STATUTORY INSTRUMENTS

2024 No. 1226 (C. 78)

COMPETITION

The Digital Markets, Competition and Consumers Act 2024 (Commencement No. 1 and Savings and Transitional Provisions) Regulations 2024

Made - - - - 25th November 2024

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 339(1), (5) and (6) of the Digital Markets, Competition and Consumers Act 2024(**a**).

Citation and interpretation

1.—(1) These Regulations may be cited as the Digital Markets, Competition and Consumers Act 2024 (Commencement No. 1 and Savings and Transitional Provisions) Regulations 2024.

(2) In these Regulations—

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

"the commencement date" means 1st January 2025.

Provisions of the Act coming into force on the commencement date

2.—(1) The provisions of the Act specified in the following paragraphs of this regulation come into force on the commencement date, subject to any saving or transitional provision made in the Schedule.

(2) Parts 1 (digital markets) and 2 (competition), to the extent that they are not in force immediately before the commencement date.

(3) Chapter 1 (competition in connection with motor fuel) of Part 5 (miscellaneous) to the extent that it is not in force immediately before the commencement date.

(4) Chapter 2 of Part 5 (provision of investigative assistance to overseas regulators).

(5) In Chapter 3 of Part 5 (miscellaneous)—

(a) section 326 (disclosing information overseas), to the extent that it is not in force immediately before the commencement date;

(**a**) 2024 c. 13 ("the Act").

(b) in section 327 (duty of expedition on the CMA and sectoral regulators)—

(i) subsections (1), (3) and (4) for all purposes;

(ii) subsection (2) to the extent that it inserts Parts 1, 2, and 4 of Schedule 4A (functions to which the CMA's duty of expedition applies) into the Enterprise and Regulatory Reform Act 2013(**a**);

(c) section 328 (offenders assisting investigations and prosecutions: powers of the CMA);

(d) section 329 (removal of limit on the tenure of a chair of the Competition Appeal Tribunal).

(6) Section 335 (minor and consequential amendments), but only to the extent that it relates to the following paragraphs in Schedule 30 (minor and consequential amendments)—

(a) paragraphs 1 to 4 (amendments to the Competition Act 1980(**b**));

(b) paragraph 5(b) (amendments to the Telecommunications Act 1984(**c**));

(c) paragraph 6 (amendments to the Companies Act 1985(**d**));

(d) paragraph 7(b) (amendments to the Airports Act 1986(**e**));

(e) paragraph 8 (amendments to the Gas Act 1986(**f**));

(f) paragraph 9(b) (amendments to the Water Act 1989(**g**));

(g) paragraph 10 (amendments to the Electricity Act 1989(**h**))

(h) paragraphs 11 to 15, and 16(a) (amendments to the Water Industry Act 1991(**i**));

(i) paragraphs 17 to 19, 20(b) and 21 to 23 (amendments to the Railways Act 1993(**j**));

(j) paragraph 24(b) (amendments to the Coal Industry Act 1994(**k**))

(k) paragraph 25(b) (amendments to the Greater London Authority Act 1999(**l**))

(l) paragraph 26(b) (amendments to the Utilities Act 2000(**m**));

(m) paragraph 27(a) (amendments to the Transport Act 2000(**n**));

(n) paragraph 28(b) (amendments to the Communications Act 2003(**o**));

(o) paragraph 29(b) (amendments to the Wireless Telegraphy Act 2006(**p**));

(p) paragraph 30 (amendments to the Companies Act 2006(**q**));

(q) paragraph 31(amendments to the Legal Services Act 2007(**r**));

(r) paragraph 32 (amendments to the Postal Services Act 2011(**s**));

(s) paragraph 33(a) (amendments to the Civil Aviation Act 2012(**t**));

(**a**) 2013 c. 24 ("the 2013 Act").
(**b**) 1980 c. 21.
(**c**) 1984 c. 12.
(**d**) 1985 c. 6.
(**e**) 1986 c. 31.
(**f**) 1986 c. 44.
(**g**) 1989 c. 15.
(**h**) 1989 c. 29.
(**i**) 1991 c. 56.
(**j**) 1993 c. 43.
(**k**) 1994 c. 21.
(**l**) 1999 c. 29.
(**m**) 2000 c. 27.
(**n**) 2000 c. 38.
(**o**) 2003 c. 21.
(**p**) 2006 c. 36.
(**q**) 2006 c. 46
(**r**) 2007 c. 29.
(**s**) 2011 c. 5.
(**t**) 2012 c. 19.

(t) paragraphs 34, 35(b) and 36 (amendments to the Energy (Northern Ireland) Order 2003(**a**));

(u) paragraphs 37 to 39, and (amendments to the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005(**b**));

(v) paragraphs 40 to 42, and 43(b) (amendments to the Water and Sewerage Services (Northern Ireland) Order 2006(**c**));

(w) paragraph 44 (amendments to the Postal Services (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011)(**d**);

(x) paragraph 45(b) (amendments to the Postal Services Act 2011 (Disclosure of Information) Order 2012(**e**)).

(7) Schedule 1 (procedure relating to commitments).

(8) Schedule 2 (mergers: holding of interests and rights).

(9) Schedule 3 (power of Competition Appeal Tribunal to grant declaratory relief).

(10) Schedule 4 (relevant and special merger situations).

(11) Schedule 5 (mergers: fast-track references under sections 22 and 33 of EA 2002(**f**)).

(12) Schedule 8 (acceptance of undertakings at any stage of a market study or investigation).

(13) Schedule 9 (final undertakings and orders: power to conduct trials).

(14) Schedule 10 (civil penalties etc in connection with competition investigations).

(15) Schedule 11 (civil penalties etc in connection with breaches of remedies).

(16) Schedule 12 (civil penalties: amendments relating to sectoral regulators).

(17) Schedule 13 (service and extra-territoriality of notices under CA 1998(**g**) and EA 2002).

(18) Schedule 14 (orders and regulations under CA 1998 and EA 2002).

(19) Schedule 15 (consumer protection enactments), to the extent necessary for the operation of section 319(2).

(20) Schedule 28 (provision of investigative assistance to overseas regulators).

(21) Schedule 29 (duty of expedition on sectoral regulators in respect of their competition functions) to the extent that it relates to the provisions specified in paragraph 2(5)(b)(ii).

(22) Schedule 30 (minor and consequential amendments), to the extent that it relates to the provisions specified in paragraph (6)(**h**).

Savings and transitional provisions

3. The Schedule (savings and transitional provisions) has effect.

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

25th November 2024

(**a**) S.I. 2003/419 (N.I. 6), as amended by paragraph 170 of Schedule 6 to the 2013 Act; and by S.I. 2014/892; there other amendments to this instrument but none are relevant to these Regulations.
(**b**) S.I. 2005/3172, as amended by paragraphs 171 to 180 of Schedule 6 to the 2013 Act, S.I. 2011/2581 and 2014/892; there are other amendments to this instrument but none are relevant to these Regulations.
(**c**) S.I. 2006/3336 (N.I. 21), as amended by paragraphs 181 to 190 of Schedule 6 to the 2013 Act, S.I. 2014/892 and 2019/93; there other amendments to this instrument but none are relevant to these Regulations.
(**d**) S.I. 2011/2749, as amended by paragraph 45(2)(a) of Schedule 1 to the 2013 Act; S.I. 2014/549; 2019/1245
(**e**) S.I. 2012/1128; as amended by paragraph 45 of Schedule 30 to the Act; 2013/472; 1575; 3134; 2014/459; 469; 631; 1682; 2015/1630; 2017/506; 752; paragraph 45 of Schedule 30 to the Act.
(**f**) "EA 2002" means the Enterprise Act 2002 (c. 40); see section 330 of the Act.
(**g**) "CA 1998" means the Competition Act 1998 (c. 41): see section 330 of the Act.
(**h**) Schedule 30 is being brought into force for the purposes referred to in regulation 2(22), despite certain of the provisions in the Act in relation to which the amendments in that Schedule apply (namely, Part 3 and Chapter 1 of Part 4 of the Act) not having yet been brought into force.

SCHEDULE

Regulation 3

Savings and transitional provisions

PART 1

Saving and transitional provision in relation to the coming into force of provision in Chapter 1 of Part 2 (Competition) of the Act

1. The amendments made by section 122 (production of information authorised by warrant) of the Act to sections 28(**a**) and 28A of CA 1998(**b**) have no effect in relation to anything done further to a warrant that was issued under either of those sections before the commencement date.

2. The amendments made by section 123 (additional powers of seizure from domestic premises) of the Act to the Criminal Justice and Police Act 2001(**c**) have no effect in relation to anything done further to a warrant issued under section 28 or 28A of CA 1998 before the commencement date.

3. The amendments made by section 124 (standard of review on appeals against interim measures directions) of the Act to CA 1998 have no effect in relation to a decision made in respect of directions under section 35(**d**) of CA 1998, where that decision was made before the commencement date.

(**a**) Section 28 was amended by paragraph 21 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16), section 203 of, and paragraph 38(22) of Schedule 25 to, the Enterprise Act 2002 (c. 40) ("EA 2002"), paragraph 8 of Schedule 5 and paragraph 2 of Schedule 13 to the 2013 Act; and by S.I. 2004/1261.

(**b**) Section 28A was inserted by S.I. 2004/1261; amended by paragraph 9 of Schedule 5 and paragraph 3 of Schedule 13 to the 2013 Act.

(**c**) 2001 c. 16.

(**d**) Section 35 was amended by paragraph 38(27) of Schedule 25 to EA 2002, section 43 of, and paragraph 19 of Schedule 5 to, the 2013 Act; and by S.I. 2004/1261 and 2019/93.

4. The amendments made by section 125 (declaratory relief) of, and Schedule 3 (power of Competition Appeal Tribunal to grant declaratory relief) to, the Act have no effect in relation to proceedings commenced in the Competition Appeal Tribunal(**a**) before the commencement date, or transferred(**b**) from a court to the Competition Appeal Tribunal before the commencement date.

PART 2

Saving and transitional provision in relation to the coming into force of provision in Chapter 2 of Part 2 (Mergers) of the Act

5.—(1) The amendments made by section 127 of, and Schedule 4 to, the Act (relevant merger situations and special merger situations) have no effect in relation to—

(a) any enterprises ceasing to be distinct enterprises before the commencement date;

(b) any arrangements which were in progress or in contemplation before the commencement date which, if carried into effect, might result in two or more enterprises ceasing to be distinct enterprises on or after the commencement date—

(i) in relation to which the initial period began before the commencement date;

(ii) in relation to which the Secretary of State gave the CMA(**c**) a notice under section 42(2) of EA 2002(**d**) (intervention by the Secretary of State in certain public interest cases) before the commencement date;

(iii) in relation to which the Secretary of State gave the CMA a notice under section 59(2) of EA 2002(**e**) (intervention by the Secretary of State in special public interest cases) before the commencement date; or

(iv) in relation to which the Secretary of State gave the CMA a notice under section 70A(1) of EA 2002(**f**) (intervention in respect of a foreign state newspaper merger situation) before the commencement date.

(2) The amendments made by section 128 of, and Schedule 5 to, the Act (fast track references under section 22 and 33 of EA 2002) have no effect in relation to any relevant case in relation to which the initial period began before the commencement date.

(3) The amendments made by section 131 of the Act (mutual agreements to extend time-limits: duty to make reference cases), except that made by subsection (3)(a) of that section, have no effect in relation to any relevant case in relation to which the CMA made a reference under section 22(**g**), 33(**h**), 68B(**i**) or 68C of EA 2002 (duties to make references in relation to completed mergers and anticipated mergers) before the commencement date.

(4) The amendments made by section 132 of the Act (mutual agreements to extend time-limits: public interest cases) have no effect in relation to any relevant case—

(**a**) The Competition Appeal Tribunal was established by virtue of section 12 of the EA 2002.
(**b**) See section 16 of the EA 2002 in relation to transfers to and from the Tribunal.
(**c**) The Competition and Markets Authority was established by section 25 of the 2013 Act; see section 330 of the Act for the definition of "the CMA".
(**d**) Section 42 was amended by paragraph 82 of Schedule 5 and paragraph 21 of Schedule 15 to the 2013 Act; paragraph 7 of Schedule 16 to the Energy Act 2023 (c. 52); and S.I. 2019/93.
(**e**) Section 59 was amended by section 378 of the Communications Act 2003 (c. 21); paragraph 8 of Schedule 2, paragraph 101 of Schedule 5, paragraph 26 of Schedule 15 to the 2013 Act, paragraph 8 of Schedule 2 to the National Security and Investment Act 2021 (c. 25) and S.I. 2019/93.
(**f**) Section 70A was inserted by paragraph 2 of Schedule 7 to the Act.
(**g**) Section 22 was amended by paragraph 1 of Schedule 19 to the Communications Act 2003; paragraph 67 of Schedule 5 and paragraph 2 of Schedule 8 to the 2013 Act; and S.I. 2004/1079 and 2019/93.
(**h**) Section 22 was amended by paragraph 1 of Schedule 19 to the Communications Act 2003; paragraph 67 of Schedule 5 and paragraph 2 of Schedule 8 to the 2013 Act; and S.I. 2004/1079 and 2019/93.
(**i**) Section 68B was inserted by paragraph 2 of Schedule 16 to the Energy Act 2023 and amended by paragraph 4 of Schedule 6 to the Act; section 68C was inserted by paragraph 2 of Schedule 16 to the Energy Act 2023 and amended by paragraph 5 of Schedule 6 to the Act.

(a) in relation to which the Secretary of State made a reference under section 45 of EA 2002(**a**) (reference to the CMA in respect of a relevant merger situation) before the commencement date; or

(b) in relation to which the Secretary of State made a reference under section 62 of EA 2002(**b**) (reference to the CMA in respect of a special merger situation) before the commencement date.

(5) Section 26 of EA 2002 applies to this paragraph for the purpose of determining whether two or more enterprises cease to be distinct enterprises.

(6) In this paragraph—

"enterprise" has the meaning given in section 129 of EA 2002;

"relevant case" means—

(a) two or more enterprises ceasing to be distinct enterprises; or

(b) any arrangements in progress or in contemplation which, if carried into effect, might result in two or more enterprises ceasing to be distinct enterprises;

"the initial period" has the same meaning as in Part 3 of EA 2002(**c**).

PART 3

Saving and transitional provision in relation to the coming into force of provision in Chapter 3 of Part 2 (Markets) of the Act

6. The amendments made by section 134 of the Act (market studies: removal of time-limit on pre-reference consultation) have no effect in relation to cases where a market study notice is published under section 130A(1)(**d**) (duty to publish markets study notice) of EA 2002 before the commencement date.

7.—(1) The insertion of section 131B(9)(b) into EA 2002 made by section 135(4) of the Act (power to make a reference after previously deciding not to do so) applies with the modification described in sub-paragraph (2) where the CMA has, before the commencement date—

(a) published a market study notice; and

(b) decided not to make a reference under section 131(**e**) of EA 2002 in relation to the matter specified in the notice; but

(c) not published the market study report in relation to the market study notice.

(2) The modification in this paragraph is to read the words "preparation of the report" as though they were the words "the publication of the decision not to refer".

8. For the purposes of any variation of a market investigation reference under section 135(**f**) (variation of market investigation references) of EA 2002 on or after the commencement date, the amendments made by section 136 of the Act (scope of market investigations) apply in relation to a reference made under section 131 or 132(**g**) of EA 2002 before the commencement date as they apply in relation to any such reference made on or after that date.

(**a**) Section 45 was amended by paragraph 9 of Schedule 16 to the Communications Act 2003; and paragraph 85 of Schedule 5 to the 2013 Act.

(**b**) Section 62 was amended by paragraph 1 of Schedule 19 to the Communications Act 2003; and paragraph 104 of Schedule 5 to the 2013 Act.

(**c**) See section 34ZA of that Act.

(**d**) Section 130A was inserted by paragraph 1 of Schedule 12 to the 2013 Act.

(**e**) Section 131 was amended by section 33 of, and paragraph 163 of Schedule 5 and paragraph 2 of Schedule 10 to, the 2013 Act.

(**f**) Section 135 was amended by paragraph 168 of Schedule 5, paragraph 4 of Schedule 10 and paragraph 11 of Schedule 12 to, the 2013 Act.

(**g**) Section 132 was amended by section 34 of, and paragraph 164 of Schedule 5, paragraph 3 of Schedule 10 and paragraph 10 of Schedule 12 to, the 2013 Act; and section 63 of the Scotland Act 2016 (c. 11).

9.—(1) The coming into force of section 137, (acceptance of undertakings at any stage of a market study or investigation) of, and Schedule 8 (acceptance of undertakings at any stage of a market study or investigation) to, the Act is subject to sub-paragraph (2).

(2) Paragraphs 8, 9, 10, 13 and 15 of Schedule 8 to the Act have no effect in relation to—

(a) an undertaking accepted under section 154 of EA 2002 before the commencement date;

(b) an undertaking accepted on or after the commencement date under section 154(**a**) of EA 2002, as that section continues to have effect by virtue of paragraph (a), that varies or supersedes an undertaking accepted under section 154 of EA 2002 before the commencement date.

10. The coming into force of section 138 (final undertakings and orders: power to conduct trials) of, and Schedule 9 (final undertakings and orders: power to conduct trials) to, the Act have no effect in relation to a market investigation reference made under section 131 of EA 2002, where a report has been published under section 136 of EA 2002 before the commencement date.

11.—(1) The amendments made by section 139 (duty of CMA to monitor undertakings and orders) of the Act have no effect in relation to—

(a) any enforcement order made before the commencement date;

(b) any enforcement order made on or after the commencement date that—

(i) varies an enforcement order made before the commencement date; or

(ii) is made instead of an enforcement undertaking accepted before the commencement date;

(c) any undertaking accepted before the commencement date;

(d) any undertaking accepted on or after the commencement date that—

(i) varies or supersedes an undertaking accepted before the commencement date; or

(ii) is accepted instead of an enforcement order made before the commencement date.

(2) In sub-paragraph (1)—

"enforcement order" means an order made under section 158(**b**), 160 or 161(**c**) of EA 2002; and

"enforcement undertaking" means an undertaking accepted under section 154, 157(**d**) or 159(**e**) of EA 2002.

(3) In relation to any time on or after the commencement date, references in this paragraph to section 154 and 161 are references to those sections as they continue to have effect by virtue of this paragraph and paragraph 9.

PART 4

Saving and transitional provision in relation to the coming into force of provision in Chapter 4 of Part 2 (Cartels) of the Act

12. The amendments made by section 141 (production of information authorised by warrant) of the Act to section 194(**f**) of EA 2002 have no effect in relation to a warrant issued before the commencement date.

(**a**) Section 154 was amended by paragraph 187 of Schedule 5 and paragraph 7 of Schedule 9 to, the 2013 Act.
(**b**) Section 158 was amended by section 37 of, and paragraph 25 of Schedule 10 to, the 2013 Act.
(**c**) Sections 160 and 161 were amended respectively by paragraphs 191 and 192 of Schedule 5 and paragraphs 27 and 28 of Schedule 10 to the 2013 Act.
(**d**) Section 157 was amended by section 37 of, and paragraph 24 of Schedule 10 to, the 2013 Act.
(**e**) Section 159 was amended by paragraph 190 of Schedule 5 and paragraph 26 of Schedule 10 to the 2013 Act.
(**f**) Section 194 was amended by section 48 of, and paragraph 213 of Schedule 5 to, the 2013 Act.

PART 5

Saving and transitional provision in relation to the coming into force of provision in Chapter 5 of Part 2 (Miscellaneous) of the Act

Saving and transitional provision: Part 1 (investigations under Part 1 of CA 1998 (competition)) of Schedule 10 to the Act

13.—(1) The insertion of section 40ZE (enforcement of requirements: imposition of penalties) into CA 1998 by section 143(1)(a) (civil penalties etc in connection with competition matters) of, and paragraph 8 of Schedule 10 (civil penalties etc in connection with competition investigations) to, the Act and the related amendments in paragraphs 7 and 9 to 13 of that Schedule have no effect in relation to any act or omission of a kind described within section 40ZE(1) of CA 1998, where such an act or omission occurred—

(a) before the commencement date; or

(b) on or after the commencement date, but the act or omission occurred in relation to—

(i) a requirement imposed under section 26(**a**), 26A(**b**), 27(**c**), 28, 28A or 40ZD(**d**) of CA 1998 before the commencement date;

(ii) the exercise by an officer of the CMA of powers under section 27 of CA 1998 or under a warrant issued under section 28 or 28A of that Act ("investigatory powers"), before the commencement date;

(iii) in the case of an act or omission of a kind described within section 40ZE(1)(d) or (e) of CA 1998 Act, a non-compulsory information request made before the commencement date; or

(iv) a requirement imposed under section 27, 28 or 28A of that Act or the exercise of investigatory powers on or after the commencement date in a case where the notice of entry required under section 27(2) of that Act was given, or as the case may be, the warrant under section 28 of 28A was issued, before the commencement date.

(2) For the purposes of paragraph (1)(b)(ii) "non-compulsory information request" means a written request—

(a) made by the CMA;

(b) addressed to a specific person to provide information relating to the CMA's functions under Part 1 of CA 1998; and

(c) made where the request does not amount to a requirement to provide information imposed under Part 1 of CA 1998.

(3) The amendments to section 40A(**e**) (penalties: failure to comply with requirements) of CA 1998 made by paragraph 9 of Schedule 10 to the Act have no effect in relation to the continued operation of the Competition and Markets Authority (Penalties) Order 2014(**f**) in a case where those amendments have no effect by virtue of this paragraph.

(**a**) Section 26 was amended by paragraph 38(20) of Schedule 25 to EA 2002; and paragraph 6 of Schedule 5 and paragraph 9 of Schedule 15 to the 2013 Act; and by S.I. 2004/1261.
(**b**) Section 26A was inserted by section 39 of the 2013 Act.
(**c**) Section 27 was amended by paragraph 21 of Schedule 2 to the Criminal Justice and Police Act 2001; paragraph 38(21) of Schedule 25 to EA 2002; paragraph 7 of Schedule 5 to the 2013 Act; and by S.I. 2004/1261.
(**d**) Section 40ZD was inserted by S.I. 2019/93.
(**e**) Section 40A was inserted by section 40 of the 2013 Act and amended by S.I. 2019/93.
(**f**) S.I. 2014/559.

Saving and transitional provision: Part 2 (investigations under Part 3 of EA 2002 (mergers)) of Schedule 10 to the Act

14.—(1) The amendments to EA 2002 made by section 143(1)(b) of, and paragraphs 15 to 25 of Schedule 10 to, the Act have no effect in relation to a relevant act or omission where the relevant act or omission occurred—

(a) before the commencement date; or

(b) on or after the commencement date, but the relevant act or omission occurred in relation to—

(i) a notice given under section 109(**a**) of EA 2002 before the commencement date; or

(ii) in the case of an act or omission of a kind described within section 110(1A)(**b**) of EA 2002, a non-compulsory information request made before the commencement date.

(2) For the purposes of sub-paragraph (1)—

"non-compulsory information request" means a written request—

(a) made by the appropriate authority (within the meaning given by section 110(1B) of EA 2002);

(b) addressed to a specific person to provide information relating to the appropriate authority's functions under Part 3 of EA 2002;

(c) made where that request does not amount to a requirement to provide information imposed under Part 3 of EA 2002;

"a relevant act or omission" is an act or omission of a kind described in either of the following sections of EA 2002—

(a) section 110(1) or (1A) (as inserted by paragraph 15 of Schedule 10 to the Act);

(b) section 116A(1) (as inserted by paragraph 23 of Schedule 10 to the Act).

(3) The amendment to subsection (4), and repeal of subsection (6), of section 111(**c**) of EA 2002 made by paragraphs 17(6) and (9) respectively of Schedule 10 to the Act have no effect in relation to the continued operation of the Competition and Markets Authority (Penalties) Order 2014 in a case where those amendments have no effect by virtue of this paragraph.

Saving and transitional provision: Part 3 (investigations under Part 4 of EA 2002 (market studies and market investigations)) of Schedule 10 to the Act

15.—(1) The amendments to EA 2002 made by section 143(1)(b) of, and paragraphs 27 to 34 of Schedule 10 to, the Act have no effect in relation to a relevant act or omission where the relevant act or omission occurred—

(a) before the commencement date; or

(b) on or after the commencement date, but the relevant act or omission occurred in relation to—

(i) a requirement imposed by notice under section 174 of EA 2002 before the commencement date; or

(ii) in the case of an act or omission of a kind described within section 174(1A)(**d**) of EA 2002, a non-compulsory information request made before the commencement date.

(2) For the purposes of sub-paragraph (1)—

"non-compulsory information request" means a written request—

(**a**) Section 109 was amended by section 29 of, and paragraph 143 of Schedule 5 to, the 2013 Act; paragraph 27 of Schedule 16 to the Energy Act 2023; and S.I. 2014/892.
(**b**) Section 110(1A) and (1B) is inserted by paragraph 15 of Schedule 10 to the Act.
(**c**) Section 111 was amended by section 29 of, and paragraph 145 of Schedule 5 to, the 2013 Act.
(**d**) Section 174 was amended by section 36 of, and paragraph 204 of Schedule 5 to, the 2013 Act.

(a) made by the relevant authority (within the meaning given by section 174A(1B)(**a**) of EA 2002);

(b) addressed to a specific person to provide information relating to the relevant authority's functions under Part 4 of EA 2002; and

(c) made where that request does not amount to a requirement to provide information imposed under Part 4 of EA 2002

"a relevant act or omission" is an act or omission of the kind described within the following sections of EA 2002—

(a) section 174(1) or (1A) (as inserted by paragraph 27 of Schedule 10 to the Act);

(b) section 116A(1) (as applied by section 180 of EA 2002 as amended by paragraph 32 of Schedule 10 to the Act).

(3) The amendments to section 174D (penalties) of EA 2002 made by paragraph 29 of Schedule 10 to the Act have no effect in relation to the continued operation of the Competition and Markets Authority (Penalties) Order 2014 in a case where those amendments have no effect by virtue of this paragraph.

Transitional provision relating to the coming into force of section 143(2) (civil penalties for breaches of remedies) of the Act and Schedule 11 (civil penalties etc in connection with breaches of remedies)

16.—(1) The amendments to CA 1998 made by section 143(2) of, and paragraphs 3 to 6 of Schedule 11 (civil penalties etc in connection with breaches of remedies) to, the Act have no effect in relation to—

(a) any commitments accepted under section 31A(**b**) of CA 1998 before the commencement date; or

(b) any commitments accepted in accordance with section 31A(3) of CA 1998 on or after the commencement date as a variation of, or in substitution for, any commitments accepted under section 31A of CA 1998 before the commencement date.

(c) any direction given under section 32(**c**), 33(**d**), or 35 of CA 1998 before the commencement date.

(2) The amendments to EA 2002 made by section 143(2) of, and paragraphs 8 and 10 to 13 of Schedule 11 to, the Act have no effect in relation to—

(a) any merger enforcement order made before the commencement date;

(b) any merger enforcement order made on or after the commencement date that—

(i) varies a merger enforcement order made before the commencement date;

(ii) is made instead of a merger enforcement undertaking accepted before the commencement date;

(c) any merger enforcement undertaking accepted before the commencement date; or

(d) any merger enforcement undertaking accepted on or after the commencement date that—

(i) varies or supersedes a merger enforcement undertaking accepted before the commencement date; or

(ii) is accepted instead of a merger enforcement order made before the commencement date.

(3) In sub-paragraph (2)—

(**a**) Section 174(1A) and (1B) is inserted by paragraph 27 of Schedule 10 to the Act.
(**b**) Section 31A was inserted by S.I. 2004/1261 and amended by paragraph 11 of Schedule 5 to the 2013 Act
(**c**) Section 32 was amended by paragraph 38(24) of Schedule 25 to EA 2002, paragraph 16 of Schedule 5 to the 2013 Act; and by S.I. 2004/1261 and 2019/93.
(**d**) Section 33 was amended by paragraph 38(25) of Schedule 25 to EA 2002, paragraph 17 of Schedule 5 to the 2013 Act; and by S.I. 2004/1261 and 2019/93.

"merger enforcement order" means an order made under section 70C(**a**), 72(**b**), 75(**c**), 76, 81(**d**), 83 or 84(**e**) of, or under paragraph 2(**f**), 5(**g**), 6, 10 or 11 of Schedule 7 to, EA 2002;

"merger enforcement undertaking" means an undertaking accepted under section 73(**h**), 80(**i**) or 82(**j**) of, or under paragraph 3(**k**) or 9 of Schedule 7 to, EA 2002.

(4) The amendments to EA 2002 made by paragraphs 15, 17 and 18 of Schedule 11 to the Act have no effect in relation to—

(a) any markets enforcement order made before the commencement date;

(b) any markets enforcement order made on or after the commencement date that—

(i) varies a markets enforcement order made before the commencement date; or

(ii) is made instead of a markets enforcement undertaking accepted before the commencement date;

(c) any markets enforcement undertaking accepted before the commencement date;

(d) any markets enforcement undertaking accepted on or after the commencement date that—

(i) varies or supersedes a markets enforcement undertaking accepted before the commencement date; or

(ii) is accepted instead of a markets enforcement order made before the commencement date.

(5) In sub-paragraph (4)—

"markets enforcement order" means an order made under section 158, 160 or 161 of EA 2002;

"markets enforcement undertaking" means an undertaking accepted under section 154, 157 or 159 of EA 2002.

(6) In relation to any time on or after the commencement date, references in sub-paragraph (5) to section 154 and 161 are references to those sections as they continue to have effect by virtue of paragraphs 9 and 11 respectively.

(7) The substitution of section 94A(**l**) (interim undertakings and orders under this Part: penalties) of EA 2002 made by paragraph 11 of Schedule 11 to the Act has no effect in relation to the continued operation of the Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014(**m**) in a case where that substitution has no effect by virtue of sub-paragraph (2).

Transitional provision relating to the coming into force of section 144 (service and extra-territoriality of notices under CA 1998 and EA 2002 of the Act and Schedule 13

17.—(1) The substitution of section 126 (service of documents by the CMA, OFCOM or the Secretary of State) of EA 2002 made by section 144 (service and extra-territoriality of notices

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(**a**) Section 70C was inserted by paragraph 2 of Schedule 7 to the Act.
(**b**) Section 72 was amended by section 30 of, paragraph 112 of Schedule 5 and paragraph 5 of Schedule 7 to, the 2013 Act; and by paragraph 11 of Schedule 16 to the Energy Act 2023.
(**c**) Sections 75, 76 and 83 were amended by paragraphs 115, 116, and 123 respectively of Schedule 5 to the 2013 Act.
(**d**) Section 81 was amended by paragraph 121 of Schedule 5 and paragraph 3 of Schedule 7 to the 2013 Act; and by paragraph 19 of Schedule 16 to the Energy Act 2023.
(**e**) Section 84 was amended by paragraph 124 of Schedule 5 to the 2013 Act; and by paragraph 21 of Schedule 16 to the Energy Act 2023.
(**f**) Paragraph 2 of Schedule 7 is amended by paragraph 160 of Schedule 5 and by paragraph 4 of Schedule 7 to the 2013 Act.
(**g**) Paragraph 5 of Schedule 7 is amended by paragraph 160 of Schedule 5 to the 2013 Act. Paragraphs 5 and 6 of Schedule 7 are amended by S.I. 2023/424.
(**h**) Section 73 was amended by paragraph 113 of Schedule 5 to the 2013 Act; and by paragraph 12 of Schedule 16 to the Energy Act 2023.
(**i**) Section 80 was amended by paragraph 120 of Schedule 5 and paragraph 2 of Schedule 7 to the 2013 Act; and by paragraph 18 of Schedule 16 to the Energy Act 2023.
(**j**) Section 82 was amended by paragraph 122 of Schedule 5 to the 2013 Act; and by paragraph 20 of Schedule 16 to the Energy Act 2023.
(**k**) Paragraph 3 of Schedule 7 is amended by paragraph 160 of Schedule 5 to the 2013 Act; and by S.I. 2023/424.
(**l**) Section 94A was inserted by section 31 of the 2013 Act.
(**m**) S.I. 2014/533, as amended by S.I. 2015/575 and 2019/93

under CA 1998 and EA 2002) of, and paragraph 1 of Schedule 13 (service and extra-territoriality of notices under CA 1998 and EA 2002) to, the Act has no effect in relation to any document served before the commencement date.

(2) The insertion of new section 44A (giving of notices under Chapter 3) into CA 1998 made by section 144 of, and paragraph 2 of Schedule 13 to, the Act has no effect in relation to any notice given before the commencement date.

Saving provision relating to the coming into force of section 146 (meaning of "working day" in Parts 3 and 4 of EA 2002)

18.—(1) The amendments to EA 2002 made by section 146 of the Act (meaning of "working day" in Parts 3 and 4 of EA 2002) have no effect when calculating—

(a) the "initial period" for the purposes of section 34ZA(**a**) (time-limits for decisions about references) of EA 2002; or

(b) any period of time referred to in section 73A(**b**) (time-limits for consideration of undertakings) of EA 2002, where that period of time began before the commencement date,

in relation to a possible reference that falls within sub-paragraph (3).

(2) Sub-paragraph (1)(b) does not apply in relation to any extension of a period of time under section 73A(4) where that extension is granted on or after the commencement date.

(3) A possible reference falls within this paragraph if it is a possible reference under section 22, 33, 68B or 68C of EA 2002 in relation to which the initial period began before the commencement date.

(4) In this paragraph, "the initial period" has the same meaning as in Part 3 of EA 2002

PART 6

Transitional provision relating to the coming into force of section 326 (disclosure of information oversees)

19. In relation to any time before the coming into force of section 151 (enforcers) of the Act, paragraph (a) of section 243A(2) of EA 2002 (as inserted by section 326 (disclosure of information overseas) of the Act) is to be read as if it referred to information which is held by a person who is designated by virtue of section 213(4) of EA 2002 as a designated enforcer for the purposes of Part 8 of that Act.

Enactments applied by other enactments

20.—(1) This Schedule applies in relation to enactments as applied by other enactments as it applies in relation to the enactments themselves.

(2) In their application to provisions applied by virtue of Schedule 4ZA to the Water Industry Act 1991(**c**)—

(a) paragraph 5(3); and

(b) paragraph 18(3),

have effect as if the references to sections 22, 33, 68B or 68C of EA 2002 were references to section 32 of the Water Industry Act 1991.

(**a**) Section 34ZA was inserted by paragraph 4 of Schedule 8 to the 2013 Act, and amended by S.I. 2019/93.
(**b**) Section 73A was inserted by paragraph 7 of Schedule 8 to the 2013 Act, and amended by paragraph 13(2) and (3) of Schedule 16 to the Energy Act 2023 (c. 52), paragraph 8 of Schedule 6 to the Act, and S.I. 2019/93.
(**c**) Schedule 4ZA was inserted by Schedule 6 to the EA 2002.

(3) In its application to functions exercisable under EA 2002 concurrently with a sectoral regulator, paragraphs 7(1) and 15(2)(**a**) have effect as if any reference to the CMA includes a reference to the sectoral regulator concerned.

(4) In their application to functions exercisable under CA 1998 concurrently with a sectoral regulator, paragraphs 13(1)(b)(ii) and (2) have effect as if any reference to the CMA includes a reference to the sectoral regulator concerned.

(5) In this paragraph "sectoral regulator" means—

(a) the Office of Communications(**b**);

(b) the Gas and Electricity Markets Authority (**c**);

(c) the Water Services Regulation Authority(**d**);

(d) the Office of Rail and Road(**e**);

(e) the Northern Ireland Authority for Utility Regulation(**f**);

(f) the Civil Aviation Authority(**g**);

(g) the Payment Systems Regulator(**h**); or

(h) the Financial Conduct Authority(**i**).

(6) This paragraph is subject to any provision made otherwise than by this Schedule and dealing specifically with the enactments as applied.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations bring into force certain provision in the Digital Markets, Competition and Consumers Act 2024 (c. 13) ("the Act") on 1st January 2025. These are the first commencement Regulations made under the Act.

They bring into force, to the extent not brought into force on Royal Assent—

— Part 1 (Digital Markets);

— Part 2 (Competition);

— Chapters 1 (Competition in connection with motor fuel) and 2 (Provision of investigative assistance to overseas regulators) of Part 5 (Miscellaneous).

The provisions outlined above mainly amend the Competition Act 1998 (c. 41) and Enterprise Act 2002 (c. 40).

These Regulations also bring into force each Schedule to the Act relevant to the provisions outlined above.

The Schedule to these Regulations also makes transitional and saving provision in relation to certain of the amendments brought into force by these Regulations.

The impact assessments completed for the Digital Markets, Competition and Consumers Bill, introduced to Parliament on 25th April 2023, contain an assessment of the effect that the reforms to the competition regime will have on the costs of business, the voluntary sector and the public sector. They are available at: https://bills.parliament.uk/bills/3453/publications. Printed copies

(**a**) For these purposes, "relevant authority" means the Competition and Markets Authority, the Secretary of State and the Office of Communications.
(**b**) Established by section 1(1) of the Office of Communications Act 2002 (c. 11).
(**c**) Established by section 1(1) of the Utilities Act 2000 (c. 27).
(**d**) Established by section 1A (as inserted by section 34(1) of the Water Act 2003 (c. 37)) of the Water Industry Act 1991 (c. 56).
(**e**) Established by section 15(1) of the Road and Transport Safety Act 2003 (c. 20) as amended by S.I. 2015/1682.
(**f**) See the Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006 No. 3336 (N.I. 21)) in relation to its establishment and subsequent renaming,
(**g**) Established under section 1(1) of the Civil Aviation Act 1971 (c. 75).
(**h**) Established under section 40 of the Financial Services (Banking Reform) Act 2013 (c. 33).
(**i**) Established under section 1A of the Financial Services and Markets Act 2000 (c. 8), as inserted by section 1A of the Financial Services Act 2012 (c. 21).

can be obtained from the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London, SWIA 2DY.

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