businesscompanion
trading standards law explained

Introduction

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Background to the civil enforcement regime

Officers from Trading Standards services based within your local authority (council) work with businesses to ensure compliance with consumer protection law. Businesses usually wish to comply with the law and many breaches of consumer protection law can be resolved by providing businesses with advice and guidance.

However, where there is a serious breach of law or where a business fails to engage with or respond to an officer's informal attempt to achieve compliance, regulators like Trading Standards officers have a range of formal enforcement powers that they can use. This is to ensure that consumers are protected, and a fair playing field is maintained for businesses that do comply with consumer protection law.

This guidance covers the court-based civil enforcement regime under the Digital Markets, Competition and Consumers Act 2024 (DMCCA), which replaces a similar regime previously under Part 8 of the Enterprise Act 2002. The civil enforcement regime sets out a staged approach that Trading Standards officers can take where consumer protection laws are breached by individuals and businesses.

The DMCCA civil enforcement regime is part of a wider set of enforcement powers that Trading Standards services have. You can find out more about these enforcement powers in 'Trading Standards: powers, enforcement and penalties'. Each Trading Standards service has its own enforcement policy that sets out how it intends to use its enforcement powers to ensure the action it takes is fair and proportionate.

Why do businesses need to know?

Having an understanding of the stages of the civil enforcement regime is important for all businesses. This knowledge can help you to avoid the potential consequences of the DMCCA civil enforcement regime. These can include:

- being asked to sign Undertakings (promises to do or not to do something), which are directly enforceable in court if they are breached
- having an Enforcement Order or Online Interface Order granted against the business or a person with a 'special relationship' with the business
- being asked to implement Enhanced Consumer Measures
- being required to pay monetary penalties by the courts, which in some circumstances can be up to

10% of the business's turnover or up to £300,000, whichever is higher

This guidance explains the stages of the court-based civil enforcement regime to help you understand the process and what the potential consequences could be for you and/or your business.

The Competition and Markets Authority (CMA) can also directly enforce the civil enforcement regime. You can find out more about the CMA's direct enforcement model in its *Direct Consumer Enforcement Guidance*.

Videos

In April 2025, the Chartered Trading Standards Institute created a number of introductory videos to help businesses understand the Act. Of particular interest for this guide are the videos on the CMA's direct enforcement powers, the civil enforcement regime and Online Interface Orders.

> Part 1. How civil enforcement is used

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