



# Digital Markets, Competition and Consumers Act 2024

## 2024 CHAPTER 13

### PART 3

#### ENFORCEMENT OF CONSUMER PROTECTION LAW

### CHAPTER 4

#### DIRECT ENFORCEMENT POWERS OF CMA

#### *Directions*

PROSPECTIVE

#### **191 Provisional breach of directions enforcement notice**

- (1) [This section](#) applies where—
  - (a) an enforcement direction has been given to a person (“the respondent”), and
  - (b) the CMA has reasonable grounds to believe that the respondent has without reasonable excuse failed to comply with the direction (fully or to any respect).
- (2) The CMA may give to the respondent a notice under [this section](#) (a “provisional breach of directions enforcement notice”).
- (3) A provisional breach of directions enforcement notice must—
  - (a) set out the grounds on which it is given, including the respondent’s acts or omissions giving rise to the belief mentioned in [subsection \(1\)\(b\)](#);
  - (b) set out proposed directions for the purpose of securing that the respondent complies with the direction;

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 191. (See end of Document for details)*

- (c) invite the respondent to make representations to the CMA about the giving of the notice;
  - (d) specify the means by which, and the time by which, such representations must be made.
- (4) The means specified under subsection (3)(d) for making representations must include arrangements for them to be made orally if the respondent chooses to make representations in that way.
- (5) A provisional breach of directions enforcement notice must also state—
- (a) that the CMA is considering imposing a monetary penalty;
  - (b) the proposed amount of the penalty (including whether the penalty would be a fixed amount, an amount calculated by reference to a daily rate or both a fixed amount and an amount calculated by reference to a daily rate);
  - (c) any further factors (in addition to those provided under [subsection \(3\)\(a\)](#)) which the CMA considers justify the imposition of the proposed penalty and its amount or amounts.
- (6) In [this Chapter](#) “enforcement direction” means a direction given in—
- (a) a final infringement notice,
  - (b) an online interface notice, or
  - (c) a final breach of undertakings enforcement notice.

#### **Modifications etc. (not altering text)**

- C1** Ss. 191-196 applied (24.5.2024 for specified purposes) by 2015 c. 15, Sch. 5 para. 16C(11) (as inserted by [Digital Markets, Competition and Consumers Act 2024 \(c. 13\)](#), s. 339(2)(c), [Sch. 17 para. 2\(3\)](#) (with [Sch. 19](#)))

#### **Commencement Information**

- I1** S. 191 not in force at Royal Assent, see [s. 339\(1\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 191.