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CMA Fines Individual Employees for Concealing Evidence During Dawn Raid

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On 24 September 2026, the UK Competition and Markets Authority (CMA) published decisions imposing financial penalties for concealing evidence during a dawn raid on a senior employee (£20,000), an office manager (£5,000) and their employer, M&J Group Construction & Roofing (£25,000).

These are the first civil penalties imposed by the CMA directly against individuals for concealing evidence during a dawn raid. This is a significant development and represents a warning to individuals that failing to cooperate with the CMA during a dawn raid can have significant personal consequences (not just consequences for their employer).

They follow the £473,000 fine imposed on Euro Car Parks by the CMA for failing to respond to an information notice issued under its consumer law enforcement powers earlier this year, and represent further evidence that the CMA will not tolerate any interference with their investigatory powers.

What happened?

On 10 December 2024, the CMA attended M&J's premises with a warrant to conduct a search as part of an investigation into suspected bid-rigging in the supply of roofing and construction services. Upon arrival, it provided the usual warnings not to obstruct the inspection, conceal or destroy documents, or provide false or misleading information.

Despite these warnings, Barry Pirrie (M&J's estimating director) instructed Tracey Woods (the office manager) to remove a work mobile phone and paperwork from the premises, which she did shortly after the CMA's arrival at 8:35 am. Pirrie then repeatedly told the CMA that he had no work mobile phone.

At around 4:00 pm the same day, M&J's external lawyers handed the concealed materials over to the CMA. The CMA later found that these materials contained a significant amount of evidence relevant to the underlying bid-rigging investigation, including evidence of Pirrie's direct involvement in that conduct.

The penalty imposed

The CMA has the power to impose a financial penalty of up to £30,000[1] on any "person" (which includes both companies and individuals) who, without reasonable excuse, fails to comply with a requirement imposed under section 28 (search under a tribunal warrant).

In this case, the CMA concluded that the following fines were appropriate:

- Pirrie – £20,000
- Woods – £5,000
- M&J – £25,000

In each case – although the fine was below the statutory maximum – it was significant, and in the case of Pirrie and M&J near the top end of the available fining range. This reflects how seriously the CMA views this conduct. The CMA cited the following factors in support of its decision to impose fines of this magnitude:

- Adverse impact on the investigation – given the risk that potentially incriminating evidence could have been lost or tampered with once it left the CMA's control
- Significant and flagrant conduct – removal of materials; Pirrie's false statements were intentional, not merely negligent

- Seniority and personal advantage – Pirrie, as a department head reporting directly to the CEO with 10 to 15 direct reports, was found to have sought a personal advantage by concealing evidence of his own involvement in the underlying bid-rigging
- Diversion of CMA resources – officers had to pause the search to track the movement of staff and materials, review CCTV, search a vehicle and interview witnesses
- Need for deterrence – including in respect of junior employees following instructions
- In respect of Woods, her more junior, administrative role, her lack of involvement in the underlying bid-rigging conduct, her lack of premeditation, and her personal financial circumstances all reduced her penalty relative to Pirrie's; despite these mitigating factors, the CMA concluded that a financial penalty was merited which serves as a cautionary tale that even junior employees are acting on the directions of their superiors can be found liable.

How does this compare with the CMA's wider approach to inspections?

Although this is the first time the CMA has imposed financial penalties on individuals for failing to comply with a dawn raid, this is not the first time the CMA has imposed a penalty on a company in those circumstances. In 2019, the same £25,000 penalty was imposed on Fender when an employee removed multiple notebooks from the premises during a dawn raid.[2]

The CMA is not alone in taking a strict approach to noncompliance. At the European Union level, the European Commission's IFF decision (Case AT.40882) reflects a similar approach. There, a senior employee deleted WhatsApp messages during a dawn raid and failed to disclose the deletion. As with M&J, the European Commission treated the conduct as a serious intentional obstruction – the same factors (seniority, intent and post-discovery conduct) featured prominently in the penalty assessment which resulted in a fine of €15.9 million being imposed on the company involved.

Practical steps companies should consider to mitigate risk in the event of a dawn raid

The M&J financial penalties further demonstrate the importance of ensuring that protocols are in place for how to manage a dawn raid and that staff have received appropriate training to minimise the risk both to those individuals and to the business as a whole.

We recommend that all companies take the following steps to mitigate risk in the event that they are targeted by a dawn raid:

- Pressure-test dawn raid protocols before, not during, an inspection and ensure that appropriate dawn raid training has been carried out. In particular, it is important that all staff are aware that a dawn raid should be taken seriously. Failure to comply can have consequences not just for the company but also for them on a personal level.
- Ensure that document retention procedures are available and have been rehearsed and can be swiftly and effectively implemented in the event of a dawn raid.
- Keep a record of devices held by employees that are used for work purposes.

How Cooley can help

The first hour of a dawn raid can determine the outcome of any enforcement action. Cooley helps clients stress-test dawn raid protocols, train key personnel and navigate inspection-related risks before they become enforcement issues.

[1] This conduct occurred in December 2024 but note that – since 1 January 2025 – the CMA's fining power has been expanded to allow the CMA to exceed the £30,000 cap in respect of companies provided the fine does not exceed 1% of turnover. The CMA also has the power to impose a daily fine for ongoing noncompliance but that did not apply in this case as the concealed documents were concealed on the same day.

[2] *Fender Musical Instruments Europe Ltd* (Case 50565-3, 20 March 2019).

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