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House of Lords
London
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Dear Baroness Harding,

Digital Markets, Competition and Consumers Act 2024 – updates to the Civil Procedure Rules (Redress)

We are writing to follow up on the amendment you tabled during the passage of the Digital Markets, Competition and Consumers Act 2024 (DMCCA), concerning the treatment of private actions that overlap with CMA investigations under the new digital markets regime.

Your amendment sought to ensure that courts have regard for ongoing CMA investigations, placing public enforcement at the heart of the new regime and avoiding the risk of conflicting judgements. At the time, the Government committed to explore this issue further as part of the implementation of the Act, particularly through updates to the Civil Procedure Rules (CPR) and the Competition Appeal Tribunal (CAT) Rules.

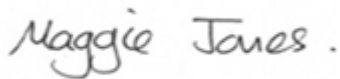
Following detailed work with the Civil Procedure Rule Committee, we have finalised amendments to the CPR that reflect the policy objectives you raised. We wanted to update you on these as the secondary legislation to implement the changes has now been laid.

These changes provide a clear mechanism for staying cases, concerning the discretion for the Court on whether to impose a stay. When considering whether to stay a claim made under section 101 of the DMCCA by reason of a concurrent CMA investigation, the court will have regard to a non-exhaustive list of factors. This includes whether there are overlapping digital activities, relevant requirements and conduct. Also, the extent to which any factual and/or legal issues considered and determined in the investigation would be relevant to the claim. The stay is subject to a default time-limit of 12 months, extendable by court order. As part of this process, the CMA will be served with the claim and initial disclosure at the same time as the other parties. We have tested the proposed changes with a range of stakeholders who are content that the approach strikes the right balance between regulatory coherence and access to justice.

It is desirable that there is a degree of consistency between the procedure adopted for claims proceeding in the High Court, and those proceeding in the CAT. We will continue to work with the CAT to mirror the updates to the CAT Rules as far as possible.

We hope this update provides reassurance that the concerns raised during the Bill's passage have been addressed. We will place a copy of this letter in the libraries of the House.

Yours sincerely,



Baroness Jones
Minister for the Future Digital Economy
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Justin Madders MP
Minister for Employment Rights,
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