



Estate Agents Act 1979

1979 CHAPTER 38

Supervision, enforcement, publicity etc.

24 Supervision by Council on Tribunals

- (1) The Tribunals and Inquiries Act 1971 shall be amended as follows (the amendments bringing the adjudicating functions of the Director under this Act under the supervision of the Council on Tribunals)—
- (a) in section 8(2) and section 19(4), for " 5A " there shall be substituted " 6A "; and
 - (b) in Schedule 1, paragraph 5A is hereby repealed and after paragraph 6 there shall be inserted—

"Fair Trading.

6A The Director General of Fair Trading in respect of his functions under the [Consumer Credit Act 1974 \(c. 39\)](#) and the [Estate Agents Act 1979 \(c. 38\)](#), and any member of the Director's staff authorised to exercise those functions under paragraph 7 of Schedule 1 to the [Fair Trading Act 1973 \(c. 41\)](#)."

- (2) Any member of the Council on Tribunals or of the Scottish Committee of the Council, in his capacity as such, may attend any hearing of representations conducted in accordance with Part I of Schedule 2 to this Act.

25 General duties of Director

- (1) Subject to section 26(3) below, it is the duty of the Director—
- (a) generally to superintend the working and enforcement of this Act, and
 - (b) where necessary or expedient, himself to take steps to enforce this Act.
- (2) It is the duty of the Director, so far as appears to him to be practicable and having regard both to the national interest and the interests of persons engaged in estate agency work

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and of consumers, to keep under review and from time to time advise the Secretary of State about—

- (a) social and commercial developments in the United Kingdom and elsewhere relating to the carrying on of estate agency work and related activities; and
 - (b) the working and enforcement of this Act.
- (3) The Director shall arrange for the dissemination, in such form and manner as he considers appropriate, of such information and advice as it may appear to him expedient to give the public in the United Kingdom about the operation of this Act.

26 Enforcement authorities

- (1) Without prejudice to section 25(1) above, the following authorities (in this Act referred to as "enforcement authorities") have a duty to enforce this Act—
 - (a) the Director,
 - (b) in Great Britain, a local weights and measures authority, and
 - (c) in Northern Ireland, the Department of Commerce for Northern Ireland.
- (2) Where a local weights and measures authority in England and Wales propose to institute proceedings for an offence under this Act it shall, as between the authority and the Director, be the duty of the authority to give the Director notice of the intended proceedings, together with a summary of the facts on which the charges are to be founded, and postpone the institution of the proceedings until either—
 - (a) twenty-eight days have expired since that notice was given, or
 - (b) the Director has notified them of receipt of the notice and summary.
- (3) Nothing in this section or in section 25 above authorises an enforcement authority to institute proceedings in Scotland for an offence.
- (4) Every local weights and measures authority shall, whenever the Director requires, report to him in such form and with such particulars as he requires on the exercise of their functions under this Act.
- (5) Where a complaint is made to the Secretary of State that all or any of the functions of a local weights and measures authority under this Act are not being properly discharged in any area, or he is of the opinion that an investigation should be made relating to the proper discharge of those functions in any area, he may cause a local inquiry to be held.
- (6) Subsections (2), (3) and (5) of section 250 of the Local Government Act 1972 (evidence and costs at local inquiries), and, in a case where the Secretary of State so directs, subsection (4) of that section (costs of department), shall apply to an inquiry held under subsection (5) above as if it were an inquiry held in pursuance of that section.
- (7) The person holding an inquiry under subsection (5) above shall make a written report of the results to the Secretary of State, who shall publish it together with such observations on it (if any) as he thinks fit.
- (8) In the application of this section to Scotland, for the references in subsection (6) above to subsections (2), (3) and (5) of section 250 of the Local Government Act 1972 and subsection (4) of that section, there shall be substituted respectively references to subsections (4), (5) and (8) of section 210 of the Local Government (Scotland) Act 1973 and subsection (7) of that section.

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27 Obstruction and personation of authorised officers

- (1) Any person who—
 - (a) wilfully obstructs an authorised officer, or
 - (b) wilfully fails to comply with any requirement properly made to him under section 11 above by an authorised officer, or
 - (c) without reasonable cause fails to give an authorised officer other assistance or information he may reasonably require in performing his functions under this Act, or
 - (d) in giving information to an authorised officer, makes any statement which he knows to be false,shall be liable on summary conviction to a fine not exceeding £500.
- (2) A person who is not an authorised officer but purports to act as such shall be liable on summary conviction to a fine not exceeding £1,000.
- (3) In this section " authorised officer " means a duly authorised officer of an enforcement authority who is acting in pursuance of this Act.
- (4) Nothing in subsection (1) above requires a person to answer any question or give any information if to do so might incriminate that person or that person's husband or wife.