

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets,
Competition and Consumers Act 2024, Paragraph 20. (See end of Document for details)

SCHEDULES

SCHEDULE 10

CIVIL PENALTIES ETC IN CONNECTION WITH COMPETITION INVESTIGATIONS

PART 2

INVESTIGATIONS UNDER PART 3 OF EA 2002 (MERGERS)

PROSPECTIVE

- 20 (1) Section 114 (appeals in relation to penalties) is amended as follows.
- (2) In subsection (1), for “(3)” substitute “(1A)”
- (3) In subsection (4), in the words before paragraph (a), for “the CMA” substitute “the appropriate authority”.
- (4) In subsection (5), in paragraph (c), for “the CMA” substitute “the appropriate authority”.
- (5) After subsection (5) insert—
- “(5A) In the case of a penalty imposed on a person by the CMA or OFCOM, in considering what is appropriate for the purposes of subsection (5) the Competition Appeal Tribunal must have regard to the relevant guidance.”
- (6) In subsection (7), in paragraph (b), for “the CMA” substitute “the appropriate authority”.
- (7) In subsection (12)—
- (a) the words from ““the appropriate court”” to the end become paragraph (a);
- (b) after that paragraph insert—
- “(b) “the relevant guidance” means—
- (i) in the case of a penalty imposed on a person by the CMA, the statement of policy which was most recently published under section 116 at the time when the act or omission concerned occurred;
- (ii) in the case of a penalty imposed on a person by OFCOM, the statement of policy which was most recently published under section 392 of the Communications Act 2003 (penalties imposed by OFCOM) at the time when the act or omission concerned occurred.”

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Commencement Information

II Sch. 10 para. 20 not in force at Royal Assent, see [s. 339\(1\)](#)

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