

Status: This version of this 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 5. (See end of Document for details)

SCHEDULES

SCHEDULE 9

FINAL UNDERTAKINGS AND ORDERS: POWER TO CONDUCT TRIALS

PROSPECTIVE

5 After section 162A (inserted by [section 139\(4\)](#)) insert—

“162B Power to vary etc undertakings and orders: implementation trials

- (1) This section applies in relation to implementation trial measures imposed in accordance with [section 161C](#).
- (2) The CMA must keep under review the effectiveness of the implementation trial measures.
- (3) The CMA must, in particular, from time to time consider—
 - (a) whether an implementation trial measure has been or is being complied with;
 - (b) whether an undertaking accepted under [section 161C](#) is no longer appropriate and—
 - (i) one or more of the parties to it can be released from it; or
 - (ii) it needs to be varied or to be superseded by a new undertaking under that section; and
 - (c) whether an order made under [section 161C](#) is no longer appropriate and needs to be varied or revoked.
- (4) The CMA must, within the implementation trial period, give the Secretary of State such advice as it considers appropriate in relation to—
 - (a) any possible variation or release by the Secretary of State of an undertaking accepted by the Secretary of State under [section 161C](#);
 - (b) any possible new undertaking to be accepted by the Secretary of State under that section so as to supersede another undertaking given to the Secretary of State under that section;
 - (c) any possible variation or revocation by the Secretary of State of an order made by the Secretary of State under that section;
 - (d) any possible undertaking to be accepted by the Secretary of State under that section instead of an order made under that section, or any possible order to be made by the Secretary of State under that section instead of an undertaking accepted under that section.
- (5) The relevant authority must, within the implementation trial period, take such action as it considers appropriate in relation to—
 - (a) any possible variation or release by the relevant authority of an undertaking accepted by it under [section 161C](#);

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- (b) any possible new undertaking to be accepted by the relevant authority under that section so as to supersede another undertaking given to it under that section;
 - (c) any possible variation or revocation by the relevant authority of an order made by it under that section;
 - (d) any possible undertaking to be accepted by the relevant authority under that section instead of an order made under that section, or any possible order to be made by the relevant authority under that section instead of an undertaking accepted under that section.
- (6) But the relevant authority may not do anything under this section that would result in—
- (a) the implementation trial period being extended;
 - (b) an order or undertaking made under [section 161C](#) being out of compliance with any provision of that section.
- (7) In this section “relevant authority” has the meaning given by [section 161B\(2\)](#).
- (8) Subsections (3), (5) and (6) of section 138 apply to action taken by the CMA under this section as those subsections apply to action taken by the CMA under section 138(2).
- (9) Subsections (3)(b), (5) and (6) of section 147 apply to action taken by the Secretary of State under this section in respect of a restricted PI reference as those subsections apply to action taken by the Secretary of State under section 147(2).
- (10) Subsection (3) of section 147A applies to action taken by the Secretary of State under this section in respect of a full PI reference as that subsection applies to action taken by the Secretary of State under section 147A(2).”

Commencement Information

II Sch. 9 para. 5 not in force at Royal Assent, see [s. 339\(1\)](#)

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