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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Schedule 22. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 22

Section 255

EXCLUDED CONTRACTS

Utilities

- 1 (1) A contract between an electricity supplier and a consumer for the supply of electricity to any premises.
- (2) A contract between a gas supplier and a consumer for the supply of gas to any premises.
- (3) A contract between a heat supplier and a consumer for the supply of heating, cooling or hot water by means of a relevant heat network.
- (4) In England and Wales, a contract between a licensed water supplier, or licensed sewerage supplier, and a consumer for the supply of water or sewerage services.
- (5) In Scotland, a contract between a licensed water supplier, or licensed sewerage supplier, and a consumer for the supply of water or sewerage services.
- (6) In Northern Ireland—
 - (a) a contract between a water undertaker and a consumer for the supply of water pursuant to Article 94 of the Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21));
 - (b) a contract between a sewerage undertaker and a consumer for the supply of sewerage services pursuant to Chapter 3 of Part 6 of that Order.
- (7) In this paragraph—

“electricity supplier” means a person who is authorised to supply electricity—

 - (a) by a licence under Part 1 of the Electricity Act 1989 or Part 2 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)),
 - (b) by virtue of an exemption granted under the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001 (S.I. 2001/3270), or
 - (c) by virtue of an exemption granted under the Electricity (Class Exemptions from the Requirement for a Licence) Order (Northern Ireland) 2013 (S.I. 2013/93 (N.I. 1));

“gas supplier” means a person who is authorised to supply gas—

 - (a) by a licence under Part 1 of the Gas Act 1986 or Part 2 of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)), or

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(b) by virtue of the exemption in paragraph 1 of Schedule 2A to the Gas Act 1986;

“heat supplier” means a person who is authorised to supply heating, cooling or hot water by an authorisation conferred under regulations made under Chapter 1 of Part 8 of the Energy Act 2023;

“licensed sewerage supplier” means—

(a) in relation to England and Wales, a sewerage licensee within the meaning of the Water Industry Act 1991;

(b) in relation to Scotland, a person supplying sewerage services under a sewerage services licence within the meaning of the Water Services etc. (Scotland) Act 2005 ([asp 3](#));

“licensed water supplier” means—

(a) in relation to England and Wales, a water supply licensee within the meaning of the Water Industry Act 1991;

(b) in relation to Scotland, a person supplying water under a water services licence within the meaning of the Water Services etc. (Scotland) Act 2005;

“relevant heat network” has the same meaning as in Chapter 1 of Part 8 of the Energy Act 2023;

“sewerage undertaker” and “water undertaker” have the same meanings as in the Water and Sewerage Services (Northern Ireland) Order 2006.

Commencement Information

11 Sch. 22 para. 1 not in force at Royal Assent, see [s. 339\(1\)](#)

Insurance and financial services

2 A contract for services of a banking, credit, insurance, personal pension, investment or payment nature.

Commencement Information

12 Sch. 22 para. 2 not in force at Royal Assent, see [s. 339\(1\)](#)

Medical prescriptions etc.

3 (1) A contract for the supply of goods, services or digital content where the supply—

(a) is made for purposes relating to the prevention, diagnosis or treatment of illness, or otherwise relating to a person’s physical or mental health, and

(b) is—

(i) made under, or in connection with, a prescription or directions given by a prescriber, or

(ii) of a medicinal product which is administered by a prescriber.

(2) In sub-paragraph (1)—

“illness” means physical or mental illness;

“medicinal product” has the meaning given by regulation 2(1) of the Human Medicines Regulations 2012 ([S.I. 2012/ 1916](#));

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“prescriber”—

- (a) in relation to a prescription or directions given, or a medicinal product administered, in England, has the meaning given by regulation 2(1) of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (S.I. 2013/349);
- (b) in relation to a prescription or directions given, or a medicinal product administered, in Wales, has the meaning given by regulation 2 of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 (S.I. 2020/1073 (W. 241));
- (c) in relation to a prescription or directions given, or a medicinal product administered, in Scotland, has the meaning given by regulation 2 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 (S.S.I. 2009/183) but as if that definition included “a dentist”;
- (d) in relation to a prescription or directions given, or a medicinal product administered in Northern Ireland, has the meaning given by the Pharmaceutical Services Regulations (Northern Ireland) 1997 (S.R. (N.I.) 1997 No. 381).

Commencement Information

I3 Sch. 22 para. 3 not in force at Royal Assent, see [s. 339\(1\)](#)

- 4 (1) A contract for the supply of goods, services or digital content by a health care professional or a person included in a relevant list in circumstances where—
- (a) the supply of goods, services or digital content is under arrangements for the supply of services as part of the health service, and
 - (b) the goods, services or digital content are, at least in some circumstances, supplied under such arrangements free of charge or on prescription.
- (2) In sub-paragraph (1)—
- “health care professional” means a member of a profession which is regulated by—
- (a) a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 but as if subsection (3A) of that section were omitted;
 - (b) Social Care Wales;
 - (c) the Scottish Social Services Council;
 - (d) the Northern Ireland Social Care Council;
- “health service” means the health service or system of health care continued under—
- (a) section 1(1) of the National Health Service Act 2006;
 - (b) section 1(1) of the National Health Service (Wales) Act 2006;
 - (c) section 1(1) of the National Health Service (Scotland) Act 1978;
 - (d) section 2(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
- “relevant list” means—
- (a) in relation to arrangements which are part of the health service in England—

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- (i) a relevant list for the purposes of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ([S.I. 2013/349](#)) (see regulation 2(1));
- (ii) a list maintained under those Regulations;
- (b) in relation to arrangements which are part of the health service in Wales—
 - (i) a relevant list for the purposes of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 ([S.I. 2020/1073 \(W. 241\)](#));
 - (ii) a list maintained under those Regulations;
- (c) in relation to arrangements which are part of the health service in Scotland—
 - (i) the pharmaceutical list prepared under regulation 5 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 ([S.S.I. 2009/183](#));
 - (ii) the provisional pharmaceutical list prepared under regulation 8 of those Regulations;
 - (iii) the primary medical services performers list prepared under regulation 4 of the National Health Service (Primary Medical Services Performers List) (Scotland) Regulations 2004 ([S.S.I. 2004/114](#));
 - (iv) the dental list prepared under regulation 4 of the National Health Service (General Dental Services) (Scotland) Regulations ([S.S.I 2010/208](#));
- (d) in relation to arrangements which are part of the health service in Northern Ireland, the pharmaceutical list prepared under regulation 6 of the Pharmaceutical Services Regulations (Northern Ireland) 1997 ([S.R. \(N.I.\) 1997 No. 381](#)).

Commencement Information

I4 Sch. 22 para. 4 not in force at Royal Assent, see [s. 339\(1\)](#)

Commencement Information

I3 Sch. 22 para. 3 not in force at Royal Assent, see [s. 339\(1\)](#)

I4 Sch. 22 para. 4 not in force at Royal Assent, see [s. 339\(1\)](#)

Contracts regulated by OFCOM

- 5 A contract for the supply of goods, services or digital content by a person who is bound, in relation to that supply, by a general condition set by OFCOM under section 45 of the Communications Act 2003.

Commencement Information

I5 Sch. 22 para. 5 not in force at Royal Assent, see [s. 339\(1\)](#)

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- 6 (1) A contract for the supply of a premium rate service by a person who is bound, in relation to the supply of that service, by conditions set by OFCOM under section 120 of the Communications Act 2003.
- (2) In sub-paragraph (1), “premium rate service” has the meaning given by section 120(7) of the Communications Act 2003.

Commencement Information

I6 Sch. 22 para. 6 not in force at Royal Assent, see [s. 339\(1\)](#)

- 7 In paragraphs 5 and 6, “OFCOM” means the Office of Communications.

Commencement Information

I7 Sch. 22 para. 7 not in force at Royal Assent, see [s. 339\(1\)](#)

Commencement Information

I5 Sch. 22 para. 5 not in force at Royal Assent, see [s. 339\(1\)](#)

I6 Sch. 22 para. 6 not in force at Royal Assent, see [s. 339\(1\)](#)

I7 Sch. 22 para. 7 not in force at Royal Assent, see [s. 339\(1\)](#)

Rent of residential accommodation

- 8 A contract under which accommodation is rented for residential purposes.

Commencement Information

I8 Sch. 22 para. 8 not in force at Royal Assent, see [s. 339\(1\)](#)

Delivery of foodstuffs etc. by micro-entity

- 9 (1) A contract between a trader whose business is a micro-entity and a consumer for the supply of foodstuffs, beverages or other goods intended for current consumption in the household where the condition in sub-paragraph (2) or (3) is met.
- (2) The condition is that the foodstuffs, beverages or other goods—
- (a) are to be supplied by way of a frequent or regular delivery to the consumer’s home, residence or workplace, and
 - (b) are not to be delivered wholly or mainly by a third party.
- (3) The condition is that the foodstuffs, beverages or other goods are to be supplied by way of the consumer collecting the goods from the trader’s business premises.
- (4) For the purposes of sub-paragraph (1), a business is a micro-entity in each financial year, other than its first financial year, that the condition in sub-paragraph (5) or (6) is met in relation to the business.
- (5) The condition in this sub-paragraph is met if—
- (a) the business is carried on by a company, and

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- (b) the company qualified as a micro-entity in accordance with section 384A of the Companies Act 2006 in relation to the preceding financial year.
- (6) The condition in this sub-paragraph is met if—
- (a) the business is not carried on by a company, but
 - (b) if the business had been carried on by a company, the company would have qualified as a micro-entity in accordance with that section in relation to the preceding financial year.
- (7) In the first financial year of a business, the business is a micro-entity for the purposes of sub-paragraph (1) if (and for so long as) the person carrying on the business believes on reasonable grounds that the person will qualify as a micro-entity in accordance with section 384A of the Companies Act 2006 in relation to that financial year (or would do so if the person were a company).
- (8) For the purposes of sub-paragraph (2)(b) goods are delivered by a third party if they are delivered by a person acting for purposes relating to a business other than the trader’s business.
- (9) In this paragraph—
- “company” has the same meaning as in the Companies Act 2006 (see section 1 of that Act);
- “financial year”—
- (a) in relation to a business which is carried on by a company, means the company’s financial year in accordance with sections 390 to 392 of that Act;
 - (b) in relation to a business which is not carried on by a company, means a year, beginning on 6 April and ending on the following 5 April;
- “first financial year”—
- (a) in relation to a business which is carried on by a company, means the company’s first financial year in accordance with sections 390 to 392 of the Companies Act 2006;
 - (b) in relation to a business which is not carried on by a company, means the first financial year in which the business begins trading.

Commencement Information

I9 Sch. 22 para. 9 not in force at Royal Assent, see [s. 339\(1\)](#)

Package holidays etc

- 10 A package travel contract within the meaning of the Package Travel and Linked Travel Arrangements Regulation 2018 ([S.I. 2018/634](#)).

Commencement Information

I10 Sch. 22 para. 10 not in force at Royal Assent, see [s. 339\(1\)](#)

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Timeshares etc

- 11 A contract which is a regulated contract within the meaning of the Timeshare, Holiday Products Resale and Exchange Contracts 2010 ([S.I. 2010/2960](#)).

Commencement Information

- I11** Sch. 22 para. 11 not in force at Royal Assent, see [s. 339\(1\)](#)

Childcare (including school age education)

- 12 (1) A contract for the supply of goods, services or digital content for, or in connection with, the provision of childcare by a relevant childcare provider.
- (2) In relation to the provision of childcare in England and Wales, a “relevant childcare provider” means—
- (a) a person who—
 - (i) in relation to England, is registered, or required to be registered, under Part 3 of the Childcare Act 2006 in relation to the childcare provided;
 - (ii) in relation to England, is not required to register under that Part in relation to the childcare provided because the childcare is excepted from the definition of “childcare” in section 18 of that Act;
 - (iii) in relation to England, is not required to register under that Part in relation to the childcare provided as a result of Article 2 of the Childcare (Exemptions from Registration) Order 2008 ([S.I. 2008/979](#)) by reference to the circumstances specified in Article 3, 5 or 8 of that Order;
 - (iv) in relation to Wales, is registered, or required to be registered, under Part 2 of the [Children and Family \(Wales\) Measure 2010 \(nawm 1\)](#);
 - (v) in relation to Wales, is not required to register under that Part because the person is not acting as a child minder, or is not providing day care, for the purposes of that Part by virtue of an Order made under section 19 of that Measure;
 - (b) the governing body of a maintained school;
 - (c) the proprietor of an Academy school or an Alternative provision Academy;
 - (d) the proprietor of a school that is approved under section 342 of the Education Act 1996 (non-maintained special schools);
 - (e) the proprietor of any educational institution not falling within paragraph (c) that is registered under section 95 of the Education and Skills Act 2008 (register of independent educational institutions).
- (3) In relation to the provision of childcare in Scotland, a “relevant childcare provider” means—
- (a) a person who—
 - (i) is registered, or required to be registered, under Part 5 of the Public Services Reform (Scotland) Act 2010 ([asp 8](#)) in relation to the childcare provided;
 - (ii) is not required to register under that Part in relation to the childcare provided because that childcare is excepted from the definition of

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a care service by Schedule 12 to that Act or by regulations made under that Schedule;

- (b) an education authority acting in its role as manager of a public school;
- (c) the proprietor of an independent school;
- (d) the managers of a grant-aided school.

(4) In relation to the provision of childcare in Northern Ireland, a “relevant childcare provider” means—

- (a) a person who—
 - (i) is registered, or required to be registered, under Part 11 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));
 - (ii) is not required to register under that Part in relation to the childcare provided because the person is not acting as a childminder when carrying out that childcare by virtue of Article 119 of that Order, or is not providing day care for children when carrying out that childcare by virtue of Article 120 of that Order;
 - (iii) is not required to register under that Part in relation to the childcare provided because of an exemption under Article 121 of that Order;
- (b) the Board of Governors of a grant-aided school;
- (c) the proprietor of an independent school.

(5) In this paragraph—

“Academy school” has the meaning given by section 1A of the Academies Act 2010;

“Alternative provision Academy” has the meaning given by section 1C of the Academies Act 2010;

“Board of Governors” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3));

“child” means a person under the age of 18;

“childcare” means any form of care for a child, including—

- (a) education for a child, and
- (b) any other supervised activity for a child;

“education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980;

“governing body”, in relation to a maintained school, means the governing body referred to in relation to the school in section 19 of the Education Act 2002;

“grant-aided school”—

- (a) in relation to Scotland, has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
- (b) in relation to Northern Ireland, has the meaning given by Article 2(2) of the of the Education and Libraries (Northern Ireland) Order 1986;

“independent school”—

- (a) in relation to Scotland, has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
- (b) in relation to Northern Ireland, has the meaning given by Article 2(2) of the of the Education and Libraries (Northern Ireland) Order 1986;

“maintained school” means—

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- (a) a community, foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998);
 - (b) a community or foundation special school (within the meaning of that Act);
 - (c) a maintained nursery school (as defined by section 22(9) of that Act);
“proprietor”—
 - (a) in relation to a maintained school, has the meaning given by section 579(1) of the Education Act 1996;
 - (b) in relation to an educational institution registered under section 95 of the Education and Skills Act 2008, has the meaning given by section 138(1) of that Act;
 - (c) in relation to an independent school in Scotland, has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
 - (d) in relation to an independent school in Northern Ireland, has the meaning given by Article 2(2) of the of the Education and Libraries (Northern Ireland) Order 1986;
- “public school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980.

Commencement Information

I12 Sch. 22 para. 12 not in force at Royal Assent, see [s. 339\(1\)](#)

Gambling contracts

- 13 (1) In England and Wales and Scotland, a contract for—
- (a) gambling, within the meaning of the Gambling Act 2005;
 - (b) participating in the National Lottery, within the meaning of the National Lottery etc. Act 1993.
- (2) In Northern Ireland, a contract for betting, gaming or participating in a lawful lottery within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I. 11)).

Commencement Information

I13 Sch. 22 para. 13 not in force at Royal Assent, see [s. 339\(1\)](#)

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