

# Digital Markets, Competition and Consumers Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

*[Supplementary to the Second Marshalled List]*

Amendment  
No.

**After Clause 132**

LORD TYRIE

**92A★** After Clause 132, insert the following new Clause –

**“Full cost recovery for mergers**

- (1) Section 121 (Fees) in the Enterprise Act 2002 is amended as follows.
- (2) Leave out subsection (8) and insert –
  - “(8) In determining the amount of any fees to be prescribed by an order under this section, the Secretary of State must implement full cost-recovery for the merger regime under Part 3 of this Act, including all costs incurred by –
    - (a) him,
    - (b) the CMA, and
    - (c) OFCOMin respect of their functions under this Part.
- (8A) In implementing full cost recovery under subsection (8), the Secretary of State need not obtain full cost recovery for each individual merger.”

**After Clause 140**

LORD TYRIE

**93A★** After Clause 140, insert the following new Clause –

**“Review of protection for whistle blowers under the United Kingdom’s competition and markets regime**

- (1) The CMA must undertake a review of the extent to which whistle blowers have adequate protection and support under the United Kingdom’s competition and markets regime.

- (2) The review under subsection (1) must consider –
  - (a) whether existing protections are sufficient to encourage whistle blowers to step forward;
  - (b) what protections exist in competition regimes in other jurisdictions;
  - (c) whether further protections should be introduced and what form they should take.
- (3) The review under subsection (1) must be published and laid before Parliament within 12 months of the passing of this Act.”

**After Clause 145**

LORD TYRIE

**107A★** After Clause 145, insert the following new Clause –

**“Review of the Competition Appeal Tribunal**

- (1) The Secretary of State must publish a fundamental review of the Competition Appeal Tribunal (CAT).
- (2) The review under subsection (1) must cover all of the CAT’s activities, and consider –
  - (a) the extent to which the CAT meets its objectives when first established;
  - (b) the speed at which the CAT considers cases;
  - (c) whether the CAT’s governance regime, namely in budget determination and departmental sponsorship, should be determined in a similar way to other tribunals.
- (3) The review under subsection (1) must be published and laid before both Houses of Parliament within 12 months of the passing of this Act.”

**Before Clause 222**

LORD TYRIE

**128ZA★** Before Clause 222, insert the following new Clause –

**“Economic interests of consumers duty**

- (1) Section 25 of the Enterprise and Regulatory Reform Act 2013 is amended as follows.
- (2) Leave out subsection (3) and insert –
  - “(3) The CMA must –
    - (a) in carrying out its functions, ensure that the economic interests of consumers, and their protection from detriment, are paramount;
    - (b) seek to promote competition, both within and outside the United Kingdom, for the benefit of consumers.”
- (3) Section 12 of the Enterprise Act 2002 is amended as follows.

- (4) After subsection (1) insert—
  - “(1A) In carrying out its duties, the Competition Appeal Tribunal must ensure that the economic interests of consumers, and their protection from detriment, are paramount.”
- (5) Section 12 of the Enterprise Act 2002 is amended as follows.
- (6) After subsection (2) insert—
  - “(2A) In carrying out its functions under this section, the Competition Appeal Tribunal must deal with cases justly, including ensuring so far as it is practicable, dealing with cases expeditiously.”

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*23 January 2024*

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