



# Digital Markets, Competition and Consumers Act 2024

## 2024 CHAPTER 13

### PART 3

#### ENFORCEMENT OF CONSUMER PROTECTION LAW

### CHAPTER 4

#### DIRECT ENFORCEMENT POWERS OF CMA

##### *False or misleading information*

#### 197 Provisional false information enforcement notice

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*Status: This is the original version (as it was originally enacted).*

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- (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.

## **198 Final false information enforcement notice**

- (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.