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**Changes to legislation:** Estate Agents Act 1979, Paragraph 6 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 2

#### PROCEDURE ETC.

#### PART I

#### ORDERS AND DECISIONS UNDER SECTIONS 3, 4 AND 6

##### *Decision*

- 6 (1) The [<sup>F1</sup>lead enforcement authority] shall take into account in deciding whether to proceed with [<sup>F2</sup>its] proposal any written or oral representations made in accordance with the preceding provisions of this Schedule.
- (2) If the [<sup>F3</sup>lead enforcement authority] considers that [<sup>F2</sup>it] should proceed with [<sup>F2</sup>its] proposal but for a reason which differs, or on grounds which differ, from those set out in the notice of the proposal under paragraph 2 above, [<sup>F2</sup>it] shall give a further notice under that paragraph.
- (3) In any case where—
- (a) a notice under paragraph 2 above gives more than one reason for the proposal or (in the case of a proposal to make an order under section 3 of this Act) sets out more than one matter which the [<sup>F4</sup>lead enforcement authority] intends should be specified as the grounds for the order, and
  - (b) it appears to the [<sup>F4</sup>lead enforcement authority] that one or more of those reasons should be abandoned or, as the case may be, that one or more of those matters should not be so specified,
- the [<sup>F4</sup>lead enforcement authority] may nevertheless decide to proceed with [<sup>F2</sup>its] proposal on the basis of any other reason given in the notice or, as the case may be, on any other grounds set out in the notice.

#### Textual Amendments

- F1** Words in Sch. 2 para. 6(1) substituted (31.3.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), Sch. 2 para. 1(13)(a)(v)(ee) (with Sch. 1 para. 28, 2 paras. 13-15)
- F2** Words in Sch. 2 para. 6 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 9(16)(d)**; [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F3** Words in Sch. 2 para. 6(2) substituted (31.3.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), Sch. 2 para. 1(13)(a)(v)(ee) (with Sch. 1 para. 28, 2 paras. 13-15)

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- F4** Words in Sch. 2 para. 6(3) substituted (31.3.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), Sch. 2 para. 1(13)(a)(v)(ee) (with Sch. 1 para. 28, 2 paras. 13-15)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21A inserted by [2007 c. 17 s. 54\(1\)](#)