



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 3

ENFORCEMENT OF CONSUMER PROTECTION LAW

CHAPTER 4

DIRECT ENFORCEMENT POWERS OF CMA

False or misleading information

197 Provisional false information enforcement notice

- (1) [This section](#) applies if—
 - (a) the CMA has reasonable grounds to believe that a person (“the respondent”) has, without reasonable excuse, provided information to the CMA that is materially false or misleading, and
 - (b) the information was provided in connection with the carrying out by the CMA of a direct enforcement function.
- (2) The CMA may give to the respondent a notice under [this section](#) (a “provisional false information enforcement notice”).
- (3) A provisional false information enforcement notice must—
 - (a) set out the grounds on which it is given;
 - (b) state that the CMA is considering imposing a monetary penalty;
 - (c) state the proposed amount of the penalty;
 - (d) state any further factors (in addition to those provided under paragraph (a)) which the CMA considers justify the imposition of the proposed penalty and its amount;

Status: This is the original version (as it was originally enacted).

- (e) invite the respondent to make representations to the CMA about the giving of the notice;
 - (f) specify the means by which, and the time by which, such representations must be made.
- (4) The means specified under subsection (3)(f) for making representations must include arrangements for them to be made orally if the respondent chooses to make representations in that way.
- (5) In [this Part](#) “direct enforcement function” means—
 - (a) a function of the CMA under [this Chapter](#), or
 - (b) a function of the CMA under paragraph 16B or 16C of Schedule 5 to CRA 2015.