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*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 27. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 10

#### CIVIL PENALTIES ETC IN CONNECTION WITH COMPETITION INVESTIGATIONS

#### PART 3

#### INVESTIGATIONS UNDER PART 4 OF EA 2002 (MARKET STUDIES AND MARKET INVESTIGATIONS)

PROSPECTIVE

- 27 (1) Section 174A (enforcement of powers under section 174: general) is amended as follows.
- (2) In the heading, for “general” substitute “imposition of penalties”.
- (3) For subsection (1) substitute—
- “(1) The CMA may impose a penalty on a person in accordance with section 174D where the CMA considers that—
- (a) the person has, without reasonable excuse, failed to comply with any requirement of a notice under section 174;
  - (b) the person has, without reasonable excuse, obstructed or delayed another person in the exercise of the other person’s powers under section 174(7);
  - (c) the person has, without reasonable excuse, altered, suppressed or destroyed any document which the person has been required to produce by a notice under section 174.
- (1A) The relevant authority may impose a penalty on a person in accordance with section 174D where the authority considers that—
- (a) the person has, without reasonable excuse, supplied information that is false or misleading in a material respect to the authority in connection with any of the authority’s functions under this Part;
  - (b) the person has, without reasonable excuse, supplied information that is false or misleading in a material respect to another person knowing that the information was to be used for the purpose of supplying information to the authority in connection with any function of the authority under this Part.
- (1B) In this section, and in sections 174B to 174D, “the relevant authority” means—
- (a) the CMA;
  - (b) the Secretary of State;

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(c) the appropriate Minister (so far as the Minister is not the Secretary of State acting alone).

(1C) But the relevant authority may not proceed against a person under this section in relation to an act or omission which constitutes an offence under section 116A or 117 as applied by section 180 if the person has, by reason of that act or omission, been found guilty of that offence.”

(4) In subsection (2), for “subsection (1)” substitute “[subsection \(1\)\(a\)](#)”.

(5) Omit subsections (3) to (7).

(6) In subsection (8)—

- (a) for “(3)” substitute “[\(1A\)](#)”;
- (b) for “failure concerned or (as the case may be) the obstruction or delay” substitute “act or omission”.

(7) After subsection (9) insert—

“(10) Sections 112 to 115 apply in relation to a penalty imposed under section 174A(1) or [\(1A\)](#) as they apply in relation to a penalty imposed under section 110(1) or [\(1A\)](#), with the following modifications—

- (a) any reference in those provisions to the appropriate authority is to be read as a reference to the relevant authority within the meaning of this section;
- (b) section 114([5A](#)) is to be read as if the words “or OFCOM” were omitted;
- (c) section 114(12) is to be read as if, for paragraph (b), there were substituted—

“(b) “relevant guidance” means the statement of policy which was most recently published under section 174E at the time when the act or omission concerned occurred.””

#### **Commencement Information**

**II** Sch. 10 para. 27 not in force at Royal Assent, see [s. 339\(1\)](#)

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