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UK Consumer Protection Enforcement

The CMA's Direct Enforcement Regime: Review & Outlook

November 26, 2026



Executive Summary

Since April 6, 2025, the CMA[1] has had the power to enforce consumer protection law directly, including by imposing fines of up to 10% of worldwide turnover. These new powers put consumer law enforcement on a similar footing to competition law and significantly raise the stakes for businesses. A year on from the CMA's launch of its first consumer investigations[2] under the DMCCA,[3] we look at where it has focused its attention and what its approach tells us about its enforcement priorities.

In November 2025, following a period of issuing industry guidance and sending advisory letters to several businesses, the CMA opened seven investigations.[4] As of November 26, 2026, the CMA has opened a total of 22 investigations, of which six have resulted in infringement decisions.

In all six infringement decisions, the CMA has imposed the maximum penalty discount of 40%, resulting in fines of over £11.8 million and more than £2.3 million in consumer redress. Fine levels have drawn criticism in Parliament for being too low, with a parliamentary committee suggesting there is an estimated £70 billion of consumer harm across the economy.[5] In response, the CMA noted that its investigations have thus far led to settlements, which have reduced the level of fines to reflect administrative savings. Future fines may be higher: businesses under investigation that decide not to settle will not benefit from the CMA's penalty discount. Indeed, on November 18, 2026, the CMA issued a PIN[6] against Viagogo, meaning Viagogo has not yet engaged in settlement discussions and will therefore be unable to benefit from the maximum 40% settlement discount should it choose to settle.

The CMA's enforcement has focused on online pricing and choice architecture, including drip pricing, false time-limited offers and pre-ticked boxes, as well as fake and misleading reviews. Most cases involved discretionary-spend sectors such as ticketing, travel and food delivery services.

Looking ahead, the CMA is investigating several businesses with significant global turnovers and the new subscription contracts regime, which is likely to affect a large number of businesses, is expected to apply from January 1, 2027.



[1] The Competition and Markets Authority.

[2] The CMA's package of investigations into online pricing practices, which included investigations into alleged drip pricing and pressure selling practices by online retailers, announced on November 18, 2025.

[3] The Digital Markets, Competition and Consumers Act 2024.

[4] This report treats the CMA's investigation into AA Driving School and BSM Driving School as a single investigation (the AA case), as both businesses form part of the Automobile Association Developments Limited group and the CMA has published a single case page and issued a single Final Infringement Notice covering both companies. Some other publications, including certain CMA announcements, treat these investigations separately and may report that: (i) 23 investigations have been opened; and (ii) seven investigations have been settled. For completeness, these figures also exclude the CMA's separate heating oil review.

[5] Business, Innovation, Science and Trade Committee, Oral evidence: Consumer protection, HC 130 (November 3, 2026).

[6] Provisional Infringement Notice.

Direct Consumer Enforcement

The CMA's Powers at a Glance

- **Direct enforcement**. Following an investigation, the CMA will determine whether there has been an infringement and whether to impose sanctions. Previously, the CMA had to apply to the courts to seek enforcement against traders and was unable to issue administrative penalties for non-compliance.
- **Fines**. Up to 10% of worldwide turnover or £300,000, whichever is higher. Separate penalties apply to procedural breaches, such as failing to comply with an information notice or breaching undertakings.
- **Enhanced consumer measures**. In addition to fines, the CMA has powers to impose (i) consumer redress measures (e.g., refunds), (ii) compliance measures (e.g., training) and/or (iii) choice measures (e.g., requirements to publish information to support consumer choice).
- **Banned practices**. Certain specified practices, including specified fake reviews and false time-limited offers, are unfair in all circumstances. The CMA can penalize infringing traders without needing to show any effect on consumer decisions.

Key Dates

Apr 6, 2025	Direct enforcement regime enters into force
Jul 2025	Fake reviews sweep; advisory letters to 50+ businesses
Nov 17, 2025	First seven investigations opened into time-limited sales, drip pricing and automatic opt-ins
Feb 2026	First procedural penalty for failure to comply with an information notice (Euro Car Parks)
Mar–Aug 2026	Twelve further investigations opened
Apr 15, 2026	First infringement decision and fine (AA / BSM)
Jun 18, 2026	Second infringement decision and fine (Marks Electrical)
Jun 23, 2026	Third infringement decision and fine (StubHub UK)
Oct 14, 2026	Three infringement decisions and fines announced, including £4.8 million Wayfair fine
Nov 18, 2026	Three investigations opened into drip pricing for travel and leisure businesses Provisional infringement decision announced (Viagogo)
Jan 1, 2027	B2C subscription contracts regime expected to enter into force

Enforcement Trends

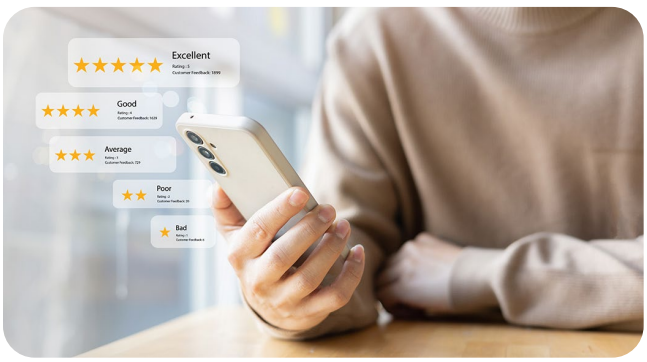
The CMA has sought to balance targeted enforcement with compliance support for businesses, in line with the "4Ps" (pace, predictability, proportionality, and process) that also guide its other functions.

Guidance has been followed by a wave of investigations

The CMA has taken a carrot-and-stick approach to enforcement. In the regime's first months, the CMA focused on issuing guidance and engaging with consumer-facing businesses:

- In July 2025, the CMA conducted a web sweep and subsequently sent advisory letters on fake reviews to more than 50 businesses.
- In November 2025, the CMA opened its first seven investigations into online pricing practices, including drip pricing, time-limited offers, and automatically opting consumers in to purchase additional services. At the same time, the CMA sent warning and advisory letters to a further 100 businesses in various sectors.
- Between March and August 2026, the CMA opened 12 more investigations.
- In November 2026, the CMA launched three new investigations over concerns that customers were not shown the total price upfront when purchasing holidays or gym memberships.

Further, the CMA has continued to send open letters to businesses. For example, on November 2, 2026, ahead of Christmas trading, it warned online retailers to include mandatory delivery charges in upfront prices.



Pricing and reviews come first

To date, half (11/22) of the investigations concern drip pricing practices, where mandatory fees are left out of the headline price, and five concern fake or misleading online reviews. While the first tranche of CMA cases has focused on breaches of clear rules (*e.g.*, total price transparency, express consent for paid extras, and a ban on false time-limited offers), the CMA's latest investigations are examining more nuanced issues such as whether contract terms are fair (Ryanair, Adobe) and how subscription plan changes are communicated to consumers (Microsoft).

Limited focus on the main cost-of-living pressures

The CMA has noted that its purpose is to promote competition, protect consumers, and support growth and household prosperity, and that its work has been affected by recent economic challenges such as the cost-of-living crisis and global conflicts.[7] In a July 2026 survey, 88% of adults in Great Britain identified the cost of living as an important issue facing the UK, and those whose cost of living had risen most often attributed the increase to food, fuel and energy bills.[8] Yet, none of the 22 investigations commenced concerns grocery prices, motor fuel or gas and electricity bills. Rather, the CMA's investigations have spanned leisure sectors such as ticketing, travel, and parking, gyms, takeaway food, software, and driving tuition. The only investigation to date which has been related to the cost-of-living crisis was the CMA's heating oil review, under which suppliers agreed to compensate customers whose orders were canceled during the conflict in the Middle East in March 2026.

[7] CMA, Direct consumer enforcement: one year on (April 17, 2026).

[8] Office for National Statistics, Public opinions and social trends, Great Britain: July 2026 (August 14, 2026).

Enforcement Trends (cont'd)

Settlement is the norm

To date, fines imposed by the CMA under its new consumer enforcement powers total £11.85 million.

Each of the six investigations closed has been settled. In each case, the business has admitted to carrying out the infringement, accepted a streamlined investigative procedure and agreed not to appeal. In return, it has received a 40% penalty reduction (the maximum discount available if settlement is agreed prior to the CMA issuing a PIN). Without such discounts, the CMA's fines would total c. £19.76 million. This discount falls to 25% if settlement is reached after the PIN is issued. Notably, on November 18, 2026, the CMA issued a PIN against Viagogo, which means that in the event of a settlement, any discount applied would be a maximum of 25%.

Fines face political scrutiny

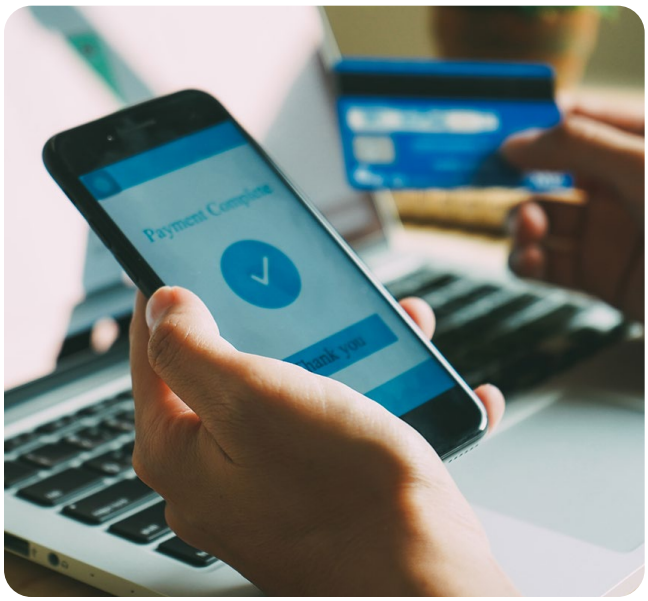
On November 3, 2026, Liam Byrne MP, chair of the Business, Innovation, Science and Trade Committee, described the CMA's fines as "*extremely small*" compared with £70 billion of "*consumer harm across the economy*". Emma Cochrane, the Executive Director for Consumer Protection at the CMA, defended the CMA's fines as following a published methodology. Under the methodology, fines are calculated by first assessing the infringing business's turnover, then assessing its culpability and the level of harm, and finally applying aggravating and mitigating factors to the penalty total. Where a business settles, these fines are reduced further. The high settlement discount reflects administrative savings to taxpayers and enables the CMA to move on to other cases.

Early fines are a poor guide to future exposure

In the AA case, the CMA's penalty calculation reached £206.6 million before the adjustments for proportionality and the statutory cap. The proportionality adjustment reduced the fine by about 97% (to £7 million), before the settlement discount was applied. When making this downward adjustment, the CMA cited the affected services' small share of the AA's total turnover, the short infringement period (less than a year) and the separate redress ordered. However, the CMA warned that the same proportionality considerations "*may not all apply in future cases*".[9]

Redress is a central remedy

Five of the six infringement decisions imposed refund remedies, typically with obligations to report to the CMA on progress. These remedies total more than £2.3 million. To date, the refunds ordered have covered conduct since April 6, 2025, when the regime came into force. The total value of redress may therefore increase over time, as cases involving longer periods of infringing conduct are decided.

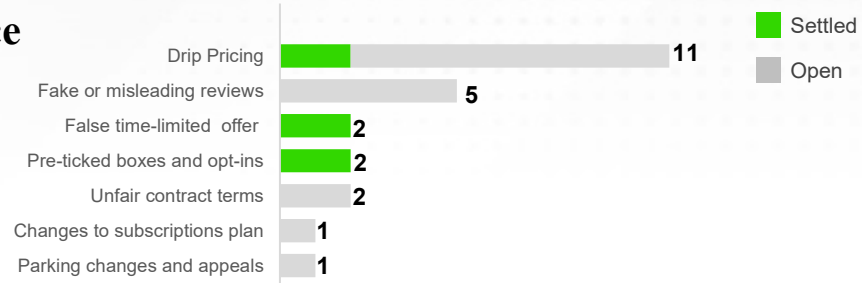


[9] Final Infringement Notice, Automobile Association Developments Limited, Case No: 51667 (April 15, 2026), paragraph 4.40.

Enforcement Trends (cont'd)

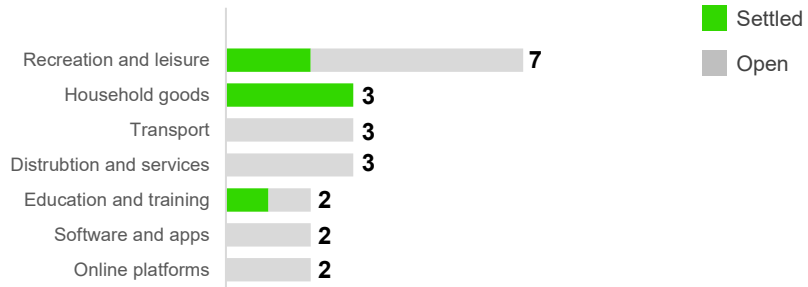
Investigations by Practice

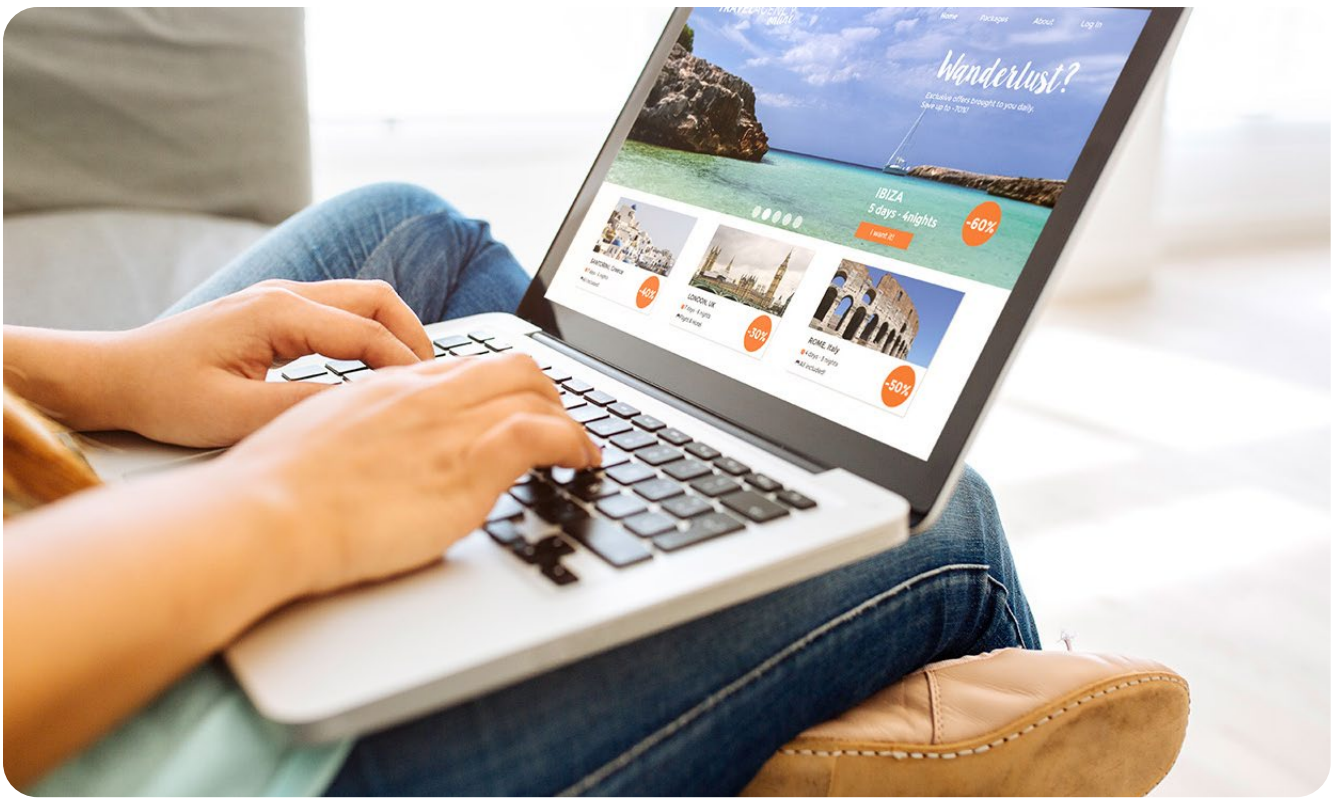
22 investigations categorized by practice. Some investigations cover more than one practice.



Investigations by Sector

22 investigations categorized by sector. Each investigation is counted once, in its main sector.





Enforcement Trends (cont'd)

Infringement Decisions to Date

All six decisions followed settlement, with a 40% penalty reduction. Redress figures are the CMA's approximate amounts.

Business	Practice	Announced	Before Settlement Discount	Fine	Redress
AA / BSM Driving School	Drip pricing	Apr 2026	£7.0 million	**£4.2 million**	£0.76 million
Marks Electrical	Pre-ticked extras	Jun 2026	£1.2 million	**£0.72 million**	£0.6 million
StubHub	Drip pricing	Jun 2026	£1.48 million	**£0.89 million**	£0.59 million
Wayfair	False time-limited offers	Oct 2026	£8.0 million	**£4.8 million**	None
Appliances Direct	False time-limited offers; pre-ticked extras	Oct 2026	£2.0 million	**£1.2 million**	£0.43 million
Gold's Gym	Drip pricing	Oct 2026	£75,000	**£45,000**	£9,000
Total			**£19.75 million**	**£11.85 million**	**£2.4 million+**

Figures rounded; totals calculated from exact amounts.

Practice Points

- **Information notices**. Refer any CMA correspondence received to the right people and ask for extensions early on.
- **Prices**. Include any mandatory fees in upfront prices. If prices cannot reasonably be calculated in advance, explain how they are calculated, just as prominently.
- **Offers**. Make sure countdown timers, deadlines, and discounts are clear and genuine.
- **Reviews**. Check how reviews are collected, incentivized, moderated, and displayed.
- **Subscriptions**. Identify which contracts are covered by consumer enforcement laws, and prepare sign-up, reminder and exit processes for the proposed January 1, 2027 start date.
- **Settlement**. Weigh the benefit of any discounts against the risks associated with an admission of liability, including reputational risks, publicity, and the loss of appeal rights.

Cases in Focus

MARKS ELECTRICAL

First fine concerning use of pre-ticked boxes.

On June 18, 2026, the CMA announced a settlement with Marks Electrical, which included a £720,000 fine.

The CMA found that Marks Electrical's customers were being automatically opted in to purchasing additional services - services to recycle old appliances and services to unwrap and recycle packaging were automatically added to customers' online shopping baskets. The CMA was clear that automatic opt-ins are never permissible: the law requires the consumer's express consent to any additional payment, however useful the extra service.

Consumers must have genuine choice over whether to pay for extra goods and services.

WAYFAIR

Largest fine to date; no redress announced.

On October 14, 2026, the CMA announced that it had fined Wayfair £4.8 million, which is the largest fine to date by £0.6 million. The CMA found that Wayfair's "*Daily Deals*" and 24-hour "*Flash Deals*" were not genuinely time-limited, because many products remained available at the same 'discounted' price or, in some cases, at a lower price after the stated deadline. False time-limited claims, made to rush consumers into a decision without time to make an informed choice, are a banned practice under the DMCCA. Wayfair settled, publicly labeling the fine as "*excessive*"[10] but noting that it chose to settle in order to continue focusing on serving customers. Unlike in the other five decisions, no redress was imposed.

Countdown timers and "flash" deals must be genuine. The CMA will not order redress in every case.

RYANAIR

Information notices challenged in court.

On June 10, 2026, the CMA opened an investigation into whether a mandatory fee for adults to sit next to accompanying children constitutes an unfair term, and whether the fee is included in the upfront price.

In August 2026, Ryanair applied for judicial review of the CMA's information notices as well as for interim relief to suspend its obligation to comply with certain aspects of the information notices. However, the High Court refused Ryanair's application for interim relief, and the notices therefore remain valid. This means the CMA can penalize Ryanair for non-compliance without reasonable excuse while the judicial review application is ongoing. A rolled-up hearing is listed for November 24-26, 2026 at which it will be decided whether Ryanair can proceed with its judicial review claim.

In parallel, on August 6, 2026, Ryanair complained to the CMA's PCA [11] about the CMA's refusal to pause the deadline for complying with the information notices. In September 2026, the PCA concluded that the complaint fell outside its remit.

Suspension of obligations to comply with information notices requires court action.

EURO CAR PARKS

Procedural penalty, followed by an investigation.

In February 2026, the CMA announced a £473,000 penalty for Euro Car Parks for its failure to respond to an information notice sent in July 2025. Euro Car Parks claimed that it had blocked the CMA's emails because it believed they were fraudulent. However, the CMA did not accept this as a reasonable excuse. The High Court refused Euro Car Parks' injunction application to prevent the CMA from naming it publicly. The procedural penalty remains under appeal.

In July 2026, the CMA opened an investigation into Euro Car Parks' operational practices at petrol station, in particular, whether it is fair for some drivers to receive parking charges while queuing for or using petrol pumps or other forecourt services, as well as its handling of parking charge appeals.

Refusing to engage with the CMA promptly may have serious financial consequences under the direct consumer enforcement regime.

[10] ITV News, Wayfair and Appliances Direct among firms fined £6m for misleading sales tactics (October 14, 2026).

[10] Procedural Complaints Adjudicator

Outlook

What to watch

In 2026, the CMA opened investigations into both **Adobe** and **Microsoft.** The Adobe investigation concerns the fairness and disclosure of early cancelation fees. The Microsoft investigation concerns information given before renewal about changes to Microsoft 365 Personal and Family plans, including the addition of Copilot. Both cases remain under investigation.

Subscriptions

Subject to parliamentary approval of draft regulations, the DMCCA subscription contracts regime will apply to new contracts from January 1, 2027. The regime introduces new information and reminder duties, cooling-off rights and a requirement that exiting a subscription must be straightforward. The CMA's work in this area will initially focus on supporting businesses with compliance, although it has warned that businesses "*should not assume*"[11] that enforcement will be delayed.

[11] CMA, Direct consumer enforcement: 18 months on (October 14, 2026).

Drip pricing and fake reviews

The CMA plans to provide updates on five of its investigations in the coming months. The CMA has announced that it will continue to focus on fake and misleading reviews, drip pricing, and online choice architecture. These infringement types are expected to feature heavily in the next tranche of investigations that the CMA is due to launch soon.

New technology, same rules

In March 2026, the CMA published guidance clarifying the application of consumer law to businesses using AI agents, including agents supplied by third parties.

The future of settlements

We expect settlement to remain the main route for clear-cut cases, while pending investigations and the ongoing Euro Car Parks and Ryanair litigation test the limits of the regime. Fines may rise as cases involving larger businesses and longer periods of infringing conduct reach a decision.

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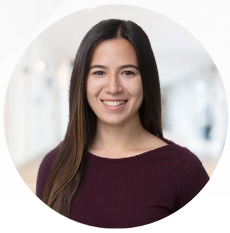

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