



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1

DIGITAL MARKETS

CHAPTER 8

ADMINISTRATION ETC

Administration

PROSPECTIVE

104 Extension etc of periods

- (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

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- (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—
 - (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

II S. 104 not in force at Royal Assent, see s. 339(1)

PROSPECTIVE

105 Extensions: supplementary

- (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).

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- (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

I2 S. 105 not in force at Royal Assent, see s. 339(1)

106 Exercise and delegation of functions

- (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—

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- “(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;
 - (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.”

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Commencement Information

I3 S. 106 in force at Royal Assent for specified purposes, see **s. 339(2)(c)**

Status:

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Changes to legislation:

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