



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 3

ENFORCEMENT OF CONSUMER PROTECTION LAW

CHAPTER 3

CONSUMER PROTECTION ORDERS AND UNDERTAKINGS

PROSPECTIVE

Online interface orders and interim online interface orders

160 Applications

- (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,

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

- (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

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

161 Online interface orders

- (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

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- (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

I2 S. 161 not in force at Royal Assent, see [s. 339\(1\)](#)

162 Interim online interface orders

- (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
 - (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](#)).

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- (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

I3 S. 162 not in force at Royal Assent, see [s. 339\(1\)](#)

Status:

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