



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 4

CONSUMER RIGHTS AND DISPUTES

CHAPTER 1

PROTECTION FROM UNFAIR TRADING

Offences relating to unfair commercial practices

PROSPECTIVE

237 Offences

- (1) A trader commits an offence if, in breach of section 225(1), the trader engages in an unfair commercial practice which involves a misleading action within section 226(1)(a), (b) or (c) (see section 225(4)(a)(i)).
- (2) A trader commits an offence if, in breach of section 225(1), the trader engages in an unfair commercial practice which involves a misleading omission (see section 225(4)(a)(ii)).
- (3) A trader commits an offence if, in breach of section 225(1), the trader engages in an unfair commercial practice which involves an aggressive practice (see section 225(4)(a)(iii)).
- (4) A trader commits an offence if, in breach of section 225(1)—

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 237. (See end of Document for details)

- (a) the trader engages in an unfair commercial practice which involves a contravention of the requirements of professional diligence (see section 225(4)(a)(iv)), and
 - (b) the trader knows, or is reckless as to whether, the commercial practice involves a contravention of the requirements of professional diligence.
- (5) For the purposes of subsection (4) a trader who fails to have regard to whether a commercial practice involves a contravention of the requirements of professional diligence is to be treated as being reckless as to whether it does (regardless of whether the trader has reason to believe that it might).
- (6) A trader commits an offence if, in breach of section 225(1), the trader engages in an unfair commercial practice by omitting material information from an invitation to purchase (see section 225(4)(b)).
- (7) A trader commits an offence if, in breach of section 225(1), the trader engages in a commercial practice which is unfair by virtue of it being of a description listed in Schedule 20 (see section 225(4)(c)) other than an excluded description.
- (8) The following are excluded descriptions for the purposes of subsection (7)—
- (a) the description of practice mentioned in paragraph 12 of Schedule 20;
 - (b) the descriptions of practices mentioned in paragraph 13 of that Schedule;
 - (c) the description of practice mentioned in paragraph 30 of that Schedule.

Commencement Information

II S. 237 not in force at Royal Assent, see s. 339(1)

Status:

This version of this provision is prospective.

Changes to legislation:

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