



Department for
Business & Trade

Lord Offord of Garvel CVO
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22 January 2024

Dear Lady Drake,

Thank you for your letter of 5 January regarding the Digital Markets, Competition and Consumers (DMCC) Bill. I welcome the Constitution Committee's scrutiny, in particular your analysis of the delegated power in Clause 6 and the Secretary of State's approval of guidance across Parts 1 and 3 of the Bill, as well as the CMA rules in Part 3. I appreciate you and your Committee taking the time to raise your concerns with me, and I set out below my response.

As you rightly note, the Delegated Powers and Regulatory Reform Committee (DPRRC) requested further explanation of the Henry VIII power in Clause 6 as part of its recommendations report. Viscount Camrose and I are carefully considering this recommendation and we will write to you and the DPRRC with a full and detailed response in the coming weeks.

Your letter also raises the requirements on the Secretary of State to approve the publication of documents in certain parts of the Bill, as well as the requirement for the Secretary of State to approve the CMA rules in Part 3. Specifically, you raise the lack of time limit given for this process and its interaction with CMA independence. In response, I would welcome the opportunity to discuss this with you and your Committee in further detail. If you would find this beneficial, please do contact my office to find a date as soon as is practicable.

In the meantime, I want to assure you that the Government is working closely with the CMA on plans for implementation. Teams are ensuring that the process for consulting on, and approving, guidance and the relevant rules is delivered on schedule across the Bill as a whole, including the clauses you note in your letter. We are carrying out this work in a way that does not impact the operational independence of the CMA as we recognise that it is vital to the attractiveness of the UK business environment.

I am grateful to you and your Committee for your helpful scrutiny ahead of the Bill's forthcoming Committee Stage.

I would be delighted to meet with you or members of the Committee to discuss your concerns more thoroughly. If you would like a meeting, please could the Constitution Committee clerk contact my officials to make the arrangements.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Malcolm Offord". The signature is written in a cursive style and is positioned above a horizontal line.

Lord Offord of Garvel CVO
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