



Estate Agents Act 1979

1979 CHAPTER 38

Orders by ^{F1}the lead enforcement authority]

5 Supplementary provisions as to orders under sections 3 and 4.

- (1) The provisions of Part I of Schedule 2 to this Act shall have effect—
 - (a) with respect to the procedure to be followed before an order is made by the ^{F1}lead enforcement authority] under section 3 or section 4 above; and
 - (b) in connection with the making and coming into operation of any such order.
- (2) Where an order is made by the ^{F2}lead enforcement authority] under section 3 or section 4 above against a partnership, it may, if the ^{F2}lead enforcement authority] thinks it appropriate, have effect also as an order against some or all of the partners individually, and in such a case the order shall so provide and shall specify the names of the partners affected by the order.
- (3) Nothing in ^{F3}section 113 of the Equality Act 2010 (proceedings)] or Article 62 of the ^{M1}Sex Discrimination (Northern Ireland) Order 1976 [^{F4}or Article 51 of the Race Relations (Northern Ireland) Order 1997] (restriction of sanctions for breaches of ^{F5}... [^{F6}those Orders]) shall be construed as applying to the making of an order by the ^{F7}lead enforcement authority] under section 3 above.

^{F8}(4)

- (5) In any case where—
 - (a) an order of the ^{F9}lead enforcement authority] under section 3 above specifies as grounds for the order the fact that the person concerned committed discrimination by reason of the existence of any such finding or notice as is referred to in paragraph 2 of Schedule 1 to this Act, and
 - (b) the period expires at the end of which, by virtue of paragraph 3 of that Schedule, the person concerned would no longer be treated for the purposes of section 3(1)(b) above as having committed discrimination by reason only of that finding or notice,

then, unless the order also specifies other grounds which remain valid, the order shall cease to have effect at the end of that period.

Changes to legislation: Estate Agents Act 1979, Section 5 is up to date with all changes known to be in force on or before 12 June 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

Textual Amendments

- F1** Words in s. 5(1)(a) 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(4)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F2** Words in s. 5(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(4)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F3** Words in s. 5(3) substituted by Equality Act 2010 (c. 15), Sch. 26 Pt. 1 para. 5(a), Sch. 27 Pt. 1 (as amended) (1.10.2010) by [S.I. 2010/2279](#), art. 1(2), **Sch. 1 para. 2** (see S.I. 2010/2317, art. 2)
- F4** Words in s. 5(3) inserted (4.8.1997) by [S.I. 1997/869 \(N.I. 6\)](#), art. 73, **Sch. 2 para. 2(1)**; S.R. 1997/273, **art. 2(4)**
- F5** Words in s. 5(3) repealed by Equality Act 2010 (c. 15), Sch. 26 Pt. 1 para. 5(b), Sch. 27 Pt. 1 (as amended) (1.10.2010) by [S.I. 2010/2279](#), art. 1(2), Sch. 1 para. 2, **Sch. 2** (see S.I. 2010/2317, art. 2)
- F6** Words in s. 5(3) substituted (4.8.1997) by [S.I. 1997/869 \(N.I. 6\)](#), art. 73, **Sch. 2 para. 2(1)**; S.R. 1997/273, **art. 2(4)**
- F7** Words in s. 5(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(4)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F8** S. 5(4) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), ss. 55(4), 66(2), **Sch. 8** (with s. 48(3)); [S.I. 2008/905](#), art. 3(2), Sch. 2
- F9** Words in s. 5(5) 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(4)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)

Marginal Citations

- M1** [S.I. 1976/1042 \(N.I. 15\)](#)

Changes to legislation:

Estate Agents Act 1979, Section 5 is up to date with all changes known to be in force on or before 12 June 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.

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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\(1\)](#)