



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 5

MISCELLANEOUS

CHAPTER 2

PROVISION OF INVESTIGATIVE ASSISTANCE TO OVERSEAS REGULATORS

322 Authorisation of the provision of investigative assistance

- (1) This section makes provision about how the Secretary of State authorises R to assist O for the purposes of [section 319\(1\)\(c\)](#).
- (2) The Secretary of State may authorise R to assist O either—
 - (a) in relation to one or more specific requests for assistance, or
 - (b) generally in respect of requests for assistance of a particular description (including in respect of requests from particular overseas regulators).
- (3) The Secretary of State may withdraw any general authorisation given under [subsection \(2\)\(b\)](#).
- (4) The Secretary of State must publish—
 - (a) any general authorisation given under [subsection \(2\)\(b\)](#);
 - (b) notice of any withdrawal of a general authorisation under [subsection \(3\)](#).
- (5) In considering whether to authorise R to assist O (whether specifically or generally), the Secretary of State must have regard to whether—
 - (a) O's request for assistance is made under, or in accordance with, the terms of an arrangement or agreement (other than a qualifying cooperation arrangement)

Status: This is the original version (as it was originally enacted).

- to which the United Kingdom is a party (and, where it is, the Secretary of State must also have regard to the terms of the arrangement or agreement);
- (b) it would be more appropriate, in relation to the matter in respect of which R’s assistance is requested, for—
- (i) any of R’s powers under the relevant enactment concerned to be exercised solely on behalf of R (and not by virtue of this Chapter), or
 - (ii) for functions to be exercised by another person or body in the United Kingdom or in a country or territory other than the country or territory of O;
- (c) R assisting O would be contrary to the public interest.
- (6) In authorising R to assist O, the Secretary of State may impose conditions on R doing so.
- (7) The conditions that may be imposed include conditions—
- (a) requiring R, before assisting O, to obtain an undertaking from O that any information obtained by R in assisting O will not be used, or will only be used, for specified purposes;
 - (b) requiring R not to use specified powers that would otherwise be available to R in assisting O;
 - (c) requiring R to assist O by using specified powers available to R only in a specified manner;
 - (d) requiring R to assist O only in respect of specified matters.
- (8) In [subsection \(7\)](#), “specified” means specified in a condition imposed by the Secretary of State under [subsection \(6\)](#).