



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1

DIGITAL MARKETS

CHAPTER 7

ENFORCEMENT AND APPEALS

Further enforcement provisions etc

99 Director disqualification

- (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—

Status: This is the original version (as it was originally enacted).

- “(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).”

100 Enforcement of requirements

- (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.

101 Rights to enforce requirements of this Part

- (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 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”.

102 Treatment of CMA breach decisions etc

- (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.