



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 5

MISCELLANEOUS

CHAPTER 3

MISCELLANEOUS

PROSPECTIVE

327 Duty of expedition on the CMA and sectoral regulators

- (1) In section 25 of ERA 2013 (the Competition and Markets Authority), after subsection (4) insert—
 - “(5) In making any decision, or otherwise taking action, for the purposes of any of its functions within [Schedule 4A](#) the CMA must have regard to the need for making a decision, or taking action, as soon as reasonably practicable.”
- (2) After Schedule 4 to ERA 2013 insert—

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 327. (See end of Document for details)

“SCHEDULE 4A

Section 25

FUNCTIONS TO WHICH THE CMA’S DUTY OF EXPEDITION APPLIES

PART 1

INTRODUCTION

- 1 The following functions are functions within this Schedule for the purposes of section 25(5).

PART 2

COMPETITION FUNCTIONS

Functions under the Enterprise Act 2002

- 2 Functions under Part 3 of the 2002 Act (mergers) other than functions under—
- (a) section 94B (statement of policy about functions under sections 94 and 94AA);
 - (b) section 106 (advice and information about references under section 22 or 33);
 - (c) section 116 (statement of policy about penalties).
- 3 Functions under Part 4 of the 2002 Act (market studies and market investigations) other than functions under—
- (a) section 166 (register of undertakings and orders);
 - (b) [section 167C](#) (statement of policy about functions under sections 167 and 167A);
 - (c) section 171 (advice and information about market investigation references);
 - (d) section 174E (statement of policy about penalties).
- 4 Functions under Part 6 of the 2002 Act (the cartel offence) other than functions under section 190A (cartel offence: prosecution guidance).

Functions under Part 1 of the Competition Act 1998

- 5 Functions under Part 1 of the 1998 Act (competition) other than functions under—
- (a) section 31D (guidance about the acceptance of commitments under section 31A);
 - (b) [section 35C](#) (statement of policy about penalties under sections 31E, 34 and 35A);
 - (c) section 38 (the appropriate level of a penalty);
 - (d) section 40B (statement of policy about penalties under section 40A);
 - (e) section 51 (CMA rules);

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 327. (See end of Document for details)

- (f) section 52 (advice and information about the Chapter 1 and 2 prohibitions);
- (g) section 54 (functions of sectoral regulators).

Functions under Chapter 3 of Part 2 of the Water Industry Act 1991

- 6 Functions under sections 32 to 35 of the Water Industry Act 1991 (protection of consumers: competition provisions).

PART 3

CONSUMER FUNCTIONS

Functions under Part 3 of the Digital Markets, Competition and Consumers Act 2024

- 7 Functions under Part 3 of the Digital Markets, Competition and Consumers Act 2024 (enforcement powers for infringements of consumer protection law) other than functions under—
 - (a) [section 199](#) (statement of policy about penalties);
 - (b) [sections 210](#) and [211](#) (rules about direct enforcement functions);
 - (c) [section 212](#) (guidance about direct enforcement functions).
- 8 Functions under Chapter 1 of Part 4 of the Digital Markets, Competition and Consumers Act 2024 (protection from unfair trading).

Functions under the Consumer Rights Act 2015

- 9 (1) Functions under Schedule 3 to the Consumer Rights Act 2015 (enforcement of law on unfair contract terms and notices) other than functions under paragraph 7(2) to (5) of that Schedule (provision of information and advice).
- (2) Functions under Schedule 5 to the Consumer Rights Act 2015 (investigatory powers) other than functions under paragraph 16F of that Schedule (statement of policy about penalties).

Functions under the Business Protection from Misleading Marketing Regulations 2008

- 10 Functions under the Business Protection from Misleading Marketing Regulations 2008 ([S.I. 1276/2008](#)) other than functions under regulation 20(2) of those Regulations (provision of information and advice).

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 327. (See end of Document for details)

PART 4

DIGITAL MARKET FUNCTIONS

Functions under Part 1 of the Digital Markets, Competition and Consumers Act 2024

- 11 Functions under Part 1 of the Digital Markets, Competition and Consumers Act 2024 (digital markets) other than functions under—
- (a) [section 60](#) (content of report under [section 57](#) etc);
 - (b) [section 67](#) (regulations about duty to notify);
 - (c) [section 91](#) (statement of policy on penalties);
 - (d) [section 114](#) (guidance about functions under Part 1).”
- (3) In consequence of the amendments made by subsections (1) and (2)—
- (a) in section 103 of EA 2002 (duty of expedition in relation to references)—
 - (i) in the heading, at the end insert “under section 45 or 62”;
 - (ii) omit subsection (1);
 - (b) in the Water Mergers (Modification of Enactments) Regulations 2004 ([S.I. 2004/3202](#)) omit Article 25A (modification of section 103 of EA 2002).
- (4) [Schedule 29](#) makes provision imposing a duty of expedition on sectoral regulators in respect of their competition functions that are exercisable concurrently with the CMA.

Commencement Information

- II** S. 327 not in force at Royal Assent, see [s. 339\(1\)](#)

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 327.