



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1

DIGITAL MARKETS

CHAPTER 8

ADMINISTRATION ETC

Administration

106 Exercise and delegation of functions

- (1) The CMA may make a reference to the CMA chair for the constitution of a group under Schedule 4 to ERRA 2013 in respect of any non-reserved digital markets function.
- (2) A reference under [this section](#) must specify the non-reserved digital markets function in respect of which the reference is made (“the referred function”).
- (3) A CMA group constituted under ERRA 2013 for the purposes of a reference under [this section](#) must carry out the referred function.
- (4) For the purposes of [this section](#), a “non-reserved digital markets function” is any digital markets function other than a digital markets function that the CMA Board may not delegate—
 - (a) under paragraph 29(1) of Schedule 4 to ERRA 2013, as a result of paragraph 29(2) of that Schedule as it has effect from time to time, or
 - (b) under paragraph 29(1)(a) of that Schedule, as a result of paragraph 29(2A) of that Schedule as it has effect from time to time.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 106. (See end of Document for details)

- (5) In [subsection \(1\)](#), “CMA chair” means the person appointed under paragraph 1(1)(a) of Schedule 4 to ERRA 2013.
- (6) In Schedule 4 to ERRA 2013 (the Competition and Markets Authority), paragraph 29 (delegation) is amended as follows.
- (7) In sub-paragraph (2) (functions which cannot be delegated), at the end insert—
- “(g) whether to begin an initial SMS investigation under [section 9](#) of the Digital Markets, Competition and Consumers Act 2024 (“the 2024 Act”);
 - (h) whether to begin a further SMS investigation under [section 10](#) of the 2024 Act;
 - (i) whether to begin a PCI investigation under [section 47](#) of the 2024 Act.”
- (8) After sub-paragraph (2) insert—
- “(2A) Sub-paragraph (1)(a) does not apply to the functions of deciding—
- (a) whether to make a designation under [section 2](#) of the 2024 Act;
 - (b) what, if any, provision to make in reliance on [section 17](#) of the 2024 Act;
 - (c) whether to impose a conduct requirement under [section 19](#) of the 2024 Act;
 - (d) whether to revoke a conduct requirement under [section 22](#) of the 2024 Act;
 - (e) whether to make, and the form of, an enforcement order, other than an interim enforcement order, under [section 31](#) of the 2024 Act;
 - (f) whether to accept a commitment under [section 36](#) or [section 56](#) of the 2024 Act;
 - (g) whether to exercise the power conferred by [section 38\(1\)](#) of the 2024 Act (power to adopt final offer mechanism);
 - (h) whether to make, and the form of, a pro-competition intervention under [section 46](#) of the 2024 Act;
 - (i) the contents of a notice under [section 50](#) of the 2024 Act (notice of decision on pro-competition intervention);
 - (j) whether to replace a pro-competition order under [section 52](#) of the 2024 Act;
 - (k) whether to revoke a pro-competition order under [section 53](#) of the 2024 Act.
 - (l) whether to impose a penalty on a person under [section 85](#) or [section 87](#) of the 2024 Act;
 - (m) the amount of any such penalty.
- (2B) A committee or sub-committee of the CMA Board may not be authorised to carry out any of the functions listed in sub-paragraph (2A) unless—
- (a) the committee or sub-committee includes—
 - (i) at least two members of the Board who are not members of the CMA’s staff, or
 - (ii) the chair and at least one member of the Board who is not a member of the CMA’s staff, and

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- (b) at least half of the members of the committee or sub-committee are—
 - (i) members of the Board who are not members of the CMA’s staff, or
 - (ii) members of the CMA panel.”
- (9) After sub-paragraph (3) insert—
 - “(4) The Secretary of State may by regulations made by statutory instrument amend sub-paragraphs (2) or (2A) so as to add or remove functions of the CMA under Part 1 of the 2024 Act.
 - (5) The regulations may make incidental, transitional or saving provision.
 - (6) A statutory instrument containing regulations under sub-paragraph (4) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Commencement Information

II S. 106 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

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