

Baroness Newlove.
Office of the Victims' Commissioner
for England and Wales
9.51D, 102 Petty France
London
SW1H 9AJ

From: Emma Lindsay
Director, Criminal Enforcement

20 March 2017

Dear Baroness Newlove.

Re: The Victims' Code

I am writing to you to set out the Competition and Markets Authority's ('the CMA's') position in respect of the Victim's Code ('the Code').

The CMA was established in 2014. It is the United Kingdom's lead competition and consumer protection authority with a primary statutory duty to promote competition both within and outside the United Kingdom, for the benefit of consumers. In this role it has a number of statutory functions, including the power to investigate and prosecute a small number of criminal offences.

The majority of the CMA's criminal investigations are into breaches of the criminal cartel offence (section 188 of the Enterprise Act 2002) where for example two or more individuals have agreed to fix the price for products supplied by two or more companies. However the number of investigations that we have at any one time is comparatively small – indeed we have just one investigation currently opened. Additionally, such investigations do not generally involve victims, as defined under the Code, as they more often impact directly on businesses.

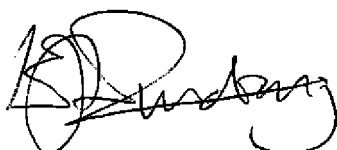
The CMA also has the power to investigate criminal offences under the Consumer Protection from Unfair Trading Regulations 2008 and Business Protection from Misleading Marketing Regulations 2008. These offences potentially have a direct impact on individuals and are consequently more likely to involve victims as defined under the Code. However we have not conducted any investigations under these Regulations since the inception of the Code.

Notwithstanding the comparatively small number of criminal investigations the CMA conducts and the even more limited number that might involve victims to which the Code applies, the CMA is very much alive to its duties under the Code in its day to day

actions, as reflected in its internal procedures and policies. In addition a link to the Code is included on our website.

I hope the above assists and if you have any further queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Emma Lindsay', with a large, stylized initial 'E'.

Emma Lindsay
Director, Criminal
Enforcement