
 - (c) how they must be given.
- (9) The Secretary of State may by regulations provide for the requirements imposed by this section and section 259—
- (a) not to apply in relation to specified descriptions of traders or contracts;
 - (b) to apply subject to modifications in relation to specified descriptions of traders or contracts.
- (10) Regulations under subsection (9) are subject to the affirmative procedure.

Commencement Information

I258 S. 258 in force at Royal Assent for specified purposes, see s. 339(2)(c)

PROSPECTIVE

259 Content and timing etc of reminder notices **U.K.**

- (1) A reminder notice must contain—
- (a) the information set out in Part 3 of Schedule 23, and
 - (b) any other information required by regulations under section 277(1)(b), and that information must be given to the consumer all together.
- (2) A reminder notice must be given—
- (a) in accordance with subsections (3) to (8),
 - (b) in such a way that the information referred to in subsection (1) is more prominent than any other information given to the consumer at the same time, and
 - (c) in accordance with any other requirements specified in regulations under section 277(1)(a).
- (3) A reminder notice must be given within the period specified by the trader for the purposes of this section in the key pre-contract information given to the consumer in relation to the contract (see paragraph 10 of Schedule 23).

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (4) A period specified in key pre-contract information for the purposes of this section must be a period in advance of the last cancellation date which is reasonable for the purposes of—
 - (a) informing the consumer that they will soon become liable for the renewal payment to which the notice relates, and
 - (b) enabling the consumer to decide whether to bring the subscription contract to an end before incurring that liability (and to take the necessary steps to do so).
- (5) The “last cancellation date”, in relation to a reminder notice, means the last day on which the consumer could avoid becoming liable for the renewal payment to which the notice relates by exercising a right to bring the contract to an end.
- (6) Where subsection (7) applies, in addition to giving a reminder notice in accordance with subsection (3), an additional reminder notice must be given—
 - (a) prior to the notice given in accordance with subsection (3), and
 - (b) at a time which is reasonable for the purpose of providing additional notification to the consumer that they will soon become liable for the renewal payment to which the notice relates.
- (7) This subsection applies where—
 - (a) the consumer will not become liable for a further renewal payment until after the end of the 12-month period, or
 - (b) the consumer will not become liable for any further renewal payment but the contract continues beyond the end of the 12-month period.
- (8) In subsection (7), the “12-month period” means the period of 12 months beginning with the day before the day on which the consumer will become liable for the renewal payment to which the reminder notice relates.

Commencement Information

I259 S. 259 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

260 Arrangements for consumers to exercise right to end contract **U.K.**

- (1) A trader must make arrangements to enable a consumer to exercise a right to bring a subscription contract to an end—
 - (a) in a way which is straightforward, and
 - (b) without having to take any steps which are not reasonably necessary for bringing the contract to an end.
- (2) A consumer may, alternatively, exercise a right to bring a subscription contract to an end by notifying the trader in accordance with subsection (6) that the consumer is bringing the contract to an end.
- (3) A consumer may exercise a right to bring a subscription contract to an end at any time permitted by regulations under section [277\(1\)\(c\)](#).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (4) In relation to a subscription contract entered into online, arrangements under subsection (1) must—
 - (a) enable a consumer to bring the contract to an end online, and
 - (b) ensure that instructions for doing so are displayed online in a place or places that a consumer seeking to end the contract is likely to find them.
- (5) Arrangements under this section must comply with any other requirements specified in regulations under section 277(1)(c).
- (6) A notification under subsection (2) may be given by the consumer making a clear statement setting out their decision to bring the contract to an end.

Commencement Information

I260 S. 260 not in force at Royal Assent, see s. 339(1)

PROSPECTIVE

261 Duties of trader on cancellation or end of subscription contract **U.K.**

- (1) This section applies where a consumer—
 - (a) has exercised a right under this Chapter to cancel a subscription contract, or
 - (b) has exercised a right to bring a subscription contract to an end.
- (2) The trader must—
 - (a) give the consumer a notice acknowledging that fact (referred to in this Chapter as an “end of contract notice”), and
 - (b) if an overpayment has been received by the trader from the consumer, refund that overpayment.
- (3) An end of contract notice must set out—
 - (a) the date on which the contract was or will be cancelled or on which it came, or will come, to an end, and
 - (b) any other information required by regulations under section 277(1)(b).
- (4) An end of contract notice must be given—
 - (a) in accordance with subsection (5),
 - (b) in writing on a durable medium, and
 - (c) in accordance with any other requirements specified in regulations under section 277(1)(a).
- (5) An end of contract notice must be given—
 - (a) before the end of such period as may be specified in regulations under section 277(1)(a), or
 - (b) if no such period is specified—
 - (i) in the case of a consumer exercising a right mentioned in subsection (1) by giving a notification online, before the end of the period of 24 hours from the time that the consumer gives the notification;

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(ii) in a case where the consumer exercises such a right by giving a notification in any other way, before the end of the period of 3 working days beginning with the day after the day that the consumer gives that notification.

(6) In subsection (2)(b) “overpayment”, in relation to a subscription contract, means any payment made by the consumer for which the consumer is not liable as a result of cancelling the subscription contract or bringing it to an end.

Commencement Information

I261 S. 261 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Rights of consumers to cancel contract for breach

262 Terms implied into contracts **U.K.**

A trader’s compliance with the following duties is an implied term in every subscription contract—

- (a) the duty set out in section [256\(1\)\(a\)](#) (key pre-contract information);
- (b) the duty set out in section [256\(1\)\(b\)](#) (full pre-contract information);
- (c) the duty set out in section [258](#) (reminder notices);
- (d) the duty set out in section [259\(4\)](#) to specify in key pre-contract information a reasonable period for the giving of a reminder notice under section [259\(3\)](#) (timing for the giving of reminder notices);
- (e) the duty set out in section [260\(1\)](#) (arrangements for consumer to end contract);
- (f) the duties set out in section [261\(2\)](#) (end or cancellation of subscription contract).

Commencement Information

I262 S. 262 not in force at Royal Assent, see [s. 339\(1\)](#)

263 Right to cancel for breach of implied term **U.K.**

- (1) This section applies where a trader is in breach of the term implied into a subscription contract by section [262\(a\)](#), [\(c\)](#), [\(d\)](#) or [\(e\)](#).
- (2) The consumer has the right to cancel the contract.
- (3) The right is exercisable by the consumer notifying the trader in accordance with subsection [\(4\)](#) that the consumer is cancelling the contract.
- (4) A notification under subsection [\(3\)](#) may be given by the consumer making a clear statement setting out their decision to cancel the contract.

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- (5) A subscription contract is cancelled from the time the notification is given.
- (6) Where a subscription contract is cancelled under this section—
 - (a) the cancellation ends both the trader’s and the consumer’s obligations to perform the contract in respect of any rights or liabilities that would arise (but for the cancellation) after the time at which the contract was cancelled,
 - (b) the consumer’s liability for payments that have arisen under the contract is extinguished to any extent set out in regulations under section 267(1)(b) (and, accordingly, the consumer may be entitled to a refund), and
 - (c) any other provision made under those regulations in relation to the treatment of goods, services or digital content supplied under a cancelled subscription contract applies.
- (7) No penalty or charge may be imposed on a consumer for cancelling a subscription contract under subsection (2).
- (8) For further provision about the exercise of a right to cancel under this section, see section 267.

Commencement Information

I263 S. 263 not in force at Royal Assent, see s. 339(1)

PROSPECTIVE

Cooling-off rights

264 Right to cancel during cooling-off periods **U.K.**

- (1) A consumer has the right to cancel a subscription contract during—
 - (a) the initial cooling-off period, and
 - (b) any renewal cooling-off period.
- (2) The right conferred by subsection (1)—
 - (a) is exercisable in any circumstances, and
 - (b) may not be subject to any conditions other than those set out in or under this Chapter.
- (3) The right is exercisable by the consumer notifying the trader in accordance with subsection (4) that the consumer is cancelling the contract.
- (4) A notification under subsection (3) may be given by the consumer making a clear statement setting out their decision to cancel the contract.
- (5) A subscription contract is cancelled from the time that such a notification is given.
- (6) Where a subscription contract is cancelled under this section—
 - (a) the cancellation ends both the consumer’s and the trader’s obligations to perform the contract in respect of any rights or liabilities that would arise (but for the cancellation) after the time at which the contract was cancelled,

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- (b) the consumer’s liability for payments that have arisen under the contract is extinguished to any extent set out in regulations under section 267(1)(b) (and, accordingly, the consumer may be entitled to a refund), and
 - (c) any other provision made under those regulations in relation to the treatment of goods, services or digital content supplied under a cancelled subscription contract applies.
- (7) No penalty or charge may be imposed on a consumer for cancelling a subscription contract under subsection (1).
- (8) For further provision about the exercise of a right to cancel under this section, see section 267.

Commencement Information

1264 S. 264 not in force at Royal Assent, see s. 339(1)

265 Meaning of “initial cooling-off period” and “renewal cooling-off period” **U.K.**

- (1) In this Chapter, the “initial cooling-off period”, in relation to a subscription contract, means the period—
- (a) beginning with the day the contract is entered into, and
 - (b) ending—
 - (i) in the case of a contract under which goods are supplied, at the end of the period of 14 days beginning with the day after the day on which the consumer receives the first supply of goods under the contract;
 - (ii) in any other case, at the end of the period of 14 days beginning with the day after the day on which the contract is entered into.
- (2) In this Chapter, a “renewal cooling-off period”, in relation to a subscription contract, means a period—
- (a) beginning with the day on which a relevant renewal of the contract occurs, and
 - (b) ending at the end of the period of 14 days beginning with the day after that day.
- (3) A “relevant renewal” of a subscription contract occurs for the purposes of subsection (2)—
- (a) when the consumer becomes liable under the contract for a first renewal payment following the end of a concessionary period, or
 - (b) at any time when the consumer becomes liable under the contract for a renewal payment and either—
 - (i) the consumer will not become liable for the next renewal payment until after the end of the 12-month period, or
 - (ii) the consumer will not become liable for any further renewal payment but the contract continues beyond the end of the 12-month period.
- (4) In subsection (3)—
- (a) in paragraph (a), “concessionary period” means a period of time mentioned in section 254(3)(a), and
 - (b) in paragraph (b), the “12-month period” means the period of 12 months beginning with the day before the day on which the consumer became liable for the renewal payment.

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- (5) For the purposes of subsection (1)(b)(i), the first supply of goods under a subscription contract is not to be treated as having taken place until such time as the consumer receives all of the goods that the consumer is due to receive as part of that supply.
- (6) This section is subject to such extensions of a cooling-off period as may be provided for by regulations under section 267(1)(c).

Commencement Information

I265 S. 265 not in force at Royal Assent, see s. 339(1)

266 Cooling-off notice **U.K.**

- (1) In relation to each renewal cooling-off period, a trader must give the consumer a notice (referred to in this Chapter as a “cooling-off notice”).
- (2) A cooling-off notice must set out—
- (a) that the subscription contract is continuing,
 - (b) that the consumer has a right to cancel the subscription contract during the cooling-off period to which the notice relates,
 - (c) when that period begins and ends,
 - (d) how the consumer may exercise the right to cancel,
 - (e) if the consumer may lose the right, the circumstances under which that will happen,
 - (f) the consequences of the consumer exercising the right, including—
 - (i) any refund the consumer may be entitled to,
 - (ii) any reason that refund might be diminished, and
 - (iii) in respect of a contract for the supply of goods, whether the consumer will be responsible for returning those goods to the trader, and
 - (g) any other information required by regulations under section 277(1)(b).
- (3) A cooling-off notice must be given—
- (a) on the first day of the renewal cooling-off period to which it relates or as soon as reasonably practicable after that day,
 - (b) separately from the giving of any other information, and
 - (c) in accordance with any other requirements specified in regulations under section 277(1)(a).

Commencement Information

I266 S. 266 not in force at Royal Assent, see s. 339(1)

Cancellation of contracts under this Chapter: further provision

267 Cancellation of subscription contract: further provision **U.K.**

- (1) The Secretary of State may by regulations make provision—

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- (a) about the exercise of the rights of a consumer to cancel a subscription contract under this Chapter;
 - (b) about the consequences that follow a consumer exercising such rights;
 - (c) extending a cooling-off period in such cases, and to such extent, as the regulations may specify.
- (2) Regulations under subsection (1)(a) may include provision—
 - (a) requiring a right to cancel to be exercised before the end of a specified period;
 - (b) imposing other conditions or restrictions on the exercise of a right to cancel (for example, provision that a consumer may lose the right to cancel a subscription contract during a cooling-off period if they choose to be supplied with digital content or services under the contract during that period).
- (3) Regulations under subsection (1)(b) may include provision—
 - (a) setting out the extent to which a consumer’s liability for payments that have arisen under a cancelled subscription contract is extinguished;
 - (b) as a consequence of provision made under paragraph (a), requiring a trader to refund a consumer for payments the consumer has made under the contract;
 - (c) treating the consumer as having paid for goods, services or digital content received under a cancelled subscription contract;
 - (d) about the trader’s right to recover goods or digital content that have been supplied under a cancelled subscription contract;
 - (e) setting out the consequences of a consumer—
 - (i) bringing a subscription contract to an end at a time when the consumer has one or more rights to cancel the contract under this Chapter;
 - (ii) cancelling a subscription contract at a time when the consumer has more than one right to cancel the contract under this Chapter.
- (4) Provision under subsection (3)(a) and (b) may secure the result (for example, in cases where a consumer has been supplied with digital content or services under a contract before it is cancelled during a cooling-off period) that—
 - (a) the consumer remains liable (partly or fully) for payments falling due before the cancellation of the contract, and
 - (b) the consumer is entitled to a reduced or no refund.
- (5) Provision under subsection (3)(e)(ii) must secure the result that, unless the consumer chooses otherwise, the consumer is to be taken to exercise the right to cancel under this Chapter that results in the most advantageous remedy to the consumer (and the regulations may include provision for determining what remedy is “most advantageous” to a consumer in different descriptions of case).
- (6) Before making regulations under subsection (1)(c), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (7) The following regulations under this section are subject to the affirmative procedure—
 - (a) the first regulations to be made under this section;
 - (b) any other regulations under this section that include provision within subsection (1)(c).
- (8) Regulations under this section to which subsection (7) does not apply are subject to the negative procedure.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I267 S. 267 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

Offence of failing to provide information about cooling-off rights

268 Offence of failing to provide information about initial cooling-off rights **U.K.**

- (1) A trader commits an offence if the trader—
 - (a) enters into an off-premises subscription contract, and
 - (b) fails to—
 - (i) give the consumer the information listed in paragraph 11(a) of [Schedule 23](#) in accordance with section [256\(1\)\(a\)](#), or
 - (ii) give, or make available, the information set out in paragraph 21 of that Schedule in accordance with section [256\(1\)\(b\)](#).
- (2) Subsections (3) and (4) apply where a trader—
 - (a) commits an offence under subsection (1), or
 - (b) would have committed an offence under that subsection but for a defence under section [269](#),
 and the commission of the offence, or of what would have been the offence, is due to the act or omission of another person (“P”).
- (3) P commits the offence (whether or not P is a trader).
- (4) P may be charged with and convicted of the offence by virtue of subsection (3) whether or not proceedings are taken against the trader.
- (5) In this section, an “off-premises subscription contract” means a subscription contract—
 - (a) entered into in person, in a place which is not the business premises of the trader,
 - (b) entered into by any means immediately after the consumer was individually and personally addressed by the trader in person in a place which is not the business premises of the trader, or
 - (c) entered into during an excursion organised by the trader with the aim or effect of promoting and selling goods or services to the consumer.
- (6) In subsection (5), “business premises”, in relation to a trader, means—
 - (a) any immovable retail premises where the activity of the trader is carried out on a permanent basis, or
 - (b) any movable retail premises where the activity of the trader is carried out on a usual basis.
- (7) In other provisions of this Chapter, references to an offence under subsection (1) include references to an offence under that subsection by virtue of subsection (3).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I268 S. 268 not in force at Royal Assent, see [s. 339\(1\)](#)

269 Defence of due diligence **U.K.**

- (1) It is a defence for a person (“the defendant”) charged with an offence under section [268\(1\)](#) to prove—
 - (a) that the commission of the offence was due to—
 - (i) the act or omission of another person, or
 - (ii) reliance on information given by another person, and
 - (b) that the defendant took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by the defendant or any other person under the defendant’s control.
- (2) A defendant is not entitled to rely on the defence provided by subsection (1) without the permission of the court unless—
 - (a) the defendant has served on the prosecutor a notice in writing giving such information as was then in the defendant’s possession identifying, or assisting in the identification of, the other person, and
 - (b) the notice is served on the prosecutor at least seven clear days before the hearing of the proceedings or, in Scotland, at least seven clear days before the trial diet.

Commencement Information

I269 S. 269 not in force at Royal Assent, see [s. 339\(1\)](#)

270 Offences by officers of a body corporate etc **U.K.**

- (1) If an offence under section [268\(1\)](#) committed by a body corporate is proved—
 - (a) to have been committed with the consent or connivance of an officer of the body, or
 - (b) to be attributable to any neglect on the officer’s part,the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In subsection (1) a reference to an officer of a body corporate includes a reference to—
 - (a) a director, manager, secretary or other similar officer;
 - (b) a person purporting to act as a director, manager, secretary or other similar officer.
- (3) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were an officer of the body corporate.
- (4) Where an offence under section [268\(1\)](#) committed by a Scottish partnership is proved—
 - (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on the part of a partner,

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

- (5) In subsection (4), a reference to a partner includes a person purporting to act as a partner.

Commencement Information

I270 S. 270 not in force at Royal Assent, see [s. 339\(1\)](#)

271 Penalty for offence and enforcement **U.K.**

- (1) A person who is guilty of an offence under section [268\(1\)](#) is liable—
- (a) on summary conviction in England Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (2) It is the duty of every local weights and measures authority in Great Britain to enforce section [268\(1\)](#) in its area.
- (3) It is the duty of the Department for the Economy in Northern Ireland to enforce section [268\(1\)](#) in Northern Ireland.
- (4) No proceedings for an offence under section [268\(1\)](#) may be instituted in England and Wales except by or on behalf of a local weights and measures authority in Great Britain.
- (5) Nothing in subsection (2) authorises any local weights and measures authority in Great Britain to bring proceedings in Scotland for an offence.

Commencement Information

I271 S. 271 not in force at Royal Assent, see [s. 339\(1\)](#)

General and miscellaneous provision

PROSPECTIVE

272 Information and notices: timing and burden of proof **U.K.**

- (1) This section applies for the purposes of this Chapter.
- (2) Where a trader gives any information or notice under this Chapter by email, by a message sent online, or by any other means of electronic communication, the information or notice is to be treated as given by the trader, and as received by the consumer, at the time that the communication is sent to the consumer.
- (3) Subsection (2) applies even if the consumer does not receive the communication where the reason for that is beyond the control of the trader.
- (4) Subsection (5) applies for the purposes of determining whether a consumer has—

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- (a) given notice that the consumer is cancelling a subscription contract in exercise of a right conferred by this Chapter within the period of time specified for the consumer to exercise the right;
 - (b) given notice that the consumer is bringing a subscription contract to an end within a period of time, or before a date, specified or described in the contract as the period during which, or date before which, the consumer may exercise the right.
- (5) The consumer is to be treated as having given notice within the required period, or before the specified date, if the communication by which the notice is given is sent before the end of that period or date (and for this purpose it is immaterial whether or not the trader receives the notice).
- (6) The burden of proof lies with the trader in any dispute between the trader and a consumer as to whether information or a notice has been given by the trader to the consumer in accordance with this Chapter.
- (7) The burden of proof lies with the consumer in any dispute between the consumer and a trader as to—
- (a) whether the consumer has notified the trader that the consumer is bringing to an end, or cancelling, a subscription contract in accordance with this Chapter;
 - (b) when the consumer gave such notice.
- (8) Any information that a trader gives to a consumer under this Chapter must be given in clear and plain language and
- (a) if given in writing, be in a legible form;
 - (b) if given orally, be audible and comprehensible.

Commencement Information

I272 S. 272 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

273 Terms of a subscription contract which are of no effect **U.K.**

- (1) Any term of a subscription contract that is in contravention of this Chapter is, to that extent, of no effect (including any term that seeks to exclude or restrict a trader's liability arising from the terms implied into the contract by section [262](#)).
- (2) In cases to which this subsection applies, any term of a subscription contract which seeks to impose on a consumer liability for a renewal payment before the day on which the contract renews is, to that extent, of no effect.
- (3) Subsection [\(2\)](#) applies to cases of a description specified in regulations under section [277\(1\)\(e\)](#) (and the regulations may include provision for determining when a contract renews in each description of case).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I273 S. 273 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

274 Other remedies for breach by trader **U.K.**

- (1) Nothing in this Chapter is to be taken as limiting the taking of any other remedies available to a consumer for breach of any term (whether express, implied by section 262 or otherwise) of a subscription contract.
- (2) Those other remedies may be sought—
 - (a) in addition to the rights conferred on the consumer by this Chapter (but not so as to recover twice for the same loss), or
 - (b) instead of the exercise of any of those rights by the consumer.
- (3) Those other remedies include any of the following—
 - (a) claiming damages;
 - (b) seeking specific performance;
 - (c) seeking an order for specific implement;
 - (d) relying on the breach against a claim by the trader under the contract;
 - (e) for breach of a term, exercising a right to treat the contract at an end.

Commencement Information

I274 S. 274 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

275 Application of this Chapter **U.K.**

- (1) Subsection (2) applies if—
 - (a) the law of a country or territory other than the United Kingdom or any part of the United Kingdom is chosen by the parties to be applicable to a subscription contract, but
 - (b) the contract has a close connection with the United Kingdom.
- (2) This Chapter applies in relation to the contract despite that choice.
- (3) This Chapter does not apply in relation to contracts entered into before section 254 comes into force.
- (4) Subsections (5) and (6) apply where—
 - (a) a trader enters into a contract that is an excluded contract,
 - (b) but for it being an excluded contract, the contract would have been a subscription contract, and

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- (c) on a later day (the “relevant day”), the contract ceases to be an excluded contract and, accordingly, becomes a subscription contract.
- (5) This Chapter applies to the contract with the following modifications—
- (a) sections 256 and 257 (pre-contract information) do not apply;
 - (b) section 258 (reminder notices) applies as if—
 - (i) in subsection (1), the reference to a trader entering into a subscription contract with a consumer that does not involve a concessionary period were a reference to a trader entering into the contract,
 - (ii) the reference in subsection (2)(a) to the day that the contract was entered into were a reference to the relevant day, and
 - (iii) subsections (3), (4) and (6) were omitted;
 - (c) section 259 (content and timing etc of reminder notices) applies as if, in subsections (3) and (4), references to the period specified by the trader in pre-contract information were references to the period specified by the trader in information given under subsection (6) of this section;
 - (d) section 262 (terms implied into contracts) applies as if—
 - (i) in paragraph (a), the reference to the duty set out in section 256(1)(a) were a reference to the duty set out in subsection (6) of this section;
 - (ii) paragraph (b) was omitted;
 - (iii) in paragraph (d), the reference to pre-contract information were a reference to the information given under subsection (6) of this section;
 - (e) section 264 (right to cancel during cooling-off periods) applies as if subsection (1)(a) were omitted.
- (6) As soon as reasonably practicable after the relevant day, and in any event before the end of 12 months beginning with that day, the trader must give to the consumer key pre-contract information and full pre-contract information in relation to the contract, other than any such information that is excluded by subsection (7).
- (7) Information is excluded by this subsection if—
- (a) it relates to the initial cooling-off period under the contract;
 - (b) it relates to a period mentioned in section 254(3)(a) (initial concessionary period) and the relevant day falls after the end of that period.
- (8) For the purposes of the duty under subsection (6)—
- (a) it is irrelevant whether any of the information required has already been given to the consumer before the relevant day,
 - (b) section 256(5) applies as it applies for the purposes of the duty under section 256(1)(b), and
 - (c) paragraph 13 of Schedule 23 is to be ignored.

Commencement Information

I275 S. 275 not in force at Royal Assent, see s. 339(1)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

276 Crown application U.K.

- (1) Subject to subsection (2), this Chapter binds the Crown.
- (2) The Crown is not criminally liable as a result of anything in this Chapter.
- (3) Subsection (2) does not affect the application of any provision of this Chapter in relation to persons in the public service of the Crown.

Commencement Information

I276 S. 276 not in force at Royal Assent, see [s. 339\(1\)](#)

277 Power to make further provision in connection with this Chapter U.K.

- (1) The Secretary of State may by regulations make provision—
 - (a) about how and when information or a notice that a trader is required to give to a consumer under this Chapter may or must be given;
 - (b) about the information that is to be contained in a notice given under this Chapter;
 - (c) about the arrangements that a trader must make under section 260 to enable a consumer to exercise a right to bring a subscription contract to an end, and about when a consumer may exercise such a right;
 - (d) specifying the period of time within which the refund of an overpayment must be made under section 261(2)(b);
 - (e) specifying descriptions of cases for the purposes of section 273(2) (and about the day on which a contract renews for those purposes).
- (2) Regulations under subsection (1)(c) may include (among other things) provision restricting the period of notice that a trader may require a consumer to give to bring a subscription contract to an end.
- (3) Regulations under this section are subject to the negative procedure.

Commencement Information

I277 S. 277 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

*Consequential amendments***278 Consequential amendments to the Consumer Rights Act 2015** U.K.

- (1) CRA 2015 is amended as follows.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) In section 11 (goods to be as described)—
- (a) in subsection (4), after “(SI 2013/3134)” insert “, or in paragraph 14 of Schedule 23 to the Digital Markets, Competition and Consumers Act 2024,”, and
 - (b) in subsection (5), after “effective” insert “as a variation of a term implied by subsection (4)”.
- (3) In section 12 (other pre-contract information included in contract)—
- (a) after subsection (2) insert—

“(2A) Where section 256(1) of the Digital Markets, Competition and Consumers Act 2024 (pre-contract information) required the trader to give information, or make information available, to the consumer, any of that information that was provided by the trader other than information about goods mentioned in paragraph 14 of Schedule 23 to that Act is to be treated as included as a term of the contract.”, and
 - (b) in subsection (3)—
 - (i) for “that information” substitute “the information that is to be treated as a term of a contract under subsection (2) or (2A)”, and
 - (ii) after “effective” insert “as a variation of a term implied by subsection (2) or (2A)”.
- (4) In section 36 (digital content to be as described)—
- (a) in subsection (3), after “(SI 2013/3134)” insert “, or in paragraph 14 or 27 of Schedule 23 to the Digital Markets, Competition and Consumers Act 2024,”, and
 - (b) in subsection (4), after “effective” insert “as a variation of a term implied by subsection (3)”.
- (5) In section 37 (other pre-contract information included in contract)—
- (a) after subsection (2) insert—

“(2A) Where section 256(1) of the Digital Markets, Competition and Consumers Act 2024 (pre-contract information) required the trader to give information, or make information available, to the consumer, any of that information that was provided by the trader other than information about digital content mentioned in paragraph 14 or 27 of Schedule 23 to that Act is to be treated as included as a term of the contract.”;
 - (b) in subsection (3)—
 - (i) for “that information” substitute “the information that is to be treated as a term of a contract under subsection (2) or (2A)”, and
 - (ii) after “effective” insert “as a variation of a term implied by subsection (2) or (2A)”.
- (6) In section 50 (information about the trader or service to be binding)—
- (a) in subsection (3), after “(SI 2013/3134)” insert “, or in accordance with section 256(1) of the Digital Markets, Competition and Consumers Act 2024,”, and
 - (b) in subsection (4), after “effective” insert “as a variation of a term implied by subsection (3)”.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

(7) In paragraph 10 of Schedule 5 to CRA 2015 (investigatory powers: enforcer’s legislation), at the appropriate place insert—

“Section 271(2) and (3) of the Digital Markets, Competition and Consumers Act 2024.”.

Commencement Information

I278 S. 278 not in force at Royal Assent, see [s. 339\(1\)](#)

279 Other consequential amendments **U.K.**

(1) In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008, at the appropriate place insert—

“Digital Markets, Competition and Consumers Act 2024, Chapter 2 of Part 4.”.

(2) In EA 2002—

(a) in Schedule 14 (provisions about disclosure of information) at the appropriate place insert—

“Chapter 2 of Part 4 of the Digital Markets, Competition and Consumers Act 2024.”;

(b) in Schedule 15 (enactments conferring functions) at the appropriate place insert—

“Chapter 2 of Part 4 of the Digital Markets, Competition and Consumers Act 2024.”

(3) The Consumer Contracts (Information Cancellation and Additional Charges) Regulations 2013 ([S.I. 2013/3134](#)) is amended as follows.

(4) In regulation 5 (other definitions), at the appropriate place insert—

““subscription contract” has the meaning it has in [Chapter 2](#) of [Part 4](#) of the Digital Markets, Competition and Consumers Act 2024 (see section [254](#) of that Act);”.

(5) After regulation 7(4) (application of Part 2) insert—

“(4A) This Part does not apply to a subscription contract entered into after section [256](#) of the Digital Markets, Competition and Consumers Act 2024 comes into force.”

(6) After regulation 27(3) (application of Part 3) insert—

“(3A) This Part does not apply to a subscription contract entered into after section [264](#) of the Digital Markets, Competition and Consumers Act 2024 comes into force.”

Commencement Information

I279 S. 279 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

General interpretation

280 Interpretation **U.K.**

(1) In this Chapter—

“business” includes—

- (a) a trade, craft or profession,
- (b) any other undertaking carried on for gain or reward, and
- (c) the activities of any government department or local or public authority;

“consumer” means an individual acting for purposes that are wholly or mainly outside the individual’s business;

“durable medium” means paper, email or any other medium that—

- (a) allows information to be addressed personally to the consumer,
- (b) enables the consumer to store information in a way accessible for future reference for a period that is long enough for the purposes of the information, and
- (c) allows the unchanged reproduction of information stored;

“goods” includes—

- (a) immoveable property;
- (b) rights and obligations;
- (c) water, gas and electricity if they are put up for sale in a limited volume or set quantity;

“trader” means a person (“P”) acting for purposes relating to P’s business, whether acting personally or through another person acting in P’s name or on P’s behalf.

(2) In this Chapter—

- (a) references to a contract for the supply of goods, services or digital content include references to a contract for the supply of any combination of goods, services and digital content;
- (b) references to payment or to a consumer being charged are references to payment, or a consumer being charged, in money or money’s worth;
- (c) references to something happening automatically under a subscription contract are references to it happening without any action on the part of the consumer to cause it to happen (ignoring the consumer’s action of entering into the contract or any action taken in connection with, or for the purpose of, entering into it);
- (d) references to something recurring are references to it happening more than once;
- (e) references to a supply of goods, services or digital content for a fixed term include references to a supply of goods, services or digital content which is fixed to any extent;
- (f) references to a consumer entering into a subscription contract include references to a consumer placing an order for the supply of goods, services or digital content under a subscription contract in circumstances where—
 - (i) the trader is (in any way) inviting such orders, and

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(ii) the consumer is not required to take any further action for the contract to be concluded.

Commencement Information

I280 S. 280 not in force at Royal Assent, see [s. 339\(1\)](#)

281 Index of defined expressions **U.K.**

In this Part, the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

Expression	
Business	Section 280(1)
Consumer	Section 280(1)
Cooling-off notice	Section 266(1)
Digital content	Section 330
Durable medium	Section 280(1)
Excluded contract	Section 255
Full pre-contract information	Section 256(1)(b)
Goods	Section 280(1)
Initial cooling-off period	Section 265(1)
Key pre-contract information	Section 256(1)(a)
Reminder notice	Section 258
Renewal cooling-off period	Section 265(2)
Renewal payment	Section 258(7)
Subscription contract	Section 254
Trader	Section 280(1)
Working day	Section 330

Commencement Information

I281 S. 281 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

CHAPTER 3 U.K.

CONSUMER SAVINGS SCHEMES

PROSPECTIVE

282 Meaning of “consumer savings scheme contract” U.K.

- (1) For the purposes of this Chapter, a consumer savings scheme contract is a contract—
- (a) under which—
 - (i) a consumer makes payments to a trader,
 - (ii) the trader credits those payments to an account that is held by the trader for the consumer (“the consumer’s account”), and
 - (iii) the payments credited to the consumer’s account provide a fund for the consumer to redeem as goods, services or digital content in accordance with the terms of the contract,
 - (b) to which one or more of subsections (2), (3) or (4) applies, and
 - (c) which is not an excluded arrangement (see section 284).
- (2) This subsection applies to a contract if it contains terms which have the effect of restricting the times at, or periods of time during, which the consumer may redeem funds from the consumer’s account.
- (3) This subsection applies to a contract if it contains terms which have the effect of incentivising the consumer to redeem, or refrain from redeeming, funds in the consumer’s account at a time, or during a period of time, specified in the terms of the contract.
- (4) This subsection applies to a contract if it is marketed or advertised in such a way as to encourage the consumer to redeem, or refrain from redeeming, funds in the consumer’s account at a time, or during a period of time, specified in material used for the purposes of marketing or advertising the contract.

Commencement Information

I282 S. 282 not in force at Royal Assent, see s. 339(1)

PROSPECTIVE

283 Other defined terms U.K.

- (1) In this Chapter, references to a trader operating a consumer savings scheme are references to a trader entering into a consumer savings scheme contract.
- (2) For the purposes of section 282(1)(a)(ii), it is sufficient for a trader to hold the consumer’s payments in some way other than crediting those payments to a specific account for that consumer and references in this Chapter to a “consumer’s account” are to be construed accordingly.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (3) In this Chapter, “protected payments” are payments, made by a consumer under a consumer savings scheme contract, in respect of which funds in the consumer’s account have not been redeemed.
- (4) Subject to [subsection \(5\)](#), in this Chapter, funds are treated as redeemed when the trader provides the consumer with goods, services or digital content in accordance with the terms of the consumer savings scheme contract.
- (5) Where a trader provides a consumer with vouchers or credit-tokens which may be redeemed only in respect of goods, services or digital content provided by that trader, funds are treated as redeemed for the purposes of this Chapter only when those vouchers or credit-tokens are redeemed.

Commencement Information

I283 S. 283 not in force at Royal Assent, see [s. 339\(1\)](#)

284 Excluded arrangements **U.K.**

- (1) An arrangement is an excluded arrangement for the purposes of this Chapter if it is of a description set out in [Schedule 24](#).
- (2) The Secretary of State may by regulations amend [Schedule 24](#) so as to—
 - (a) add a description of an arrangement to the Schedule;
 - (b) remove a description of an arrangement from the Schedule;
 - (c) modify a description of an arrangement set out in the Schedule.
- (3) The power under [subsection \(2\)\(a\)](#) and [\(c\)](#) includes power to provide for an arrangement to be an excluded arrangement—
 - (a) generally for the purposes of this Chapter;
 - (b) only for such purposes of this Chapter as are specified.
- (4) Regulations under [subsection \(2\)](#) are subject to the affirmative procedure.

Commencement Information

I284 S. 284 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

285 Insolvency protection requirement **U.K.**

- (1) A trader operating a consumer savings scheme must make and maintain the arrangements set out in [section 286](#) (insurance arrangements) or in [section 287](#) (trust arrangements) to cover, in the event of the trader’s insolvency, the cost of returning to the consumer any protected payments at the time of the insolvency.
- (2) It is an implied term of every consumer savings scheme contract that the trader complies with the requirements of this section.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (3) A trader operating a consumer savings scheme in the United Kingdom, who is not established in the United Kingdom, must comply with the requirements of this section.
- (4) References in this Chapter to a trader’s insolvency are references to—
- (a) a bankruptcy order having been made in relation to the trader (or, in Scotland, the trader’s estate having been sequestrated),
 - (b) a winding up order having been made in relation to the trader as a result of the trader’s insolvency,
 - (c) an appointment of a liquidator (otherwise than following the making of a winding up order) as a result of the trader’s insolvency,
 - (d) the trader being in administration,
 - (e) the appointment of an administrative receiver (or, in Scotland, a receiver) in relation to the trader, or
 - (f) in any jurisdiction, the trader being subject to an order or procedure that corresponds to any order or procedure mentioned in paragraphs (a) to (e).

Commencement Information

I285 S. 285 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

286 Insurance arrangements **U.K.**

- (1) Where a trader relies on arrangements under this section for the purpose of satisfying section 285, the trader must maintain insurance under one or more appropriate policies with an insurer authorised in respect of such business in the United Kingdom, the Channel Islands or the Isle of Man.
- (2) In this section “appropriate policy” means a policy—
- (a) under which the insurer agrees to indemnify consumers in the event of the insolvency of the trader;
 - (b) under which consumers are insured persons in respect of the costs referred to in paragraph (d);
 - (c) which does not contain a condition which provides (in whatever terms) that no liability arises, or that any liability arising ceases—
 - (i) in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy;
 - (ii) in the event of the policy holder not making payments under or in connection with other policies; or
 - (iii) unless the policy holder keeps specified records or makes available to, or provides the insurer with, information from those records; and
 - (d) which covers the costs of returning to the consumer any protected payments at the time of the insolvency.
- (3) The trader must meet the costs of arranging and maintaining an appropriate policy and any related charges or taxes, without recourse to the consumer payments which are to be protected under that policy.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I286 S. 286 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

287 Trust arrangements **U.K.**

- (1) Where a trader relies on arrangements under this section for the purpose of satisfying [section 285](#), the trader must ensure that all payments made by a consumer under a consumer savings scheme contract are held on trust for the consumer, in the United Kingdom, by one or more persons appointed as trustees for the consumer.
- (2) Subject to subsection (3), the monies are to be held on trust for the consumer as required by subsection (1) until—
 - (a) the funds in the consumer’s account have been redeemed, or
 - (b) any payments made by the consumer in respect of the consumer savings scheme contract have been returned to the consumer.
- (3) The trustees may authorise the use of monies held on trust for the consumer as required by subsection (1)—
 - (a) to pay suppliers for goods, services or digital content to be provided to the consumer in accordance with the terms of the consumer savings scheme contract,
 - (b) to return payments to the consumer in exceptional circumstances, or
 - (c) to pay any profits after the consumer has redeemed all of the funds in their account.
- (4) For the purposes of subsection (3)(a), trustees may only authorise the release of monies on receipt of a declaration by the trader that the trader is solvent.
- (5) The trustee, or where there is more than one trustee, the majority of persons appointed as trustees for the purpose of subsection (1), must be independent of the trader.
- (6) For the purpose of [subsection \(5\)](#), a person is independent of the trader in relation to a trust only if—
 - (a) the person has no interest in the assets of the trader or of the trust otherwise than as a trustee of that trust, and
 - (b) the person is neither connected with, nor an associate of—
 - (i) the trader, or
 - (ii) any person for the time being acting as an insolvency practitioner in relation to the trader.
- (7) The cost of administering the trust must be paid for by the trader.
- (8) The trader must arrange for an independent auditor to be appointed to audit the accounts of the trust every three years.
- (9) In the event of a trader’s insolvency, monies held on trust for a consumer by the trustees in accordance with this section must be returned to the consumer.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I287 S. 287 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

288 Information requirements **U.K.**

- (1) A trader must, before the end of 30 working days beginning with the day on which a consumer makes the first payment to the trader under a consumer savings scheme contract, provide to the consumer the following information—
 - (a) the name, address, telephone number and email address of the insurer or trustees responsible for protecting the consumer's payments;
 - (b) where insurance arrangements are in place, the policy number for the policy under which the consumer's payments are protected;
 - (c) where trust arrangements are in place, a copy of the trust deed under which the consumer's payments are held.
- (2) The trader must notify the consumer of any change to any of the information provided under subsection (1) before the end of 30 working days, beginning with the day on which the change takes effect.
- (3) Where a consumer makes a written request to the trader for the information mentioned in subsection (1), the trader must, before the end of 30 working days beginning with the day on which the request is received, provide, without charge, the information requested.
- (4) The information provided under this section must be in clear and plain language and, if in writing, in a legible form.
- (5) The information provided under this section must—
 - (a) in cases where the contract is to be entered into in the simultaneous physical presence of the trader and the consumer, be given in writing on a durable medium;
 - (b) in cases where the contract is to be entered into online without the simultaneous physical presence of the trader and the consumer—
 - (i) be given in writing by being displayed in any location online where the consumer may take steps to enter into the contract, and
 - (ii) be accessible in that location without the need for any action by the consumer;
 - (c) in cases where the contract is to be entered into orally without the simultaneous physical presence of the trader and the consumer, be given to the consumer orally and in a way that is audible and comprehensible.
- (6) In cases not falling within [subsection \(5\)\(a\)](#) the trader must also, as soon as reasonably practicable after the contract has been entered into, give the consumer the information in writing on a durable medium.
- (7) A trader operating a consumer savings scheme in the United Kingdom, who is not established in the United Kingdom, must comply with the requirements of this section.

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- (8) It is an implied term of every consumer savings scheme contract that the trader complies with the requirements of this section.
- (9) The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (S.I. 3134/2013) apply to consumer savings scheme contracts to the extent that requirements under those regulations are not met by compliance with this section.

Commencement Information

I288 S. 288 not in force at Royal Assent, see s. 339(1)

PROSPECTIVE

289 Consequential amendments **U.K.**

- (1) In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of Part 1), at the appropriate place insert—
- ““Digital Markets, Competition and Consumers Act 2024, [Chapter 3 of Part 4](#)”.
- (2) In EA 2002—
- (a) in Schedule 14 (provisions about disclosure of information) at the appropriate place insert—
- “[Chapter 3 of Part 4](#) of the Digital Markets, Competition and Consumers Act 2024.”;
- (b) in Schedule 15 (enactments conferring functions) at the appropriate place insert—
- “[Chapter 3 of Part 4](#) of the Digital Markets, Competition and Consumers Act 2024.”

Commencement Information

I289 S. 289 not in force at Royal Assent, see s. 339(1)

PROSPECTIVE

290 Interpretation **U.K.**

In this Chapter—

“business” includes—

- (a) a trade, craft or profession, and
- (b) any other undertaking carried on for gain or reward,

but does not include the activities of any government department or local or public authority;

“consumer” means an individual acting for purposes that are wholly or mainly outside the individual’s business;

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“durable medium” means, in relation to the provision of information, paper, email or any other medium that—

- (a) allows the information to be addressed personally to the consumer,
- (b) enables the consumer to store the information in a way accessible for future reference for a period that is long enough for the purposes of the information, and
- (c) allows the unchanged reproduction of the information stored;

“excluded arrangement” is to be read in accordance with section 284;

“goods” includes vouchers, rights and obligations but does not include buildings or other structures or immovable property;

“trader” means a person (“P”) acting for purposes relating to P’s business whether acting personally or through another person acting in P’s name or on P’s behalf;

“turnover” has the same meaning as in section 204 (determination of turnover) and references to “this Part” in section 204 are to be read, for the purposes of this Chapter, as references to this Chapter.

Commencement Information

I290 S. 290 not in force at Royal Assent, see s. 339(1)

CHAPTER 4 U.K.

ALTERNATIVE DISPUTE RESOLUTION FOR CONSUMER CONTRACT DISPUTES

Interpretation of Chapter 4

PROSPECTIVE

291 Meaning of “ADR” and related terms U.K.

- (1) [This section](#) has effect for the purposes of this Chapter.
- (2) “ADR” means any method of securing or facilitating an out-of-court resolution of a consumer contract dispute that is carried out by an independent third party acting in relation to both parties to the dispute.
- (3) But the term “ADR” does not include anything carried out by a person in their capacity as—
 - (a) a judge, or
 - (b) a member of the staff of a court or tribunal.
- (4) The following are examples of ADR (if carried out as mentioned in [subsection \(2\)](#) in relation to a consumer contract dispute)—
 - (a) mediation;
 - (b) arbitration;
 - (c) early neutral evaluation;

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- (d) action under an ombudsman scheme.
- (5) In [subsection \(2\)](#) “resolution” includes—
 - (a) a decision binding both parties;
 - (b) a decision which, if accepted by the consumer, binds the trader;
 - (c) settlement of the dispute between the parties.
- (6) “ADR provider” means a person who does either or both of the following—
 - (a) carrying out ADR in relation to a consumer contract dispute, or
 - (b) making special ADR arrangements.
- (7) “Special ADR arrangements” are (subject to [subsection \(8\)](#)) arrangements made by an ADR provider with another person (whether or not that other person is an exempt or accredited ADR provider) for ADR to be carried out by that other person in relation to one or more consumer contract disputes.
- (8) Arrangements made by a person acting for only one of the parties to a consumer contract dispute are not special ADR arrangements.
- (9) For the meaning of “exempt ADR provider” and “exempt redress scheme” see [section 295](#).
- (10) “Accredited ADR provider” means a person who is for the time being accredited under this Chapter (whether or not their accreditation is limited to particular descriptions of ADR or special ADR arrangements).
- (11) In [this section](#) “judge” includes—
 - (a) a member of a tribunal,
 - (b) a justice of the peace or, in Northern Ireland, a lay magistrate,
 - (c) a clerk or other officer entitled to exercise the jurisdiction of a court or tribunal, and
 - (d) a holder of any other public office with functions of a judicial nature.

Commencement Information

I291 S. 291 not in force at Royal Assent, see [s. 339\(1\)](#)

292 Other definitions **U.K.**

- (1) [This section](#) has effect for the purposes of this Chapter.
- (2) “Consumer contract” means (subject to the following provisions of this section) a contract between a trader and a consumer which is—
 - (a) a contract to which Chapter 2 of Part 1 of CRA 2015 (contracts to supply goods) applies;
 - (b) a contract to which Chapter 3 of that Part (contracts to supply digital content) applies;
 - (c) a contract to which Chapter 4 of that Part (contracts to supply services) applies;
 - (d) a mixed contract, that is to say a contract to which any two or three of those Chapters apply (see section 1(3) and (4) of that Act).

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- (3) The reference in [subsection \(2\)\(a\)](#) to a contract to which Chapter 2 of Part 1 of CRA 2015 applies includes a reference to—
- (a) a contract between a gas supplier and a consumer for the supply of gas to any premises;
 - (b) a contract deemed by paragraph 8(1) or (2) of Schedule 2B to the Gas Act 1986, or by section 12(1) or (2) of the Energy Act (Northern Ireland) [2011 \(c. 6 \(N.I.\)\)](#), to exist between a gas supplier and a consumer for the supply of gas to any premises;
 - (c) a contract between an electricity supplier and a consumer for the supply of electricity to any premises;
 - (d) a contract deemed to exist by paragraph 3(1) or (2) of Schedule 6 to the Electricity Act 1989 or by paragraph 3(1) or (2) of Schedule 6 to the Electricity (Northern Ireland) Order 1992 ([S.I. 1992/231 \(N.I.1\)](#));
 - (e) the terms applying as between a water supplier and a consumer in respect of the supply of water to any premises by a water supplier.
- (4) In [subsection \(3\)](#)—
- “electricity supplier” means a person who is authorised to supply electricity by a licence or exemption under Part 1 of the Electricity Act 1989 or Part 2 of the Electricity (Northern Ireland) Order 1992;
- “gas supplier” means a person who is authorised to supply gas by a licence or exemption under Part 1 of the Gas Act 1986 or Part 2 of the Gas (Northern Ireland) Order 1996 ([S.I. 1996/275 \(N.I.2\)](#));
- “water supplier” means—
- (a) a water undertaker or a water supply licensee within the meaning of the Water Industry Act 1991,
 - (b) a person supplying water under a water services licence within the meaning of the Water Services etc. (Scotland) Act [2005 \(asp 3\)](#), or
 - (c) a water undertaker within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006 ([S.I. 2006/3336 \(N.I.21\)](#)).
- (5) The reference in [subsection \(2\)\(c\)](#) to a contract to which Chapter 4 of CRA 2015 applies includes a contract between a heat supplier and a consumer for the supply of heating, cooling or hot water by means of thermal energy provided from a heat network.
- (6) In [subsection \(5\)](#)—
- “heat network” has the meaning given by section 216 of the Energy Act 2023, and
- “heat supplier” means a person who charges for making a supply of heating, cooling or hot water by means of thermal energy provided from a heat network.
- (7) In the application of provisions of Part 1 of CRA 2015 for determining whether a contract is a consumer contract for the purposes of this Chapter, the following provisions are to be disregarded—
- (a) section 32(2) (provisions excluded from the operation of section 32(1));
 - (b) section 48(5) (power to exclude services from scope of Chapter 4 of Part 1).

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- (8) The Secretary of State may by regulations provide that contracts of a description specified in the regulations are excluded from being consumer contracts for the purposes of this Chapter.
- (9) The power in subsection (8) includes power to provide that the exclusion only applies in circumstances specified in the regulations.
- (10) Regulations under subsection (8) are subject to the affirmative procedure.
- (11) “Consumer contract dispute” means a dispute between the parties to a consumer contract which relates to the contract, including a dispute concerning—
- (a) anything done by either party before making the contract,
 - (b) the making of the contract,
 - (c) obligations under or relating to the contract, or
 - (d) the performance by either party of their obligations under or relating to the contract.
- (12) In [subsection \(11\)](#) “dispute” means a legal dispute, that is to say one which may be determined by a court or tribunal in proceedings brought by either of the parties to the contract.
- (13) The “parties” to a consumer contract, or a consumer contract dispute, are the consumer and the trader.
- (14) The following terms have the meaning given by section 2 of CRA 2015—
- “consumer”
“goods”
“trader”.

But in interpreting the term “consumer” section 2(4) to (6) of that Act is to be disregarded.

Commencement Information

I292 S. 292 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

Prohibition on acting as ADR provider without accreditation etc

293 Prohibitions relating to acting as ADR provider U.K.

- (1) A person must not carry out ADR in relation to a consumer contract dispute unless the person—
- (a) is an exempt ADR provider whose exemption covers the ADR being carried out,
 - (b) is an accredited ADR provider whose accreditation covers the ADR being carried out, or
 - (c) is acting under special ADR arrangements made by—

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- (i) an exempt ADR provider whose exemption covers the making of those special ADR arrangements, or
 - (ii) an accredited ADR provider whose accreditation covers the making of those special ADR arrangements.
- (2) A person must not make special ADR arrangements in relation to any one or more consumer contract disputes unless the person is—
- (a) an exempt ADR provider whose exemption covers the making of those special ADR arrangements, or
 - (b) an accredited ADR provider whose accreditation covers the making of those special ADR arrangements.

Commencement Information

I293 S. 293 not in force at Royal Assent, see [s. 339\(1\)](#)

294 Prohibitions relating to charging fees to consumers **U.K.**

- (1) An accredited ADR provider must not charge the consumer a fee in respect of ADR being carried out (or to be carried out) in relation to a consumer contract—
- (a) by the accredited ADR provider, or
 - (b) by another ADR provider under special ADR arrangements made by the accredited ADR provider,
- unless the fee is charged in accordance with provisions for the charging of fees to consumers which meet the conditions in subsection (2).
- (2) The conditions are that the provisions in question—
- (a) have been made by the accredited ADR provider,
 - (b) are approved by the Secretary of State for the purposes of this subsection, and
 - (c) are published in a manner likely to come to the attention of consumers whose consumer contract disputes may be dealt with by the accredited ADR provider.
- (3) An ADR provider who carries out (or is to carry out) ADR in relation to a consumer contract dispute under special ADR arrangements must not charge the consumer any fee in respect of carrying out the ADR in question.

Commencement Information

I294 S. 294 not in force at Royal Assent, see [s. 339\(1\)](#)

Exempt ADR providers

295 Exempt ADR providers **U.K.**

- (1) In this Chapter—
- “exempt ADR provider” means a person who—
- (a) is listed (or of a description of persons listed) in Part 1 of [Schedule 25](#), or
 - (b) is (when carrying out ADR or making special ADR arrangements) acting under or for the purposes of an exempt redress scheme;

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“exempt redress scheme” means a scheme or other similar arrangement which is listed (or of a description listed) in Part 2 of [Schedule 25](#).

- (2) The Secretary of State may by regulations amend [Schedule 25](#) for the purpose of—
- (a) adding a new entry in Part 1 or 2;
 - (b) varying or removing an entry for the time being included in Part 1 or 2;
 - (c) varying the supplementary provision in Part 3.
- (3) Regulations under subsection (2) may, in particular—
- (a) provide for an entry in Part 1 of [Schedule 25](#) to apply to a specified person or to any person of a specified description;
 - (b) provide for an entry in Part 2 of that Schedule to apply to a specified scheme or any scheme of a specified description;
 - (c) limit the scope of the exemption given to a person by virtue of an entry in Part 1 or 2 of that Schedule, whether in relation to carrying out ADR or making special ADR arrangements (or both).
- (4) For the purposes of subsection (3)—
- (a) descriptions of ADR may be framed by reference to kinds of ADR or types of dispute (or both), and
 - (b) descriptions of special ADR arrangements may be framed by reference to any features of such arrangements, including in particular the kinds of ADR involved or the types of dispute involved (or both).
- (5) Subject to any limitation on its scope provided for by [Schedule 25](#)—
- (a) an exemption given to a person by virtue of an entry in Part 1 of that Schedule covers anything done by the person in the exercise of the person’s functions that would otherwise be prohibited, and
 - (b) an exemption given to a person by virtue of an entry in Part 2 of that Schedule covers anything done under or for the purposes of an exempted redress scheme that would otherwise be prohibited.
- (6) In this section—
- “prohibited” means prohibited by section [293](#)(1) or (2);
- “specified” means specified in the regulations.
- (7) Regulations under [subsection \(2\)](#) are subject to the negative procedure.

Commencement Information

I295 S. 295 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

Accreditation: procedure etc

PROSPECTIVE

296 Applications for accreditation or variation of accreditation U.K.

- (1) A person who wishes to be an accredited ADR provider must—

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- (a) apply to the Secretary of State for accreditation to enable the person to carry out ADR or to make special ADR arrangements (or to do both), and
 - (b) pay to the Secretary of State the appropriate application fee (if any) prescribed by regulations under [section 300](#).
- (2) An application for accreditation to carry out ADR may be limited to one or more particular descriptions of ADR.
- (3) An application for accreditation to make special ADR arrangements may be limited to one or more particular descriptions of special ADR arrangements.
- (4) An accredited ADR provider may apply to the Secretary of State for their accreditation to be varied by the addition, variation or removal of—
 - (a) any limitation affecting the descriptions of ADR or special ADR arrangements (as the case may be) covered by the accreditation, or
 - (b) any condition on the accreditation.
- (5) An application under subsection (4) must be accompanied by the appropriate application fee (if any) prescribed by regulations under [section 300](#).
- (6) The Secretary of State may determine the procedure to be followed in relation to an application for accreditation or an application for the variation of an accreditation.
- (7) The matters which may be determined under [subsection \(6\)](#) include (among other things)—
 - (a) the form in which applications are to be made;
 - (b) the particular descriptions of ADR for which limited accreditation may be applied for and granted;
 - (c) the particular descriptions of special ADR arrangements for which limited accreditation may be applied for and granted;
 - (d) the information to be given by applicants.
- (8) [Section 295\(4\)](#) applies for the purposes of [subsection \(7\)](#) as it applies for the purposes of [section 295\(3\)](#).
- (9) The Secretary of State must publish anything determined under [subsection \(6\)](#) in a manner likely to come to the attention of potential applicants for accreditation.
- (10) The powers of the Secretary of State under [subsection \(6\)](#) may be exercised differently for different purposes.

Commencement Information

I296 S. 296 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

297 Determination of applications for accreditation or variation of accreditation **U.K.**

- (1) [This section](#) applies where an application for accreditation, or for the variation of an accreditation, has been made to the Secretary of State (and has not been withdrawn).

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- (2) In the case of an application for accreditation, the Secretary of State must, as soon as is reasonably practicable—
 - (a) consider the application,
 - (b) decide whether—
 - (i) to grant the accreditation applied for,
 - (ii) to grant a more limited accreditation, or
 - (iii) to refuse the application, and
 - (c) give notice in writing to the applicant of the decision and, in the case of a decision mentioned in [paragraph \(b\)\(ii\)](#) or [\(iii\)](#), the reasons for the decision.
- (3) Accreditation granted under [subsection \(2\)\(b\)\(ii\)](#) may be limited to such descriptions of ADR or such descriptions of special ADR arrangements (or both) as the Secretary of State considers appropriate and specifies in the accreditation.
- (4) If accreditation is granted, the Secretary of State may also decide to impose conditions on the accreditation.
- (5) The Secretary of State may only grant accreditation if satisfied that the accreditation criteria will be met by or in relation to the applicant after accreditation is granted.
- (6) An accreditation is not time limited unless—
 - (a) the Secretary of State determines that it is to have effect for a limited period, and
 - (b) the notice of the decision on the application states that the accreditation is time limited and specifies the period for which it has effect.
- (7) The notice of a decision to grant accreditation must specify the day on which the accreditation takes effect.
- (8) In the case of an application for the variation of an accreditation, the Secretary of State must, as soon as is reasonably practicable—
 - (a) consider the application,
 - (b) decide whether—
 - (i) to grant the application,
 - (ii) to vary the accreditation, but to a different extent than applied for, or
 - (iii) to refuse the application, and
 - (c) give notice in writing to the applicant of the decision and, in the case of a decision mentioned in [paragraph \(b\)\(ii\)](#) or [\(iii\)](#), the reasons for the decision.
- (9) If the Secretary of State decides to vary the accreditation under [subsection \(8\)\(b\)\(i\)](#) or [\(ii\)](#), the Secretary of State may also decide—
 - (a) to impose new conditions on the accreditation, or
 - (b) to vary or remove any existing condition on the accreditation.
- (10) The Secretary of State may only vary an accreditation if satisfied that the accreditation criteria will be met by or in relation to the applicant after the accreditation is varied.
- (11) A variation of an accreditation is not time limited unless the Secretary of State determines that the variation is to have effect only for a limited period and the notice of the decision on the application for variation—
 - (a) states that the variation is time limited (unless made permanent following a subsequent application by the ADR provider),

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- (b) specifies the period for which the variation has effect, and
 - (c) makes provision as to the terms of the accreditation in the event that the variation lapses at the end of that period.
- (12) The notice of a decision to vary an accreditation must specify the day on which the variation takes effect.
- (13) Where the Secretary of State decides—
- (a) to impose conditions under [subsection \(4\)](#), or
 - (b) to impose new conditions, or to remove or vary any existing condition on the accreditation, under [subsection \(9\)](#),
- the notice of the decision on the relevant application must set out the conditions on the accreditation or the accreditation as varied, and give the Secretary of State’s reasons for the decisions made under [subsection \(4\)](#) or [\(9\)](#) (as the case may be).
- (14) Where an accreditation covers the making of special ADR arrangements, conditions on the accreditation may be framed so as to secure that the accredited ADR provider is responsible for acts or omissions of other ADR providers who carry out ADR under special ADR arrangements made by the accredited ADR provider.

Commencement Information

I297 S. 297 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

298 Revocation or suspension of accreditations etc **U.K.**

- (1) [This section](#) confers powers on the Secretary of State in relation to the accreditation of an accredited ADR provider.
- (2) The Secretary of State may, by notice to the ADR provider, revoke the accreditation on the application of the ADR provider.
- (3) [Subsection \(4\)](#) applies in relation to the ADR provider where the Secretary of State considers that any one or more of the following conditions are met—
 - (a) the ADR provider is contravening, or has contravened, any of the prohibitions in [section 293](#) and [294](#);
 - (b) the ADR provider is failing, or has failed, to comply with any of the accreditation criteria;
 - (c) the ADR provider is failing, or has failed, to comply with any conditions on its accreditation;
 - (d) the ADR provider is failing, or has failed, to comply with an enforcement notice under [section 302](#).
- (4) The Secretary of State may by notice to the ADR provider—
 - (a) vary the accreditation, by doing either or both of the following—
 - (i) limiting, or further limiting, the accreditation to such descriptions of ADR or such descriptions of special ADR arrangements (or both) as the Secretary of State considers appropriate, and

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- (ii) imposing new conditions on the accreditation, varying any existing condition or removing any existing condition,
 - (b) suspend the accreditation, or
 - (c) revoke the accreditation.
- (5) In [subsection \(4\)\(a\)\(i\)](#) the reference to limiting (or further limiting) the accreditation to particular descriptions of ADR or of special ADR arrangements includes, in particular, limiting it to ADR relating to consumer contract disputes that have already been referred for ADR or to special ADR arrangements that already exist (as the case may be), whether for a limited period or otherwise.
- (6) Before giving such a notice the Secretary of State must give the ADR provider a reasonable opportunity to make representations as to—
 - (a) whether one or more of the conditions mentioned in [subsection \(3\)](#) are met in relation to the ADR provider, and
 - (b) if so, what action (if any) it is appropriate for the Secretary of State to take under [subsection \(4\)](#).
- (7) Any variations made under [subsection \(4\)\(a\)](#) must be variations the Secretary of State considers necessary to secure compliance with the prohibitions in [sections 293](#) and [294](#), the accreditation criteria, the existing conditions on the accreditation or the enforcement notice (as the case may be).
- (8) In [subsection \(7\)](#) “existing conditions” means the existing conditions disregarding any previous variations made under [subsection \(4\)\(a\)](#) or [\(9\)\(b\)](#).
- (9) Where variations of the accreditation are made under [subsection \(4\)\(a\)](#), the Secretary of State must—
 - (a) keep those variations under review, and
 - (b) by notice to the ADR provider vary the accreditation for the purpose of revoking or reversing the effect of all or any of the variations, to the extent that the Secretary of State considers that they are no longer necessary for the purpose set out in [subsection \(7\)](#).
- (10) A notice that the accreditation is being varied must specify the day on which the variations take effect.
- (11) A notice that the accreditation is suspended or revoked must specify the day on which the accreditation ceases to be in force.
- (12) Where the accreditation is suspended the notice must also set out when or in what circumstances the suspension is to cease to have effect so that the accreditation is again in force.
- (13) The provision required by [subsection \(12\)](#) may consist of any one or more of the following—
 - (a) provision for the suspension to cease to have effect at the end of a period specified in the notice,
 - (b) provision for it to cease to have effect on the satisfaction of conditions specified in the notice, and
 - (c) provision for it to cease to have effect when a decision to lift it is made by the Secretary of State and notified to the ADR provider.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I298 S. 298 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

299 Fees payable by accredited ADR providers **U.K.**

- (1) Accredited ADR providers must pay to the Secretary of State, at such times as may be prescribed, the appropriate prescribed fee (if any).
- (2) In subsection (1) “prescribed” means prescribed by regulations under [section 300](#).

Commencement Information

I299 S. 299 not in force at Royal Assent, see [s. 339\(1\)](#)

300 ADR fees regulations **U.K.**

- (1) The Secretary of State may by regulations make provision about the following descriptions of fees, namely—
 - (a) fees to be paid by applicants for accreditation under [section 296\(1\)](#);
 - (b) fees to be paid by applicants for the variation of their accreditation under [section 296\(5\)](#);
 - (c) fees to be paid by accredited ADR providers under [section 299\(1\)](#).
- (2) The power to make provision about a description of fees includes power to provide—
 - (a) for fees of different specified amounts to be payable in different cases or circumstances;
 - (b) for cases or circumstances in which no fees are to be payable;
 - (c) in the case of fees to be paid under [section 299](#), the times at which the fees are to be paid.
- (3) In making regulations under this section the Secretary of State must have regard to the need to secure that, taking one year with another—
 - (a) the total amount of fees paid does not exceed the costs to the Secretary of State of carrying out functions under this Chapter;
 - (b) the total amount of fees paid under [section 296\(1\)](#) does not exceed the costs to the Secretary of State of processing and determining applications for accreditation;
 - (c) the total amount of fees paid under [section 296\(5\)](#) does not exceed the costs to the Secretary of State of processing and determining applications for the variation of an accreditation.
- (4) Regulations under this section are subject to the negative procedure.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I300 S. 300 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

301 Accreditation criteria **U.K.**

- (1) For the purposes of this Chapter the accreditation criteria are the criteria set out in [Schedule 26](#).
- (2) The Secretary of State may by regulations amend [Schedule 26](#) for the purpose of—
 - (a) adding a new criterion, or
 - (b) removing or varying any criterion for the time being set out in that Schedule.
- (3) Regulations under [subsection \(2\)](#) are subject to the affirmative procedure.

Commencement Information

I301 S. 301 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

Enforcement of prohibitions etc

302 Enforcement notices **U.K.**

- (1) The Secretary of State may give an enforcement notice to an ADR provider if satisfied that the provider is contravening, or has contravened, any one or more of the following—
 - (a) the prohibition in [section 293\(1\)](#) or [\(2\)](#);
 - (b) the prohibition in [section 294\(1\)](#) or [\(3\)](#);
 - (c) a condition on its accreditation;
 - (d) the duty to pay a fee due under [section 299\(1\)](#);
 - (e) a duty imposed by regulations under [section 303](#);
 - (f) a duty imposed by a direction under [section 304](#).
- (2) Before reaching a final view as to whether or not to give an enforcement notice to an ADR provider, the Secretary of State must give the provider a reasonable opportunity to make representations as to—
 - (a) whether the condition in [subsection \(1\)](#) is met, and
 - (b) if so, whether an enforcement notice should be given to it.
- (3) An enforcement notice is a notice requiring the ADR provider in question to do, or not to do, such things as are specified in the notice or are of a description so specified, with a view to securing compliance with the prohibition, condition or duty in question.
- (4) An enforcement notice may—
 - (a) include requirements for the ADR provider to give information to the Secretary of State, or
 - (b) include other supplementary, incidental or consequential provision.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (5) The notice must make clear, in particular—
 - (a) what requirements are being imposed by the notice, and
 - (b) when they are to be complied with (whether immediately or otherwise).
- (6) The Secretary of State may, by notice to the ADR provider to whom an enforcement notice has been given—
 - (a) revoke the enforcement notice, or
 - (b) revoke any requirement contained in the notice and, if necessary, make any consequential changes to the other provisions of the notice.
- (7) The power under [subsection \(6\)](#) may be exercised on the application of the ADR provider or otherwise.
- (8) An enforcement notice may, with the permission of the High Court or the Court of Session, be enforced as if it were an order made by that court.
- (9) The Secretary of State may publish information about enforcement notices given under [this section](#).

Commencement Information

I302 S. 302 not in force at Royal Assent, see [s. 339\(1\)](#)

Provision of Information etc

303 ADR information regulations **U.K.**

- (1) The Secretary of State may by regulations require persons of a specified description (being persons within [subsection \(2\)](#))—
 - (a) to provide ADR information to the Secretary of State;
 - (b) to provide ADR information to a person with functions conferred by regulations under [section 307](#);
 - (c) to provide ADR information to consumers by publishing it.
- (2) Regulations under this section may impose requirements on—
 - (a) accredited ADR providers,
 - (b) exempt ADR providers,
 - (c) persons (not being accredited or exempt ADR providers) who carry out ADR under special ADR arrangements,
 - (d) persons who have been, but are no longer, within paragraph (a), (b) or (c),
 - (e) regulators, but only in relation to relevant ADR information (see [section 306\(2\)](#)).
- (3) The power to impose requirements under subsection (1)(a) or (b) may only be exercised for the purpose of enabling or facilitating one or more of the following—
 - (a) publication of ADR information for the benefit of consumers;
 - (b) monitoring or evaluation of the operation of the system of accreditation under this Chapter;
 - (c) monitoring or evaluation of the provision and quality of ADR carried out in the United Kingdom.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (4) It is immaterial for the purposes of subsection (3) whether the publication, monitoring or evaluation is carried out by the Secretary of State, by a person with functions conferred by regulations under section 307 or by any other person acting under arrangements made with that other person by the Secretary of State or a person with such functions.
- (5) Regulations under this section may provide for—
- (a) the ADR information to be provided or published;
 - (b) the manner in which it is to be provided or published;
 - (c) the intervals or times at which it is to be provided or published;
 - (d) time limits for providing or publishing it.
- (6) Regulations under this section are subject to the negative procedure.

Commencement Information

I303 S. 303 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

304 ADR information directions **U.K.**

- (1) The Secretary of State may give a direction to any person falling within [subsection \(2\)](#) requiring the person to provide ADR information to the Secretary of State.
- (2) A direction may be given to—
- (a) an accredited ADR provider,
 - (b) an exempt ADR provider,
 - (c) a person (not being an accredited or exempt ADR provider) who carries out ADR under special ADR arrangements,
 - (d) a person who has been an accredited or exempt ADR provider or a person mentioned in [paragraph \(c\)](#), or
 - (e) a regulator, but only in relation to relevant ADR information (see [section 306\(2\)](#)).
- (3) A direction may only be given—
- (a) for the purpose of enabling or facilitating one or more of the following (whether done by the Secretary of State or by another person under arrangements made with the Secretary of State)—
 - (i) publication of ADR information for the benefit of consumers;
 - (ii) monitoring or evaluation of the operation of the system of accreditation under this Chapter;
 - (iii) monitoring or evaluation of the provision and quality of ADR carried out in the United Kingdom, or
 - (b) for any other purpose connected with the exercise of the Secretary of State’s functions under this Chapter.
- (4) A direction may provide for—
- (a) the ADR information to be provided;

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) the manner in which it is to be provided;
 - (c) time limits for providing it.
- (5) A person to whom a direction is given must so far as reasonably practicable comply with it.
- (6) The duty to comply with a direction is enforceable by the Secretary of State in civil proceedings—
- (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) for any other appropriate remedy or relief.
- (7) In this section “direction” means a direction under this section.

Commencement Information

I304 S. 304 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

305 Disclosure of ADR information by the Secretary of State **U.K.**

- (1) This section applies to any ADR information relating to ADR providers which—
- (a) is provided to the Secretary of State in response to regulations under [section 303](#) or a direction under [section 304](#), or
 - (b) is otherwise held by the Secretary of State for the purposes of any function of the Secretary of State under this Chapter.
- (2) The Secretary of State may publish information to which this section applies for the purpose of providing information to consumers.
- (3) The Secretary of State may disclose information to which this section applies—
- (a) to any Minister of the Crown, government department or devolved authority;
 - (b) to a regulator;
 - (c) to a public designated enforcer (see [section 151](#)).
- (4) This section does not affect any power to disclose information apart from this section.
- (5) In this section “devolved authority” means the Welsh Ministers, the Scottish Ministers or a Northern Ireland Department.

Commencement Information

I305 S. 305 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

306 Meaning of “ADR information” and other terms in sections 303 to 305 **U.K.**

- (1) In sections 303 to 305 “ADR information” means any information about or relating to—
 - (a) an ADR provider,
 - (b) ADR carried out by an ADR provider,
 - (c) special ADR arrangements made by an ADR provider.
- (2) In those sections “relevant ADR information”, in relation to requirements imposed on a regulator, means any information about or relating to—
 - (a) ADR carried out by a relevant ADR provider,
 - (b) special ADR arrangements made by a relevant ADR provider,
 - (c) ADR carried out by ADR providers acting under special ADR arrangements made by a relevant ADR provider, or
 - (d) anything done by the regulator which directly or indirectly affects a relevant ADR provider so far as relating to anything falling within paragraphs (a) to (c).
- (3) In subsection (2) “relevant ADR provider”, in relation to a regulator, means an accredited or exempt ADR provider—
 - (a) who is subject to regulation by the regulator, or
 - (b) whose activities (as an ADR provider) relate to consumer contract disputes involving traders acting in an area for which the regulator has responsibility or oversight under any legislation.
- (4) In this section—
 - (a) a reference to information about ADR carried out by an ADR provider includes, in the case of ADR carried out by an accredited or exempt ADR provider, information about fees charged to consumers or traders in respect of carrying out ADR, and
 - (b) a reference to information about special ADR arrangements includes information about fees charged to consumers or traders by the ADR provider who made the arrangements.
- (5) In this section references to ADR carried out by an ADR provider include ADR to be carried out by the provider.
- (6) In this section and sections 303 to 305, “regulator” means a person who has responsibility for, or oversight of, an area of activity by virtue of any legislation.

Commencement Information

I306 S. 306 not in force at Royal Assent, see s. 339(1)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Involvement of other bodies in the regulation of ADR providers

307 Power to provide for other persons to have accreditation functions etc **U.K.**

- (1) The Secretary of State may by regulations make provision for or in connection with the conferring on another person of any function falling within [subsection \(2\)](#) so far as it is exercisable in such cases or circumstances as may be prescribed by the regulations, in place of the corresponding function of the Secretary of State.
- (2) The functions which may be the subject of regulations under this section are functions corresponding to functions of the Secretary of State under the following provisions of this Chapter as originally enacted—
 - [section 294\(2\)\(b\)](#) (function of approving fees provisions);
 - [section 296](#) (functions relating to applications for accreditation or variation of an accreditation);
 - [section 297](#) (functions relating to determination of applications);
 - [section 298](#) (functions relating to revocation or suspension of accreditations etc);
 - [section 299\(1\)](#) (fees payable by accredited ADR providers), so far as relating to the function of receiving fees;
 - [section 302](#) (functions relating to enforcement notices);
 - [section 304](#) (functions relating to ADR information directions);
 - [section 305](#) (functions relating to disclosure of ADR information).
- (3) The powers conferred by [subsection \(1\)](#) include power to make provision for or in connection with—
 - (a) sharing of information between any two or more relevant authorities;
 - (b) abolishing (in whole or part) a function conferred on a person by regulations under this section.
- (4) In [subsection \(3\)\(a\)](#) “relevant authorities” means the Secretary of State and any persons with functions conferred by regulations under [this section](#).
- (5) Regulations under [this section](#) may amend this Chapter.
- (6) Regulations under [this section](#) are subject to the affirmative procedure.

Commencement Information

I307 S. 307 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

Complaints by consumers to traders

308 Duty of trader to notify consumer of ADR arrangements etc **U.K.**

- (1) [This section](#) applies where a trader responds to a complaint from a consumer in respect of any matters relating to a consumer contract between them.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) In [subsection \(1\)](#) “matters relating to a consumer contract” include anything concerning—
- (a) the making of the contract,
 - (b) anything done by the trader before or after making the contract,
 - (c) any obligations of the trader under or relating to the contract, or
 - (d) the performance by the trader of its obligations under or relating to the contract.
- (3) The trader must, when communicating the outcome of the trader’s consideration of the complaint to the consumer, also inform the consumer about any ADR or other arrangement that is available if the consumer is dissatisfied with the outcome.
- (4) In [subsection \(3\)](#) “ADR or other arrangement” means a scheme or arrangement—
- (a) that is available to the consumer by virtue of an obligation of the trader to participate in the scheme or arrangement imposed by—
 - (i) legislation,
 - (ii) terms of the consumer contract, or
 - (iii) other contractual arrangements to which the trader is party, and
 - (b) by virtue of which either or both of the following will happen if the complaint (or any part of it) is duly pursued by the consumer—
 - (i) ADR will be carried out (if or so far as the matters complained of involve a consumer contract dispute between the parties);
 - (ii) other action will be taken with a view to securing or facilitating a resolution (if or so far as the matters complained of do not involve a consumer contract dispute between the parties).
- (5) [Section 302](#) (enforcement notices) applies in relation to a trader who is contravening or has contravened the duty under [subsection \(3\)](#) as it applies in relation to an ADR provider who is contravening or has contravened anything mentioned in [section 302\(1\)](#).
- (6) This section does not affect any other duty of a trader to give information to a consumer.

Commencement Information

I308 S. 308 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

Consequential amendments etc and transitional provision

309 **Consequential amendments etc relating to this Chapter** **U.K.**

[Schedule 27](#) contains consequential amendments, repeals and revocations relating to this Chapter.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I309 S. 309 not in force at Royal Assent, see [s. 339\(1\)](#)

310 Transitional provision relating to this Chapter **U.K.**

- (1) The prohibition on carrying out ADR in [section 293\(1\)](#) does not apply to ADR carried out by an ADR provider in relation to a consumer contract dispute where the ADR started before the prohibition came into force.
- (2) The prohibition on charging fees to consumers in [section 294\(1\)](#) does not apply to ADR carried out by an ADR provider in relation to a consumer contract dispute where the ADR started before the prohibition came into force.
- (3) For the purposes of [subsections \(1\) and \(2\)](#), the ADR is to be taken as starting when the dispute was first referred to the ADR provider in accordance with that provider's rules or procedures.
- (4) The prohibition on charging fees to consumers in [section 294\(3\)](#) does not apply to ADR carried out by an ADR provider under special ADR arrangements where the ADR started before the prohibition came into force.
- (5) [Subsection \(2\) of section 293](#) applies, in the case of any special ADR arrangements made by an ADR provider before that subsection comes into force, as if the prohibition in it were a prohibition against the person who made the arrangements continuing to operate them, unless that person—
 - (a) is an exempt ADR provider whose exemption would cover making the special ADR arrangements, or
 - (b) is an accredited ADR provider whose accreditation would cover making the special ADR arrangements.
- (6) But [subsection \(5\)](#) does not prevent the person from continuing to operate the special ADR arrangements so far as relating to cases in which ADR which is being carried out in relation to a consumer contract dispute started before the prohibition in [section 293\(1\)](#) came into force.
- (7) For the purposes of [subsections \(4\) and \(6\)](#) ADR is to be taken as starting when the dispute is referred—
 - (a) to the person who made the special ADR arrangements in accordance with the person's rules or procedures, or
 - (b) to the person carrying out the ADR under the special ADR arrangements, in accordance with the person's rules or procedures,whichever occurs first.
- (8) The duty in [section 308\(3\)](#) does not apply in relation to a consumer's complaint if it was received by the trader before the coming into force of [section 308](#).

Commencement Information

I310 S. 310 not in force at Royal Assent, see [s. 339\(1\)](#)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PART 5 U.K.

MISCELLANEOUS

CHAPTER 1 U.K.

COMPETITION IN CONNECTION WITH MOTOR FUEL

311 Provision of information about competition in connection with motor fuel U.K.

- (1) The CMA may require an undertaking involved in, or connected with, the distribution, supply or retail of motor fuel (“U”) to give specified information to it where it considers that the information would assist the CMA in—
 - (a) assessing competition in the United Kingdom in connection with the retail of motor fuel;
 - (b) publishing information about competition in the United Kingdom in connection with the retail of motor fuel;
 - (c) making proposals, or giving information or advice, to the Secretary of State about the need for, or the potential for, action to be taken (whether by the Secretary of State or another person) and what that action should be for the purposes of—
 - (i) increasing competition in the United Kingdom in connection with the retail of motor fuel;
 - (ii) benefiting consumers of motor fuel;
 - (d) assessing the effectiveness of any action taken as a result of proposals made, or information or advice given, under [paragraph \(c\)](#).
- (2) The power conferred by [subsection \(1\)](#) is to be exercised by giving U a notice (an “information notice”).
- (3) The CMA must include in an information notice—
 - (a) the time at which, or the frequency with which, the information must be given to the CMA;
 - (b) the manner and form in which the information must be given to the CMA;
 - (c) information about the possible consequences of not complying with the notice.
- (4) The power under this section to require U to give information to the CMA includes the power to—
 - (a) require U to take copies of or extracts from information;
 - (b) require U to obtain or generate information;
 - (c) require U to collect or retain information that they would not otherwise collect or retain;
 - (d) if any specified information is not given to the CMA, require U to state, to the best of their knowledge and belief, both where that information is and why it has not been given to the CMA.
- (5) An undertaking may not be required under this section to give the CMA a privileged communication.
- (6) A “privileged communication” is a communication—

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) between a professional legal adviser and their client, or
 - (b) made in connection with, or in contemplation of, legal proceedings,
- which in proceedings in the High Court would be protected from disclosure on grounds of legal professional privilege.
- (7) In the application of this section to Scotland—
- (a) the reference to the High Court is to be read as a reference to the Court of Session, and
 - (b) the reference to legal professional privilege is to be read as a reference to the confidentiality of communications.
- (8) In this section—
- “consumer” has the same meaning as in Part 4 of EA 2002 (see section 183(1) of that Act);
- “motor fuel” has the same meaning as in the Motor Fuel (Composition and Content) Regulations 1999 (S.I. 1999/3107) (see regulation 2 of those Regulations), but as if paragraphs (c) and (d) of the definition of that term were omitted;
- “specified” means—
- (a) specified, or described, in the information notice, or
 - (b) falling within a category which is specified, or described, in the information notice;
- “United Kingdom” includes a part of the United Kingdom.
- (9) The Secretary of State may by regulations amend the definition of “motor fuel” in [subsection \(8\)](#).
- (10) Regulations under [subsection \(9\)](#) are subject to the negative procedure.
- (11) In this Chapter, “undertaking” has the same meaning it has for the purposes of Part 1 of CA 1998 (competition: agreements, abuse of dominant position etc).

Commencement Information

I311 S. 311 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

312 Penalties for failure to comply with notices under [section 311](#) **U.K.**

- (1) The CMA may impose a penalty on an undertaking where it considers that the undertaking has, without reasonable excuse—
- (a) failed to comply with an information notice under [section 311](#);
 - (b) destroyed, otherwise disposed of, falsified or concealed, or caused or permitted the destruction, disposal, falsification or concealment of, any document which the undertaking has been required to produce by an information notice under that section;
 - (c) given the CMA information which is false or misleading in a material particular in connection with an information notice under that section;
 - (d) given information which is false or misleading in a material particular to another undertaking knowing that the information was to be used for the purpose of giving information to the CMA in connection with an information notice under that section.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) The amount of a penalty imposed on an undertaking under this section may be such amount as the CMA considers appropriate, provided it does not exceed the amounts set out in subsection (4).
- (3) The amount of a penalty under this section 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.
- (4) The maximum amounts of a penalty that may be imposed on an undertaking are—
 - (a) in the case of a fixed amount, an amount equal to 1% of the total value of the undertaking's turnover (both inside and outside the United Kingdom);
 - (b) in the case of an amount calculated by reference to a daily rate, for each day an amount equal to 5% of the total value of the undertaking's daily turnover (both inside and outside the United Kingdom);
 - (c) in the case of a combination of a fixed amount and an amount calculated by reference to a daily rate, the amounts mentioned in paragraph (a), in relation to the fixed amount, and paragraph (b), in relation to the amount calculated by reference to a daily rate.
- (5) In imposing a penalty under this section by reference to a daily rate—
 - (a) no account is to be taken of any days before the service on the undertaking concerned of the provisional penalty notice under section 112(A1) of EA 2002 (as applied by section 313), and
 - (b) unless the CMA determines an earlier day (whether before or after the penalty is imposed), the amount payable ceases to accumulate at the beginning of the day on which the undertaking first complies with the requirement in question.
- (6) The Secretary of State may by regulations make provision for determining the turnover (both inside and outside the United Kingdom) of an undertaking for the purposes of this section.
- (7) The regulations may, among other things—
 - (a) make provision about amounts which are, or are not, to be included in an undertaking's turnover;
 - (b) make provision about the date or dates by reference to which an undertaking's turnover is to be determined;
 - (c) confer on the CMA the power to determine and make provision about matters specified in the regulations (including the matters mentioned in paragraphs (a) and (b)).
- (8) Regulations under subsection (6) are subject to the negative procedure.

Commencement Information

I312 S. 312 in force at Royal Assent for specified purposes, see s. 339(2)(c)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

PROSPECTIVE

313 Procedure and appeals U.K.

- (1) Sections 112 (penalties: main procedural requirements), 113 (payments and interest by instalments), section 114 (appeals) and 115 (recovery of penalties) of EA 2002 apply in relation to a penalty imposed under [section 312](#) as they apply in relation to a penalty imposed under section 110(1) of that Act.
- (2) For the purposes of this section—
 - (a) sections 112 to 115 of EA 2002 are to be read as if references to “the appropriate authority” were references to the CMA only;
 - (b) section 114(5A) of EA 2002 is to be read as if the words “In the case of a penalty imposed on a by the CMA or OFCOM,” were omitted;
 - (c) section 114(12) of EA 2002 is to be read as if, for paragraph (b), there were substituted—
 - “(b) “the relevant guidance” means the statement of policy which was most recently published under [section 314](#) of the Digital Markets, Competition and Consumers Act 2024 at the time of the act or omission giving rise to the penalty.”

Commencement Information

I313 S. 313 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

314 Statement of policy on penalties U.K.

- (1) The CMA must prepare and publish a statement of policy in relation to the exercise of powers to impose a penalty under [section 312](#).
- (2) The statement must include a statement about the considerations relevant to the determination of—
 - (a) whether to impose a penalty under [section 312](#), and
 - (b) the nature and amount of any such penalty.
- (3) The CMA may revise its statement of policy and, where it does so, must publish the revised statement.
- (4) In preparing or revising its statement of policy the CMA must consult—
 - (a) the Secretary of State, and
 - (b) such other persons as the CMA considers appropriate.
- (5) A statement of policy, or revised statement, may not be published under this section without the approval of the Secretary of State.
- (6) [Subsection \(7\)](#) applies where the CMA proposes to impose a penalty under [section 312](#) on an undertaking.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (7) The CMA must have regard to the statement of policy most recently published under this section at the time of the act or omission giving rise to the penalty when deciding—
- (a) whether to impose the penalty, and
 - (b) if so, the amount of the penalty.

Commencement Information

I314 S. 314 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

315 Offences etc **U.K.**

Destroying or falsifying information

- (1) A person (“P”) commits an offence if, having been required to give information to the CMA under [section 311](#), P—
- (a) intentionally or recklessly destroys or otherwise disposes of it, falsifies or conceals it, or
 - (b) causes or permits its destruction, disposal, falsification or concealment.

False or misleading information

- (2) A person (“P”) commits an offence if—
- (a) P gives information to the CMA in connection with an information notice under [section 311](#),
 - (b) the information is false or misleading in a material particular, and
 - (c) P knows that it is or is reckless as to whether it is.
- (3) A person (“P”) commits an offence if P gives information to another person which is false or misleading in a material particular and P—
- (a) either—
 - (i) knows the information to be false or misleading in a material particular, or
 - (ii) is reckless as to whether the information is false or misleading in a material particular, and
 - (b) knows that the information will be given to the CMA in connection with an information notice under that section.

Sentences

- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Offences by officers of a body corporate etc

- (5) If an offence under this section committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body corporate, or
 - (b) to be attributable to neglect on the part of an officer of the body corporate, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (6) If the affairs of a body corporate are managed by its members, [subsection \(5\)](#) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were an officer of the body corporate.
- (7) If an offence under this section committed by a partnership in Scotland is proved—
- (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to neglect on the partner’s part, the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (8) In [subsection \(7\)](#), “partner” includes a person purporting to act as a partner.

Commencement Information

I315 S. 315 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

316 Penalties under [section 312](#) and offences under [section 315](#) U.K.

- (1) The CMA may not impose a penalty on a person under [section 312](#) in relation to an act or omission which constitutes an offence under [section 315](#) if the person has, in relation to that act or omission, been found guilty of that offence.
- (2) A person may not be found guilty of an offence under [section 315](#) by virtue of an act or omission if the person has paid a penalty imposed under [section 312](#) in relation to that act or omission.

Commencement Information

I316 S. 316 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

317 Information sharing U.K.

In Schedule 14 to EA 2002 (provisions about disclosure of information) at the appropriate place insert—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

“Chapter 1 of [Part 5](#) of the Digital Markets, Competition and Consumer Act 2024.”

Commencement Information

I317 S. 317 not in force at Royal Assent, see [s. 339\(1\)](#)

318 Expiry of this Chapter **U.K.**

- (1) This Chapter, apart from [subsection \(5\)](#) of this section and [section 317](#), expires at the end of the relevant period.
- (2) The “relevant period” means the period of five years beginning with the day on which this Act is passed.
- (3) The Secretary of State may by regulations amend this section to change the definition of the “relevant period”.
- (4) Regulations under [subsection \(3\)](#) are subject to the affirmative procedure.
- (5) The expiry of this Chapter does not affect its continued operation in relation to any information notice given under [section 311](#) before its expiry.

Commencement Information

I318 S. 318 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

CHAPTER 2 **U.K.**

PROVISION OF INVESTIGATIVE ASSISTANCE TO OVERSEAS REGULATORS

319 Provision of investigative assistance to overseas regulators **U.K.**

- (1) A relevant regulator (“R”) may assist an overseas regulator (“O”) in accordance with the table in [subsection \(2\)](#) where—
 - (a) O makes a request to R (see [section 320](#)) for R to assist O’s carrying out of functions which correspond or are similar to functions of R under a relevant enactment,
 - (b) R considers that it would be appropriate to assist O (see [section 321](#)), and
 - (c) where the request is made otherwise than under or in accordance with a qualifying cooperation arrangement, the Secretary of State authorises R to assist O (see [section 322](#)).
- (2) The table in this subsection is—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Where the enactment in question is—	The regulator that may assist the overseas regulator is—	The regulator may assist the overseas regulator by—
Part 1 of CA 1998 (competition)	the CMA	exercising its powers under sections 26 to 29 of CA 1998 as if, by assisting O's carrying out of functions which correspond or are similar to the functions of the CMA under Part 1 of that Act, the CMA were carrying out an investigation under section 25 of that Act
Part 3 of EA 2002 (mergers)	the CMA	exercising its powers under section 109 of EA 2002 as if assisting O's carrying out of functions which correspond or are similar to the functions of the CMA under Part 3 of that Act were a “permitted purpose” for the purposes of that section
Part 6 of EA 2002 (cartel offence)	the CMA	exercising its powers under sections 193 and 194 of EA 2002 as if, by assisting O's carrying out of functions which correspond or are similar to the functions of the CMA under Part 6 of that Act, the CMA were carrying out an investigation under section 192 of that Act
Schedule 5 to CRA 2015 (investigatory powers)	an enforcer for the purposes of Schedule 5 to CRA 2015 (see paragraph 2 of that Schedule)	exercising the powers under Parts 3 and 4 of Schedule 5 to CRA 2015 in connection with an infringement of the law of, or other requirement imposed in, the country or territory of O which appears to R to make provision corresponding or similar to an enactment or other obligation

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Where the enactment in question is—	The regulator that may assist the overseas regulator is—	The regulator may assist the overseas regulator by—
Part 1 of this Act (digital markets)	the CMA	or rule of law listed in Schedule 15 to this Act exercising its powers under any of sections 69 , 71 and 79 as if assisting O's carrying out of a function which corresponds or is similar to a digital markets function (as defined in section 118) were itself a digital markets function
Part 1 of this Act (digital markets)	the CMA	exercising its powers under any of sections 72 , 74 and 75 as if, by assisting O's carrying out of any investigation which corresponds or is similar to a digital markets investigation (as defined in section 118), the CMA were carrying out a digital markets investigation

(3) For the purposes of the exercise by R of the powers under Parts 3 and 4 of Schedule 5 to CRA 2015 by virtue of this Chapter—

- paragraphs 13, 19 and 20 of that Schedule are to be ignored;
- where a power is exercisable only by an enforcer of a particular description, the power is exercisable by R only if R is an enforcer of that description;
- references in Part 4 of that Schedule to the enforcer's legislation, in relation to a domestic enforcer, are to be read in relation to R as references to the law of, or other requirement imposed in, the country or territory of O mentioned in the entry for that Schedule in the table in [subsection \(2\)](#).

(4) Any reference in an enactment (other than in this Chapter) to the functions of a relevant regulator under a relevant enactment includes a reference to those functions as exercised by virtue of this Chapter.

(5) In this Chapter—

“cooperation arrangement” means an arrangement or agreement relating in whole or in part to cooperation in matters relating to the subject matter of a relevant enactment;

“overseas regulator” or “O” means a person or body in a country or territory outside the United Kingdom which appears to R to exercise functions of a public nature corresponding or similar to functions of R;

“qualifying cooperation arrangement” means any cooperation arrangement—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) to which the United Kingdom and the country or territory of O are parties, and
 - (b) which provides for the provision of mutual assistance as between the United Kingdom and that country or territory, or as between R and persons or bodies in that country or territory, in relation to matters relating to—
 - (i) functions of R under a relevant enactment, or
 - (ii) functions of O which correspond or are similar to those functions;
- “relevant enactment” means an enactment listed in the first column of the table in [subsection \(2\)](#);
- “relevant regulator” or “R” means a regulator listed in the second column of the table in [subsection \(2\)](#).

Commencement Information

I319 S. 319 not in force at Royal Assent, see [s. 339\(1\)](#)

320 Requests for investigative assistance **U.K.**

- (1) [Subsection \(2\)](#) makes provision about requests from O for the purposes of [section 319\(1\)\(a\)](#).
- (2) A request from O to R for R to assist O must—
 - (a) be made in writing,
 - (b) describe the matter in respect of which R’s assistance is requested, and
 - (c) include details of any penalty or sanction that could be imposed as a result of the carrying out by O of the functions in respect of which R’s assistance is requested.

Commencement Information

I320 S. 320 not in force at Royal Assent, see [s. 339\(1\)](#)

321 The appropriateness of providing investigative assistance **U.K.**

- (1) This subsection makes provision about how R is to consider whether it would be appropriate to assist O for the purposes of [section 319\(1\)\(b\)](#).
- (2) In considering whether it would be appropriate to assist O, R must have regard to whether—
 - (a) R would be able to exercise its powers under the relevant enactment concerned in a corresponding or similar case arising in the United Kingdom;
 - (b) the United Kingdom and the country or territory of O, or R and O, are parties to a cooperation arrangement;
 - (c) the matter in respect of which the assistance is requested is sufficiently serious to justify R assisting O.
- (3) R may consider that it would not be appropriate to assist O unless O undertakes to make such contribution as R considers appropriate towards the cost of R doing so.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (4) R must consider that it would not be appropriate to assist O where any of subsections (5) to (8) apply.
- (5) This subsection applies where R considers that—
- (a) a person or body in the country or territory of O (whether or not O) would not provide corresponding or substantially similar assistance to R, unless R considers that there is an overriding public benefit to the United Kingdom in assisting O;
 - (b) assisting O would be contrary to the public interest.
- (6) This subsection applies where—
- (a) the matter to which the request relates concerns the investigation of crime or the bringing of criminal proceedings, and
 - (b) the request is made otherwise than under or in accordance with a qualifying cooperation arrangement.
- (7) This subsection applies where R would not be able to disclose, under Part 9 of EA 2002 (information), to O any information obtained by R in the course of assisting O.
- (8) This subsection applies where—
- (a) the request relates to a matter in respect of which in a corresponding or similar case arising in the United Kingdom R would not be able to exercise its powers under the relevant enactment concerned unless R has reasonable grounds for suspecting that there has, or may have, been a breach of the law (“the relevant UK law”), and
 - (b) R does not have reasonable grounds for suspecting that there has, or may have, been a breach of the law of the country or territory of O which appears to R to make provision corresponding or similar to the relevant UK law in question.
- (9) For the purposes of subsection (8)(b), R is to regard as conclusive a certificate issued by O as to whether there has, or may have, been a breach of the law of the country or territory of O.

Commencement Information

I321 S. 321 not in force at Royal Assent, see s. 339(1)

322 Authorisation of the provision of investigative assistance **U.K.**

- (1) This section makes provision about how the Secretary of State authorises R to assist O for the purposes of section 319(1)(c).
- (2) The Secretary of State may authorise R to assist O either—
 - (a) in relation to one or more specific requests for assistance, or
 - (b) generally in respect of requests for assistance of a particular description (including in respect of requests from particular overseas regulators).
- (3) The Secretary of State may withdraw any general authorisation given under subsection (2)(b).
- (4) The Secretary of State must publish—
 - (a) any general authorisation given under subsection (2)(b);

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (b) notice of any withdrawal of a general authorisation under [subsection \(3\)](#).
- (5) In considering whether to authorise R to assist O (whether specifically or generally), the Secretary of State must have regard to whether—
 - (a) O’s request for assistance is made under, or in accordance with, the terms of an arrangement or agreement (other than a qualifying cooperation arrangement) to which the United Kingdom is a party (and, where it is, the Secretary of State must also have regard to the terms of the arrangement or agreement);
 - (b) it would be more appropriate, in relation to the matter in respect of which R’s assistance is requested, for—
 - (i) any of R’s powers under the relevant enactment concerned to be exercised solely on behalf of R (and not by virtue of this Chapter), or
 - (ii) for functions to be exercised by another person or body in the United Kingdom or in a country or territory other than the country or territory of O;
 - (c) R assisting O would be contrary to the public interest.
- (6) In authorising R to assist O, the Secretary of State may impose conditions on R doing so.
- (7) The conditions that may be imposed include conditions—
 - (a) requiring R, before assisting O, to obtain an undertaking from O that any information obtained by R in assisting O will not be used, or will only be used, for specified purposes;
 - (b) requiring R not to use specified powers that would otherwise be available to R in assisting O;
 - (c) requiring R to assist O by using specified powers available to R only in a specified manner;
 - (d) requiring R to assist O only in respect of specified matters.
- (8) In [subsection \(7\)](#), “specified” means specified in a condition imposed by the Secretary of State under [subsection \(6\)](#).

Commencement Information

I322 S. 322 not in force at Royal Assent, see [s. 339\(1\)](#)

323 Notifications in respect of requests for investigative assistance **U.K.**

- (1) R must notify the Secretary of State that R has received a request for assistance from O where—
 - (a) R considers that it would be appropriate for R to assist O, and
 - (b) the Secretary of State has not given R a general authorisation to provide O with the assistance requested (see [section 322\(2\)\(b\)](#)).
- (2) But [subsection \(1\)](#) does not apply where O’s request is made under or in accordance with a qualifying cooperation arrangement.
- (3) R must notify O as to whether R will be providing the assistance requested and, where relevant, of any conditions imposed on that assistance (see [section 322\(6\)](#)).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I323 S. 323 not in force at Royal Assent, see [s. 339\(1\)](#)

324 Guidance in connection with investigative assistance **U.K.**

- (1) The CMA must prepare and publish guidance about—
 - (a) the making and consideration of requests for assistance under this Chapter, and
 - (b) the provision of assistance under this Chapter.
- (2) The CMA may at any time prepare and publish revised or new guidance.
- (3) No guidance is to be published under this section without the approval of the Secretary of State.
- (4) In preparing guidance under this section the CMA must consult such persons as it considers appropriate.
- (5) A relevant regulator must have regard to the guidance for the time being in force when it is exercising functions under or in connection this Chapter.

Commencement Information

I324 S. 324 not in force at Royal Assent, see [s. 339\(1\)](#)

325 Amendments to other legislation **U.K.**

[Schedule 28](#) makes amendments to other legislation in connection with the provision made by this Chapter.

Commencement Information

I325 S. 325 not in force at Royal Assent, see [s. 339\(1\)](#)

CHAPTER 3 **U.K.**

MISCELLANEOUS

326 Disclosing information overseas **U.K.**

- (1) Part 9 of EA 2002 (information) is amended as follows.
- (2) For section 243 (overseas disclosures) substitute—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

“243A Overseas disclosures for both overseas and domestic purposes

- (1) A public authority which holds information to which section 237 applies (“the discloser”) may disclose that information to an overseas public authority for the purpose of facilitating both—
 - (a) the exercise by the discloser of any function it has under or by virtue of this Act or any other enactment, and
 - (b) the exercise by the overseas public authority of any function which it has relating to—
 - (i) carrying out investigations in connection with the enforcement of any relevant law by means of civil proceedings;
 - (ii) bringing civil proceedings for the enforcement of such law or the conduct of such proceedings;
 - (iii) the investigation of crime;
 - (iv) bringing criminal proceedings or the conduct of such proceedings;
 - (v) deciding whether to start or bring to an end such investigations or proceedings.
- (2) [Subsection \(1\)](#) does not apply to any of the following—
 - (a) information which is held by a person who is a private designated enforcer for the purposes of [Chapter 3](#) of [Part 3](#) of the Digital Markets, Competition and Consumers Act 2024 (see [section 151](#) of that Act);
 - (b) information which comes to a public authority in connection with an investigation under Part 4 or section 174 of this Act;
 - (c) information which comes to a public authority in connection with an investigation under section 11 of the Competition Act 1980;
 - (d) legacy information within the meaning of [subsection \(5\)](#).
- (3) In [subsection \(1\)\(a\)](#), the reference to an enactment includes a reference to an enactment contained in—
 - (a) an Act of the Scottish Parliament;
 - (b) Northern Ireland legislation;
 - (c) subordinate legislation.
- (4) In [subsection \(1\)\(b\)\(i\)](#), “relevant law” means—
 - (a) this Act, any enactment specified in Schedule 14 and such subordinate legislation as is specified by order for the purposes of section 238(1);
 - (b) any enactment, obligation or rule of law specified in [Schedule 15](#) to the Digital Markets, Competition and Consumers Act 2024 (consumer protection enactments);
 - (c) any legislation, or any obligation or rule of law in a country or territory outside the United Kingdom which appears to the discloser to make provision corresponding or similar to anything within paragraphs (a) and (b).
- (5) In [subsection \(2\)\(d\)](#), “legacy information” means information which—

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) comes to a public authority in connection with the exercise of its functions under or by virtue of paragraphs 15 to 18 of Schedule 24 relating to investigations under Parts 4 or 6 of the 1973 Act;
- (b) came to a public authority—
 - (i) before the coming into force of this section, and
 - (ii) in connection with the exercise of its functions under or by virtue of paragraphs 15 to 18 of Schedule 24 relating to investigations under Part 5 of the 1973 Act;
- (c) came to a public authority—
 - (i) before 1 July 2021, and
 - (ii) in connection with an investigation under Part 3 of the Enterprise Act 2002.

243B Overseas disclosures for overseas purposes only

- (1) A public authority which holds information to which section 237 applies (“the discloser”) may disclose that information to an overseas public authority for the purpose mentioned in [section 243A\(1\)\(b\)](#).
- (2) [Subsection \(2\)](#) of [section 243A](#) applies for the purposes of [subsection \(1\)](#) of [this section](#) as it applies for the purposes of [subsection \(1\)](#) of [that section](#).

243C Overseas disclosures for designated cooperation arrangement purposes

- (1) A public authority which holds information to which section 237 applies (“the discloser”) may disclose that information to an overseas public authority for a purpose permitted under or by virtue of a designated cooperation arrangement.
- (2) “Designated cooperation arrangement” means an arrangement or agreement that meets all of Conditions A to D.
- (3) Condition A is that the arrangement or agreement is between—
 - (a) a public authority and an overseas public authority, or
 - (b) the United Kingdom and a country or territory.
- (4) Condition B is that the arrangement or agreement relates to cooperation between—
 - (a) the public authority and the overseas public authority, or
 - (b) public authorities in the United Kingdom and persons or bodies in that country or territory,
 for the purposes of facilitating the exercise of functions related to anything mentioned in sub-paragraphs (i) to (v) of [section 243A\(1\)\(b\)](#).
- (5) Condition C is that the arrangement or agreement provides for—
 - (a) the overseas public authority and the public authority, or
 - (b) a person or body in that country or territory and public authorities in the United Kingdom,
 to provide corresponding or substantially similar assistance to each other for the purposes of facilitating the exercise of functions related to anything mentioned in sub-paragraphs (i) to (v) of [section 243A\(1\)\(b\)](#).

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (6) Condition D is that the arrangement or agreement is designated in regulations made by the Secretary of State.
- (7) Before designating an arrangement or agreement in regulations under [subsection \(6\)](#), the Secretary of State must have regard in particular to whether the arrangement or agreement contains provision restricting or preventing—
 - (a) the use for another purpose of information disclosed for a purpose permitted under or by virtue of the arrangement or agreement;
 - (b) the further disclosure of such information.
- (8) The Secretary of State may not designate an arrangement or agreement in regulations under [subsection \(6\)](#) unless the Secretary of State is satisfied that—
 - (a) the law and practice of the country or territory, or the country or territory of the overseas public authority, with whom the arrangement or agreement is with provides appropriate protection against self-incrimination in criminal proceedings, and
 - (b) the law and practice of that country or territory provides appropriate protection in relation to the storage and disclosure of confidential information.
- (9) For the purposes of [subsection \(8\)](#), protection is appropriate if it provides protection in relation to the matter in question which corresponds or is substantially similar to that so provided in any part of the United Kingdom.
- (10) Regulations under [subsection \(6\)](#) are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

243D Use and further disclosure of information disclosed under sections [243A](#) and [243B](#)

- (1) Subsections [\(2\)](#) and [\(3\)](#) apply to information disclosed by virtue of [section 243A](#) to the extent that the disclosure was to facilitate the exercise by the discloser of any function it has under or by virtue of this Act or any other enactment (“the original function”) in relation to a particular matter (“the original matter”).
- (2) The information must not be used by the overseas public authority other than for facilitating the exercise by the discloser of the original function in relation to the original matter unless—
 - (a) the use is for the purpose of facilitating the exercise by the discloser of any function it has under this Act or any other enactment (other than the original function) whether or not in relation to the original matter, and
 - (b) the discloser consents to the use of that information for that purpose.
- (3) The information must not be further disclosed by the overseas public authority unless—
 - (a) the further disclosure is for the purpose of facilitating the exercise by the discloser of any function it has under this Act or any other

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- enactment (whether or not the original function) whether or not in relation to the original matter, and
- (b) the discloser consents to the further disclosure of the information for that purpose.
- (4) Subsections (5) and (6) apply to information disclosed by virtue of section 243A or 243B to the extent that the disclosure was to facilitate the exercise of functions of an overseas public authority relating to anything mentioned in sub-paragraphs (i) to (v) of section 243A(1)(b) (“the original function”) in relation to a particular matter (“the original matter”).
- (5) The information must not be used by the overseas public authority other than for facilitating the exercise by the authority of the original function in relation to the original matter unless—
- (a) the use is for the purpose of facilitating the exercise of a function which the authority has relating to anything mentioned in sub-paragraphs (i) to (v) of section 243A(1)(b) (other than the original function) whether or not in relation to the original matter, and
- (b) the discloser consents to the use of that information for that purpose.
- (6) The information must not be further disclosed by the overseas public authority unless—
- (a) the further disclosure is for the purpose of facilitating the exercise of any of its functions relating to anything mentioned in sub-paragraphs (i) to (v) of subsection (1)(b) of section 243A (whether or not the original function) whether or not in relation to the original matter, and
- (b) the discloser consents to the further disclosure of the information for that purpose.
- (7) In deciding whether to consent to the use or further disclosure of information for the purposes of subsection (2)(b), (3)(b), (5)(b) or (6)(b), the discloser must have regard to the considerations in section 243F to which it would be required to have regard if it were deciding to disclose the information under 243A or 243B.
- (8) Nothing in this section prevents information being used, or further disclosed, by the overseas public authority if that use, or further disclosure, is required under the law of the country or territory of the authority.

243E Directions by the Secretary of State relating to overseas disclosures under sections 243A and 243B

- (1) The Secretary of State may direct that a disclosure permitted under section 243A or 243B must not be made if the Secretary of State thinks that, in connection with any matter in respect of which the disclosure could be made, it is more appropriate—
- (a) if any investigation is to be carried out, that it is carried out by an authority in the United Kingdom or in another specified country or territory (rather than by the overseas public authority);
- (b) if any proceedings are to be brought, that they are brought in a court in the United Kingdom or in another specified country or territory (rather than in the country or territory of the overseas authority).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) In [subsection \(1\)](#), “specified” means specified in the direction.
- (3) The Secretary of State must take such steps as the Secretary of State thinks are appropriate to bring a direction under [subsection \(1\)](#) to the attention of persons likely to be affected by it.

243F Relevant considerations relating to overseas disclosures under sections 243A and 243B

- (1) This section applies when a public authority is deciding whether to make a disclosure under section [243A](#) or [243B](#).
- (2) In deciding whether to make a disclosure under [section 243A](#), the public authority must have regard in particular to the following considerations—
 - (a) whether the law and practice of the country or territory to whose authority the disclosure would be made provides appropriate protection against self-incrimination in criminal proceedings;
 - (b) whether the law and practice of that country or territory provides appropriate protection in relation to the storage and disclosure of confidential information.
- (3) In deciding whether to make a disclosure under [section 243B](#), the public authority must have regard in particular to the considerations in [subsection \(2\)](#) and the following additional considerations—
 - (a) whether the matter in respect of which the disclosure is sought is sufficiently serious to justify making the disclosure;
 - (b) whether the disclosure would further the aims or purposes of any convention or treaty relating in whole or in part to cooperation in matters relating to competition or consumer protection to which the United Kingdom and the country or territory of the authority to whom the disclosure would be made are parties;
 - (c) whether there are arrangements in place for the provision of mutual assistance as between the United Kingdom and that country or territory to whose authority the disclosure would be made in relation to the disclosure of information of the kind to which section 237 applies;
 - (d) whether a person or body in that country or territory would assist the public authority in a way that corresponds or is substantially similar to the assistance that it is proposed the public authority give to the overseas public authority by making the disclosure.
- (4) For the purposes of this section, protection is appropriate if it provides protection in relation to the matter in question which corresponds or is substantially similar to that so provided in any part of the United Kingdom.
- (5) The Secretary of State may by regulations amend subsections [\(2\)](#) and [\(3\)](#) so as to—
 - (a) alter any consideration for the time being included in those subsections;
 - (b) add further considerations;
 - (c) remove any considerations.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (6) Regulations under [subsection \(5\)](#) are to be made by statutory instrument and are subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 244 (specified information: considerations relevant to disclosure)—
- (a) in subsection (2), for “information whose disclosure the authority thinks is contrary to the public interest” substitute “sensitive information”;
 - (b) in subsection (3), for the words after “(so far as practicable)” to the end of paragraph (b) substitute “any commercial information or private information”.
- (4) In section 245 (offences) in subsection (2), for “243(4)” substitute “[243E](#)”.
- (5) For section 246 substitute—

“[246A Interpretation](#)

In this Part—

“commercial information” means information relating to any business of an undertaking whose disclosure the public authority concerned or, for the purposes of [section 243C](#) the Secretary of State, thinks might significantly harm the undertaking’s legitimate business interests;

“confidential information” means commercial information, private information or sensitive information;

“overseas public authority” means a person or body in any country or territory outside the United Kingdom which appears to the discloser (within the meaning of any of sections [243A](#) to [243C](#)) to exercise functions of a public nature in relation to anything mentioned in subparagraphs (i) to (v) of [section 243A\(1\)\(b\)](#);

“private information” mean information relating to the private affairs of an individual whose disclosure the public authority concerned, or for the purposes of [section 243C](#) the Secretary of State, thinks might significantly harm the individual’s interests;

“sensitive information” means information whose disclosure the public authority concerned or, for the purposes of [section 243C](#) the Secretary of State, thinks would be contrary to the public interest;

“subordinate legislation” has the same meaning as in section 21(1) of the Interpretation Act 1978 and includes an instrument made under—

- (a) an Act of the Scottish Parliament;
- (b) Northern Ireland legislation.”

- (6) In section 59 of the Companies (Audit, Investigations and Community Enterprises) Act 2004 (information), in subsection (6)—
- (a) for “section 243(6)” substitute “[section 243F\(2\)](#) and (3)”;
 - (b) for “(overseas disclosures)” substitute “(relevant considerations relating to overseas disclosures)”.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I326 S. 326 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

PROSPECTIVE

327 Duty of expedition on the CMA and sectoral regulators **U.K.**

(1) In section 25 of ERRA 2013 (the Competition and Markets Authority), after subsection (4) insert—

“(5) In making any decision, or otherwise taking action, for the purposes of any of its functions within [Schedule 4A](#) the CMA must have regard to the need for making a decision, or taking action, as soon as reasonably practicable.”

(2) After Schedule 4 to ERRA 2013 insert—

“SCHEDULE 4A **U.K.**

Section 25

FUNCTIONS TO WHICH THE CMA’S DUTY OF EXPEDITION APPLIES

PART 1 **U.K.**

INTRODUCTION

1 The following functions are functions within this Schedule for the purposes of section 25(5).

PART 2 **U.K.**

COMPETITION FUNCTIONS

Functions under the Enterprise Act 2002

2 Functions under Part 3 of the 2002 Act (mergers) other than functions under—

- (a) section 94B (statement of policy about functions under sections 94 and 94AA);
- (b) section 106 (advice and information about references under section 22 or 33);
- (c) section 116 (statement of policy about penalties).

3 Functions under Part 4 of the 2002 Act (market studies and market investigations) other than functions under—

- (a) section 166 (register of undertakings and orders);
- (b) [section 167C](#) (statement of policy about functions under sections 167 and 167A);
- (c) section 171 (advice and information about market investigation references);

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (d) section 174E (statement of policy about penalties).
- 4 Functions under Part 6 of the 2002 Act (the cartel offence) other than functions under section 190A (cartel offence: prosecution guidance).

Functions under Part 1 of the Competition Act 1998

- 5 Functions under Part 1 of the 1998 Act (competition) other than functions under—
- (a) section 31D (guidance about the acceptance of commitments under section 31A);
 - (b) [section 35C](#) (statement of policy about penalties under sections 31E, 34 and 35A);
 - (c) section 38 (the appropriate level of a penalty);
 - (d) section 40B (statement of policy about penalties under section 40A);
 - (e) section 51 (CMA rules);
 - (f) section 52 (advice and information about the Chapter 1 and 2 prohibitions);
 - (g) section 54 (functions of sectoral regulators).

Functions under Chapter 3 of Part 2 of the Water Industry Act 1991

- 6 Functions under sections 32 to 35 of the Water Industry Act 1991 (protection of consumers: competition provisions).

PART 3 U.K.

CONSUMER FUNCTIONS

Functions under Part 3 of the Digital Markets, Competition and Consumers Act 2024

- 7 Functions under Part 3 of the Digital Markets, Competition and Consumers Act 2024 (enforcement powers for infringements of consumer protection law) other than functions under—
- (a) [section 199](#) (statement of policy about penalties);
 - (b) [sections 210](#) and [211](#) (rules about direct enforcement functions);
 - (c) [section 212](#) (guidance about direct enforcement functions).
- 8 Functions under Chapter 1 of Part 4 of the Digital Markets, Competition and Consumers Act 2024 (protection from unfair trading).

Functions under the Consumer Rights Act 2015

- 9 (1) Functions under Schedule 3 to the Consumer Rights Act 2015 (enforcement of law on unfair contract terms and notices) other than functions under paragraph 7(2) to (5) of that Schedule (provision of information and advice).

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (2) Functions under Schedule 5 to the Consumer Rights Act 2015 (investigatory powers) other than functions under paragraph 16F of that Schedule (statement of policy about penalties).

Functions under the Business Protection from Misleading Marketing Regulations 2008

- 10 Functions under the Business Protection from Misleading Marketing Regulations 2008 (S.I. 1276/2008) other than functions under regulation 20(2) of those Regulations (provision of information and advice).

PART 4 U.K.

DIGITAL MARKET FUNCTIONS

Functions under Part 1 of the Digital Markets, Competition and Consumers Act 2024

- 11 Functions under Part 1 of the Digital Markets, Competition and Consumers Act 2024 (digital markets) other than functions under—
- (a) [section 60](#) (content of report under [section 57](#) etc);
 - (b) [section 67](#) (regulations about duty to notify);
 - (c) [section 91](#) (statement of policy on penalties);
 - (d) [section 114](#) (guidance about functions under Part 1).”
- (3) In consequence of the amendments made by subsections (1) and (2)—
- (a) in section 103 of EA 2002 (duty of expedition in relation to references)—
 - (i) in the heading, at the end insert “under section 45 or 62”;
 - (ii) omit subsection (1);
 - (b) in the Water Mergers (Modification of Enactments) Regulations 2004 (S.I. 2004/3202) omit Article 25A (modification of section 103 of EA 2002).
- (4) [Schedule 29](#) makes provision imposing a duty of expedition on sectoral regulators in respect of their competition functions that are exercisable concurrently with the CMA.

Commencement Information

I327 S. 327 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

328 Offenders assisting investigations and prosecutions: powers of the CMA U.K.

- (1) In Chapter 2 of Part 2 of the Serious Organised Crime and Police Act 2005 (offenders assisting investigations and prosecutions), section 71 (assistance by offender: immunity from prosecution) is amended as follows.

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

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- (2) In subsection (4), after paragraph (dab) insert—
“(dac) the Competition and Markets Authority;”.
- (3) In subsection (6A), in the words before paragraph (a), after “the Bank of England,” insert “the Competition and Markets Authority”.
- (4) After subsection (7) insert—
“(8) The Competition and Markets Authority, or a person designated by the Competition and Markets Authority under subsection (4)(e), may not give an immunity notice (but has the other powers available to specified prosecutors).”

Commencement Information

I328 S. 328 not in force at Royal Assent, see [s. 339\(1\)](#)

PROSPECTIVE

329 Removal of limit on the tenure of a chair of the Competition Appeal Tribunal **U.K.**

In Schedule 2 to EA 2002 (the Competition Appeal Tribunal), in paragraph 2 (tenure etc) omit sub-paragraph (2).

Commencement Information

I329 S. 329 not in force at Royal Assent, see [s. 339\(1\)](#)

PART 6 **U.K.**

GENERAL

330 Interpretation **U.K.**

In this Act—

- “CA 1998” means the Competition Act 1998;
- “CRA 2015” means the Consumer Rights Act 2015;
- “EA 2002” means the Enterprise Act 2002;
- “ERRA 2013” means the Enterprise and Regulatory Reform Act 2013;
- “the CMA” means the Competition and Markets Authority;
- “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
- “digital content” means data which is produced and supplied in digital form;
- “enactment” means an enactment whenever passed or made and includes—

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

- (a) an enactment contained in any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other instrument made under an Act,
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru,
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation, and
- (e) any assimilated direct legislation;

“firm” means any entity, whether or not a legal person, that is not an individual and includes a body corporate, a corporation sole and a partnership or other unincorporated association;

“United Kingdom national” means—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who is a British subject under the British Nationality Act 1981;
- (c) a British protected person within the meaning of that Act;

“working day” means any day other than—

- (a) a Saturday or Sunday, or
- (b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.

Commencement Information

I330 S. 330 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

331 Data protection **U.K.**

- (1) This section applies to a duty or power to process information that is imposed or conferred by or under any provision of this Act.
- (2) A duty or power to which this section applies does not require or authorise the processing of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation).

Commencement Information

I331 S. 331 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

332 Notices **U.K.**

- (1) [This section](#) applies in relation to a notice given to a person—
 - (a) under this Act by the CMA, or
 - (b) under [Part 3](#) by another enforcer (within the meaning of that Part).
- (2) The notice may be given by—
 - (a) delivering it to the person,
 - (b) leaving it at the person’s proper address,

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- (c) sending it by post to the person at that address, or
 - (d) sending it to the person by email to their email address.
- (3) A notice to a body corporate may be given in accordance with subsection (2) to any officer of that body.
- (4) A notice to a partnership may be given in accordance with subsection (2) to any partner or a person who has the control or management of the partnership business.
- (5) A notice to a firm that is not a body corporate or a partnership may be given in accordance with subsection (2) to any member of the governing body of the firm.
- (6) A person’s proper address is—
- (a) in a case where the person has specified an address as one at which the person, or someone acting on the person’s behalf, will accept service of notices or other documents, that address;
 - (b) in any other case, the address determined in accordance with subsection (7).
- (7) A person’s proper address is (if subsection (6)(a) does not apply)—
- (a) in the case of a body corporate, its registered or principal office;
 - (b) in the case of a partnership, the principal office of the partnership;
 - (c) in the case of a firm that is not a body corporate or a partnership, the principal office of the firm;
 - (d) in a case where none of paragraphs (a) to (c) apply, any address at which the CMA or other enforcer giving the notice believes, on reasonable grounds, that the notice will come to the attention of the person.
- (8) A person’s email address is—
- (a) any email address published for the time being by that person as an address for contacting that person, or
 - (b) if there is no such published address, any email address by means of which the CMA or other enforcer believes, on reasonable grounds, that the notice will come to the attention of that person.
- (9) In the case of—
- (a) a body corporate registered outside the United Kingdom,
 - (b) a partnership carrying on business outside the United Kingdom, or
 - (c) any other type of firm with offices outside the United Kingdom,
- references to its principal office include references to its principal office in the United Kingdom or, if it has no principal office in the United Kingdom, any place in the United Kingdom where it carries on business or conducts activities.
- (10) In this section “officer”, in relation to any body corporate, means a director, manager, secretary or other similar officer of the body.
- (11) This section does not limit any other lawful means of giving notice.

Commencement Information

I332 S. 332 in force at Royal Assent, see s. 339(2)(b)

Status: Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

333 Consultation **U.K.**

A duty to consult under or by virtue of this Act may be satisfied by consultation that took place wholly or partly before the passing of this Act.

Commencement Information

I333 S. 333 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

334 Financial provision **U.K.**

There is to be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State or the CMA under or by virtue of this Act, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

Commencement Information

I334 S. 334 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

PROSPECTIVE

335 Minor and consequential amendments **U.K.**

[Schedule 30](#) contains minor and consequential amendments.

Commencement Information

I335 S. 335 not in force at Royal Assent, see [s. 339\(1\)](#)

336 Power to make further consequential provision **U.K.**

- (1) The appropriate authority may by regulations make provision that is consequential on this Act or on any provision made under it.
- (2) The power to make regulations under this section includes power to amend, repeal or revoke provision made by an enactment passed or made before the end of the Session in which this Act is passed.
- (3) Regulations under this section are subject to the affirmative procedure if they amend, repeal or revoke any provision of primary legislation.
- (4) Regulations under this section to which [subsection \(3\)](#) does not apply are subject to the negative procedure.
- (5) In this section—
“appropriate authority” means—

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- (a) in the case of regulations under this section that contain amendments only in relation to tax, the Treasury;
 - (b) in any other case, the Secretary of State;
- “primary legislation” means—
- (a) an Act of Parliament (including this Act);
 - (b) an Act of the Scottish Parliament;
 - (c) a Measure or Act of Senedd Cymru;
 - (d) Northern Ireland legislation.

Commencement Information

I336 S. 336 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

337 Regulations **U.K.**

- (1) A power to make regulations under any provision of this Act includes power to make—
 - (a) consequential, supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (2) Regulations under this Act are to be made by statutory instrument.
- (3) Where regulations under this Act are subject to “the affirmative procedure”, the regulations may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Where regulations under this Act are subject to “the negative procedure”, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In the case of regulations under section 336 made by the Treasury, the references in subsections (3) and (4) to each or either House of Parliament are to be read as references to the House of Commons only.
- (6) Any provision that may be made by regulations under this Act subject to the negative procedure may be made in regulations subject to the affirmative procedure.
- (7) This section does not apply to regulations under [section 339](#).

Commencement Information

I337 S. 337 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

338 Extent **U.K.**

- (1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Any amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024. (See end of Document for details)

Commencement Information

I338 S. 338 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

339 Commencement **U.K.**

- (1) Except as provided by subsections (2) and (3), this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2) The following provisions come into force on the day on which this Act is passed—
 - (a) [section 130](#) (and [Schedule 7](#));
 - (b) this Part, other than [section 335](#) (and [Schedule 30](#));
 - (c) any other provision of this Act so far as it confers power to make regulations or is otherwise necessary for enabling the exercise of such a power on or after the day on which this Act is passed.
- (3) [Section 129](#) (and [Schedule 6](#)) come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (4) Different days may be appointed under [subsection \(1\)](#) for different purposes.
- (5) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (6) The power to make regulations under subsection (5) includes power to make different provision for different purposes.
- (7) Regulations under this section are to be made by statutory instrument.

Commencement Information

I339 S. 339 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

340 Short title **U.K.**

This Act may be cited as the Digital Markets, Competition and Consumers Act 2024.

Commencement Information

I340 S. 340 in force at Royal Assent, see [s. 339\(2\)\(b\)](#)

Status:

Point in time view as at 24/05/2024. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:

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