

Digital Markets, Competition and Consumers Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 15

LORD OFFORD OF GARVEL

Clause 15, page 8, line 12, at end insert –

“(A1) Where the CMA decides as a result of an initial SMS investigation not to designate the undertaking to which the investigation relates as having SMS in respect of a digital activity to which the investigation relates, the SMS decision notice must include the CMA’s reasons for its decision.”

Member's explanatory statement

This amendment provides that the CMA must give reasons when it decides not to designate an undertaking following an initial SMS investigation.

LORD OFFORD OF GARVEL

Clause 15, page 8, line 13, leave out “This section applies” and insert “Subsections (2) to (5) apply”

Member's explanatory statement

This amendment is consequential on my first amendment to Clause 15.

Clause 38

LORD OFFORD OF GARVEL

Clause 38, page 21, line 23, leave out “and” and insert “or”

Member's explanatory statement

This amendment ensures that transactions in which an undertaking uses goods or services of a third party have the potential to be subject to the final offer mechanism.

Clause 81

LORD OFFORD OF GARVEL

Clause 81, page 50, line 7, leave out from “communication” to the end of line 8 and insert “(but this is subject to Part 2 of the Criminal Justice and Police Act 2001, as amended by section 77 of this Act).”

Member's explanatory statement

This amendment clarifies that this subsection is subject to Part 2 of the Criminal Justice and Police Act 2001 as that Part is amended by Clause 77.

Clause 107

LORD OFFORD OF GARVEL

Clause 107, page 67, line 4, leave out subsection (7)

Member's explanatory statement

This amendment would omit the definition of “data protection legislation” in Clause 107, as my amendment to Clause 328 would define that term for the purposes of the whole Bill.

Clause 110

LORD OFFORD OF GARVEL

Clause 110, page 69, line 10, after “administration” insert “and payment”

Member's explanatory statement

This amendment clarifies that the levy rules must include provision about how the levy is to be paid.

LORD OFFORD OF GARVEL

Clause 110, page 69, line 10, at end insert –

- “(4A) The levy rules may make provision for interest to be charged, at the rate specified for the time being in section 17 of the Judgments Act 1838, on any amount of levy not paid by the date on which it is due.
- (4B) References in subsection (4) to an amount payable by an undertaking do not include interest charged in accordance with provision made under subsection (4A).
- (4C) The CMA must pay any amount that it receives in accordance with provision made under subsection (4A) into the Consolidated Fund.”

Member's explanatory statement

This amendment makes provision about the charging of interest on amounts of levy that are not paid by the due date.

After Clause 115

LORD OFFORD OF GARVEL

After Clause 115, insert the following new Clause –

“Restriction on disclosure orders

- (1) This section applies for the purposes of –
 - (a) digital markets proceedings, or
 - (b) competition proceedings.
- (2) A court or the Tribunal must not make a disclosure order requiring the CMA to disclose or produce information where the court or the Tribunal is satisfied that another person would be reasonably able to provide the information.
- (3) A court or the Tribunal must not make a disclosure order requiring the CMA to disclose or produce digital markets investigation information before the CMA gives notice of the closure or outcome of each investigation to which the information relates.
- (4) In this section –
 - “competition proceedings” has the meaning given by paragraph 2(4) of Schedule 8A to the Competition Act 1998 (further provision about claims in respect of loss or damage before a court or the Tribunal);
 - “digital markets investigation information” means information –
 - (a) prepared by a person other than the CMA for the purpose of a digital markets investigation;
 - (b) sent by the CMA in connection with such an investigation to a person that is the subject of the investigation;
 - “digital markets proceedings” means proceedings under section 101 (rights to enforce requirements of Part 1 of that Act) or proceedings on appeal from such proceedings.
- (5) Paragraphs 7 and 27 of Schedule 8A to the Competition Act 1998 (other definitions; disclosure orders) apply for the purposes of this section as they apply for the purposes of Part 6 of that Schedule.
- (6) In Schedule 8A to the Competition Act 1998 –
 - (a) in paragraph 7 (other definitions), after sub-paragraph (2) insert –
 - “(2A) “Digital markets proceedings” means proceedings under section 101 of the Digital Markets, Competition and Consumer Act 2024 (rights to enforce requirements of this Part).”;
 - (b) in paragraph 28, after “competition proceedings” insert “or digital markets proceedings”;
 - (c) in paragraph 29, after “competition proceedings” insert “or digital markets proceedings”;
 - (d) in paragraph 30(1), after “competition proceedings” insert “or digital markets proceedings”.

Member's explanatory statement

This amendment would prevent a court or the Tribunal from making a disclosure order in respect of certain material held by the CMA.

LORD FOX

After Clause 115, insert the following new Clause –

“Review: role of the CMA in promoting international standards

- (1) Within 12 months of the passing of this Act the Secretary of State must lay before Parliament a review of the impact of this Part on the role of the CMA in promoting international standards in the regulation of digital markets.
- (2) The review in subsection (1) must cover, but is not limited to, the impact of Part 1 of this Act on the CMA’s role in promoting –
 - (a) interoperability,
 - (b) transparency,
 - (c) unrestricted market participation, and
 - (d) fair competition
 at an international level.
- (3) The review must also cover the interaction the CMA has with other international and domestic standards authorities.
- (4) The review may make a recommendation as to whether the CMA’s responsibilities should be enhanced in light of the review.”

Member's explanatory statement

This amendment seeks to probe whether Part 1 of this Act will allow the CMA to play a proactive role in promoting international standards of digital market regulation.

Clause 117

LORD OFFORD OF GARVEL

Clause 117, page 74, line 16, at end insert –

- “(c) references to the supply, provision, acquisition or use of goods or services include the supply, provision, acquisition or use of digital content.”

Member's explanatory statement

This amendment confirms that references to the supply, provision, acquisition or use of goods or services include the supply, provision, acquisition or use of digital content.

Schedule 5

LORD OFFORD OF GARVEL

Schedule 5, page 249, line 22, at end insert –

“(4) In subsection (7), after “(3)” insert “, (3A)”.

8A (1) Section 40 (section 39: supplementary) is amended as follows.

(2) In subsection (4), after “section 39(3)” insert “or (3A)”.

(3) In subsection (5), before “or (4)” insert “, (3A)”.”

Member's explanatory statement

This amendment would amend sections 39 and 40 of the Enterprise Act 2002 so that extensions under the new subsection (3A) of section 39 (inserted by paragraph 8(3) of Schedule 5 to the Bill) are treated in the same way as extensions under subsection (3) of that section.

Clause 130

LORD OFFORD OF GARVEL

Clause 130, page 80, line 24, leave out from “any” to end of line 26 and insert “subsection of section 39 may also be extended under any other subsection of that section.”;

Member's explanatory statement

This amendment would make it clear that a period extended under any subsection of section 39 of the Enterprise Act 2002 can also be extended under any other subsection of that section (rather than just specified subsections).

Clause 131

LORD OFFORD OF GARVEL

Clause 131, page 81, line 26, leave out from “any” to end of line 28 and insert “subsection of section 51 may also be extended under any other subsection of that section.”;

Member's explanatory statement

This amendment is for consistency with my amendment to Clause 130.

Schedule 9

LORD OFFORD OF GARVEL

Schedule 9, page 270, line 10, after “daily rate,” insert “for each day”

Member's explanatory statement

This amendment would clarify that references in 40A of the Competition Act 1998, as amended by this Schedule, to maximum amounts of daily penalties are maximums per day, not in total.

LORD OFFORD OF GARVEL

Schedule 9, page 273, line 29, after “daily rate,” insert “for each day”

Member's explanatory statement

This amendment would clarify that references in section 111 of the Enterprise Act 2002, as amended by this Schedule, to maximum amounts of daily penalties are maximums per day, not in total.

LORD OFFORD OF GARVEL

Schedule 9, page 277, line 30, at end insert—

“24A In section 120 (review of decisions under Part 3), in subsection (2), in paragraph (a), for “(3)” substitute “(1A).”

Member's explanatory statement

This amendment would amend the reference in section 120(2)(a) of the Enterprise Act 2002 to section 110(3) of that Act so that instead refers to section 110(1A) of that Act (which this Bill is replacing it with).

LORD OFFORD OF GARVEL

Schedule 9, page 280, line 8, after “daily rate,” insert “for each day”

Member's explanatory statement

This amendment would clarify that references in section 174D of the Enterprise Act 2002, as amended by this Schedule, to maximum amounts of daily penalties are maximums per day, not in total.

Schedule 10

LORD OFFORD OF GARVEL

Schedule 10, page 283, line 24, after “daily rate,” insert “for each day”

Member's explanatory statement

This amendment would clarify that references in new section 35B of the Competition Act 1998, inserted by this Schedule, to maximum amounts of daily penalties are maximums per day, not in total.

LORD OFFORD OF GARVEL

Schedule 10, page 286, line 35, after “£15,000” insert “per day”

Member's explanatory statement

This amendment would clarify that references in new section 94AB of the Enterprise Act 2002, inserted by this Schedule, to maximum amounts of daily penalties are maximums per day, not in total.

LORD OFFORD OF GARVEL

Schedule 10, page 287, line 6, after “daily rate,” insert “for each day”

Member's explanatory statement

This amendment would clarify that references in new section 94AB of the Enterprise Act 2002, inserted by this Schedule, to maximum amounts of daily penalties are maximums per day, not in total.

LORD OFFORD OF GARVEL

Schedule 10, page 288, line 28, at end insert –

“12A In section 120 (review of decisions under Part 3), in subsection (2), in paragraph (a), for “94A(1)” substitute “94AA(1)”.”

Member's explanatory statement

This amendment would amend the reference in section 120(2)(a) of the Enterprise Act 2002 to section 94A(1) of that Act so that instead refers to section 94AA(1) of that Act (which this Bill is replacing it with).

LORD OFFORD OF GARVEL

Schedule 10, page 290, line 19, after “daily rate,” insert “for each day”

Member's explanatory statement

This amendment would clarify that references in new section 167B of the Enterprise Act 2002, inserted by this Schedule, to maximum amounts of daily penalties are maximums per day, not in total.

LORD OFFORD OF GARVEL

Schedule 10, page 292, line 5, at end insert –

“18 In section 179 (review of decisions under Part 4), in subsection (2), in paragraph (a), after “section” insert “167A(1) or”.”

Member's explanatory statement

This amendment would provide that decisions under new section 167A(1) of the Enterprise Act 2002 are not “decisions” for the purposes of section 179 of that Act (because they would instead be able to be appealed under section 114 of that Act, as applied by new section 167B(6) of that Act).

Schedule 13

LORD OFFORD OF GARVEL

Schedule 13, page 303, line 7, at end insert –

“(za) omit “Regulations made by the Secretary of State under section 68A or”;

Member's explanatory statement

This amendment, and my other amendment to this Schedule, are to take account of an amendment made by the Energy Act 2023 to section 124(5) of the Enterprise Act 2002 (which this Schedule also amends).

LORD OFFORD OF GARVEL

Schedule 13, page 303, line 14, after “section” insert “68A,”

Member's explanatory statement

See the explanatory statement to my other amendment to this Schedule.

Clause 167

LORD OFFORD OF GARVEL

Clause 167, page 110, line 29, after “daily rate,” insert “for each day,”

Member's explanatory statement

This amendment would clarify that references in this Clause to maximum amounts of daily penalties are maximums per day, not in total.

Clause 189

LORD OFFORD OF GARVEL

Clause 189, page 126, line 31, after “daily rate,” insert “for each day”

Member's explanatory statement

This amendment would clarify that references in this Clause to maximum amounts of daily penalties are maximums per day, not in total.

Clause 192

LORD OFFORD OF GARVEL

Clause 192, page 129, line 4, after “daily rate,” insert “for each day”

Member's explanatory statement

This amendment would clarify that references in this Clause to maximum amounts of daily penalties are maximums per day, not in total.

Schedule 17

LORD OFFORD OF GARVEL

Schedule 17, page 348, line 13, at end insert –

“Estate Agents Act 1979

- A1 In section 3 of the Estate Agents Act 1979 (orders prohibiting unfit persons from doing estate agency work), in subsection (1) –
- (a) in paragraph (ba) for “section 217, 218 or 219 of the Enterprise Act 2002” substitute “section 155, 158 or 162 of the Digital Markets, Competition and Consumers Act 2024”;
 - (b) in paragraph (bb) for “section 217 of the Enterprise Act 2002” substitute “section 155 of the Digital Markets, Competition and Consumers Act 2024”.”

Member's explanatory statement

This amendment makes a consequential amendment to the Estate Agents Act 1979 as a result of the repeal by the Bill of Part 8 of the Enterprise Act 2002.

After Clause 288

LORD CLEMENT-JONES

After Clause 288, insert the following new Clause –

“Reporting Requirement: secondary ticketing market

- (1) Within 12 months of the day on which this Act is passed and every 12 months thereafter, the Secretary of State must lay a report before Parliament on how the secondary ticketing market in the United Kingdom is functioning.
- (2) The report must cover –
 - (a) inflated ticket prices: examining the extent of tickets being resold at prices significantly above face value and the impact this is having on the market;
 - (b) bulk buying: reviewing the extent and impact of bulk buying in the secondary ticketing market, including an analysis of the quantities of tickets acquired by individuals or entities, and its effects on ticket availability and pricing;
 - (c) use of bots: examining the prevalence and impact of automated bots in the acquisition of tickets;
 - (d) speculative selling: assessing the prevalence of speculative selling, where tickets are offered for sale on the secondary market before the seller has obtained possession of the actual ticket.”

Member's explanatory statement

This amendment would require the Secretary of State to lay a report before Parliament on how the secondary ticketing market in the UK is functioning.

Clause 302

LORD OFFORD OF GARVEL

Clause 302, page 205, line 24, leave out subsection (7)

Member's explanatory statement

This amendment would omit subsection (7) of Clause 302, which is superseded by the new Clause in my name on data protection.

Clause 303

LORD OFFORD OF GARVEL

Clause 303, page 206, line 3, leave out subsection (4)

Member's explanatory statement

This amendment would omit subsection (4) of Clause 303, which is superseded by the new Clause in my name on data protection.

Clause 304

LORD OFFORD OF GARVEL

Clause 304, page 207, leave out lines 4 and 5

Member's explanatory statement

This amendment would omit the definition of “data protection legislation” in Clause 304, as my amendment to Clause 328 would define that term for the purposes of the whole Bill.

After Schedule 27

LORD OFFORD OF GARVEL

After Schedule 27, insert the following new Schedule –

“SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO ACTS OF PARLIAMENT

Competition Act 1980 (c. 21)

- 1 The Competition Act 1980 is amended as follows.
- 2 In section 11B(1) (references under section 11: powers of investigation and penalties), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force and,”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- 3 In section 11C(1) (references under section 11: further supplementary provisions), in the words before paragraph (a) –
 - (a) after “shall apply” insert “, as it had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force,”; and
 - (b) for “applies” substitute “applied immediately before that date”.
- 4 In section 11D(7) (interim orders), in paragraph (d), after “penalties)” insert “as it had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force”.

Telecommunications Act 1984 (c. 12)

- 5 In section 101 of the Telecommunications Act 1984 (general restrictions on disclosure of information), in subsection (3) –
 - (a) omit paragraph (v);
 - (b) after paragraph (w) insert –
 - “(x) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Companies Act 1985 (c. 6)

- 6 In paragraph 17 of Schedule 15D to the Companies Act 1985 (disclosures), after sub-paragraph (m) insert –
- “(n) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
- (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Airports Act 1986 (c. 31)

- 7 In section 74 of the Airports Act 1986 (restriction on disclosure of information), in subsection (3) –
- (a) omit paragraph (v);
 - (b) after paragraph (y) insert –
- “(z) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
- (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Gas Act 1986 (c. 44)

- 8 (1) Section 41EB of the Gas Act 1986 (references under section 41E: application of EA 2002) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In subsection (4) –
- (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
- (4) In subsection (5) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After subsection (6) insert –
- “(7) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Water Act 1989 (c. 15)

- 9 In section 174 of the Water Act 1989 (general restrictions on disclosure of information), in subsection (3) –
- (a) omit paragraph (lp);
 - (b) after paragraph (o) insert –
 - “(p) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Electricity Act 1989 (c. 29)

- 10 (1) Section 56CB of the Electricity Act 1989 (references under section 56C: application of EA 2002) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In subsection (4) –
- (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
- (4) In subsection (5) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After subsection (6) insert –
- “(7) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Water Industry Act 1991 (c. 56)

- 11 The Water Industry Act 1991 is amended as follows.
- 12 (1) Section 14B (references under section 14: powers of investigation) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;

- (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (4) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After subsection (5) insert –
 - “(6) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 13 (1) Section 16B (CMA’s power of veto following report: supplementary) is amended as follows.
- (2) In subsection (6), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (9) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After subsection (10) insert –
 - “(11) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 14 (1) Section 17M (references under section 17K: powers of investigation) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (4) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.

- (4) After subsection (5) insert –
- “(6) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 15 (1) Section 17Q (section 17P: supplementary) is amended as follows.
- (2) In subsection (6), in the words before paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
- (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In subsection (9) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
- (b) at the end insert “as those provisions had effect immediately before that date”.
- (4) After subsection (10) insert –
- “(11) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 16 In Part 2 of Schedule 15 (enactments etc in respect of which disclosure may be made) –
- (a) at the end of the list insert –
- “The following provisions of the Digital Markets, Competition and Consumers Act 2024 –
- (a) Part 3;
- (b) Chapter 1 of Part 4;
- (c) Chapter 2 of Part 5.”;
- (b) omit the entry for subordinate legislation made for the purpose of securing compliance with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.

Railways Act 1993 (c.43)

- 17 The Railways Act 1993 is amended as follows.
- 18 (1) Section 13B (references under section 13: application of EA 2002) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
- (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In subsection (4) –

- (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
 - (4) In subsection (5) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (5) After subsection (6) insert –
 - “(7) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 19 (1) Section 15C (sections 15A and 15B: supplementary) is amended as follows.
- (2) In subsection (2D), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (2G) –
 - (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
 - (4) In subsection (2H) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (5) After subsection (4) insert –
 - “(5) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 20 In section 145 (general restrictions on disclosure of information), in subsection (3) –
- (a) omit paragraph (qu);
 - (b) after paragraph (v) insert –
 - “(w) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

- 21 Schedule 4A (review of access charges by the Office of Rail and Road) is amended as follows.
- 22 (1) Paragraph 10A (references under paragraph 9: application of EA 2002) is amended as follows.
- (2) In sub-paragraph (1), in the words before paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
- (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In sub-paragraph (4) –
- (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
- (b) for “applies” substitute “applied immediately before that date”.
- (4) In sub-paragraph (5) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
- (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After sub-paragraph (6) insert –
- “(7) In this paragraph “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 23 (1) Paragraph 15 (paragraphs 13 and 14: supplementary) is amended as follows.
- (2) In sub-paragraph (2D), in the words before paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
- (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In sub-paragraph (2G) –
- (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
- (b) for “applies” substitute “applied immediately before that date”.
- (4) In sub-paragraph (2H) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
- (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After sub-paragraph (4) insert –
- “(5) In this paragraph “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Coal Industry Act 1994 (c. 21)

- 24 In section 59 of the Coal Industry Act 1994 (information to be kept confidential by the Coal Authority), in subsection (4) –
- (a) omit paragraph (q);
 - (b) after paragraph (t) insert –
 - “(u) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Greater London Authority Act 1999 (c. 29)

- 25 In section 235 of the Greater London Authority Act 1999 (restrictions on disclosure of information), in subsection (3) –
- (a) omit paragraph (ru);
 - (b) after paragraph (v) insert –
 - “(w) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Utilities Act 2000 (c. 27)

- 26 In section 105 of the Utilities Act 2000 (general restrictions on disclosure of information), in subsection (6) –
- (a) omit paragraph (w);
 - (b) after paragraph (z1) insert –
 - “(z2) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Transport Act 2000 (c. 38)

- 27 In Schedule 9 to the Transport Act 2000 (air traffic: information), in paragraph 3(3) –
- (a) after paragraph (rh) insert –
 - “(ri) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;

- (iii) Chapter 2 of Part 5.”
- (b) omit paragraph (sa).

Communications Act 2003 (c. 21)

- 28 In section 393 of the Communications Act 2003 (general restrictions on disclosure of information), in subsection (5) –
- (a) omit paragraph (q);
 - (b) after paragraph (s) insert –
 - “(t) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Wireless Telegraphy Act 2006 (c. 36)

- 29 In section 111 of the Wireless Telegraphy Act 2006 (general restrictions), in subsection (6) –
- (a) omit paragraph (o);
 - (b) after paragraph (p) insert –
 - “(q) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Companies Act 2006 (c. 46)

- 30 In Part 2 of Schedule 2 to the Companies Act 2006 (specified descriptions of disclosures), in section (A) (United Kingdom), in paragraph 25, after paragraph (l) insert –
- “(m) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Legal Services Act 2007 (c. 29)

- 31 In section 60(9) of the Legal Services Act 2007 (duties of the CMA), in the words before paragraph (a) –
- (a) after “apply”, in the first place it occurs, insert “, as they had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force,”;

- (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.

Postal Services Act 2011 (c. 5)

- 32 In section 60(6) of the Postal Services Act 2011 (section 59: supplementary), in paragraph (a), after “CMA),” insert “as they had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force,”.

Civil Aviation Act 2012 (c. 19)

- 33 In Schedule 6 to the Civil Aviation Act 2012 (restrictions on disclosure of information), in paragraph 4—
- (a) in sub-paragraph (3), in the list of relevant statutory provisions, after the entry for “Water Act 2014” insert—
- “the following provisions of the Digital Markets, Competition and Consumers Act 2024—
- (a) Part 3;
- (b) Chapter 1 of Part 4;
- (c) Chapter 2 of Part 5.”;
- (b) in sub-paragraph (4), omit paragraph (b).

PART 2

AMENDMENTS TO OTHER LEGISLATION

Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6))

- 34 The Energy (Northern Ireland) Order 2003 is amended as follows.
- 35 In Article 63 (general restrictions on disclosure of information), in paragraph (6)—
- (a) omit sub-paragraph (w);
- (b) after sub-paragraph (x) insert—
- “(y) the following provisions of the Digital Markets, Competition and Consumers Act 2024—
- (i) Part 3;
- (ii) Chapter 1 of Part 4;
- (iii) Chapter 2 of Part 5.”
- 36 (1) In Schedule 2 (orders altering licensable activities), paragraph 5 (references under paragraph 3: application of EA 2002) is amended as follows.
- (2) In sub-paragraph (1), in the words before paragraph (a)—
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
- (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.

- (3) In sub-paragraph (4) –
 - (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
- (4) In sub-paragraph (5) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After sub-paragraph (6) insert –
 - “(7) In this paragraph “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/3172)

- 37 The Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 is amended as follows.
- 38 (1) Article 5 (references: powers of investigation) is amended as follows.
- (2) In paragraph (1), in the words before sub-paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In paragraph (5) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After paragraph (5) insert –
 - “(6) In this article “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 39 (1) Article 10 (Article 9: supplementary) is amended as follows.
- (2) In paragraph (3), in the words before sub-paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In paragraph (7) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;

- (b) at the end insert “as those provisions had effect immediately before that date”.
- (4) After paragraph (7) insert—
 - “(8) In this Article “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21))

- 40 The Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.
- 41 (1) Article 23 (references under Article 21: powers of investigation) is amended as follows.
- (2) In paragraph (1), in the words before sub-paragraph (a)—
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In paragraph (4)—
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After paragraph (5) insert—
 - “(6) In this Article “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 42 (1) Article 27 (CMA’s power of veto following report: supplementary) is amended as follows.
- (2) In paragraph (6), in the words before sub-paragraph (a)—
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In paragraph (9)—
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After paragraph (10) insert—
 - “(11) In this Article “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

- 43 In Article 265 (restrictions on disclosure of information), in paragraph (5) –
- (a) omit sub-paragraph (s);
 - (b) after paragraph (t) insert –
 - “(u) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Postal Services (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011 (S.I. 2011/2749)

- 44 In Article 3 of the Postal Services (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011 (application of sections 109 to 117 of the 2002 Act), in the words before paragraph (a), after “shall apply,” insert “as they had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force and”.

Postal Services Act 2011 (Disclosure of Information) Order 2012 (S.I. 2012/1128)

- 45 In Article 4 of the Postal Services Act 2011 (Disclosure of Information) Order 2012, in the list of prescribed enactments –
- (a) omit the entry for the Consumer Protection from Unfair Trading Regulations 2008;
 - (b) after the entry relating to the Consumer Rights Act 2015 insert –
 - “the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (a) Part 3;
 - (b) Chapter 1 of Part 4;
 - (c) Chapter 2 of Part 5.”

Member's explanatory statement

See the explanatory statement for my amendment inserting a new Clause after Clause 330.

Clause 328

LORD OFFORD OF GARVEL

Clause 328, page 232, line 1, at end insert –

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”

Member's explanatory statement

This amendment would define “the data protection legislation” for the purposes of the whole Bill.

After Clause 328

LORD OFFORD OF GARVEL

After Clause 328, insert the following new Clause –

“Data protection

- (1) This section applies to a duty or power to process information that is imposed or conferred by or under any provision of this Act.
- (2) A duty or power to which this section applies does not require or authorise the processing of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation).”

Member's explanatory statement

This amendment would make it clear that provisions in the Bill imposing or conferring duties or powers to process information do not require or authorise the processing of information which would contravene the data protection legislation.

After Clause 330

LORD OFFORD OF GARVEL

After Clause 330, insert the following new Clause –

“Minor and consequential amendments

Schedule (*Minor and consequential amendments*) contains minor and consequential amendments.”

Member's explanatory statement

This new Clause introduces a new Schedule that contains minor and consequential amendments relating to the Bill generally (there are other Schedules of consequential amendments relating to particular Parts of the Bill).

Clause 334

LORD OFFORD OF GARVEL

Clause 334, page 235, line 9, after “Part” insert “other than section (*Minor and consequential amendments*) (and Schedule (*Minor and consequential amendments*))”

Member's explanatory statement

This amendment provides that the new Clause and Schedule in my name making minor and consequential amendments come into force in accordance with regulations made by the Secretary of State.

Digital Markets, Competition and Consumers Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

15 January 2024

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