STATUTORY INSTRUMENTS

2025 No. 267

CONSUMER PROTECTION

The Digital Markets, Competition and Consumers Act 2024 (CMA Consumer Enforcement Rules) Regulations 2025

Made - - - -	*4th March 2025*
Laid before Parliament	*7th March 2025*
Coming into force - -	*6th April 2025*

The Secretary of State makes these Regulations in exercise of the power conferred by section 211(2) of the Digital Markets, Competition and Consumers Act 2024 ("the Act")(**a**).

In accordance with section 210 of the Act, the CMA(**b**) has made rules about procedural and other matters in connection with the carrying out of its direct enforcement functions(**c**).

In accordance with section 211(1) of the Act, the CMA has consulted such persons it considered appropriate in preparing the rules.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Digital Markets, Competition and Consumers Act 2024 (CMA Consumer Enforcement Rules) Regulations 2025 and come into force on 6th April 2025.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Approval of the CMA Consumer Enforcement Rules

2. The Secretary of State approves the rules made by the CMA set out in the Schedule.

Justin Madders
Parliamentary Under-Secretary of State
Department for Business and Trade

4th March 2025

(**a**) 2024 c. 13.
(**b**) Section 330 of the Act provides that "the CMA" means the Competition and Markets Authority.
(**c**) Section 197(5) of the Act provides that "direct enforcement function" means a function of the CMA under Chapter 4 of Part 3 of the Act or a function of the CMA under paragraph 16B or 16C of Schedule 5 to the Consumer Rights Act 2015 c. 15.

SCHEDULE

Regulation 2

The CMA Consumer Enforcement Rules

Interpretation

1.—(1) In these Rules—

"the Act" means the Digital Markets, Competition and Consumers Act 2024;

"CMA" means the Competition and Markets Authority;

"confidential information" means—

(a) commercial information whose disclosure the CMA thinks might significantly harm the legitimate business interests of the undertaking to which it relates,

(b) information relating to the private affairs of an individual whose disclosure the CMA thinks might significantly harm the individual's interests, or

(c) information whose disclosure the CMA thinks is contrary to the public interest;

"internal document" means a document—

(a) produced by, or exchanged between, the CMA, a regulator or another public authority and which has not been produced for the purpose of public disclosure by the CMA, a regulator or another public authority,

(b) produced by, or exchanged between, the CMA and any person from time to time retained under a contract for services by the CMA, which has not been produced for the purpose of public disclosure, or

(c) which includes internal correspondence, internal advice, papers for and minutes of internal meetings, drafts of minutes with third parties, correspondence and notes of calls with other regulators, government departments and overseas authorities;

"investigation" means an investigation under section 180 of the Act which may lead to the imposition of a relevant notice;

"public authority" includes—

(a) in the United Kingdom, a court or tribunal and any person exercising functions of a public nature, and

(b) in any country or territory outside the United Kingdom, a court or tribunal and any person or body which appears to the CMA to be exercising functions of a public nature;

"relevant notice" means any of a provisional infringement notice, a final infringement notice or an online interface notice;

"relevant person" means one or more of the following categories of person authorised by the CMA to exercise any function under these Rules—

(a) members of the CMA Board,

(b) members of the CMA panel,

(c) members of staff of the CMA,

(d) persons mentioned in categories (a), (b) or (c) acting jointly;

"respondent" means a person who is subject to an investigation and to whom a provisional infringement notice or final infringement notice has been given, save where the notification is made under rule 9 or section 200(7) of the Act.

(2) Except where these Rules otherwise provide, expressions used in the Act which are also used in these Rules have the same meaning in these Rules as they have in Part 3 of the Act.

Application of the Rules

2. These Rules apply when the CMA carries out an investigation in relation to any one or more relevant infringements.

Representations

3.—(1) Where, upon the expiry of the period specified in a provisional infringement notice under section 181(4)(d) of the Act, no written representations on the matters referred to in the notice have been made by the respondent, the CMA may proceed with the case in the absence of such written representations.

(2) Where the CMA has given a respondent a reasonable opportunity to make oral representations under section 181(4)(d) and (7) of the Act but no oral representations have been made, the CMA may proceed with the case in the absence of such representations.

(3) Where the respondent makes oral representations, the oral hearing must be chaired by a relevant person who, other than in acting as the chair under this rule or where applicable considering a procedural complaint under rule 6, has not been involved in the day to day running of or as decision maker overseeing the investigation in respect of which the provisional infringement notice has been given.

Substantiation of claims

4.—(1) Where the CMA requires the respondent to provide evidence under section 195 of the Act as to the accuracy of any factual claim made as part of a commercial practice by the respondent, it must set out the time period within which the respondent must provide such evidence.

(2) Where the respondent fails to provide evidence within the time period mentioned in paragraph (1), the CMA may determine that a factual claim of the respondent is inaccurate in accordance with section 195(3)(a) of the Act.

Inspection of the file

5.—(1) Where a provisional infringement notice is given, the CMA must give a respondent a reasonable opportunity to inspect the documents in the CMA's file that relate to the matters referred to in the notice, except that the CMA may withhold any document or information—

(a) to the extent that it contains confidential information,

(b) to the extent that it identifies an individual consumer,

(c) which is an internal document,

(d) which is routine correspondence, or

(e) which was provided by the respondent.

(2) The CMA may make the documents referred to in paragraph (1) available in hard copy or by electronic means.

Procedural complaints

6.—(1) Complaints about a procedural decision of the kind referred to in paragraph (2) may be made to a relevant person specified by the CMA, who, other than reviewing a procedural

complaint under this rule or acting under rule 3 if applicable, must not have been involved in the day to day running of the investigation or as decision maker overseeing the investigation.

(2) A procedural complaint must be made in writing and relate to a significant procedural issue arising from a procedural decision during the course of an investigation.

(3) The relevant person in paragraph (1)—

(a) must consider the process followed in arriving at the decision complained about and the rationality of that decision where the complaint has not been determined or settled to the satisfaction of a complainant by the relevant person overseeing the investigation,

(b) must give notice to the complainant of the decision in respect of the complaint within 15 working days from the day on which the CMA receives the complaint, and

(c) may extend the period to give notice of the decision in respect of the complaint by no more than 10 working days if the relevant person considers that there are special reasons why the notice of the decision in respect of the complaint cannot be given to the complainant within the period under paragraph (3)(b).

Settlement

7.—(1) The CMA may follow a settlement procedure in respect of an investigation where a person subject to that investigation—

(a) admits that it has engaged in conduct which constitutes a relevant infringement,

(b) agrees to an expedited procedure,

(c) agrees to take any steps to stop or mitigate the relevant infringement as the CMA considers appropriate within a time period specified by the CMA,

(d) agrees to comply with the final infringement notice, and

(e) agrees not to appeal or otherwise challenge any matter set out in the final infringement notice.

(2) Where the CMA follows the settlement procedure, rule 5 does not apply.

(3) Where a single relevant person takes the decision to follow the settlement procedure, that relevant person may also decide to issue one or more of a provisional infringement notice, final infringement notice and online interface notice.

(4) Where the CMA follows the settlement procedure, it may elect to impose on that respondent and any interconnected body corporate either or both of a penalty and a direction under sections 182(4) and 200(3) of the Act as applicable.

(5) Where the CMA follows a settlement procedure and elects to impose a penalty, it may agree to a discount which will apply provided that the conditions set out in paragraph (1)(a) to (1)(e) and any other conditions that the CMA specifies in writing have been met and, where specified by the CMA, continue to be complied with.

Notice of decision

8. Where the CMA has issued a final infringement notice or an online interface notice, it may publish that notice on the CMA's website(**a**).

(**a**) www.gov.uk/government/organisations/competition-and-markets-authority.

Interconnected bodies corporate

9.—(1) Where the CMA wishes to include a provision for a monetary penalty or directions in a final infringement notice under section 200(3) of the Act, the CMA must first take steps that it considers reasonable and proportionate to—

(a) notify the other members of the group that exist at the date of the provisional infringement notice that it intends to do so, and

(b) invite written representations on whether the other member of the group is interconnected with the respondent and whether it is just, reasonable and proportionate for the penalty or directions as appropriate to be imposed on it.

(2) The CMA may specify a time period within which representations under paragraph (1)(b) must be received, and request representations to be consolidated or given by one person on behalf of others.

(3) The CMA must consider the representations received under paragraph (1)(b) before making a final decision on whether or not to make a monetary penalty or directions binding on the other members of the group in the final infringement notice.

(4) This rule does not make interconnected bodies corporate a respondent of the provisional infringement notice for the purposes of the Act or give interconnected bodies corporate the right to make representations in relation to other matters.

(5) For the purposes of this rule, when giving the provisional infringement notice to the respondent, the CMA may request that the respondent—

(a) identify all of the members of the group,

(b) provide contact details for service for each of the members of the group in line with section 332 of the Act,

(c) inform the CMA of any change to the information provided under paragraph (5)(a) and (b), and

(d) make arrangements for any members of the group to be notified that they may be bound by a final infringement notice and invite representations from them.

(6) For the purposes of this rule, the final infringement notice may include provision for the respondent to inform the CMA of any change to the information provided under paragraph (5)(a) and (b).

(7) For the purposes of paragraph (1)(a), a member of the group is notified where (as applicable)—

(a) any parent company of the relevant interconnected body corporate is notified,

(b) it has been notified relying on information provided by the respondent as being complete and accurate, or

(c) the respondent has agreed to notify it and seek their representations.

Time limits and giving notice

10.—(1) Where the CMA has taken all reasonable steps to give notice to a person under sections 181, 182, 184 or 200 of the Act but does not consider that the notice has been received, the CMA may give notice to that person by publishing a summary of the notice on the CMA's website.

(2) Except where paragraph (1) applies, where the Rules allow or require notice to be given to a person, such notice is to be treated as having been given on the date on which that person receives it.

(3) Where paragraph (1) applies, the notice is to be treated as having been given on the date of its publication.

(4) Any notice given under the Rules must be in writing.

(5) Where the time prescribed by the Rules for performing an action expires on a non-working day, the action is in time if done at or before 5.30 p.m. on the following working day.

(6) Where an action required by the Rules is performed on a non-working day, or after 5.30 p.m. on a working day, the action is deemed to be completed on the following working day.

EXPLANATORY NOTE

(This note is not part of the Regulations)

In these Regulations, the Secretary of State, in exercise of the power under section 211 of the Digital Markets, Competition and Consumers Act 2024 (c.13) ("the Act") approves the rules made by the Competition and Markets Authority ("the CMA") under section 210 of the Act (Regulation 2).

The rules, which are set out in the Schedule, deal with procedural and other matters in connection with the carrying out of direct enforcement functions by the CMA under Part 3 (enforcement of consumer protection law) of the Act.

An impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An impact assessment was produced for the Act and is available from the Department for Business and Trade at Old Admiralty Building, Admiralty Place, London SW1A 2DY.

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