



# Consumers, Estate Agents and Redress Act 2007

## 2007 CHAPTER 17

An Act to make provision for the establishment of the National Consumer Council and its functions; to make provision for the abolition of other consumer bodies; to make provision about the handling of consumer complaints by certain providers; to make provision requiring certain providers to be members of redress schemes in respect of consumer complaints; to amend the Estate Agents Act 1979; to make provision about the cancellation of certain contracts concluded away from business premises; and for connected purposes. [19th July 2007]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1** Act: transfer of functions (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010](#) (asp 8), **ss. 3(4), 134(7), 134(8)** (with s. 3(5)); S.S.I. 2011/278, art. 2(a)

## PART 1

### [<sup>F1</sup>THE CONSUMER ADVOCACY BODIES]

### Textual Amendments

- F1** Pt. 1 heading substituted (1.4.2014) 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(3), Sch. 1 para. 12(2) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

#### Modifications etc. (not altering text)

- C2** Pt. 1 power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(l), [Sch. 18 para. 61\(1\)](#)
- C3** Pt. 1 power to extend (N.I.) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(l), [Sch. 18 para. 61\(3\)](#)

*[<sup>F2</sup>The consumer advocacy bodies]*

#### Textual Amendments

- F2** S. 1 cross-heading substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(3\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))

### <sup>F3</sup>1 The consumer advocacy bodies

(1) In this Act—

“Citizens Advice” means the National Association of Citizens Advice Bureaux;

“Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;

“the GCCNI” means the General Consumer Council for Northern Ireland.

(2) Except where this Act otherwise provides, a reference in this Act to a consumer advocacy body is a reference to—

- (a) Citizens Advice,  
(b) Citizens Advice Scotland,

<sup>F4</sup>(ba) Consumer Scotland,] or

- (c) the GCCNI.

<sup>F5</sup>(3) Except where this Act otherwise provides—

(a) a function conferred on Citizens Advice, Citizens Advice Scotland or Consumer Scotland by or under this Act may be carried out by that body jointly with one or both of the other bodies, and

(b) each of those bodies may carry out on behalf of another of those bodies a function that is conferred on that other body by or under this Act, with the agreement of that other body.]

(4) A function conferred on the GCCNI by this Act may be exercised by the GCCNI only in relation to consumer matters that relate to postal services in Northern Ireland.]

#### Textual Amendments

- F3** S. 1 substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(4\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))
- F4** S. 1(2)(ba) inserted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#), art. 1(1), [Sch. para. 7\(2\)\(a\)](#) (with art. 5)

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**F5** S. 1(3) substituted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#), art. 1(1), **Sch. para. 7(2)(b)** (with art. 5)

## **F6** The territorial committees

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### **Textual Amendments**

**F6** S. 2 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(5)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*“Consumer”, “consumer matters” and “designated consumers”*

## **3 “Consumer” and “consumer matters”**

- (1) In this Part “consumer” and “consumer matters” have the meaning given by this section.
- (2) “Consumer” means—
  - (a) a person who purchases, uses or receives, in Great Britain, goods or services which are supplied in the course of a business carried on by the person supplying or seeking to supply them, or
  - (b) a person who purchases, uses or receives [<sup>F7</sup>postal services ]in Northern Ireland.
- (3) “Consumer” includes both an existing consumer and a future consumer.
- (4) For the purposes of subsection (2)—
  - (a) a person who uses services includes, in relation to [<sup>F8</sup>postal services], an addressee;
  - (b) “goods” includes land or an interest in land;
  - (c) “business” includes a profession and the activities of any government department, local or public authority or other public body.
- (5) “Consumer matters” means—
  - (a) the interests of consumers, and
  - (b) any matter connected with those interests.

### **Textual Amendments**

**F7** Words in s. 3(2)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 176**; [S.I. 2011/2329](#), art. 3

**F8** Words in s. 3(4)(a) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 176**; [S.I. 2011/2329](#), art. 3

### **Commencement Information**

**I1** S. 3 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

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#### 4 “Designated consumers”

- (1) In this Part “designated consumers” means—
- (a) consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems, and
  - (b) consumers in relation to <sup>[F9]</sup>postal services].
- (2) The Secretary of State may, by order, amend subsection (1) so as—
- (a) to make any description of consumers within subsection (3) “designated consumers” for the purposes of this Part;
  - (b) to provide for any description of consumers to cease to be “designated consumers” for those purposes.
- (3) The consumers within this subsection are consumers in England and Wales in relation to services provided by a water undertaker, a sewerage undertaker <sup>[F10]</sup>, a water supply licensee or a sewerage licensee, in <sup>[F11]</sup>the undertaker's or licensee's capacity] as such.
- (4) Before making an order under subsection (2), the Secretary of State must consult—
- <sup>[F12]</sup>(a) except in the case of an order which relates only to consumers in Northern Ireland, Citizens Advice,
  - (aa) in the case of a relevant order other than one relating only to consumers in Northern Ireland or consumers within subsection (3), Citizens Advice Scotland <sup>[F13]</sup>and Consumer Scotland],
  - (ab) in the case of an order which relates to consumers in Northern Ireland in relation to postal services, the GCCNI,]
  - (b) in the case of a relevant order, the Scottish Ministers,
  - (c) the Welsh Ministers, and
  - (d) such other persons as the Secretary of State considers appropriate.
- (5) For this purpose a “relevant order” is an order which relates to any description of—
- (a) consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems, or
  - (b) consumers in relation to <sup>[F14]</sup>postal services].

#### Textual Amendments

- F9** Words in s. 4(1)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 176](#); [S.I. 2011/2329](#), art. 3
- F10** Words in s. 4(3) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 137\(a\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)
- F11** Words in s. 4(3) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 137\(b\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)
- F12** S. 4(4)(a)-(ab) substituted (1.4.2014) for s. 4(4)(a) 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(3), [Sch. 1 para. 12\(6\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))
- F13** Words in s. 4(4)(aa) inserted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#), art. 1(1), [Sch. para. 7\(3\)](#) (with art. 5)
- F14** Words in s. 4(5)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 176](#); [S.I. 2011/2329](#), art. 3

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**Commencement Information**

**I2** S. 4 in force at 21.12.2007 by S.I. 2007/3546, art. 3, Sch.

*Determining priorities*

**5 Forward work programmes [F15 of the GCCNI]**

- (1) [F16 The GCCNI] must [F17 before each programme year] publish a document (the “forward work programme”) containing—
  - (a) a statement of any priorities of [F18 the GCCNI] for the year in relation to designated consumers generally or any description of designated consumers;
  - (b) a general description of the main activities (including any projects) which it plans to undertake during the year in relation to designated consumers generally or any description of designated consumers;
  - (c) a statement of any other priorities of [F19 the GCCNI] for the year;
  - (d) a general description of any other projects which it plans to undertake during the year (other than those comprising routine activities in the exercise of its functions).
- (2) The description of a project under subsection (1)(b) or (d) must include the objectives of the project.
- (3) The forward work programme for any year must also include—
  - (a) an estimate of the overall expenditure which [F20 the GCCNI] expects to incur during the year in the exercise of its functions, and
  - (b) an estimate of the expenditure (if any) which [F21 the GCCNI] expects to incur during the year in the exercise of its functions in relation to designated consumers.

<sup>F22</sup>(4) .....

[F23(4A) In preparing a draft of the forward work programme for any year, the GCCNI must consult—

- (a) Citizens Advice, and
- (b) [F24 Consumer Scotland].]

(5) Before publishing the forward work programme for any year, [F25 the GCCNI] must publish a notice—

- (a) containing a draft of the forward work programme, and
- (b) specifying the period within which representations about the proposals contained in it may be made,

and must consider any representations which are duly made and not withdrawn.

(6) The notice under subsection (5) must be published by [F26 the GCCNI] in such manner as it considers appropriate for the purpose of bringing the matters contained in the notice to the attention of persons likely to have an interest in them.

(7) [F27 The GCCNI] must send a copy of any notice given by it under subsection (5) to—

- (a) the Secretary of State,
- <sup>F28</sup>(b) .....
- <sup>F28</sup>(c) .....

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- (d) the Office of Fair Trading, and
- (e) any regulatory body which [<sup>F29</sup>the GCCNI] considers might have an interest in the content of the notice.

[<sup>F30</sup>(8) References in this section to “designated consumers” are references to designated consumers who are consumers in relation to postal services in Northern Ireland.

- (9) In this section “programme year” means—
- (a) the period beginning on 1st April 2014 and ending with the next following 31st March, and
  - (b) each successive period of 12 months.]

### Textual Amendments

- F15** Words in s. 5 heading inserted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F16** Words in s. 5(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F17** Words in s. 5(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F18** Words in s. 5(1)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(b)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F19** Words in s. 5(1)(c) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(b)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F20** Words in s. 5(3)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F21** Words in s. 5(3)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F22** S. 5(4) omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(7)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F23** S. 5(4A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F24** Words in s. 5(4A)(b) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(4)** (with art. 5)
- F25** Words in s. 5(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(f)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F26** Words in s. 5(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(g)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F27** Words in s. 5(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(h)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- F28** S. 5(7)(b)(c) omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(7)(h)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F29** Words in s. 5(7)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(h)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F30** S. 5(8)(9) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I3** S. 5 in force at 7.5.2008 by S.I. 2008/1262, **art. 3**

## 6 General provision about functions [F31 of the GCCNI]

- (1) In exercising its functions [F32 the GCCNI] must comply with the requirements of this section.
- (2) [F33 The GCCNI] must have regard to the forward work programme published under section 5.
- (3) [F34 The GCCNI] must have regard to the interests of consumers in different areas.
- (4) [F35 The GCCNI] must have regard to the interests of consumers that are one or more of the following—
  - (a) disabled or chronically sick individuals;
  - (b) individuals of pensionable age;
  - (c) individuals with low incomes;
  - (d) individuals residing in rural areas.
- (5) But nothing in subsection (4) is to be taken as implying that regard may not be had to the interests of other descriptions of consumers.
- (6) [F36 The GCCNI] must have regard to the need to use its resources in the most efficient and economic way.
- (7) In discharging the duty imposed by subsection (6), [F37 the GCCNI] must take account of the existence of any other public bodies with the same functions as, or similar functions to, those of [F37 the GCCNI] and the activities carried on by such bodies.
- (8) [F38 The GCCNI] must exercise its functions in the manner which it considers is best calculated to contribute to the achievement of sustainable development.

[F39] (9) . . . . .

- (10) A person is of pensionable age for the purposes of this section if—
  - (a) the person has attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26)), or
  - (b) in the case of a man born before [F40 6 December 1953], he is the same age as a woman who has attained pensionable age (within the meaning so given).

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### Textual Amendments

- F31** Words in s. 6 heading inserted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F32** Words in s. 6(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F33** Words in s. 6(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F34** Words in s. 6(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F35** Words in s. 6(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F36** Words in s. 6(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F37** Words in s. 6(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F38** Words in s. 6(8) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F39** S. 6(9) omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(8)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F40** Words in s. 6(10)(b) substituted (3.1.2012) by Pensions Act 2011 (c. 19), s. 38(3)(a), **Sch. 1 para. 7**

### Commencement Information

- I4** S. 6(1)(3)-(10) in force at 21.12.2007 by S.I. 2007/3546, art. 3, **Sch.**
- I5** S. 6(2) in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

## [<sup>F41</sup>6A Exercise of functions of consumer advocacy bodies

Subject to section 13 (investigation of complaints relating to the disconnection of gas or electricity), nothing in this Part imposes on a consumer advocacy body a duty to exercise any of its functions on behalf of or at the request of a particular consumer.]

### Textual Amendments

- F41** S. 6A inserted (1.4.2014) 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(3), **Sch. 1 para. 12(9)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)



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## *Annual report*

### **F42 7 Annual report**

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#### **Textual Amendments**

- F42** S. 7 omitted (1.4.2014) by virtue of *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(3), **Sch. 1 para. 12(10)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### **F43 7A Annual report on Scottish Water related activities**

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#### **Textual Amendments**

- F43** S. 7A omitted (1.4.2014) by virtue of *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(3), **Sch. 1 para. 12(11)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

## *The core functions*

### **8 The representative function**

- (1) [<sup>F44</sup>The GCCNI] may—
- (a) provide advice and information to persons within subsection (2) about consumer matters,
  - (b) make proposals to such persons about consumer matters, and
  - (c) represent the views of consumers on consumer matters to such persons.
- (2) Those persons are—
- (a) any Minister of the Crown or government department;
  - (b) the Scottish Ministers;
  - (c) the Welsh Ministers;
  - (d) any regulatory body established by or under an enactment;
  - (e) the European Commission or any other international organisation;
  - (f) any other person whom [<sup>F45</sup>the GCCNI] considers might have an interest in the matter in question.
- (3) In this section “enactment” means—
- (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament,
  - (c) a Measure or Act of the National Assembly for Wales, or
  - (d) Northern Ireland legislation,
- whenever passed or made.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

- F44** Words in s. 8(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(12)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F45** Words in s. 8(2)(f) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(12)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I6** S. 8 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 9 The research function

[<sup>F46</sup>The GCCNI] may obtain and keep under review—

- (a) information about consumer matters,
- (b) information about the views of consumers on consumer matters, and
- (c) information of such other description as may be prescribed by the Secretary of State by order.

#### Textual Amendments

- F46** Words in s. 9 substituted (1.4.2014) 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(3), **Sch. 1 para. 12(13)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I7** S. 9 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

## 10 The information function

- (1) [<sup>F47</sup>The GCCNI] may facilitate the dissemination to consumers of advice and information—
  - (a) about [<sup>F48</sup>the GCCNI] and its functions,
  - (b) about consumer matters, and
  - (c) about such other matters as may be prescribed by the Secretary of State by order.
- (2) In exercising the power conferred by subsection (1) [<sup>F49</sup>the GCCNI] may (among other things)—
  - (a) publish or otherwise make available information in any manner [<sup>F50</sup>the GCCNI] thinks appropriate for the purpose of bringing it to the attention of those likely to be interested;
  - (b) support (financially or otherwise), facilitate or co-ordinate the activities of other persons.

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### Textual Amendments

- F47** Words in s. 10(1) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(14\)\(a\)\(i\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F48** Words in s. 10(1)(a) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(14\)\(a\)\(ii\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F49** Words in s. 10(2) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(14\)\(b\)\(i\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F50** Words in s. 10(2)(a) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(14\)\(b\)\(ii\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### Commencement Information

- I8** S. 10(1)(a)(2) in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)
- I9** S. 10(1)(b)(c) in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2550](#), art. 2, [Sch.](#)

## *Powers of investigation*

### 11 General powers of investigation

- (1) [<sup>F51</sup>The GCCNI] may investigate—
- a complaint made by or on behalf of a consumer which appears to [<sup>F52</sup>the GCCNI] to raise one or more issues of general relevance [<sup>F53</sup> concerning consumer matters that relate to postal services in Northern Ireland. ]
  - any matter which appears to [<sup>F54</sup> the GCCNI] to be, or to be related to, a problem which affects or may affect [<sup>F55</sup> consumers of postal services in Northern Ireland. ]
- (2) For this purpose, a complaint raises an issue of general relevance if it raises—
- a novel issue which affects or may affect consumers generally or consumers of a particular description, or
  - any other issue which has or may have an important effect on consumers generally or consumers of a particular description.

### Textual Amendments

- F51** Words in s. 11(1) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(15\)\(a\)\(i\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F52** Words in s. 11(1)(a) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(15\)\(a\)\(ii\)\(aa\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F53** Words in s. 11(1)(a) inserted (1.4.2014) 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(3), [Sch. 1 para. 12\(15\)\(a\)\(ii\)\(bb\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

- F54** Words in s. 11(1)(b) substituted (1.4.2014) 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(3), Sch. 1 para. 12(15)(a)(iii)(aa) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F55** Words in s. 11(1)(b) substituted (1.4.2014) 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(3), Sch. 1 para. 12(15)(a)(iii)(bb) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I10** S. 11 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, Sch.

## 12 Investigation of complaints made by vulnerable designated consumers

- (1) Subsection (3) applies to a complaint which is made—
- by or on behalf of a vulnerable person in that person's capacity as a designated consumer (“the designated consumer”),
  - against a person (“the supplier”) who in the course of a business carried on by the supplier supplies or seeks to supply, or refuses to supply, goods or services to the designated consumer, and
  - in respect of a matter connected with the supply of goods or services by the supplier to the designated consumer or a refusal by the supplier to supply goods or services to the designated consumer.
- (2) For this purpose a person is “vulnerable” if <sup>F56</sup>the consumer advocacy body to which the complaint is referred] is satisfied that it is not reasonable to expect that person to pursue the complaint on that person's own behalf.
- (3) Where a complaint to which this subsection applies is referred to <sup>F57</sup>a consumer advocacy body] by or on behalf of the designated consumer, <sup>F58</sup>that consumer advocacy body] may investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (4).
- (4) Where it appears to <sup>F59</sup>a consumer advocacy body] to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, <sup>F60</sup>that consumer advocacy body] may—
- provide advice to the designated consumer or, if the complaint was made by another person on the designated consumer's behalf, that person;
  - make representations on behalf of the designated consumer to the supplier about anything to which the complaint relates.
- <sup>F61</sup>(5) Where a complaint is referred to Citizens Advice, Citizens Advice Scotland or Consumer Scotland, that body may agree with another of those bodies that the complaint is to be treated as having been referred to that other body.]
- <sup>F62</sup>(6) If <sup>F63</sup>two of those bodies] so agree in a particular case, subsections (3) and (4) and sections 14(2) to (4) and 15(1) are to have effect accordingly. ]

#### Textual Amendments

- F56** Words in s. 12(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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*

- F57** Words in s. 12(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F58** Words in s. 12(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F59** Words in s. 12(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F60** Words in s. 12(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F61** S. 12(5) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(5)(a)** (with art. 5)
- F62** S. 12(5)(6) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F63** Words in s. 12(6) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(5)(b)** (with art. 5)

#### Commencement Information

- I11** S. 12 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

## 13 Investigation of complaints relating to disconnection of gas or electricity

(1) This section applies to—

- (a) a complaint by a gas consumer against a gas transporter, in respect of the disconnection of, or a threat to disconnect, the consumer's premises by the gas transporter;
- (b) a complaint by a gas consumer against a gas transporter, following such a disconnection, in respect of a refusal by the gas transporter to reconnect the premises;
- (c) a complaint by a gas consumer against a gas supplier, in respect of the cutting off of, or a threat to cut off, a supply of gas to the consumer's premises by the gas supplier;
- (d) a complaint by a gas consumer against a gas supplier, following such a cutting off, in respect of a refusal by the gas supplier to restore the supply to the premises;
- (e) a complaint by a gas consumer against a gas supplier, in respect of the failure of a prepayment system;
- (f) a complaint by an electricity consumer against an electricity supplier, an electricity distributor or a transmission licence holder, in respect of the disconnection of, or a threat to disconnect, the consumer's premises by the electricity supplier, electricity distributor or licence holder;
- (g) a complaint by an electricity consumer against an electricity supplier, electricity distributor or transmission licence holder, following such a disconnection by the supplier, distributor or licence holder, in respect of a refusal by the supplier, distributor or licence holder to reconnect the premises;
- (h) a complaint by an electricity consumer against an electricity supplier, in respect of the failure of a prepayment system.

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- (2) Where a complaint to which this section applies is referred to<sup>F64</sup> a consumer advocacy body] by or on behalf of the complainant, <sup>F65</sup>that consumer advocacy body] must investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (3).
- (3) Where it appears to <sup>F66</sup>a consumer advocacy body] to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, <sup>F67</sup>that consumer advocacy body] must—
- (a) provide advice to the complainant, or
  - (b) make representations on behalf of the complainant to the person against whom the complaint is made about anything to which the complaint relates.
- (4) <sup>F68</sup>A consumer advocacy body] may refuse to investigate a complaint, or part of a complaint, if—
- (a) the complaint or part appears to <sup>F69</sup>the consumer advocacy body] to be frivolous or vexatious;
  - (b) the complaint or part falls within a class of matter which a regulatory body is under a duty (whether imposed by or under an enactment or otherwise) to investigate;
  - (c) the complaint or part is being dealt with, or <sup>F70</sup>the consumer advocacy body] is satisfied that it would be better dealt with, under an ombudsman scheme or any other redress scheme or in legal proceedings;
  - (d) <sup>F71</sup>the consumer advocacy body] considers that there has been undue delay in the making of the complaint or part, or the provision of evidence to support it;
  - (e) <sup>F72</sup>the consumer advocacy body] considers that there are other compelling reasons why it is inappropriate for the complaint or part to be investigated by <sup>F72</sup>the consumer advocacy body].
- (5) <sup>F73</sup>A consumer advocacy body] may refuse to investigate a complaint until the complainant has taken such steps as appear to <sup>F74</sup>the consumer advocacy body] to be reasonable for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with it.
- <sup>F75</sup>(5A) Where a complaint is referred to a consumer advocacy body, that body may agree with another consumer advocacy body that the complaint is to be treated as having been referred to that other body.]
- <sup>F76</sup>(5B) If <sup>F77</sup>two consumer advocacy bodies] so agree in a particular case, subsections (2) to (5) and section 14(2) to (4) are to have effect accordingly.]
- (6) In subsection (1)—
- (a) in paragraphs (a) and (b) “ disconnection ” in relation to any premises, means disconnection from a main of a gas transporter or the discontinuation of the conveyance of gas to the premises;
  - (b) in paragraphs (b), (d) and (g), the references to a gas consumer or electricity consumer are references to a person who was such a consumer at the time the disconnection of, or cutting off of the supply to, the premises occurred;
  - (c) in paragraphs (e) and (h), references to the failure of a prepayment system are references to—
    - (i) a failure in the facilities for payment for the supply of gas or electricity which results in a consumer with a prepayment meter being unable to make a payment for the supply of gas or electricity, or

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- (ii) where a payment has been made for the supply of gas or electricity through a prepayment meter, a case where the supply is not given through the prepayment meter because of a defect in the meter or in the facilities for payment.

[<sup>F78</sup>(6A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI . ]

(7) In this section—

“ electricity consumer ” means an individual who is a consumer in relation to electricity supplied by an authorised supplier;

“ enactment ” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament, or
- (c) a Measure or Act of the National Assembly for Wales,

whenever passed or made;

“ gas consumer ” means an individual who is a consumer in relation to gas supplied by an authorised supplier;

“the consumer's premises”—

- (a) in relation to an electricity consumer, means the premises to which the electricity supplied to the consumer by the authorised supplier is supplied;
- (b) in relation to a gas consumer, means the premises to which the gas supplied to the consumer is conveyed by the gas transporter;

“ redress scheme ” means a scheme under which complaints may be made to, and investigated and determined by, an independent person.

#### Textual Amendments

- F64** Words in s. 13(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F65** Words in s. 13(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F66** Words in s. 13(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F67** Words in s. 13(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F68** Words in s. 13(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F69** Words in s. 13(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F70** Words in s. 13(4)(c) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- F71** Words in s. 13(4)(d) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F72** Words in s. 13(4)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F73** Words in s. 13(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(d)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F74** Words in s. 13(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(d)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F75** S. 13(5A) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(6)(a)** (with art. 5)
- F76** S. 13(5A)(5B) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F77** Words in s. 13(5B) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(6)(b)** (with art. 5)
- F78** S. 13(6A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(f)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I12** S. 13 in force at 1.10.2008 by S.I. 2008/2550 , art. 2 , **Sch.**

## 14 Reference of matters to the Gas and Electricity Markets Authority

- (1) In this section references to a complaint are to a complaint within section 11(1)(a) or to which section 12(3) or 13 applies.
  - (2) Where it appears to [<sup>F79</sup>the consumer advocacy body in question] that a complaint relates to a matter in respect of which any of the Authority's enforcement functions may be exercisable, [<sup>F80</sup>that body] must refer the complaint to the Authority unless it is satisfied that the Authority is already aware of the matter.
  - (3) Where a complaint to which section 13 applies is referred to the Authority under subsection (2), [<sup>F81</sup>the consumer advocacy body in question] is not required to investigate the complaint under subsection (2) of that section until the Authority has had a reasonable opportunity to exercise its enforcement functions in relation to the matter to which the complaint relates.
  - (4) On investigating a complaint, [<sup>F82</sup>the consumer advocacy body in question] must inform the complainant if it considers that the complaint relates to a matter of a kind which can be referred by the complainant to the Authority under any provision of the Gas Act 1986 (c. 44) or the Electricity Act 1989 (c. 29).
- [<sup>F83</sup>(4A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI.]
- (5) In this section—
    - “ the Authority ” means the Gas and Electricity Markets Authority;



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“ enforcement function ”, in relation to the Authority, means any of its functions under section 28 or 30A of the Gas Act 1986 or section 25 or 27A of the Electricity Act 1989.

#### Textual Amendments

- F79** Words in s. 14(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F80** Words in s. 14(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F81** Words in s. 14(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F82** Words in s. 14(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F83** S. 14(4A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I13** S. 14 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 15 <sup>[F84]</sup> Reference of postal matters to OFCOM]

- (1) <sup>[F85]</sup> A consumer advocacy body ] must refer any complaint within section 11(1)(a), or to which section 12(3) applies, to <sup>[F86]</sup> the Office of Communications (“OFCOM”) ] if <sup>[F87]</sup> that consumer advocacy body ] considers that—
- the subject matter of the complaint indicates that <sup>[F88]</sup> a regulatory condition imposed under Part 3 of the Postal Services Act 2011] has been contravened,
  - the subject matter of the complaint is a referable matter, or
  - it is appropriate to do so.
- (2) <sup>[F89]</sup> The consumer advocacy bodies ] and <sup>[F90]</sup> OFCOM] must, from time to time, agree the descriptions of matters which are to be referred to <sup>[F90]</sup> OFCOM] and, for the purposes of subsection (1)(b), a matter is a “referable matter” if it is of a description for the time being so agreed.

#### Textual Amendments

- F84** S. 15 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 177(2)**; [S.I. 2011/2329](#), art. 3
- F85** Words in s. 15(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(19)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F86** Words in s. 15(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 177(3)(a)**; [S.I. 2011/2329](#), art. 3

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- F87** Words in s. 15(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(19)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F88** Words in s. 15(1)(a) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 177(3)(b)**; S.I. 2011/2329, art. 3
- F89** Words in s. 15(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(19)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F90** Word in s. 15(2) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 177(4)**; S.I. 2011/2329, art. 3

#### Commencement Information

- I14** S. 15 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

## 16 Investigations relating to public post offices

- [<sup>F91</sup>(1) Without prejudice to the generality of section 11—
- (a) Citizens Advice<sup>F92</sup>, Citizens Advice Scotland and Consumer Scotland] may investigate any matter relating to the number and location of public post offices in England, Wales and Scotland;
  - (b) the GCCNI may investigate any matter relating to the number and location of public post offices in Northern Ireland.]
- (2) In this section “public post office” has the same meaning as in the Postal Services Act 2000 (c. 26) (see [<sup>F93</sup>section 125(1)] of that Act).

#### Textual Amendments

- F91** S. 16(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(20)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F92** Words in s. 16(1)(a) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(7)** (with art. 5)
- F93** Words in s. 16(2) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 178**; S.I. 2011/2329, art. 3

#### Commencement Information

- I15** S. 16 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

*Other functions of [<sup>F94</sup>the consumer advocacy bodies]*

#### Textual Amendments

- F94** Words in s. 17 cross-heading substituted (1.4.2014) 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(3), Sch. 1 para. 12(21) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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## 17 Reports by <sup>F95</sup> the GCCNI

- (1) <sup>F96</sup> The GCCNI may prepare a report in relation to any matter falling within the scope of its functions <sup>F97</sup> under this Act. ]
- (2) <sup>F98</sup> The GCCNI may publish any report prepared under this section.

### Textual Amendments

- F95** Words in s. 17 heading substituted (1.4.2014) 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(3), **Sch. 1 para. 12(22)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F96** Words in s. 17(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(22)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F97** Words in s. 17(1) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(22)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 para. 13-15)
- F98** Words in s. 17(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(22)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### Commencement Information

- I16** S. 17 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 18 Secretary of State's power to require reports

- (1) The Secretary of State may direct <sup>F99</sup>the GCCNI] to prepare, and submit to the Secretary of State within a specified period, a report in respect of any matter specified in the direction which relates to consumer matters <sup>F100</sup> which relate to postal services in Northern Ireland ].
- (2) The Secretary of State may publish any report submitted under this section.

### Textual Amendments

- F99** Words in s. 18(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(23)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F100** Words in s. 18(1) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(23)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### Commencement Information

- I17** S. 18 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 19 Advice, information and guidance

- (1) <sup>F101</sup>The GCCNI] may issue advice or guidance to any person with a view to improving standards of service and promoting best practice in connection with the handling

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of complaints made by consumers or any other matter affecting the interests of consumers.

- (2) <sup>F102</sup> The GCCNI] may publish advice or information about consumer matters if it appears to <sup>F103</sup>the GCCNI] that its publication would promote the interests of consumers.
- (3) For this purpose “ information about consumer matters ” includes information about the views of consumers on consumer matters.

#### Textual Amendments

- F101** Words in s. 19(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(24)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F102** Words in s. 19(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(24)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F103** Words in s. 19(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(24)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I18** S. 19 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

### <sup>F104</sup>19A Guidance for energy consumers

- (1) <sup>F105</sup>A consumer advocacy body] must prepare, and keep under review—
  - (a) guidance for energy consumers (the “energy consumer guidance”), and
  - (b) a summary prepared in accordance with subsection (4) (the “concise guidance”).
- (2) The energy consumer guidance must address the matters included in any document published by the European Commission pursuant to Article 3(16) of the Electricity Directive or Article 3(12) of the Gas Directive <sup>F106</sup>which is in force immediately before IP completion day].
- (3) The energy consumer guidance may include any other information relating to the rights of energy consumers which <sup>F107</sup>the consumer advocacy body in question] thinks appropriate.
- (4) The concise guidance must—
  - (a) summarise any information in the energy consumer guidance which <sup>F108</sup>in the view of the consumer advocacy body in question] is particularly relevant to the interests of energy consumers, and
  - (b) state where a copy of the energy consumer guidance can be obtained.
- (5) In preparing and reviewing <sup>F109</sup>its energy consumer guidance and its concise guidance][<sup>F110</sup>a consumer advocacy body] must consult—
  - (a) the Secretary of State,
  - (b) the Gas and Electricity Markets Authority, and
  - (c) any other person <sup>F111</sup>the consumer advocacy body in question] considers appropriate.

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- [<sup>F112</sup>(6) A consumer advocacy body must publish the first version of its energy consumer guidance and its concise guidance on its website.]
- (7) If, following a review, [<sup>F113</sup>a consumer advocacy body] considers it necessary to amend [<sup>F114</sup>its energy consumer guidance and its concise guidance], [<sup>F115</sup>the consumer advocacy body] must, as soon as is reasonably practicable—
- (a) publish the amended version on its website, and
  - (b) inform any person it consulted in accordance with subsection (5) that it has done so.
- (8) [<sup>F116</sup>A consumer advocacy body] may also make the first and any amended version of [<sup>F117</sup>its energy consumer guidance and its concise guidance] available in any other manner [<sup>F118</sup>the consumer advocacy body] thinks appropriate for the purpose of bringing that guidance to the attention of those likely to be interested.
- [<sup>F119</sup>(8A) Until a consumer advocacy body has published the first version of its energy consumer guidance and its concise guidance, it must—
- (a) publish on its website, and
  - (b) make available in any other manner that it thinks appropriate for the purpose of bringing them to the attention of those likely to be interested,
- the last version of the energy consumer guidance and the concise guidance to be published by the National Consumer Council under this section (as it had effect immediately before the amendments made to this Act 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/... ) came into force.
- (8B) Nothing in this section prevents a consumer advocacy body from publishing its energy consumer guidance or its concise summary in a document that includes the energy consumer guidance or, as the case may be, the concise summary of another consumer advocacy body.
- (8C) In this section, a reference to a consumer advocacy body does not include a reference to [<sup>F120</sup>Citizens Advice Scotland or] the GCCNI].
- (9) In this section—
- “the Electricity Directive” means Directive [2009/72/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive [2003/54/EC](#) ;
- “energy consumer” means an individual who is—
- (a) a consumer in relation to gas supplied by an authorised supplier for consumption by the consumer’s own household;
  - (b) a consumer in relation to electricity supplied by an authorised supplier for consumption by the consumer’s own household;
- [<sup>F121</sup>“the Gas Directive” means Directive [2009/73/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive [2003/55/EC](#) ( ), as amended by the 2019 Amending Directive;]
- [<sup>F122</sup>“the 2019 Amending Directive” means Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019 amending Directive [2009/73/EC](#) concerning common rules for the internal market in natural gas.]]

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### Textual Amendments

- F104** S. 19A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011](#) (S.I. 2011/2704), regs. 1(1), **3(2)**
- F105** Words in s. 19A(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F106** Words in s. 19A(2) inserted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/530), regs. 1(1), 77 (as amended by S.I. 2020/1016, regs. 1(2), **3(28)**); 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in s. 19A(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F108** Words in s. 19A(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F109** Words in s. 19A(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(d)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F110** Words in s. 19A(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(d)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F111** Words in s. 19A(5)(c) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(d)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F112** S. 19A(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F113** Words in s. 19A(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(f)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F114** Words in s. 19A(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(f)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F115** Words in s. 19A(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(f)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F116** Words in s. 19A(8) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(g)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F117** Words in s. 19A(8) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(g)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F118** Words in s. 19A(8) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(g)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F119** S. 19A(8A)-(8C) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(25)(g)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- F120** Words in s. 19A(8C) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(8)** (with art. 5)
- F121** Words in s. 19A(9) substituted (14.7.2020) by The Gas (Internal Markets) Regulations 2020 (S.I. 2020/625), regs. 1(2), **8(a)**
- F122** Words in s. 19A(9) inserted (14.7.2020) by The Gas (Internal Markets) Regulations 2020 (S.I. 2020/625), regs. 1(2), **8(b)**

**F123 20 Duty to enter into co-operation arrangements**

.....

**Textual Amendments**

- F123** S. 20 omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F124 20A Duty to enter into co-operation arrangements about Scottish Water**

.....

**Textual Amendments**

- F124** S. 20A omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F125 21 Power to co-operate and give assistance**

.....

**Textual Amendments**

- F125** Ss. 21-23 omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F125 22 Voluntary activities**

.....

**Textual Amendments**

- F125** Ss. 21-23 omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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## <sup>F125</sup> 23 Supplementary powers etc

.....

### Textual Amendments

**F125** Ss. 21-23 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### Information

## 24 Provision of information to [<sup>F126</sup>the consumer advocacy bodies]

- (1) [<sup>F127</sup>A consumer advocacy body] may, by notice, require a person within subsection (3) to supply it with such information as is specified or described in the notice within such reasonable period as is so specified.
  - (2) [<sup>F128</sup>In the case of the GCCNI, the] information specified or described in a notice under subsection (1) must be information [<sup>F129</sup>the GCCNI] requires for the purpose of exercising its functions.
- <sup>F130</sup>(2A) In the case of Citizens Advice<sup>F131</sup>, Citizens Advice Scotland or Consumer Scotland], the information specified or described in a notice under subsection (1) must be information it requires—
- (a) for the purpose of exercising a function conferred on it by or under an enactment, or
  - (b) for the purpose of exercising a function it has that—
    - (i) is not conferred by or under an enactment, and
    - (ii) corresponds to a function conferred on the GCCNI under section 8, 9, 10, 11 or 19, disregarding for these purposes the limitations relating to postal services in Northern Ireland in sections 1(4) and 11(1).
- (2B) For the purposes of subsection (2A) “enactment” means an Act, an Act of the Scottish Parliament, a measure or Act of the National Assembly for Wales or Northern Ireland legislation.]
- (3) The persons referred to in subsection (1) are—
    - (a) the [<sup>F132</sup>Competition and Markets Authority];
    - (b) a designated regulator;
    - (c) any person who supplies goods or services in the course of a business carried on by that person;
    - (d) any other person specified or of a description specified by the Secretary of State by order for the purposes of this subsection.
  - (4) A notice under subsection (1) may specify the manner and form in which any information is to be provided.
  - (5) Before giving a notice under subsection (1), or specifying the manner or form in which any information is to be provided, [<sup>F133</sup>a consumer advocacy body] must have regard to the desirability of minimising the costs, or any other detriment, to the person to whom the notice is to be given.



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- (6) If a person within subsection (3)(a) or (b) fails to comply with a notice under subsection (1), the person must, if so required by <sup>F134</sup>the consumer advocacy body in question], give notice to <sup>F135</sup>that body] of the reasons for the failure.
- (7) An order under subsection (3)(d) may provide either—
- (a) that subsection (6) is to apply in relation to a person specified or of a description specified by the order as it applies to a person within subsection (3) (a) or (b), or
  - (b) that section 26 is to apply in relation to such a person.
- (8) <sup>F136</sup>A consumer advocacy body] may publish any notice received under subsection (6).
- <sup>F137</sup>(8A) Information provided to a consumer advocacy body because of a notice under subsection (1) may be provided by that body to the other consumer advocacy bodies.]
- (9) In this section—
- “ designated regulator ” means—
    - (a) the Gas and Electricity Markets Authority;
    - (b) <sup>F138</sup>the Office of Communications;]
    - (c) the Water Services Regulation Authority;
    - (ca) <sup>F139</sup>the Water Industry Commission for Scotland;]
    - (d) any other person prescribed by the Secretary of State by order for the purposes of this subsection;  - “ goods ” includes land or an interest in land.

#### Textual Amendments

- F126** Words in s. 24 heading substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F127** Words in s. 24(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F128** Words in s. 24(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F129** Words in s. 24(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F130** S. 24(2A)(2B) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F131** Words in s. 24(2A) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(9)** (with art. 5)
- F132** Words in s. 24(3)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 173** (with art. 3)
- F133** Words in s. 24(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

- F134** Words in s. 24(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(f)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F135** Words in s. 24(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(f)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F136** Words in s. 24(8) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(g)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F137** S. 24(8A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(h)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F138** Words in s. 24(9) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 179**; S.I. 2011/2329, art. 3
- F139** Words in s. 24(9) inserted (S.) (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **Sch. 2 para. 19**; S.S.I. 2011/278, art. 2(d)

#### Modifications etc. (not altering text)

- C4** S. 24 power to apply (with modifications) conferred (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(l), **Sch. 18 para. 61(2)**

#### Commencement Information

- I19** S. 24 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

## 25 Enforcement by regulator of section 24 notice

- (1) Where a regulated provider fails to comply with a notice under section 24(1), [<sup>F140</sup>the consumer advocacy body in question] may refer the failure to—
- a person prescribed by the Secretary of State by order for the purposes of this section, or
  - if no person has been so prescribed, the relevant regulator.
- (2) Subsection (1) applies only to the extent that the notice relates to information which is held or may be obtained by the regulated provider in [<sup>F141</sup>the person's capacity] as a regulated provider.
- (3) For the purposes of this section—
- “designated investigator”, in relation to a failure to comply with a notice under section 24(1), means the person to whom the failure is referred under subsection (1);
- “regulated provider” means a person listed in the first column of the following table;
- “relevant regulator”, in relation to a regulated provider, means the body listed in relation to the regulated provider in the second column of that table.

TABLE

<i>Regulated provider</i>	<i>Relevant regulator</i>
A person holding a licence under section 7, 7ZA <sup>F142</sup> or 7A <sup>F142</sup> , 7A or 7AB] of the Gas Act 1986 (c. 44).	The Gas and Electricity Markets Authority.

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A person holding a licence under section 6 of the Electricity Act 1989 (c. 29) .

[<sup>F143</sup>A postal operator. The Office of Communications.]

A water undertaker, sewerage undertaker [<sup>F144</sup>, water supply licensee or sewerage licensee].

[<sup>F145</sup>The Water Industry Commission for Scotland. The Water Industry Commission for Scotland.]

- (4) Where a failure is referred under subsection (1), the designated investigator must—
- (a) consider any representations made by [<sup>F146</sup>the consumer advocacy body] or the regulated provider, and
  - (b) determine whether the regulated provider is entitled to refuse to comply with the notice by virtue of provision made under section 28 (exemptions from requirements to provide information).

(5) If the designated investigator determines that the regulated provider is not entitled to refuse to comply with the notice, the designated investigator must direct the regulated provider to comply with it.

- (6) The designated investigator must give [<sup>F147</sup>the consumer advocacy body] and the regulated provider notice of—
- (a) a determination under subsection (4)(b) and the reasons for it, and
  - (b) any direction under subsection (5).

[<sup>F148</sup>(6A) An obligation imposed by virtue of subsection (5) on a postal operator is enforceable by OFCOM under Schedule 7 to the Postal Services Act 2011 (enforcement of regulatory requirements). ]

(7) An obligation imposed by virtue of subsection (5) on a water undertaker, sewerage undertaker [<sup>F149</sup>, water supply licensee or sewerage licensee] is enforceable by the Water Services Regulation Authority under section 18 of the Water Industry Act 1991 (c. 56) (orders for securing compliance).

(8) Schedule 2 makes provision about the enforcement of obligations imposed by virtue of subsection (5) on other regulated providers.

### Textual Amendments

- F140** Words in s. 25(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(28)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F141** Words in s. 25(2) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(2)**; S.I. 2017/462, art. 3(k)(xxv)
- F142** Words in s. 25(3) substituted (E.W.S.) (19.9.2012) by [The Electricity and Gas \(Smart Meters Licensable Activity\) Order 2012 \(S.I. 2012/2400\)](#), arts. 1, **32**
- F143** Words in s. 25(3) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 180(2)**; S.I. 2011/2329, art. 3
- F144** Words in s. 25(3) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(3)**; S.I. 2017/462, art. 3(k)(xxv)
- F145** Words in s. 25(3) inserted (S.) (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7)(8), **Sch. 2 para. 20**; S.S.I. 2011/278, art. 2(d)

*Status: This version of this Act contains provisions that are prospective.*

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- F146** Words in s. 25(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(28)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F147** Words in s. 25(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(28)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F148** S. 25(6A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 180(3)**; [S.I. 2011/2329](#), art. 3
- F149** Words in s. 25(7) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(4)**; [S.I. 2017/462](#), art. 3(k)(xxv)

#### Commencement Information

- I20** S. 25 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 26 Enforcement by court of section 24 notice

- (1) This section applies where a person (“ the defaulter ”) refuses, or otherwise fails, to comply with a notice given to the defaulter under section 24(1) and the defaulter is—
- (a) within section 24(3)(c), or
  - (b) a person in relation to whom this section applies by virtue of provision made under section 24(7)(b).
- (2) But this section does not apply in relation to a notice if, or to the extent that, section 25(1) applies in relation to the notice.
- (3) [<sup>F150</sup>The consumer advocacy body in question] may apply to the court for an order requiring the defaulter to comply with the notice or with such directions for the like purpose as may be contained in the order.
- (4) An order under this section may, in particular, provide that all the costs or expenses of and incidental to the application are to be borne—
- (a) by the defaulter, or
  - (b) if officers of a company or other association are responsible for the failure to comply with the notice, by those officers.
- (5) In this section “the court”—
- (a) in relation to England and Wales or Northern Ireland, means the High Court, and
  - (b) in relation to Scotland, means the Court of Session.

#### Textual Amendments

- F150** Words in s. 26(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(29)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I21** S. 26 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

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## 27 Provision of information by <sup>F151</sup>a consumer advocacy body]

<sup>F152</sup>(1) An authorised person may, by notice, require—

- (a) the GCCNI to supply it with such information in relation to consumer matters that relate to postal services in Northern Ireland, as is specified or described in the notice within such reasonable period as is so specified, or
- (b) Citizens Advice<sup>F153</sup>, Citizens Advice Scotland or Consumer Scotland] to supply it with such information relating to its functions conferred by or under section 24 or any other enactment as is specified or described in the notice within such reasonable period as is so specified.

(1A) For the purpose of subsection (1)(b), “enactment” means any provision of an Act, Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales or Northern Ireland legislation.]

(2) The information specified or described in a notice under subsection (1) must be information the authorised person requires for the purpose of exercising its functions.

(3) “ Authorised person ” means—

- (a) the <sup>F154</sup>Competition and Markets Authority];
- (b) a designated regulator (within the meaning of section 24(9));
- (c) any person specified or of a description specified by the Secretary of State by order.

(4) A notice under subsection (1) may specify the manner and form in which any information is to be provided.

(5) Before giving a notice under subsection (1) or specifying the manner or form in which any information is to be provided, an authorised person must have regard to the desirability of minimising the costs, or any other detriment, to <sup>F155</sup>the consumer advocacy body in question].

(6) If <sup>F156</sup>a consumer advocacy body] fails to comply with a notice under subsection (1), it must, if so required by the authorised person which gave that notice, give notice to the authorised person of the reasons for the failure.

(7) An authorised person may publish any notice received by it under subsection (6).

### Textual Amendments

**F151** Words in s. 27 heading substituted (1.4.2014) 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(3), **Sch. 1 para. 12(30)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F152** S. 27(1)(1A) substituted (1.4.2014) for s. 27(1) 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(3), **Sch. 1 para. 12(30)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F153** Words in s. 27(1)(b) substituted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#), art. 1(1), **Sch. para. 7(10)** (with art. 5)

**F154** Words in s. 27(3)(a) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 174** (with art. 3)

*Status: This version of this Act contains provisions that are prospective.*

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- F155** Words in s. 27(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(30)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F156** Words in s. 27(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(30)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I22** S. 27 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 28 Exemptions from requirements to provide information

- (1) The Secretary of State may make regulations prescribing—
- descriptions of persons to whom [<sup>F157</sup>a consumer advocacy body] may not give a notice under section 24(1);
  - descriptions of information which a person may refuse to supply in accordance with a notice under section 24(1) or 27(1);
  - circumstances in which a person may refuse to comply with such a notice.
- (2) No person may be required by a notice under section 24(1) or 27(1) or a court order under section 26—
- to provide any information which that person could not be compelled to supply in evidence in civil proceedings before the High Court or the Court of Session, or
  - to produce any document which that person could not be compelled to produce in such proceedings.

#### Textual Amendments

- F157** Words in s. 28(1)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(31)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I23** S. 28 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 29 Disclosure of information

- (1) In Schedule 14 to the Enterprise Act 2002 (c. 40) (restrictions on disclosure: list of enactments under or by virtue of which information is obtained), at the appropriate place in the list insert— “ Consumers, Estate Agents and Redress Act 2007. ”
- (2) In Schedule 15 to that Act (enactments in relation to which disclosure may be made), at the appropriate place in the list insert— “ Consumers, Estate Agents and Redress Act 2007. ”
- (3) For the purposes of Part 9 of the Enterprise Act 2002 (c. 40) (information) the following information is to be regarded as “specified information” within the meaning of that Part—
- information obtained by [<sup>F158</sup>Citizens Advice][<sup>F159</sup>, Citizens Advice Scotland or Consumer Scotland]] under or by virtue of Part 1 of the the Gas Act 1986

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- (c. 44), Part 1 of the Electricity Act 1989 (c. 29) or the Utilities Act 2000 (c. 27);
- (b) information obtained by [<sup>F160</sup>the consumer advocacy bodies] under or by virtue of [<sup>F161</sup>the Postal Services Act 2011].
- [<sup>F162</sup>(3A) Citizens Advice and Citizens Advice Scotland are to be treated as public authorities for the purposes of section 238(1) of the Enterprise Act 2002 only so far as regards functions conferred on the body in question under or by virtue of—
- (a) the enactments mentioned in subsection (3), or
- (b) this Act.
- (3B) If and so far as a relevant function is exercisable by Citizens Advice [<sup>F163</sup>, Citizens Advice Scotland or Consumer Scotland] it is to be regarded as a function of that body under this Act for the purpose of enabling that body to receive information under section 241(3) of the Enterprise Act 2002 (disclosure to facilitate the exercise of another person’s function).
- (3C) “Relevant function” means [<sup>F164</sup>, in relation to Citizens Advice or Citizens Advice Scotland,] a function that—
- (a) is not conferred by or under an enactment, and
- (b) corresponds to a function conferred on the GCCNI under section 8, 9, 10, 11 or 19, disregarding for these purposes the limitations relating to postal services in Northern Ireland in sections 1(4) and 11(1). ]
- [<sup>F165</sup>and, in relation to Consumer Scotland, a function conferred under section 3, 4 or 5 of the Consumer Scotland Act 2020 (asp 11).]
- (4) Part 9 of the Enterprise Act 2002 (which among other things restricts the disclosure of certain information) does not limit the information which may be—
- (a) made available by [<sup>F166</sup>the GCCNI] under section 8 or 10,
- (b) included in, or made public as part of, a report of [<sup>F167</sup>the GCCNI] under any provision of this Part,
- (c) published by [<sup>F168</sup>the GCCNI] under section 19(2) [<sup>F169</sup> ...,
- [<sup>F170</sup>(ca) published or made available by [<sup>F171</sup>Citizens Advice or [<sup>F172</sup>Consumer Scotland]] under [<sup>F173</sup> subsection (7) or (8)] of section 19A,
- (cb) published by [<sup>F174</sup>Citizens Advice [<sup>F175</sup>, Citizens Advice Scotland or Consumer Scotland]] under section 24(8),]
- (d) published by an authorised person under section 27(7),
- (e) published by [<sup>F176</sup>a consumer advocacy body] under section 45, or
- (f) published by [<sup>F177</sup>Citizens Advice or Citizens Advice Scotland] under section 33DA of the Gas Act 1986 or section 42AA of the Electricity Act 1989.
- (5) Before disclosing any specified information by virtue of subsection (4) (other than by publishing it as mentioned in subsection (4)(e) or (f)), [<sup>F178</sup>the consumer advocacy body in question or the] authorised person must consult—
- (a) if the information relates to the affairs of an individual, that individual, and
- (b) if the information relates to the business of an undertaking, the person for the time being carrying on the business.
- (6) Before disclosing any specified information by virtue of subsection (4) (other than by publishing it as mentioned in subsection (4)(e) or (f)), [<sup>F179</sup>the consumer advocacy

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body in question or the] authorised person must also have regard to the considerations set out in subsections (2) to (4) of section 244 of the Enterprise Act 2002.

For this purpose, references to “the authority” in those subsections are to be read as references to <sup>F179</sup>the consumer advocacy body in question or the] the authorised person, as appropriate.

(7) In this section—

“ authorised person ” has the same meaning as in section 27;

“ specified information ” has the meaning given by section 238(1) of the Enterprise Act 2002.

### Textual Amendments

- F158** Words in s. 29(3)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F159** Words in s. 29(3)(a) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(a)** (with art. 5)
- F160** Words in s. 29(3)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F161** Words in s. 29(3)(b) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 181**; S.I. 2011/2329, art. 3
- F162** S. 29 inserted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F163** Words in s. 29(3B) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(b)** (with art. 5)
- F164** Words in s. 29(3C) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(c)(i)** (with art. 5)
- F165** Words in s. 29(3C) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(c)(ii)** (with art. 5)
- F166** Words in s. 29(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F167** Words in s. 29(4)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F168** Words in s. 29(4)(c) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F169** Words in s. 29(4)(c) omitted (10.11.2011) by virtue of The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **3(3)(a)**
- F170** S. 29(4)(ca)(cb) inserted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **3(3)(b)**
- F171** Words in s. 29(4)(ca) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F172** Words in s. 29(4)(ca) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(d)** (with art. 5)



*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

- F173** Words in s. 29(4)(ca) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F174** Words in s. 29(4)(cb) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(vi)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F175** Words in s. 29(4)(cb) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(e)** (with art. 5)
- F176** Words in s. 29(4)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F177** Words in s. 29(4)(f) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F178** Words in s. 29(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F179** Words in s. 29(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I24** S. 29 in force at 1.10.2008 by S.I. 2008/2550 , art. 2 , **Sch.**

### *Abolition of consumer bodies*

## **30 Abolition of “Energywatch” and “Postwatch”**

- ( 1 ) The Gas and Electricity Consumer Council is abolished.
- ( 2 ) The Consumer Council for Postal Services is abolished.
- ( 3 ) Subject to any modifications made by this Act—
- (a) the functions of the Gas and Electricity Consumer Council under the Gas Act 1986 (c. 44), the Electricity Act 1989 (c. 29) and the Utilities Act 2000 (c. 27), and
- (b) the functions of the Consumer Council for Postal Services under the Postal Services Act 2000 (c. 26),
- are transferred by this section to the Council.
- (4) Accordingly—
- ( a ) in section 66 of the Gas Act 1986 (general interpretation), for the definition of “the Council” substitute—
- “ “ the Council ” means the National Consumer Council; ”,
- ( b ) in section 111(1) of the Electricity Act 1989 (general interpretation), for the definition of “the Council” substitute—
- “ “ the Council ” means the National Consumer Council; ”,

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- (c) in section 125(1) of the Postal Services Act 2000 (interpretation), after the definition of “correspondent” insert—

“ “ the Council ” means the National Consumer Council, ”, and

- (d) in section 106(1) of the Utilities Act 2000 (interpretation), for the definition of “Council” substitute—

“ “ Council ” means the National Consumer Council; ”.

- (5) Schedule 3 contains transitional provisions.

#### Commencement Information

- I25** S. 30(1)-(3) (4)(a) (4)(b) (5) in force at 1.10.2008 by [S.I. 2008/2550](#) , art. 2 , [Sch.](#)  
**I26** S. 30(4)(c) in force at 21.12.2007 for specified purposes by [S.I. 2007/3546](#) , art. 3 , [Sch.](#)  
**I27** S. 30(4)(c)(d) in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2550](#) , art. 2 , [Sch.](#)  
**I28** S. 30(4)(d) in force at 21.12.2007 for specified purposes by [S.I. 2007/3546](#) , art. 3 , [Sch.](#)

### 31 Designation of the Consumer Council for Water for abolition

- (1) The Secretary of State may by order designate the Consumer Council for Water for abolition.
- (2) An order under this section must specify the earliest date on which a transfer order or an abolition order under section 32 may take effect in respect of the Consumer Council for Water.
- (3) Before making an order under this section the Secretary of State must consult—
- the Consumer Council for Water,
  - [<sup>F180</sup>Citizens Advice] , and
  - such other persons as the Secretary of State considers appropriate.
- (4) An order under this section may only be made with the consent of the Welsh Ministers.

#### Textual Amendments

- F180** Words in s. 31(3)(b) substituted (1.4.2014) 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(3) , [Sch. 1 para. 12\(33\)](#) (with [Sch. 1 para. 28](#) , [Sch. 2 paras. 13-15](#))

#### Commencement Information

- I29** S. 31 in force at 1.10.2008 by [S.I. 2008/2550](#) , art. 2 , [Sch.](#)

### 32 Transfer orders and abolition orders

- (1) Where the Consumer Council for Water is designated for abolition under section 31, the Secretary of State may make in respect of it—
- one or more transfer orders;
  - an abolition order.
- (2) A transfer order is an order which provides for the transfer to [<sup>F181</sup>Citizens Advice] of any function of the Consumer Council for Water.

*Status: This version of this Act contains provisions that are prospective.*

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- (3) An abolition order is an order which provides for the abolition of the Consumer Council for Water.
- (4) No provision of an order under this section may take effect before the date specified under section 31(2).
- [<sup>F182</sup>(4A) A transfer order may be made only with the consent of Citizens Advice.]
- (5) A transfer order or abolition order may be made only with the consent of the Welsh Ministers.

#### Textual Amendments

**F181** Words in s. 32(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(34)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F182** S. 32(4A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(34)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I30** S. 32 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

### 33 Supplementary provision about transfer and abolition orders

- (1) This section applies where the Consumer Council for Water has been designated for abolition under section 31.
- (2) In this section “ payment conditions ” means—
  - (a) in the case of an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991 (c. 56), conditions included in the appointment by virtue of section 11(1)(c) of that Act, and
  - (b) in the case of a water supply licence under Chapter 1A of that Part, conditions included in the licence by virtue of section 17G(1)(b) of that Act.
- (3) The payment conditions of such an appointment or licence may (without prejudice to the generality of sections 11(1)(c) and 17G(1)(b) of that Act) require the payment by the company holding the appointment or licence of sums relating to any of the expenses mentioned in subsection (4).
- (4) Those expenses are—
  - (a) the appropriate proportion of the expenses of [<sup>F183</sup>Citizens Advice] (other than those expenses within paragraph (b) and [<sup>F184</sup> any expenses which relate to taking on functions transferred from the Consumer Council for Water ] );
  - (b) any expenses of [<sup>F185</sup>Citizens Advice], the Secretary of State or the Consumer Council for Water which relate to a transfer scheme made in respect of the Consumer Council for Water under section 35(2)(a) or (7);
  - (c) the expenses of the Secretary of State which relate to the abolition of the Consumer Council for Water;
  - (d) the expenses of [<sup>F186</sup>Citizens Advice] expanding [<sup>F187</sup> a qualifying consumer advice scheme ] to enable it to cater for water consumers;

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- (e) the appropriate proportion of the expenses of [<sup>F188</sup>Citizens Advice] on, or in connection with, the support of [<sup>F189</sup>a qualifying consumer advice scheme] .
- (5) The “appropriate proportion” of any relevant expenses means such proportion of the expenses as the Secretary of State considers is reasonable having regard to—
- (a) in the case of expenses within subsection (4)(a), the functions exercisable by [<sup>F190</sup>Citizens Advice] in relation to water consumers;
  - (b) in the case of expenses within subsection (4)(e), the functions under [<sup>F191</sup>a qualifying consumer advice scheme] which are exercisable in relation to water consumers.
- (6) The Authority may, in accordance with this section, modify any payment conditions where it considers it necessary or expedient to do so in consequence of, or of preparations for—
- (a) the abolition of the Consumer Council for Water, or
  - (b) a transfer order or abolition order under section 32.
- (7) The Authority may, in accordance with this section, make such incidental or consequential modifications of the other conditions which are included in—
- (a) an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991 (c. 56), or
  - (b) a water supply licence under Chapter 1A of that Part,
- as it considers necessary or expedient in consequence of, or of preparations for, an event mentioned in subsection (6)(a) or (b).
- (8) Before modifying under subsection (6) or (7) the conditions included in an appointment or licence, the Authority must consult the company holding the appointment or licence.
- (9) The Secretary of State may, after consulting the Welsh Ministers, give directions to the Authority for the purpose of securing that sums relating to any of the expenses mentioned in subsection (4) are included in the sums payable by virtue of payment conditions; and the Authority must comply with any such direction.
- [<sup>F192</sup>(9A) For the purposes of this section a qualifying public consumer advice scheme is a scheme that is supported by Citizens Advice or Citizens Advice Scotland , or by them jointly, in a manner that the Office of Fair Trading is prohibited from supporting by section 8A of the Enterprise Act 2002. ]
- (10) In this section—
- “ the Authority ” means the Water Services Regulation Authority;  
<sup>F193</sup> ...
- “ water consumers ” means consumers in relation to services provided by a water undertaker, a sewerage undertaker [<sup>F194</sup>, a water supply licensee or a sewerage licensee] , in [<sup>F195</sup>the undertaker's or licensee's capacity] as such.

#### Textual Amendments

**F183** Words in s. 33(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- F184** Words in s. 33(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F185** Words in s. 33(4)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F186** Words in s. 33(4)(d) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F187** Words in s. 33(4)(d) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F188** Words in s. 33(4)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(vi)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F189** Words in s. 33(4)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F190** Words in s. 33(5)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F191** Words in s. 33(5)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F192** S. 33(9A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F193** Words in s. 33(10) omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(35)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F194** Words in s. 33(10) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 139(a)**; S.I. 2017/462, art. 3(k)(xxv)
- F195** Words in s. 33(10) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 139(b)**; S.I. 2017/462, art. 3(k)(xxv)

#### Commencement Information

- I31** S. 33 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

*Abolition: supplementary provision*

## 34 Compensation for loss of office

- (1) The Secretary of State may pay such sums as the Secretary of State may, with the approval of the Treasury, determine by way of compensation to any person who—
- ceases to be a member of the Consumer Council for Postal Services, the Gas and Electricity Consumer Council, or the Consumer Council for Water by virtue of the abolition of the body in question by or under this Part, or
  - ceases to be a member of the company called the National Consumer Council (a company limited by guarantee and registered under the Companies Acts) by virtue of its dissolution.

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- (2) The compensation is payable in respect of loss of office, or loss or diminution of pension rights.

#### Commencement Information

**I32** S. 34 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

### 35 Transfer of property etc

- (1) This section applies to—
- <sup>F196</sup>(a) .....
  - <sup>F196</sup>(b) .....
  - (c) if a transfer order has been made under section 32 (whether or not it has taken effect), the Consumer Council for Water;
  - <sup>F196</sup>(d) .....
- (2) The Secretary of State may direct a body to which this section applies—
- (a) to make a scheme or schemes for the transfer of its property, rights and liabilities to [<sup>F197</sup>Citizens Advice] ;
  - (b) to transfer such property, rights or obligations as are specified in the direction to a person (other than [<sup>F197</sup>Citizens Advice]) so specified (“the specified transferee”).
- (3) Before giving, varying or revoking a direction under subsection (2), the Secretary of State must consult—
- (a) the body to which the direction is to be or has been given,
  - (b) [<sup>F198</sup>Citizens Advice], and
  - (c) in the case of a direction under subsection (2)(b), the specified transferee.
- (4) A body given a direction under subsection (2)(a) must consult [<sup>F199</sup>Citizens Advice] before making a transfer scheme.
- (5) A transfer scheme made pursuant to a direction under subsection (2)(a) has effect—
- (a) only if approved by the Secretary of State, and
  - (b) subject to any modifications made by the Secretary of State.
- (6) Before making any modifications the Secretary of State must consult the body to which the direction was given.
- (7) The Secretary of State may make a scheme or schemes for the transfer to [<sup>F200</sup>Citizens Advice] of the property, rights and liabilities of a body to which this section applies.
- (8) Schedule 4 makes further provision about transfer schemes.
- (9) In this section “ transfer scheme ” means a scheme made under or by virtue of subsection (2)(a) or (7).

#### Textual Amendments

**F196** S. 35(1)(a)(b)(d) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents](#)

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etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(36)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F197** Words in s. 35(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(36)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F198** Words in s. 35(3)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(36)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F199** Words in s. 35(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(36)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F200** Words in s. 35(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(36)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I33** S. 35 in force at 21.12.2007 by S.I. 2007/3546, art. 3, **Sch.**

## 36 Directions

- (1) The Secretary of State may direct a body to which section 35 applies to supply to the Secretary of State such information specified or described in the direction as the Secretary of State may require in relation to—
  - (a) the body's property, rights or liabilities, or
  - (b) the exercise by the body of its functions.
- (2) A direction under subsection (1)—
  - (a) must specify the period within which the information is to be provided, and
  - (b) may require the information to be supplied in a specified form.
- (3) A body given a direction under subsection (1) must comply with it within the specified period.
- (4) The Secretary of State may direct a body to which section 35 applies not to take any action of a specified kind, or in specified circumstances.
- (5) Before giving, varying or revoking a direction under this section, the Secretary of State must consult—
  - (a) the body to which the direction is to be or has been given, and
  - (b) [F201Citizens Advice] .
- (6) In this section “ specified ” means specified in the direction given by the Secretary of State.

#### Textual Amendments

**F201** Words in s. 36(5)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(37)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I34** S. 36 in force at 21.12.2007 by S.I. 2007/3546, art. 3, **Sch.**

*Status: This version of this Act contains provisions that are prospective.*

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### Alteration of <sup>F202</sup>the functions of Citizens Advice and Citizens Advice Scotland]

#### Textual Amendments

**F202** Words in s. 37 cross-heading substituted (1.4.2014) 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(3), Sch. 1 para. 12(38) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### 37 <sup>F203</sup>Extension of the functions of Citizens Advice and Citizens Advice Scotland ]

- (1) The Secretary of State may, by order, confer on <sup>F204</sup>Citizens Advice or Citizens Advice Scotland] any other function or functions if the Secretary of State considers that it is in the interests of consumers generally, or consumers of a particular description, to do so.
- (2) The Secretary of State may only confer a function on <sup>F205</sup>Citizens Advice or Citizens Advice Scotland] under this section if the function appears to the Secretary of State to be connected (directly or indirectly) to an existing or former function of the Council.
- (3) Before making an order under subsection (1), the Secretary of State must consult—
  - (a) <sup>F206</sup>the body on which the Secretary of State proposes to confer a function or functions],
  - (b) if it appears to the Secretary of State that the exercise of any function conferred by the order might affect Wales in relation to any matter as respects which functions are exercisable by the Welsh Ministers, those Ministers, and
  - (c) such other persons as the Secretary of State considers appropriate.

<sup>F207</sup>(3A) An order under this section may not—

- (a) confer a function on Citizens Advice or Citizens Advice Scotland, or
- (b) modify a function conferred on Citizens Advice or Citizens Advice Scotland by an order under this section,

unless that body consents to the conferring or modifying of the function.]

- (4) An order under this section may not make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (5) An order under this section which makes provision which would be within the legislative competence of the National Assembly for Wales if it were contained in <sup>F208</sup>an Act of the Assembly] may only be made with the consent of the Assembly.
- (6) In subsection (5) “ the Assembly Act provisions ” has the meaning given by section 103(8) of the Government of Wales Act 2006 (c. 32).

#### Textual Amendments

**F203** Words in s. 37 heading substituted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)



*Status: This version of this Act contains provisions that are prospective.*

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- F204** Words in s. 37(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F205** Words in s. 37(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F206** Words in s. 37(3)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F207** S. 37(3A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F208** Words in s. 37(5) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 70** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

#### Commencement Information

- I35** S. 37 in force at 1.10.2008 by S.I. 2008/2550 , art. 2 , **Sch.**

### <sup>F209</sup>**38 Removal of the Council's functions in relation to Northern Ireland**

.....

#### Textual Amendments

- F209** S. 38 omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(40)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### *Representation on other consumer panels*

### <sup>F210</sup>**39 The Financial Services Consumer Panel**

.....

#### Textual Amendments

- F210** S. 39 repealed (1.4.2013) by Financial Services Act 2012 (c. 21) , s. 122(3) , **Sch. 19** (with Sch. 20 ) ; S.I. 2013/423 , **Sch.**

#### Commencement Information

- I36** S. 39 in force at 21.12.2007 by S.I. 2007/3546 , art. 3 , **Sch.**

### **40 The OFCOM Consumer Panel**

In section 17 of the Communications Act 2003 (c. 21) (membership etc of the Consumer Panel)—

- (a) after subsection (4) insert—

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- “(4A) The Secretary of State may direct OFCOM to appoint as a member of the Consumer Panel a person specified by the Secretary of State who—
- (a) is a non-executive member of the National Consumer Council, and
  - (b) is nominated for the purposes of this subsection by the National Consumer Council after consultation with OFCOM.
- (4B) Only one person may, at any time, be a member of the Consumer Panel appointed in accordance with a direction under subsection (4A); but that does not prevent OFCOM appointing as a member of the Consumer Panel any person who is also a member of the National Consumer Council.
- (4C) A person appointed in accordance with a direction under subsection (4A) ceases to be a member of the Panel on ceasing to be a non-executive member of the National Consumer Council.”, and
- (b) in subsection (5) for “subsection (3) or (4)” substitute “ subsections (3) to (4A)” .

#### Commencement Information

**I37** S. 40 in force at 21.12.2007 by [S.I. 2007/3546](#) , [art. 3](#) , [Sch.](#)

#### *[<sup>F211</sup>Provision about consumer advocacy bodies*

#### Textual Amendments

**F211** Ss. 40A, 40B and cross-heading inserted (1.4.2014) 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\(3\)](#) , [Sch. 1 para. 12\(41\)](#) (with [Sch. 1 para. 28](#) , [Sch. 2 paras. 13-15](#) )

#### **40A Grants to consumer advocacy bodies**

- (1) The Secretary of State, or any other Minister of the Crown may, from time to time make grants to a consumer advocacy body in connection with functions conferred on it by or by virtue of this Act or any other enactment.
- (2) In the case of the GCCNI , grants under paragraph (1) may only be made in relation to consumer matters that relate to postal services in Northern Ireland.
- (3) In this section “enactment” means—
  - (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament,
  - (c) a Measure or Act of the National Assembly for Wales, or
  - (d) Northern Ireland legislation.

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#### **40B Exemption from liability in damages**

- (1) A person listed in paragraph (2) is not liable in damages for anything done or omitted to be done in the exercise or purported exercise of any of the functions conferred by this or any other relevant enactment.
- (2) The persons referred to in paragraph (1) are—
  - (a) Citizens Advice and Citizens Advice Scotland;
  - (b) an employee of Citizens Advice or Citizens Advice Scotland;
  - (c) a person contracted to work for Citizens Advice or Citizens Advice Scotland;
  - (d) a charity trustee of Citizens Advice or Citizens Advice Scotland.
- (3) Paragraph (1) does not apply—
  - (a) if it is shown that the act or omission was in bad faith, or
  - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998.
- (4) In this section—

“charity trustee” in relation to Citizens Advice, has the meaning given by section 177 of the Charities Act 2011 and in relation to Citizens Advice Scotland, has the meaning given by section 106 of the Charities and Trustee Investment (Scotland) Act 2005 ;

“relevant enactment” means a provision of—

  - (a) the Gas Act 1986;
  - (b) the Electricity Act 1989;
  - (c) The Postal Services Act 2000;
  - (d) the Utilities Act 2000;
  - (e) the Warm Homes and Energy Conservation Act 2000;
  - (f) the Communications Act 2003;
  - (g) the Postal Services Act 2011;
  - (h) The Water Industry (Scotland) Act 2002;
  - (i) the Water Services etc (Scotland) Act 2005;
  - (j) this Act.]

#### *Interpretation*

#### **41 Interpretation of Part 1**

- ( 1 ) In this Part—

“ distribution system ” has the meaning given by section 4(4) of the Electricity Act 1989 (c. 29);  
F212  
...

“ functions ” includes powers and duties;

“ gas ” has the meaning given by section 48(1) of the Gas Act 1986 (c. 44);  
F213  
...

“ modify ” includes amend, add to, revoke or repeal (and references to “modification” are to be read accordingly);

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[<sup>F214</sup> “ postal operator ” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 65 of that Act); ]

“ postal services ” has the same meaning as in the [<sup>F215</sup> Part 3 of the Postal Services Act 2011 (see section 65 of that Act) ] ;

“ regulatory body ” means a person who exercises regulatory functions in relation to a particular description of persons with a view to ensuring compliance with particular standards of conduct (whether statutory or non-statutory) by those persons;

<sup>F216</sup> ...

[<sup>F217</sup>“sewerage licensee” means a person holding a sewerage licence under Chapter 1A of Part 2 of the Water Industry Act 1991;]

[<sup>F217</sup>“water supply licensee” means a person holding a water supply licence under Chapter 1A of Part 2 of the Water Industry Act 1991.]

(2) In this Part—

- (a) expressions used, as regards matters relating to gas, which are defined in section 48 of the Gas Act 1986 have the same meaning as in Part 1 of that Act, and
- (b) expressions used, as regards matters relating to electricity, which are defined in section 64 of the Electricity Act 1989, have the same meaning as in Part 1 of that Act.

#### Textual Amendments

**F212** Words in s. 41 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(42)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F213** Words in s. 41(1) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 140(a)**; S.I. 2017/462, art. 3(k)(xxv)

**F214** Words in s. 41 inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 182(2)**; S.I. 2011/2329, art. 3

**F215** Words in s. 41 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 182(3)**; S.I. 2011/2329, art. 3

**F216** Words in s. 41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 182(4)**; S.I. 2011/2329, art. 3

**F217** Words in s. 41(1) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 140(b)**; S.I. 2017/462, art. 3(k)(xxv)

#### Modifications etc. (not altering text)

**C5** S. 41(1) modified (6.5.2008) by [Consumers, Estate Agents and Redress Act 2007 \(Commencement No.3 and Supplementary Provision\) Order 2008 \(S.I. 2008/1262\)](#), **art. 4**

#### Commencement Information

**I38** S. 41 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

*Status:* This version of this Act contains provisions that are prospective.

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## PART 2

### COMPLAINTS HANDLING AND REDRESS SCHEMES

#### Modifications etc. (not altering text)

- C6 Pt. 2 power to apply (with modifications) conferred (25.10.2022) by [Energy Prices Act 2022 \(c. 44\)](#), ss. 19(11)(b)(i), 30(6) (with s. 29)
- C7 Pt. 2 applied (with modifications) (E.W.S.) (1.11.2022) by The Energy Bill Relief Scheme Pass-through [Requirement \(Heat Suppliers\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/1101\)](#), regs. 1(2), 9
- C8 Pt. 2 applied (with modifications) (E.W.S.) (26.4.2023) by The Energy Bills Discount Scheme Pass-through [Requirement \(Heat Suppliers\) Regulations 2023 \(S.I. 2023/455\)](#), regs. 1(2), 9
- C9 Pt. 2 power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(l), [Sch. 18 para. 62](#)

#### Introductory

## 42 Interpretation of Part 2

(1) In this Part—

“regulated provider” means a person within an entry in column 1 of the table;

“relevant consumer”, in relation to a regulated provider, means a person within the corresponding entry in column 2 of the table;

“relevant regulator”, in relation to a regulated provider, means the body specified in the corresponding entry in column 3 of the table.

TABLE

<i>Regulated provider</i>	<i>Relevant consumer</i>	<i>Relevant regulator</i>
A person holding a licence under section 7A(1) of the Gas Act 1986 (c. 44) (supply licences).	A person who is a consumer in relation to gas supplied by a gas supplier (within the meaning of Part 1 of that Act).	The Gas and Electricity Markets Authority.
A person holding a licence under section 7(2) of the Gas Act 1986 (transportation licences).	A person (other than a gas licensee) who is a consumer in relation to services provided by a gas transporter (within the meaning of Part 1 of that Act).	The Gas and Electricity Markets Authority.
A person holding a licence under section 6(1)(d) of the Electricity Act 1989 (c. 29) (supply licences).	A person who is a consumer in relation to electricity supplied by an electricity supplier (within the meaning of Part 1 of that Act).	The Gas and Electricity Markets Authority.

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A person holding a licence under section 6(1)(c) of the Electricity Act 1989 (distribution licences).	A person (other than an electricity licensee) who is a consumer in relation to services provided by an electricity distributor (within the meaning of Part 1 of that Act).	The Gas and Electricity Markets Authority.
F218	F218	F218
...	...	...
A water undertaker, sewerage undertaker <sup>F219</sup> , water supply licensee or sewerage licensee].	A person who is a consumer in relation to services provided by a water undertaker, sewerage undertaker <sup>F220</sup> , water supply licensee or sewerage licensee in the undertaker's or licensee's capacity] as such.	The Water Services Regulation Authority.

(2) In this Part—

“consumer” has the same meaning as in Part 1;

“consumer complaint” means a complaint which is made against a regulated provider by or on behalf of a person in that person's capacity as a relevant consumer in relation to the regulated provider;

<sup>F221</sup> ...

“regulator” means a body listed in column 3 of the table.

<sup>F222</sup> “sewerage licensee” has the same meaning as in Part 1;

<sup>F222</sup> “water supply licensee” has the same meaning as in Part 1.]

(3) In this Part references to a regulator's regulated providers are to the regulated providers in relation to which the regulator is the relevant regulator.

(4) In this section—

“electricity licensee” means—

- (a) an electricity supplier (within the meaning of Part 1 of the Electricity Act 1989);
- (b) an electricity distributor (within the meaning of that Part);
- (c) the holder of a licence under section 6(1)(a), (b) or (e) of that Act (generation licences, transmission licences and interconnector licences), except where the holder is acting otherwise than for purposes connected with the carrying on of activities authorised by the licence;

“gas licensee” means—

- (a) a gas supplier (within the meaning of Part 1 of the Gas Act 1986 (c. 44));
- (b) a gas transporter (within the meaning of that Part);
- (c) a gas shipper (within the meaning of that Part);
- (d) the holder of a licence under section 7ZA of that Act (licences for operation of gas interconnectors), except where the holder is acting otherwise than for purposes connected with the carrying on of activities authorised by the licence.

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### Textual Amendments

- F218** Words in s. 42(1) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 183](#); [S.I. 2011/2329](#), art. 3
- F219** Words in s. 42(1) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 141\(2\)\(a\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)
- F220** Words in s. 42(1) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 141\(2\)\(b\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)
- F221** Words in s. 42(2) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 141\(3\)\(a\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)
- F222** Words in s. 42(2) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 141\(3\)\(b\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)

### Commencement Information

- I39** S. 42 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

## *Standards for handling complaints*

### 43 Standards for handling complaints

- (1) A regulator must by regulations prescribe standards for the handling by its regulated providers of consumer complaints made to them.
- (2) The regulations may prescribe standards in relation to all consumer complaints, or consumer complaints of a kind specified in the regulations.
- (3) In particular, the regulations may specify a kind of consumer complaint by reference to the subject-matter of a complaint, or the description of person making a complaint.
- (4) Regulations under this section may be made only with the consent of the Secretary of State.
- (5) A regulator must make arrangements for securing that regulations made by it under this section are available to the public, by whatever means it considers appropriate.
- (6) If a date is prescribed in relation to a regulator for the purposes of this subsection, from that date subsection (1) has effect in relation to that regulator as if, in that subsection, for “must” there were substituted “may”.
- (7) In subsection (6) “prescribed” means prescribed by order made by the Secretary of State under this section.
- (8) Before prescribing a date in relation to a regulator for the purposes of subsection (6), the Secretary of State must consult—
  - (a) the regulator,
  - <sup>[F223]</sup>(b) Citizens Advice,
  - (ba) Citizens Advice Scotland,]
  - <sup>[F224]</sup>(bb) Consumer Scotland,] and
  - (c) such other persons as the Secretary of State considers appropriate.
- (9) This section does not apply to the Water Services Regulation Authority.

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#### Textual Amendments

**F223** S. 43(8)(b)(ba) substituted (1.4.2014) for s. 43(8)(b) 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(3), **Sch. 1 para. 12(43)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F224** S. 43(8)(bb) inserted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#), art. 1(1), **Sch. para. 7(12)** (with art. 5)

#### Commencement Information

**I40** S. 43 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

## 44 Requirements for making regulations under section 43

- (1) Before making regulations under section 43 a regulator must—
- (a) arrange for such research as it considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected, and consider the results,
  - (b) publish a notice of its proposals (a “proposals notice”) in such manner as the regulator considers appropriate for bringing it to the attention of those likely to be affected by the proposals,
  - (c) consider any representations duly made, and
  - (d) consult persons or bodies appearing to it to be representative of persons likely to be affected by the proposals.
- (2) The proposals notice must—
- (a) set out the standards the regulator proposes to prescribe,
  - (b) give the reasons why the regulator proposes to prescribe those standards,
  - (c) explain how the standards will be enforced, and
  - (d) specify a time (not being earlier than the end of the period of 30 days beginning with the day on which the notice is published) before which representations may be made.
- (3) The requirements of subsection (1) may be satisfied by action taken before the commencement of this section or the passing of this Act.

#### Commencement Information

**I41** S. 44 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

## 45 Information with respect to compliance with complaints handling standards

- (1) This section applies in relation to standards prescribed by a regulator by regulations under section 43 in relation to its regulated providers (or some of them).
- [<sup>F225</sup>(1A) This section also applies in relation to standards for the handling of complaints made about postal operators by users of their services which are contained in consumer protection conditions imposed under Part 3 of the Postal Services Act 2011.]



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- (2) [<sup>F226</sup>Citizens Advice, Citizens Advice Scotland and Consumer Scotland must publish such statistical information as Citizens Advice, Citizens Advice Scotland or, as the case may be, Consumer Scotland][<sup>F227</sup>consider] appropriate relating to the levels of compliance with the standards which those regulated providers[<sup>F228</sup> or postal operators] have achieved.
- [<sup>F229</sup>(2A) The GCCNI must publish such statistical information as it considers appropriate relating to the levels of compliance with the standards which those postal operators have achieved. ]
- (3) That information must be published in such form and manner, and with such frequency, as [<sup>F230</sup>the consumer advocacy body in question] thinks appropriate.
- (4) Schedule 5 makes further provision with respect to information about compliance with complaints handling standards.

#### Textual Amendments

**F225** S. 45(1A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 184\(2\); S.I. 2011/2329, art. 3](#)

**F226** Words in s. 45(2) substituted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\), art. 1\(1\), Sch. para. 7\(13\) \(with art. 5\)](#)

**F227** Words in s. 45(2) substituted (1.4.2014) 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\(3\), Sch. 1 para. 12\(44\)\(a\)\(ii\) \(with Sch. 1 para. 28, Sch. 2 paras. 13-15\)](#)

**F228** Words in s. 45(2) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 184\(3\); S.I. 2011/2329, art. 3](#)

**F229** S. 45(2A) inserted (1.4.2014) 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\(3\), Sch. 1 para. 12\(44\)\(b\) \(with Sch. 1 para. 28, Sch. 2 paras. 13-15\)](#)

**F230** Words in s. 45(3) substituted (1.4.2014) 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\(3\), Sch. 1 para. 12\(44\)\(c\) \(with Sch. 1 para. 28, Sch. 2 paras. 13-15\)](#)

#### Commencement Information

**I42** S. 45 in force at 1.10.2008 by [S.I. 2008/2550, art. 2, Sch.](#)

## 46 Supply of information to consumers

- (1) A regulator may make regulations requiring each of its regulated providers in relation to which standards are prescribed under section 43 to give to the provider's relevant consumers such information as may be specified or described in the regulations about—
- the standards, and
  - the levels of compliance with those standards achieved by the provider.
- (2) Regulations under this section may include provision specifying the form and manner in which, and the frequency with which, information is to be given.

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#### Commencement Information

**I43** S. 46 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

### *Requirements relating to redress schemes*

#### **47 Membership of redress scheme**

- (1) The Secretary of State may by order require regulated providers to be members of a redress scheme which is—
  - (a) approved by their relevant regulator in accordance with section 49, or
  - (b) administered by the Secretary of State (or a person appointed by the Secretary of State) and designated by the Secretary of State as an appropriate redress scheme in relation to them.
- (2) The order may provide that the requirement applies only in relation to consumer complaints of a kind specified in the order.
- (3) In particular, the order may specify a kind of consumer complaint by reference to the subject-matter of a complaint, or the description of person making a complaint.
- (4) Before making an order under this section the Secretary of State must consult—
  - (a) each relevant regulator (in relation to regulated providers to which the order will apply), and
  - (b) other persons appearing to the Secretary of State to be representative of persons who have an interest in the matter.
- (5) The requirements of subsection (4) may be satisfied by consultation undertaken before the commencement of this section or the passing of this Act.
- (6) An order under this section which applies to a water undertaker or sewerage undertaker for an area which is wholly or mainly in Wales may be made only with the consent of the Welsh Ministers.
- (7) The Secretary of State may not make an order under this section unless satisfied, in relation to each regulated provider to which the order will apply, that—
  - (a) there is at least one qualifying redress scheme which the provider is eligible to join and membership of which will satisfy the requirement imposed by the order, or
  - (b) there will be such a scheme when the order comes into force.
- (8) The Secretary of State may not designate a scheme in relation to regulated providers under subsection (1)(b) unless the Secretary of State is satisfied that the scheme is one which could be approved by their relevant regulator in accordance with section 49.
- (9) The Secretary of State may establish or administer a scheme for the purposes of subsection (1)(b), or provide financial assistance to a person who establishes or administers such a scheme; and such a scheme may provide for fees to be payable by members of the scheme.

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#### Commencement Information

**I44** S. 47 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

### 48 Membership of redress schemes: supplementary

(1) In this Part—

“qualifying redress scheme” means a redress scheme within paragraph (a) or (b) of section 47(1);

“redress scheme” means a scheme under which consumer complaints may be made to, and investigated and determined by, an independent person (“the independent person”);

“scheme administrator”, in relation to a redress scheme, means the person who administers the scheme,

and references to approval of a redress scheme are to approval of the scheme for the purposes of section 47(1)(a).

(2) In the definition of “redress scheme”, “independent”, in relation to a consumer complaint, means independent of—

- (a) the regulated provider against whom the complaint is made, and
- (b) the regulator who is the relevant regulator in relation to the regulated provider.

(3) Nothing in this Part prevents a qualifying redress scheme providing—

- (a) for membership to be open to persons who are not subject to any duty to belong to a qualifying redress scheme;
- (b) for the investigation and determination of complaints other than those in relation to which such a duty applies, made against members who have voluntarily accepted the jurisdiction of the scheme over such complaints.

(4) For the purposes of the law relating to defamation, proceedings under a qualifying redress scheme (in relation to a consumer complaint and a regulated provider to which an order under section 47 applies) are to be treated in the same way as proceedings before a court.

#### Commencement Information

**I45** S. 48 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

### 49 Approval of redress schemes

(1) In deciding whether to approve a redress scheme, a regulator must have regard to—

- (a) the provisions of the scheme;
- (b) the manner in which the scheme will be operated (so far as that can be judged from the facts known to the regulator);
- (c) the interests of relevant consumers (in relation to the regulator's regulated providers);
- (d) such principles as—

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*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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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- (i) in the opinion of the regulator constitute generally accepted principles of best practice in relation to schemes for providing redress to consumers, and
  - (ii) it is reasonable to regard as applicable to the scheme.
- (2) In considering the interests of relevant consumers under subsection (1)(c), the regulator must in particular have regard to the number of other redress schemes applying to its regulated providers which are (or are likely to become) qualifying redress schemes.
- (3) A regulator must not approve a redress scheme unless—
  - (a) membership of the scheme is open to all the regulator's regulated providers, and those regulated providers may not be expelled from membership of the scheme,
  - (b) if, at the time the approval is given, any of the regulator's regulated providers are required under section 47 to be a member of a redress scheme (or would be so required but for the fact that an order which has been made under that section is not yet in force), the scheme covers all the consumer complaints to which the requirement applies,
  - (c) the independent person may require regulated providers to provide complainants with the types of redress listed in subsection (6) (whether or not other types of redress are available), and
  - (d) the regulator considers that the scheme makes satisfactory provision about the matters listed in subsection (7).
- (4) Subsection (3)(a) does not prevent the Gas and Electricity Markets Authority approving—
  - (a) a scheme which is open to all regulated gas providers, but not regulated electricity providers,
  - (b) a scheme which is open to all regulated electricity providers, but not regulated gas providers,
 and, in the case of such a scheme, subsection (3)(b) applies as if the reference to the regulator's regulated providers were to the regulated gas providers or, as the case may be, regulated electricity providers.
- (5) For this purpose—
  - “regulated electricity provider” means a person holding a licence under section 6(1)(c) or (d) of the Electricity Act 1989 (c. 29);
  - “regulated gas provider” means a person holding a licence under section 7(2) or 7A(1) of the Gas Act 1986 (c. 44).
- (6) The types of redress mentioned in subsection (3)(c) are—
  - (a) providing an apology or explanation,
  - (b) paying compensation, and
  - (c) taking such other action in the interests of the complainant as the independent person may specify.
- (7) The matters mentioned in subsection (3)(d) are—
  - (a) the matters about which complaints may be made (which may include non-compliance with a code of practice or other document);

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- (b) the independent person's duties and powers in relation to the investigation and determination of complaints (which may include power to decide not to investigate or determine a complaint);
  - (c) the enforcement of any requirement to provide redress imposed on a regulated provider in accordance with the scheme;
  - (d) the provision of information by the independent person to the regulator and to persons within subsection (8);
  - (e) the provision of information by the independent person—
    - [<sup>F231</sup>(i) to Citizens Advice Scotland, for the purposes of any qualifying public consumer advice scheme supported by the body (on its own or jointly with one or both of Citizens Advice and Consumer Scotland),]
    - [<sup>F231</sup>(ia) to Consumer Scotland, for the purposes of any qualifying public consumer advice scheme supported by the body (on its own or jointly with one or both of Citizens Advice and Citizens Advice Scotland), and]
    - [<sup>F232</sup>(ii) to persons who operate a qualifying public consumer advice scheme supported by Citizens Advice<sup>F233</sup>, Citizens Advice Scotland or Consumer Scotland, or by all or any two of those bodies jointly], for the purposes of that scheme; ]
  - (f) the acceptance and handling of complaints transferred from redress schemes which have their approval withdrawn under section 51.
- (8) The persons within this subsection are—
- (a) any other body having regulatory functions in relation to the regulated providers to which the scheme applies;
  - (b) persons exercising functions under other redress schemes which apply to the regulator's regulated providers;
  - [<sup>F234</sup>(c) Citizens Advice;
  - (ca) so far as regards schemes to be approved by the Gas and Electricity Markets Authority, Citizens Advice Scotland [<sup>F235</sup>and Consumer Scotland];]
  - (d) the Secretary of State.
- [<sup>F236</sup>(9) For the purposes of this section a qualifying public consumer advice scheme is a scheme that is supported by Citizens Advice<sup>F237</sup>, Citizens Advice Scotland or Consumer Scotland, or by all or any two of] them jointly, in a manner that the Office of Fair Trading is prohibited from supporting by section 8A of the Enterprise Act 2002.]

#### Textual Amendments

- F231** S. 49(7)(e)(i)(ia) substituted for s. 49(7)(e)(i) (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(14)(a)** (with art. 5)
- F232** S. 49(7)(e)(i)(ii) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(45)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F233** Words in s. 49(7)(e)(ii) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(14)(b)** (with art. 5)
- F234** S. 49(8)(c)(ca) substituted (1.4.2014) for s. 48(8)(c) 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(3), **Sch. 1 para. 12(45)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

- F235** Words in s. 49(8)(ca) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(14)(c)** (with art. 5)
- F236** S. 49(9) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(45)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F237** Words in s. 49(9) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(14)(d)** (with art. 5)

#### Commencement Information

- I46** S. 49 in force at 21.12.2007 by S.I. 2007/3546, art. 3, **Sch.**

## 50 Approval of redress schemes: supplementary

- (1) An application for approval of a redress scheme must be made in such manner, and accompanied by such information, as the regulator to which the application is made may determine.
- (2) Section 51 applies if the regulator is minded to refuse an application for approval.
- (3) The scheme administrator of a redress scheme approved by a regulator must notify the regulator of any change to the scheme before the end of the period of 14 days beginning with the day on which the change is made.
- (4) A regulator may, in accordance with section 51, withdraw its approval of a redress scheme, and may do so generally or in relation to consumer complaints of a description specified by the regulator.
- (5) In particular, a regulator may withdraw its approval in relation to consumer complaints made on or after a date specified by the regulator.

#### Commencement Information

- I47** S. 50 in force at 21.12.2007 by S.I. 2007/3546, art. 3, **Sch.**

## 51 Procedure for refusing or withdrawing approval

- (1) Before refusing or withdrawing its approval of a redress scheme, the regulator must give the scheme administrator a notice—
  - (a) stating that the regulator proposes to refuse or withdraw its approval,
  - (b) giving the reasons for the proposed refusal or withdrawal, and
  - (c) specifying a time (not being earlier than the end of the period of 30 days beginning with the day on which the notice is given to the scheme administrator) before which representations about the proposed refusal or withdrawal may be made.
- (2) The regulator must give notice to the scheme administrator of—
  - (a) the regulator's decision on a proposal to refuse or withdraw approval, and
  - (b) the reasons for its decision.
- (3) In the case of a decision to withdraw approval, the regulator must also give notice of its decision and the reasons for it to the Secretary of State.

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- (4) The scheme administrator must give a copy of the notice under subsection (2) to each member of the scheme.
- (5) If the regulator decides to withdraw approval, the withdrawal has effect in accordance with, and from the date specified in, the notice under subsection (2).
- (6) Where a redress scheme designated under section 47(1)(b) is administered by a person appointed by the Secretary of State, this section (other than subsection (3)) applies in relation to a revocation by the Secretary of State of that person's appointment as it applies in relation to a withdrawal by a regulator of the approval of a redress scheme.

#### Commencement Information

**I48** S. 51 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

### *Enforcement*

## **52 Enforcement of requirements imposed under Part 2**

- (1) In section 28 of the Gas Act 1986 (c. 44) (orders for securing compliance), in subsection (8), in the definition of “relevant requirement”, after “that Act” (as inserted by paragraph 1 of Schedule 2) insert “, or section 43, 46 or 47 of that Act (complaints).”
- (2) In section 25 of the Electricity Act 1989 (c. 29) (orders for securing compliance), in subsection (8), in the definition of “relevant requirement”, after “that Act” (as inserted by paragraph 2 of Schedule 2) insert “, or section 43, 46 or 47 of that Act (complaints).”
- (3) A requirement imposed under section 47 on a water undertaker, sewerage undertaker [<sup>F238</sup>, water supply licensee or sewerage licensee] is enforceable by the Water Services Regulation Authority under section 18 of the Water Industry Act 1991 (c. 56) (orders for securing compliance).

<sup>F239</sup>(4) .....

#### Textual Amendments

**F238** Words in s. 52(3) substituted (1.4.2017) by [Water Act 2014](#) (c. 21), s. 94(3), [Sch. 7 para. 142](#); [S.I. 2017/462](#), art. 3(k)(xxv)

**F239** S. 52(4) omitted (1.10.2011) by virtue of [Postal Services Act 2011](#) (c. 5), s. 93(2)(3), [Sch. 12 para. 185](#); [S.I. 2011/2329](#), art. 3

#### Commencement Information

**I49** S. 52 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

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## PART 3

### AMENDMENT OF THE ESTATE AGENTS ACT 1979

#### *Estate agents' duties*

#### 53 Membership of redress schemes

- (1) Schedule 6 (which amends the Estate Agents Act 1979 (c. 38) to make provision for redress schemes dealing with complaints about estate agents) has effect.
- (2) In section 3(1) of the Estate Agents Act 1979 (grounds for making prohibition orders), after paragraph (c) insert—
  - “(ca) has engaged in estate agency work in relation to residential property in breach of the duty imposed by an order under section 23A(1) below; or”.
- (3) Sections 172 to 174 of the Housing Act 2004 (c. 34) (redress schemes dealing with complaints about the activities of estate agents in relation to home information packs) are omitted.

#### Commencement Information

**I50** S. 53(1) in force at 12.10.2007 by [S.I. 2007/2934](#), art. 3, **Sch.**

**I51** S. 53(2) in force at 1.10.2008 by [S.I. 2008/905](#), art. 3(2), **Sch. 2**

**I52** S. 53(3) in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

PROSPECTIVE

#### 54 Duty to keep records

- (1) After section 21 of the Estate Agents Act 1979 (transactions in which an estate agent has a personal interest) insert—

##### “21A Duty to keep permanent records

- (1) A person engaged in estate agency work shall—
  - (a) keep records for the purposes of this section (“the permanent records”); and
  - (b) ensure that anything required by subsection (3) to be included in the permanent records is kept for a period of at least six years beginning with the day on which it is included.
- (2) In the case of a person engaged in estate agency work in the course of employment the duties under subsection (1) are duties of the employer (and not the employee).
- (3) A person engaged in estate agency work shall ensure that a record of any information or event to which this subsection applies is included in the permanent records kept by that person or his employer (as the case may be).



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- (4) Subsection (3) applies to—
- (a) information the person concerned is required to give by section 18(1) or (3) and any prescribed information relating to the giving of that information;
  - (b) information the person concerned is required to disclose by section 21(1) or (2) and any prescribed information relating to the disclosure of that information;
  - (c) any offer of a prescribed description received by the person concerned and any prescribed information relating to the making of the offer;
  - (d) any action of a prescribed description taken by the person concerned in relation to such an offer and any prescribed information relating to that action; and
  - (e) any other information or event of a prescribed description.
- (5) If the person concerned is acting in the course of employment, it is also the duty of the employer to ensure that the record of the information or event is included in the permanent records; but the employer is not to be regarded as having breached his duty if he shows that he took such steps as were reasonably practicable to ensure that the duty under subsection (3) was complied with by his employees.
- (6) The Secretary of State may by regulations make provision as to—
- (a) the manner in which the permanent records are to be kept;
  - (b) the place or places at which they are to be kept.
- (7) In this section “prescribed” means prescribed by regulations made by the Secretary of State.
- (8) Any power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 3(1) of that Act (grounds for making prohibition orders), in paragraph (c), for “21” substitute “ 21A ”.

### *Prohibition and warning orders*

## **55 Grounds for prohibition orders**

- (1) Section 3(1) of the Estate Agents Act 1979 (c. 38) (grounds for making prohibition orders) is amended as follows.
- (2) In paragraph (a), for “has been convicted of” substitute “ has committed ”.
- (3) After paragraph (b) insert—
- “(ba) has failed to comply with an undertaking accepted from him under section 217, 218 or 219 of the Enterprise Act 2002 and given in relation to estate agency work; or
  - (bb) has failed to comply with an enforcement order under section 217 of the Enterprise Act 2002 which was made against him in relation to estate agency work; or”.

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(4) Section 5(4) of that Act (which provides for section 3 orders based on a person's conviction to cease to have effect when the conviction is spent) is omitted.

(5) For paragraph 1 of Schedule 1 to that Act substitute—

“1 A person is not to be treated for the purposes of section 3(1)(a) of this Act as having committed an offence if he has been convicted of that offence and that conviction is to be treated as spent for the purposes of the Rehabilitation of Offenders Act 1974 or any corresponding enactment for the time being in force in Northern Ireland.”

#### Commencement Information

**I53** S. 55 in force at 1.10.2008 by [S.I. 2008/905](#), art. 3(2), [Sch. 2](#)

## 56 Grounds for warning orders

(1) Section 4 of the Estate Agents Act 1979 (warning orders) is amended as follows.

(2) For subsection (1) substitute—

“(1) If the OFT is satisfied that any of subsections (1A), (1B) or (1C) apply in relation to a person it may by order notify that person that it is satisfied of the matters mentioned in that subsection.

(1A) This subsection applies in relation to a person if—

- (a) in the course of estate agency work, he has engaged in conduct falling within paragraph (a), (b), (c), (ca) or (cb) of section 3(1); and
- (b) were he to engage again in any conduct falling within that paragraph, the OFT would consider him unfit and proceed to make a prohibition order.

(1B) This subsection applies in relation to a person if—

- (a) in the course of estate agency work, he has engaged in conduct constituting a failure to comply with—
  - (i) an undertaking mentioned in section 3(1)(ba); or
  - (ii) an enforcement order mentioned in section 3(1)(bb); and
- (b) were he to fail again to comply with that undertaking or order by engaging in the same or similar conduct, the OFT would consider him unfit and proceed to make a prohibition order.

(1C) This subsection applies in relation to a person if—

- (a) in the course of estate agency work, he has engaged in a practice mentioned in section 3(1)(d); and
- (b) were he to engage again in that practice, the OFT would consider him unfit and proceed to make a prohibition order.”

(3) In subsection (2) for the words from “a further” to “order” (in the second place it appears) substitute “ further conduct as mentioned in subsection (1A)(b) or (1B)(b) or engaging again in the practice specified in the order, as the case may be, ”.

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- (4) In subsection (3) for the words from “fails to comply” to “order” (in the second place it appears) substitute “engages in further conduct as mentioned in subsection (1A)(b) or (1B)(b) or engages again in the practice specified in the order, as the case may be,”.
- (5) After subsection (3) insert—

“(4) In this section “unfit” means unfit as mentioned in subsection (2) of section 3 and “prohibition order” means an order under that section.”

**Commencement Information**

**I54** S. 56 in force at 1.10.2008 by [S.I. 2008/905, art. 3\(2\)](#), [Sch. 2](#)

*Investigatory powers*

<sup>F240</sup>**57 Powers of entry and inspection**

.....

**Textual Amendments**

**F240** S. 57 repealed (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\)](#), [Sch. 6 para. 85\(i\)](#); [S.I. 2015/1630, art. 3\(i\)](#) (with [art. 8](#))

**58 Failure to produce information**

<sup>F241</sup>(1) .....

- (2) In section 3(1) of that Act (grounds for making prohibition orders), after paragraph (ca) (inserted by section 53(2)) insert—

“(cb) has failed to comply with any requirement imposed on him under section 9(1) or 11(1A)(b) below; or”.

<sup>F242</sup>(3) .....

<sup>F242</sup>(4) .....

**Textual Amendments**

**F241** S. 58(1) repealed (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\)](#), [Sch. 6 para. 85\(i\)](#); [S.I. 2015/1630, art. 3\(i\)](#) (with [art. 8](#))

**F242** S. 58(3)(4) repealed (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\)](#), [Sch. 6 para. 85\(i\)](#); [S.I. 2015/1630, art. 3\(i\)](#) (with [art. 8](#))

**Commencement Information**

**I55** S. 58 in force at 1.10.2008 by [S.I. 2008/905, art. 3\(2\)](#), [Sch. 2](#)

*Status: This version of this Act contains provisions that are prospective.*

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## PART 4

### MISCELLANEOUS AND GENERAL

#### *Contracts concluded away from business premises*

#### **59 Contracts concluded away from business premises**

- (1) The Secretary of State may make regulations entitling a consumer who is a party to a protected contract to cancel the contract.
- (2) A protected contract is a contract between a consumer and a trader which is for the supply of goods or services to the consumer by a trader and is made—
  - (a) during a solicited visit by a trader to the consumer's home or place of work, or to the home of another individual, or
  - (b) after an offer made by the consumer during such a visit.
- (3) A visit is solicited if it is made at the express request of the consumer.
- (4) Regulations made under this section may make any provision which may be made by regulations under section 2(2) of the European Communities Act 1972 (c. 68) (by virtue of section 2(4) of that Act).
- (5) The regulations may in particular make provision—
  - (a) as to the circumstances in which the consumer may cancel the contract and the effect of such a cancellation;
  - (b) requiring the trader to inform the consumer of the matters within paragraph (a);
  - (c) for the enforcement of any requirement imposed by virtue of paragraph (b).
- (6) For the purposes of this section, “consumer” and “trader” in relation to a contract have the same meaning as they have for the purposes of the relevant Directive in relation to transactions within that Directive.
- (7) “The relevant Directive” means—
  - (a) Council Directive [85/577/EEC](#) to protect the consumer in respect of contracts negotiated away from business premises, as it has effect from time to time, or
  - (b) if that Directive is repealed and re-enacted (with or without modification), that Directive as re-enacted.

#### **Commencement Information**

**I56** S. 59 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

#### *Subordinate legislation*

#### **60 Orders and regulations**

- (1) An order or regulations under this Act must be made by statutory instrument.

*Status:* This version of this Act contains provisions that are prospective.

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- (2) The Statutory Instruments Act 1946 (c. 36) is to apply in relation to any power of a regulator to make regulations under section 43 or 46 as if the regulator were a Minister of the Crown.
- (3) Any order or regulations under this Act may—
  - (a) make provision generally or subject to exceptions or in relation to specified cases or descriptions of case;
  - (b) make different provision for different cases or circumstances or for different purposes;
  - (c) provide for a person to exercise a discretion in dealing with any matter;
  - (d) make incidental, supplementary, consequential, transitory and transitional provision and savings.
- (4) A provision of this Act which permits regulations or orders to make provision of a specified kind is without prejudice to the generality of subsection (3).
- (5) In the case of an order or regulations made by the Secretary of State, the provision which may be made by virtue of subsection (3)(d) includes provision modifying any provision made by or under any enactment.
- (6) For this purpose—

“enactment” means—

  - (a) an Act of Parliament (including, in the case of an order under section 32, this Act),
  - (b) an Act of the Scottish Parliament,
  - (c) a Measure or Act of the National Assembly for Wales, or
  - (d) Northern Ireland legislation,

whenever passed or made;

“modify” has the same meaning as in Part 1.
- (7) Nothing in this section authorises an order or regulations under this Act to make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (8) The Documentary Evidence Act 1868 (c. 37) (proof of order and regulations etc) has effect as if—
  - (a) the regulators were included in column 1 of the Schedule to that Act, and
  - (b) the entry in column 2 of that Schedule corresponding to each regulator mentioned the regulator and persons authorised to act on the regulator's behalf.
- (9) Nothing in this section applies in relation to a court order under section 26.
- (10) In this section “regulator” means—
  - (a) the Gas and Electricity Markets Authority, <sup>F243</sup> ...
  - <sup>F243</sup>(b) .....

**Textual Amendments**

**F243** S. 60(10)(b) and preceding word omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 186](#); S.I. 2011/2329, art. 3

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## 61 Directions

- (1) A requirement or power under this Act to give a notice (or to notify) is a requirement or power to give notice in writing.
- (2) A requirement or power under this Act to give a direction (or to direct) is a requirement or power to give a direction in writing.
- (3) Any power conferred by this Act to give a direction includes power to vary or revoke the direction.

## 62 Parliamentary control of orders and regulations

- (1) Any instrument to which this subsection applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1) applies to any order or regulations made by the Secretary of State under any provision of this Act except—
  - (a) an order or regulations to which subsection (3) applies, or
  - (b) an order under section 66 (commencement).
- (3) An order or regulations containing (whether alone or with other provision) provision made under or by virtue of any of the following provisions may not be made unless a draft of the order or regulations has been laid before, and approved by a resolution of, each House of Parliament—
  - (a) section 4 (“designated consumers”);
  - (b) section 24(3)(d) (power to specify persons from whom [<sup>F244</sup>the consumer advocacy bodies] may require information);
  - (c) section 31 (designation of the Consumer Council for Water for abolition);
  - (d) section 37(1) (conferral of additional functions on [<sup>F245</sup>Citizens Advice or Citizens Advice Scotland]);
  - <sup>F246</sup>(e) .....
  - (f) section 59 (contracts concluded away from business premises), so far as it enables provision to be made modifying an Act of Parliament;
  - (g) section 60(5) (consequential provision etc), so far as it enables such provision to be made;
  - (h) section 63(2) (consequential provision etc), so far as it enables such provision to be made.
- (4) In subsection (3), “modify” has the same meaning as in Part 1.

### Textual Amendments

- F244** Words in s. 62(3)(b) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(46\)\(a\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F245** Words in s. 62(3)(d) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(46\)\(b\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F246** S. 62(3)(e) omitted (1.4.2014) by virtue of [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(3), [Sch. 1 para. 12\(46\)\(c\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Status:* This version of this Act contains provisions that are prospective.

*Changes to legislation:* Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

### *Amendments, transitional provision and repeals*

## **63 Minor, consequential and transitional provision**

- (1) Schedule 7 contains minor and consequential amendments.
- (2) The Secretary of State may by order make such consequential, supplementary, incidental, transitory or transitional provision or savings (including provision modifying any provision made by or under an enactment) as the Secretary of State considers necessary or expedient in connection with the coming into force of any provision made by or under this Act.
- (3) An order under this section may make such adaptations of provisions of this Act brought into force as appear to be necessary or expedient in consequence of other provisions of this Act not yet having come into force.
- (4) In this section—
  - “enactment” means—
    - (a) an Act of Parliament,
    - (b) an Act of the Scottish Parliament,
    - (c) a Measure or Act of the National Assembly for Wales, or
    - (d) Northern Ireland legislation,
  - whenever passed or made;
  - “modify” has the same meaning as in Part 1.
- (5) An order under this section may not make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

#### **Commencement Information**

- I57** S. 63(1) in force at 21.12.2007 for specified purposes by [S.I. 2007/3546, art. 3, Sch.](#)
- I58** S. 63(1) in force at 1.10.2008 for specified purposes by [S.I. 2008/905, art. 3\(2\), Sch. 2](#)
- I59** S. 63(1) in force at 1.10.2008 for specified purposes by [S.I. 2008/2550, art. 2, Sch.](#)
- I60** S. 63(2)-(5) in force at 21.12.2007 by [S.I. 2007/3546, art. 3, Sch.](#)

## **64 Repeals**

Schedule 8 contains repeals (including repeals of spent provisions).

#### **Commencement Information**

- I61** S. 64 in force at 21.12.2007 for specified purposes by [S.I. 2007/3546, art. 3, Sch.](#)
- I62** S. 64 in force at 1.10.2008 for specified purposes by [S.I. 2008/905, art. 3\(2\), Sch. 2](#)
- I63** S. 64 in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2550, art. 2, Sch.](#)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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*

## General

### 65 Extent

- (1) Subject to subsections (2) to (6), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) The following provisions extend to England and Wales and Scotland only—
  - (a) section 13 (investigation of complaints relating to disconnection of gas or electricity);
  - (b) section 14 (reference of matters to Gas and Electricity Markets Authority);
  - [<sup>F247</sup>(ba) section 19A (guidance for energy consumers);]
  - (c) section 37 (extension of [<sup>F248</sup>the functions of Citizens Advice and Citizens Advice Scotland]).
- (3) Sections 31 to 33 (abolition of Consumer Council for Water) extend to England and Wales only.
- <sup>F249</sup>(4) . . . . .
- <sup>F249</sup>(5) . . . . .
- (6) Any amendment or repeal made by this Act has the same extent as the enactment to which it relates.
- <sup>F250</sup>(7) . . . . .

#### Textual Amendments

- F247** S. 65(2)(ba) inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **3(4)**
- F248** Words in s. 65(2)(c) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(47)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F249** S. 65(4)(5) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 187**; [S.I. 2011/2329](#), art. 3; [S.I. 2011/2329](#), art. 3
- F250** S. 65(7) omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(47)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### 66 Commencement

- (1) This section and sections 60 to 62, 65 and 67 come into force on the day this Act is passed.
- (2) Subject to that, the provisions of this Act come into force on such day as may be appointed by order of the Secretary of State.

### 67 Short title

This Act may be cited as the Consumers, Estate Agents and Redress Act 2007.



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## SCHEDULES

### <sup>F251</sup>SCHEDULE 1

Section 1

#### THE NATIONAL CONSUMER COUNCIL

##### Textual Amendments

**F251** Sch. 1 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(48)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### <sup>F251</sup>PART 1

#### THE CONSUMER ADVOCACY BODIES

##### <sup>F251</sup>Membership

1 .....

##### <sup>F251</sup>Terms of appointment and tenure of members

2 .....

3 .....

4 .....

5 .....

6 .....

### <sup>F251</sup>PART 2

#### STAFF OF THE COUNCIL

##### <sup>F251</sup>The Chief Executive

7 .....

##### <sup>F251</sup>Other staff

8 .....

*Status:* This version of this Act contains provisions that are prospective.

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

*F251* **The Superannuation Act 1972**

9 .....

*F251* **Arrangements for assistance**

10 .....

**F251 PART 3**

**TERRITORIAL, REGIONAL AND OTHER COMMITTEES**

*F251* **Constitution of territorial committees**

11 .....

*F251* **Regional committees**

12 .....

*F251* **Constitution of regional committees**

13 .....

*F251* **Other committees**

14 .....

*F251* **General provision about committees**

15 .....

*F251* **Terms of appointment etc**

16 .....

17 .....

18 .....

19 .....

20 .....

**F251 PART 4**

**PROCEDURE ETC**

*F251* **Procedure**

21 .....

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*Status:* This version of this Act contains provisions that are prospective.

*Changes to legislation:* Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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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22 .....

*F251* Delegation

23 .....

*F251* Application of seal and proof of instruments

24 .....

25 .....

26 .....

*F251* Offices

27 .....

**F251** PART 5

FUNDING AND ACCOUNTS

*F251* Funding

28 .....

29 .....

30 .....

31 .....

*F251* Accounts

32 .....

**F251** PART 6

STATUS ETC

*F251* Status

33 .....

*F251* Disqualification

34 .....

*F251* Freedom of information

35 .....

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

*F251* Public records

36 .....

*F251* Parliamentary Commissioner Act 1967

37 .....

*F251* Exemption from liability in damages

.....

SCHEDULE 2

Section 25

ENFORCEMENT OF INFORMATION REQUIREMENTS

*Gas Act 1986 (c. 44)*

- 1 In section 28 of the Gas Act 1986 (orders for securing compliance with certain provisions), in subsection (8), in the definition of “relevant requirement” for “or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act)” substitute “ or section 25(5) of the Consumers, Estate Agents and Redress Act 2007 (directions to comply with requirements under section 24 of that Act) ”.

**Commencement Information**

**I64** Sch. 2 para. 1 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Electricity Act 1989 (c. 29)*

- 2 In section 25 of the Electricity Act 1989 (orders for securing compliance), in subsection (8), in the definition of “relevant requirement” for “or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act)” substitute “ or section 25(5) of the Consumers, Estate Agents and Redress Act 2007 (directions to comply with requirements under section 24 of that Act) ”.

**Commencement Information**

**I65** Sch. 2 para. 2 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Postal Services Act 2000 (c. 26)*

*F252*<sub>3</sub> .....

**Textual Amendments**

**F252** Sch. 2 para. 3 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(b\)](#); [S.I. 2011/2329](#), art. 3

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#### Commencement Information

**I66** Sch. 2 para. 3 in force at 1.10.2008 by [S.I. 2008/2550, art. 2, Sch.](#)

## SCHEDULE 3

Section 30

### ABOLITION OF CONSUMER BODIES: TRANSITIONAL PROVISION

#### *Complaints and investigations functions of Gas and Electricity Consumer Council*

- 1 (1) This paragraph applies to—
  - (a) any complaint to which section 32(1) of the Gas Act 1986 (c. 44) applies which is referred to the Gas and Electricity Consumer Council before the appointed day;
  - (b) any matter under investigation by the Gas and Electricity Consumer Council under section 33 of that Act immediately before the appointed day.
- (2) The functions of the Gas and Electricity Consumer Council under section 32 or 33 of the Gas Act 1986 are exercisable by the Council in relation to the complaint or matter, but as if in section 32(8) of that Act the reference to the Utilities Act 2000 (c. 27) or the Gas Act 1986 included a reference to this Act and to Part 9 of the Enterprise Act 2002 (c. 40).
- (3) Sub-paragraph (2) applies—
  - (a) notwithstanding the repeal of sections 32 and 33 of the Gas Act 1986 by this Act, and
  - (b) whether or not the complaint is within section 11, 12 or 13, or the matter is within section 11.
- (4) “The appointed day” is the day on which section 30(1) comes into force.

#### Commencement Information

**I67** Sch. 3 para. 1 in force at 1.10.2008 by [S.I. 2008/2550, art. 2, Sch.](#)

- 2 (1) This paragraph applies to—
  - (a) any complaint to which section 46(1) of the Electricity Act 1989 (c. 29) applies which is referred to the Gas and Electricity Consumer Council before the appointed day;
  - (b) any matter under investigation by the Gas and Electricity Consumer Council under section 46A of that Act immediately before the appointed day.
- (2) The functions of the Gas and Electricity Consumer Council under section 46 or 46A of the Electricity Act 1989 are exercisable by the Council in relation to the complaint or matter, but as if in section 46(8) of that Act the reference to the Utilities Act 2000 or the Electricity Act 1989 included a reference to this Act and Part 9 of the Enterprise Act 2002.
- (3) Sub-paragraph (2) applies—
  - (a) notwithstanding the repeal of sections 46 and 46A of the Electricity Act 1989 by this Act, and

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(b) whether or not the complaint is within section 11, 12 or 13, or the matter is within section 11.

(4) “The appointed day” is the day on which section 30(1) comes into force.

**Commencement Information**

**I68** Sch. 3 para. 2 in force at 1.10.2008 by [S.I. 2008/2550, art. 2, Sch.](#)

*Annual reports of the Gas and Electricity Consumer Council*

- 3 (1) After the abolition of the Gas and Electricity Consumer Council under section 30(1), any duty of the Gas and Electricity Consumer Council to make an annual report, in relation to any financial year for which such a report has not been made, is to be discharged by the Council.
- (2) The period between the abolition of the Gas and Electricity Consumer Council and the end of the preceding financial year (if less than 12 months) is to be treated as its financial year for which the last annual report is required.
- (3) If that period is 9 months or longer the Council must make the last annual report as soon as practicable after the end of that period.
- (4) If that period is shorter than 9 months the last annual report must be made no later than the first report of the Council under section 7.
- (5) In this paragraph—  
“annual report” means a report required by paragraph 6 of Schedule 2 to the Utilities Act 2000 (c. 27);  
“financial year” means a year ending with 31 March.

**Commencement Information**

**I69** Sch. 3 para. 3 in force at 1.10.2008 by [S.I. 2008/2550, art. 2, Sch.](#)

*Complaints and investigations functions of Consumer Council for Postal Services*

- 4 (1) This paragraph applies to any matter which, immediately before the appointed day, is under investigation by the Consumer Council for Postal Services under—  
(a) section 56(1) of the Postal Services Act 2000 (c. 26) (complaints referred to the Consumer Council for Postal Services), or  
(b) section 57 of that Act (power of that Council to investigate other matters).
- (2) The functions of the Consumer Council for Postal Services under section 56 or 57 of the Postal Services Act 2000 are exercisable by the Council in relation to the matter, and any agreement between the Consumer Council for Postal Services and the Commission under section 56(3) of that Act has effect as if agreed between the Council and the Commission.
- (3) Sub-paragraph (2) applies—  
(a) notwithstanding the repeal of sections 56 and 57 of the Postal Services Act 2000 by this Act;

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(b) whether or not the matter is within section 11 or 16.

(4) “The appointed day” is the day on which section 30(2) comes into force.

**Commencement Information**

**I70** Sch. 3 para. 4 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Annual reports of the Consumer Council for Postal Services*

- 5 (1) After the abolition of the Consumer Council for Postal Services under section 30(2), any duty of the Consumer Council for Postal Services to make an annual report, in relation to any financial year for which such a report has not been made, is to be discharged by the Council.
- (2) The period between the abolition of the Consumer Council for Postal Services and the end of the preceding financial year (if less than 12 months) is to be treated as the financial year for which the last annual report is required.
- (3) If that period is 9 months or longer the Council must make the last annual report as soon as practicable after the end of that period.
- (4) If that period is shorter than 9 months the last annual report must be made no later than the first report of the Council under section 7.
- (5) In this paragraph—
- “annual report” means a report required by section 55(1) of the Postal Services Act 2000 (c. 26);
- “financial year” means a year ending with 31 March.

**Commencement Information**

**I71** Sch. 3 para. 5 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

SCHEDULE 4

Section 35

TRANSFER OF PROPERTY ETC TO COUNCIL

*Preliminary*

- 1 In this Schedule—
- “transfer scheme” has the meaning given by section 35;
- “transferor” means the body to which section 35 applies and to which the transfer scheme relates.

**Commencement Information**

**I72** Sch. 4 para. 1 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

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### *Contents of transfer schemes*

- 2 (1) The property, rights and liabilities that may be transferred by a transfer scheme include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.
- (2) The transfers authorised by sub-paragraph (1) include transfers of interests and rights that are to take effect in accordance with the scheme as if there were—
- (a) no such requirement to obtain a person's consent or concurrence,
  - (b) no such liability in respect of a contravention of any other requirement, and
  - (c) no such interference with any interest or right,
- as there would otherwise be by reason of a provision within sub-paragraph (3).
- (3) A provision is within this sub-paragraph to the extent that it has effect (whether under an enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled or subject to anything to which the transfer relates.

#### **Commencement Information**

**I73** Sch. 4 para. 2 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

- 3 A transfer scheme may define the property, rights and liabilities to be transferred by specifying them or describing them.

#### **Commencement Information**

**I74** Sch. 4 para. 3 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

- 4 A transfer scheme may contain supplementary, incidental, transitional and consequential provision.

#### **Commencement Information**

**I75** Sch. 4 para. 4 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

### *Effect of transfers*

- 5 (1) On the day appointed by a transfer scheme the property, rights and liabilities which are the subject of the scheme are transferred to [<sup>F253</sup>Citizens Advice] in accordance with the provisions of the scheme.
- (2) Sub-paragraph (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by virtue of that sub-paragraph.

#### **Textual Amendments**

**F253** Words in Sch. 4 substituted (1.4.2014) 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\(3\)](#), [Sch. 1 para. 12\(49\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))



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#### Commencement Information

**I76** Sch. 4 para. 5 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

- 6
- (1) So far as is appropriate in consequence of the transfer, anything done by the transferor for the purposes of or in connection with anything transferred which is in effect immediately before it is transferred is to be treated as if done by <sup>[F253]</sup>Citizens Advice].
  - (2) A transfer does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.
  - (3) There may be continued by or in relation to <sup>[F253]</sup>Citizens Advice] anything (including legal proceedings) relating to anything transferred which is in the process of being done by or in relation to the transferor immediately before it is transferred.
  - (4) So far as is appropriate in consequence of the transfer, <sup>[F253]</sup>Citizens Advice] is substituted for the transferor in any agreement, instrument or other document relating to anything transferred.

#### Textual Amendments

**F253** Words in Sch. 4 substituted (1.4.2014) 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\(3\)](#), [Sch. 1 para. 12\(49\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))

#### Commencement Information

**I77** Sch. 4 para. 6 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

#### Staff

- 7
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to a transfer which relates to rights or liabilities under a contract of employment whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of those regulations.

#### Commencement Information

**I78** Sch. 4 para. 7 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

- 8
- Where an employee of the transferor becomes an employee of <sup>[F253]</sup>Citizens Advice] by virtue of a transfer scheme—
- (a) a period of employment with the transferor is to be treated as a period of employment with <sup>[F253]</sup>Citizens Advice], and
  - (b) the transfer to <sup>[F253]</sup>Citizens Advice] is not to be treated as a break in service.

#### Textual Amendments

**F253** Words in Sch. 4 substituted (1.4.2014) 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\(3\)](#), [Sch. 1 para. 12\(49\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))

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#### Commencement Information

**I79** Sch. 4 para. 8 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

*Chargeable gains: asset to be treated as disposed of without a gain or loss*

- 9 For the purposes of the Taxation of Chargeable Gains Act 1992 (c. 12), a transfer of an asset by a transfer scheme is to be treated as a disposal of that asset to [<sup>F253</sup>Citizens Advice] for a consideration of such amount as would secure that, on the disposal, neither a gain nor a loss accrues to the transferor.

#### Textual Amendments

**F253** Words in Sch. 4 substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(49\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I80** Sch. 4 para. 9 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

*Continuity in relation to transfer of intangible assets*

- 10 (1) For the purposes of Schedule 29 to the Finance Act 2002 (c. 23)—
- (a) a transfer by a transfer scheme of a chargeable intangible asset of the transferor is to be treated as a tax-neutral transfer, and
  - (b) an intangible fixed asset which is an existing asset of the transferor at the time of the transfer is to be treated, on and after the transfer, as an existing asset in the hands of [<sup>F253</sup>Citizens Advice].
- (2) Expressions used in this paragraph and in that Schedule have the same meanings in this paragraph as in that Schedule.

#### Textual Amendments

**F253** Words in Sch. 4 substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(49\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I81** Sch. 4 para. 10 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

*Corporation Tax Acts*

- 11 So far as it relates to corporation tax, this Schedule is to be construed as one with the Corporation Tax Acts.

#### Commencement Information

**I82** Sch. 4 para. 11 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

### *Modification of transfer schemes after appointed day*

- 12 (1) If, after the day appointed by a transfer scheme, the transferor and [<sup>F253</sup>Citizens Advice] so agree in writing, the scheme shall for all purposes be deemed to have come into force on that day with such modifications as may be agreed.
- (2) An agreement under this paragraph may, in connection with giving effect to modifications to the scheme, include supplementary, incidental, transitional and consequential provision.

#### **Textual Amendments**

**F253** Words in Sch. 4 substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(49\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### **Commencement Information**

**I83** Sch. 4 para. 12 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

## SCHEDULE 5

Section 45

### INFORMATION RELATING TO COMPLIANCE WITH COMPLAINTS HANDLING STANDARDS

- 1 (1) The Gas Act 1986 (c. 44) is amended as follows.
- (2) In section 28 (orders for securing compliance with certain provisions), in the definition of “relevant requirement” in subsection (8), after “33D” insert “, 33DB”.
- (3) After section 33DA insert—

#### **“33DB Information relating to complaints handling standards**

- (1) This section applies in relation to standards prescribed by the Authority by regulations under section 43 of the Consumers, Estate Agents and Redress Act 2007 (standards for complaints handling) in relation to licence holders (or some of them).
- (2) The Authority must from time to time collect information with respect to the levels of compliance with the standards which those licence holders have achieved.
- (3) At such times as the Authority may direct, each of those licence holders must give the Authority such information as the Authority may direct with respect to the levels of compliance with the standards which the licence holder has achieved.”

#### **Commencement Information**

**I84** Sch. 5 para. 1 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

- 2 (1) The Electricity Act 1989 (c. 29) is amended as follows.

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

- (2) In section 25 (orders for securing compliance), in the definition of “relevant requirement” in subsection (8), after “42A” insert “, 42AB ”.
- (3) After section 42AA insert—

**“42AB Information relating to complaints handling standards**

- (1) This section applies in relation to standards prescribed by the Authority by regulations under section 43 of the Consumers, Estate Agents and Redress Act 2007 (standards for complaints handling) in relation to licence holders (or some of them).
- (2) The Authority must from time to time collect information with respect to the levels of compliance with the standards which those licence holders have achieved.
- (3) At such times as the Authority may direct, each of those licence holders must give the Authority such information as the Authority may direct with respect to the levels of compliance with the standards which the licence holder has achieved.”

**Commencement Information**

**I85** Sch. 5 para. 2 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

F254<sup>3</sup>

**Textual Amendments**

**F254** Sch. 5 para. 3 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(c\)](#); [S.I. 2011/2329](#), art. 3

**Commencement Information**

**I86** Sch. 5 para. 3 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

SCHEDULE 6

Section 53

ESTATE AGENTS' REDRESS SCHEMES

- 1 The Estate Agents Act 1979 (c. 38) is amended as follows.

**Commencement Information**

**I87** Sch. 6 para. 1 in force at 12.10.2007 by [S.I. 2007/2934](#), art. 3, [Sch.](#)

- 2 After section 23 insert—

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## *“Redress schemes*

### **23A Redress schemes**

- (1) The Secretary of State may by order require persons who engage in estate agency work in relation to residential property (“relevant estate agency work”) to be members of an approved redress scheme for dealing with complaints in connection with that work.
- (2) An order may provide for the duty to apply—
  - (a) only to specified descriptions of persons who engage in estate agency work; and
  - (b) in relation to any relevant estate agency work carried out by a person to whom the duty applies or only in relation to specified descriptions of work (which may be framed by reference to descriptions of residential property).
- (3) An order may also provide for the duty not to apply in relation to complaints of any specified description (which may be framed by reference to a description of person making a complaint).
- (4) In subsections (1) and (2)(a), the reference to persons who engage in estate agency work does not include a reference to persons who engage in that work in the course of their employment.
- (5) The power to make an order shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Before making an order the Secretary of State must be satisfied that all persons who are to be subject to the duty will be eligible to join a suitable approved redress scheme before the duty applies to them.

For this purpose the Secretary of State may disregard persons who cannot lawfully engage in the relevant estate agency work to which the duty applies.

- (7) Nothing in this section prevents an approved redress scheme from providing—
  - (a) for membership to be open to persons who are not subject to the duty;
  - (b) for the investigation and determination of any complaints in relation to which the duty does not apply, where the members concerned have voluntarily accepted the jurisdiction of the scheme over those complaints;
  - (c) for the exclusion from investigation and determination under the scheme of any complaint in such cases or circumstances as may be specified in or determined under the scheme.
- (8) For the purposes of this section—
  - (a) a “redress scheme” is a scheme which provides for complaints against members of the scheme to be investigated and determined by an independent person (“the ombudsman”);
  - (b) a redress scheme is “approved” if—

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*Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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*

- (i) it is for the time being approved by the OFT under Schedule 3; or
  - (ii) it is administered by or on behalf of the Secretary of State and designated by him as an approved redress scheme for the purposes of this section;
  - (c) a “complaint” is a complaint made by a person by virtue of his being or having been a seller or buyer of residential property;
  - (d) “seller”, in relation to residential property, means a person who claims that he is or may become interested in disposing of an interest in land in respect of that property (and includes a person who disposes of such an interest);
  - (e) “buyer”, in relation to residential property, means a person who claims that he is or may become interested in acquiring an interest in land in respect of that property (and includes a person who acquires such an interest).
- (9) The Secretary of State may not designate a scheme as an approved redress scheme for the purposes of this section unless the Secretary of State is satisfied that the scheme is one which could be approved by the OFT in accordance with paragraphs 2 to 5 of Schedule 3.
- (10) Schedule 3 (which makes further provision in connection with the approval of redress schemes etc.) shall have effect.
- (11) In this section—
- “order” means an order under subsection (1);
  - “the duty” means the requirement under an order to be a member of an approved redress scheme.

### **23B Enforcement**

- (1) If a duly authorised officer of an enforcement authority other than the OFT believes that a person has engaged (or is engaging) in estate agency work in relation to residential property in breach of the duty imposed by an order under section 23A(1) he may give a penalty charge notice to that person.
- (2) A penalty charge notice may not be given after the end of the period of six months beginning with the day (or in the case of a continuing breach the last day) on which the breach of duty was committed.
- (3) Schedule 4 (which makes further provision in connection with penalty charge notices) shall have effect.
- (4) An enforcement authority other than the OFT must notify the OFT if it believes that a person has engaged (or is engaging) in estate agency work in relation to residential property in breach of the duty imposed by an order under section 23A(1).

### **23C Meaning of residential property**

- (1) For the purposes of sections 23A and 23B “residential property”—
  - (a) has the meaning given by subsection (2); but

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- (b) does not include land of a description specified in an order made by the Secretary of State for the purposes of this section.
- (2) “Residential property” means any land that consists of or includes a building or part of a building—
  - (a) the whole or part of which is used as a dwelling or as more than one dwelling; or
  - (b) that is (or is to be) offered for sale on the basis that the whole or part of it is suitable for such use or is intended to be so suitable by the time the seller disposes of his interest in it.
- (3) In subsection (2), the reference to a building or part of a building (so far as relating to paragraph (b) of that subsection) includes a reference to a building or part that is being or is to be constructed.
- (4) A description of land specified by order under subsection (1)(b) may be framed by reference to the purpose or purposes for which the land (or part of it) is or is intended to be used.
- (5) The power to make an order under subsection (1)(b) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

**I88** Sch. 6 para. 2 in force at 12.10.2007 by [S.I. 2007/2934](#), art. 3, [Sch.](#)

3 After Schedule 2 insert—

### “SCHEDULE 3

Section 23A(10)

#### REDRESS SCHEMES

##### *Approval of redress schemes*

- 1 A redress scheme may be approved for the purposes of section 23A by the OFT acting in accordance with paragraphs 2 to 8.
- 2 (1) A scheme may not be approved unless the OFT considers that—
  - (a) the provisions of the scheme; and
  - (b) the manner in which it will be operated (so far as can be judged from facts known to the authority);are satisfactory for the purposes of section 23A.
- (2) Without prejudice to the generality of sub-paragraph (1), a scheme must not be approved unless the OFT considers that it makes satisfactory provision about—
  - (a) the complaints which may be made under the scheme (which may include complaints about non-compliance with the provisions of a code of practice or other document);
  - (b) the ombudsman's duties and powers in relation to the investigation and determination of complaints (which may include power to decide not to investigate or determine a particular complaint);

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- (c) the redress which the ombudsman may require members to provide to complainants, which must include the types of redress specified in sub-paragraph (3);
  - (d) the enforcement of any requirement to provide redress imposed on a member in accordance with the scheme.
- (3) The types of redress mentioned in sub-paragraph (2)(c) are—
- (a) providing an apology or explanation;
  - (b) paying compensation; and
  - (c) taking such other actions in the interests of the complainant as the ombudsman may specify.
- 3 (1) In determining whether a scheme, or any provisions mentioned in paragraph 2(2), are satisfactory the OFT must have regard to—
- (a) the interests of members of the scheme and of sellers and buyers of residential properties; and
  - (b) such principles as—
    - (i) in the opinion of the OFT constitute generally accepted principles of best practice in relation to consumer redress schemes, and
    - (ii) it is reasonable to regard as applicable to the scheme.
- (2) In considering the interests mentioned in sub-paragraph (1)(a), the OFT may have regard to the number of other redress schemes which are (or are likely to become) approved redress schemes.
- 4 The OFT must not approve a scheme unless it considers that the scheme makes satisfactory provision about the provision of information by the ombudsman or the scheme administrator to—
- (a) persons exercising functions under other approved schemes;
  - (b) persons exercising functions under other consumer redress schemes; and
  - (c) the OFT or any other person exercising regulatory functions in relation to the activities of persons engaging in estate agency work.
- 5 The OFT must not approve a scheme if it considers that the scheme provides for membership to be revoked on any unfair grounds.

#### *Applications for approval to the OFT*

- 6 An application for approval by the OFT of a redress scheme must—
- (a) be made in such manner as the OFT may determine; and
  - (b) be accompanied by such information as the OFT may require.
- 7 Where the OFT is proposing to refuse an application for approval it must give the applicant a notice stating—
- (a) that it is proposing to refuse the application;
  - (b) the grounds for the proposed refusal; and
  - (c) that representations about the proposed refusal may be made within such period of not less than 30 days as is specified in the notice.
- 8 If the OFT decides to refuse an application for approval, it must give the applicant a notice stating—



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- (a) the OFT's decision to refuse the application; and
- (b) the reasons for the decision.

#### *Notification of changes to an approved scheme*

- 9 The scheme administrator of a redress scheme which is approved by the OFT must notify the OFT of any change to the scheme before the end of the period of 14 days beginning with the day on which the change is made.

#### *Withdrawal of approval by the OFT*

- 10 The OFT may withdraw approval of a redress scheme which is for the time being approved by it.
- 11 Before withdrawing approval of a scheme, the OFT must give the scheme administrator a notice stating—
- (a) that it proposes to withdraw its approval;
  - (b) the grounds for the proposed withdrawal of approval; and
  - (c) that representations about the proposed withdrawal may be made within such period of not less than 30 days as is specified in the notice.
- 12 The OFT must give the scheme administrator a notice stating—
- (a) its decision on a proposal to withdraw approval; and
  - (b) the reasons for its decision.
- 13 If the OFT decides to withdraw approval of a scheme—
- (a) the withdrawal has effect from such date as may be specified in the notice under paragraph 12;
  - (b) the scheme administrator must give a copy of the notice under paragraph 12 to every member of the scheme.

#### *Revocation of designation by the Secretary of State*

- 14 If the Secretary of State decides to revoke his designation of a scheme for the purposes of section 23A, he must give every member of the scheme a notice stating—
- (a) that he has decided to revoke the designation;
  - (b) the reasons for his decision; and
  - (c) the date from which the revocation has effect.

#### *Defamation proceedings*

- 15 For the purposes of the law relating to defamation, proceedings under an approved redress scheme in relation to the investigation and determination of a complaint are to be treated in the same way as proceedings before a court.

#### *Interpretation*

- 16 In this Schedule—
- “redress scheme” has the meaning given in section 23A(8)(a);

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“approved redress scheme” has the meaning given in section 23A(8)(b);

“buyer”, in relation to residential property, has the meaning given in section 23A(8)(e);

“complaint” has the meaning given in section 23A(8)(c);

“ombudsman” means the independent person mentioned in section 23A(8)(a);

“residential property” has the meaning given in section 23C;

“scheme administrator”, in relation to a redress scheme, means the person who administers the scheme;

“seller”, in relation to residential property, has the meaning given by section 23A(8)(d).”

#### Commencement Information

**I89** Sch. 6 para. 3 in force at 12.10.2007 by [S.I. 2007/2934](#), art. 3, [Sch.](#)

4 After Schedule 3 (as inserted by paragraph 3) insert—

#### “SCHEDULE 4

Section 23B(3)

#### PENALTY NOTICES UNDER SECTION 23B(1)

- 1 A penalty charge notice given to a person under section 23B(1) by a duly authorised officer of an enforcement authority other than the OFT must—
  - (a) state the officer's belief that that person has committed a breach of the duty imposed by an order under section 23A(1);
  - (b) give such other particulars of the circumstances as may be necessary to give reasonable notice of the breach of duty;
  - (c) require that person, within a period specified in the notice—
    - (i) to pay a penalty charge specified in the notice; or
    - (ii) to give notice to the enforcement authority that he wishes to review the notice;
  - (d) state the effect of paragraph 8;
  - (e) specify the person to whom and the address at which the penalty charge may be paid and the method or methods by which payment may be made; and
  - (f) specify the person to whom and the address at which a notice requesting a review may be sent (and to which any representations relating to the review may be addressed).
- 2 The penalty charge specified in the notice shall be of such amount (not exceeding £1,000) as may be prescribed for the time being by regulations made by the Secretary of State.
- 3 (1) The period specified under paragraph 1(c) must not be less than 28 days beginning with the day after that on which the penalty charge notice was given.
  - (2) The enforcement authority may extend the period for complying with the requirement mentioned in paragraph 1(c) in any particular case if they consider it appropriate to do so.

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- 4 The enforcement authority may, if they consider that the penalty charge notice ought not to have been given, give the recipient a notice withdrawing the penalty charge notice.
- 5 (1) If, within the period specified under paragraph 1(c) (or that period as extended under paragraph 3(2)), the recipient of the penalty charge notice gives notice to the enforcement authority requesting a review, the authority shall—
  - (a) consider any representations made by the recipient and all other circumstances of the case;
  - (b) decide whether to confirm or withdraw the notice; and
  - (c) give notice of their decision to the recipient.(2) A notice under sub-paragraph (1)(c) confirming the penalty charge notice must also state the effect of paragraphs 6(1) to (3) and 8(1) and (3).  
(3) If the authority are not satisfied—
  - (a) that the recipient committed the breach of duty specified in the notice;
  - (b) that the notice was given within the time allowed by section 23B(2) and complies with the other requirements imposed by or under this Schedule; and
  - (c) that in the circumstances of the case it was appropriate for a penalty charge notice to be given to the recipient;they shall withdraw the penalty charge notice.
- 6 (1) If after a review the penalty charge notice is confirmed by the enforcement authority, the recipient may, within the period of 28 days beginning with the day after that on which the notice under paragraph 5(1)(c) is given, appeal to a county court or, in Scotland, to the sheriff against the penalty charge notice.  
(2) The county court or the sheriff may extend the period for appealing against the notice.  
(3) Such an appeal must be on one (or more) of the following grounds—
  - (a) that the recipient did not commit the breach of duty specified in the penalty charge notice;
  - (b) that the notice was not given within the time allowed by section 23B(2) or does not comply with any other requirement imposed by or under this Schedule; or
  - (c) that in the circumstances of the case it was inappropriate for the notice to be given to the recipient.(4) An appeal against a penalty charge notice shall be by way of a rehearing; and the county court or sheriff shall either uphold the notice or quash it.
- 7 If the penalty charge notice is withdrawn or quashed, the authority shall repay any amount previously paid as a penalty charge in pursuance of the notice.
- 8 (1) The amount of the penalty charge is recoverable from the recipient of the penalty charge notice as a debt owed to the authority unless—
  - (a) the notice has been withdrawn or quashed; or
  - (b) the charge has been paid.

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- (2) Proceedings for the recovery of the penalty charge may not be commenced before the end of the period mentioned in paragraph 5(1).
- (3) And if within that period the recipient of the penalty charge notice gives notice to the authority that he wishes the authority to review the penalty charge notice, such proceedings may not be commenced—
- (a) before the end of the period mentioned in paragraph 6(1); and
  - (b) where the recipient appeals against the penalty charge notice, before the end of the period of 28 days beginning with the day on which the appeal is withdrawn or determined.
- 9 In proceedings for the recovery of the penalty charge, a certificate which—
- (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority; and
  - (b) states that payment of the penalty charge was or was not received by a date specified in the certificate;
- is evidence of the facts stated.
- 10 Section 29 (service of notices etc.) applies in relation to—
- (a) any penalty charge notice which is to be given under section 23B(1) by a duly authorised officer of an enforcement authority other than the OFT; and
  - (b) any notice which is to be given under paragraph 5(1)(c) of this Schedule by such an enforcement authority;
- as it applies in relation to any notice which under this Act is to be given to any person by the OFT.
- 11 The Secretary of State may by regulations make provision supplementary or incidental to the provisions of this Schedule, including in particular provision prescribing—
- (a) the form of penalty charge notices or of any other notice mentioned in this Schedule;
  - (b) circumstances in which penalty charge notices may not be given;
  - (c) the method or methods by which penalty charges may be paid.
- 12 Any power to make regulations under this Schedule shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

**I90** Sch. 6 para. 4 in force at 12.10.2007 by [S.I. 2007/2934](#), art. 3, [Sch.](#)

*Status: This version of this Act contains provisions that are prospective.*

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## SCHEDULE 7

Section 63

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Estate Agents Act 1979 (c. 38)*

- 1 In section 3 of the Estate Agents Act 1979 (prohibition orders), in subsection (3) for “paragraphs (c) and (d)” substitute “ paragraphs (ba) to (d) ”.

#### **Commencement Information**

**I91** Sch. 7 para. 1 in force at 1.10.2008 by [S.I. 2008/905](#), [art. 3\(2\)](#), [Sch. 2](#)

- 2 In section 6 of that Act (revocation and variation of orders)—
- (a) in subsection (4) in paragraph (b), for the words from “again fail to comply” to the end of the paragraph substitute “ engage in further conduct as mentioned in subsection (1A)(b) or (1B)(b) of that section or engage again in the practice specified in the order, as the case may be. ”; and
  - (b) omit subsection (7).

#### **Commencement Information**

**I92** Sch. 7 para. 2 in force at 1.10.2008 by [S.I. 2008/905](#), [art. 3\(2\)](#), [Sch. 2](#)

PROSPECTIVE

- 3 In section 30(2) of that Act (orders and regulations to which duty to consult applies), after “19” insert “ , 21A ”.

#### *Gas Act 1986 (c. 44)*

- 4 The Gas Act 1986 is amended as follows.

#### **Commencement Information**

**I93** Sch. 7 para. 4 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

- 5 In section 4AB (guidance on social and environmental matters), for subsection (3) (b) substitute—
- “(b) the Council;”.

#### **Commencement Information**

**I94** Sch. 7 para. 5 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

- 6 In section 28 (orders for securing compliance with certain provisions), in subsection (6) for first “and” substitute “ or ”.

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** *Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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*

**Commencement Information**

**I95** Sch. 7 para. 6 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Electricity Act 1989 (c. 29)*

7 The Electricity Act 1989 is amended as follows.

**Commencement Information**

**I96** Sch. 7 para. 7 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

8 In section 3B (guidance on social and environmental matters), for subsection (3) (b) substitute—  
“(b) the Council;”.

**Commencement Information**

**I97** Sch. 7 para. 8 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

9 In section 25 (orders for securing compliance), in subsection (6) for first “and” substitute “ or ”.

**Commencement Information**

**I98** Sch. 7 para. 9 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Water Industry Act 1991 (c. 56)*

10 In Schedule 15 to the Water Industry Act 1991 (disclosure of information)—  
(a) in Part 1 (persons in respect of whose functions disclosure may be made), at the end insert— “ The National Consumer Council. ”, and  
(b) in Part 2 (enactments etc in respect of which disclosure may be made), after the entry for the Railways Act 2005 insert— “ The Consumers, Estate Agents and Redress Act 2007. ”

**Commencement Information**

**I99** Sch. 7 para. 10 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Taxation of Chargeable Gains Act 1992 (c. 12)*

F255 11 .....

**Textual Amendments**

**F255** Sch. 7 para. 11 omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 2 para. 70\(j\)](#)

*Status: This version of this Act contains provisions that are prospective.*

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**Commencement Information**

**I100** Sch. 7 para. 11 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

*Postal Services Act 2000 (c. 26)*

F256<sup>12</sup> .....

**Textual Amendments**

**F256** Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

**Commencement Information**

**I101** Sch. 7 para. 12 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

F256<sup>13</sup> .....

**Textual Amendments**

**F256** Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

**Commencement Information**

**I102** Sch. 7 para. 13 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

F256<sup>14</sup> .....

**Textual Amendments**

**F256** Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

**Commencement Information**

**I103** Sch. 7 para. 14 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

F256<sup>15</sup> .....

**Textual Amendments**

**F256** Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

**Commencement Information**

**I104** Sch. 7 para. 15 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

F256<sup>16</sup> .....

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** *Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 09 April 2024. 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

**F256** Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), art. 3

#### Commencement Information

**I105** Sch. 7 para. 16 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

- 17 In Schedule 8 (amendments of enactments), in paragraph 10 for “that Schedule to that Act” substitute “Schedule 2 to the Parliamentary Commissioner Act 1967”.

#### Commencement Information

**I106** Sch. 7 para. 17 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

#### *Utilities Act 2000 (c. 27)*

- 18 The Utilities Act 2000 is amended as follows.

#### Commencement Information

**I107** Sch. 7 para. 18 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

- 19 In section 4 (forward work programmes)—
- (a) in subsection (1) omit—
    - (i) “and the Council”, and
    - (ii) “each” (in the second place),
  - (b) in subsection (3) omit “or the Council”,
  - (c) in subsection (4) omit “or the Council”,
  - (d) in subsection (5) omit “or the Council”, and
  - (e) omit subsection (7).

#### Commencement Information

**I108** Sch. 7 para. 19 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

- 20 In section 105 (general restrictions on disclosure of information)—
- (a) in subsection (5) omit “and” immediately preceding paragraph (l) and after that paragraph insert “, and
    - (m) the National Consumer Council.”,
  - (b) in subsection (6), at the end insert—
    - “(x) the Consumers, Estate Agents and Redress Act 2007.”,
  - (c) in subsection (8) omit—
    - (i) in paragraph (a) “33DA or”, and “42AA or”, and
    - (ii) in paragraph (c) “, the Council”, and
  - (d) after subsection (11) insert—



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“(11A) Nothing in this section applies to information within section 29(3) of the Consumers, Estate Agents and Redress Act 2007 (application of disclosure regime in Part 9 of the Enterprise Act 2002 to information obtained by the Council).”

**Commencement Information**

**I109** Sch. 7 para. 20 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Warm Homes and Energy Conservation Act 2000 (c. 31)*

21 In section 2 (strategy relating to fuel poverty) in subsection (4)(c) for “Gas and Electricity Consumer Council” substitute “National Consumer Council”.

**Commencement Information**

**I110** Sch. 7 para. 21 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Criminal Justice and Police Act 2001 (c. 16)*

22 In the Criminal Justice and Police Act 2001 —

- (a) in section 66 (general interpretation of Part 2), in subsection (4)(e) for “section 11(1) of the Estate Agents Act 1979” substitute “section 11(1) to (1C) of the Estate Agents Act 1979”, and
- (b) in Part 1 of Schedule 1 (powers of seizure to which section 50 applies), in paragraph 24 for “section 11(1)(c) of the Estate Agents Act 1979” substitute “section 11(1B) of the Estate Agents Act 1979”.

**Commencement Information**

**I111** Sch. 7 para. 22 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Housing Act 2004 (c. 34)*

<sup>F257</sup>23 .....

**Textual Amendments**

**F257** Sch. 7 para. 23 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(m), [Sch. 25 Pt. 29](#)

**Commencement Information**

**I112** Sch. 7 para. 23 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Status: This version of this Act contains provisions that are prospective.*

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## SCHEDULE 8

Section 64

## REPEALS

**Commencement Information**

- I113** Sch. 8 in force at 21.12.2007 for specified purposes by [S.I. 2007/3546, art. 3, Sch.](#)  
**I114** Sch. 8 in force at 1.10.2008 for specified purposes by [S.I. 2008/905, art. 3\(2\), Sch. 2](#)  
**I115** Sch. 8 in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2550, art. 2, Sch.](#) (with [art. 3](#))

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Records Act 1958 (c. 51)	In Schedule 1, in the Table at the end of paragraph 3, the entries relating to the Consumer Council for Postal Services and the Gas and Electricity Consumer Council.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2 the entries relating to the Consumer Council for Postal Services, the Gas and Electricity Consumer Council and the National Consumer Council.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1— (a) in Part 2 the entries relating to the Consumer Council for Postal Services and the Gas and Electricity Consumer Council, and (b) in Part 3 the entries relating to the Chairman and Deputy Chairman of the National Consumer Council.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, the entries for the Consumer Council for Postal Services (“Postwatch”), the Gas and Electricity Consumer Council (Energywatch) and the National Consumer Council.
Estate Agents Act 1979 (c. 38)	Section 5(4). Section 6(7). Section 9(4)(a). Section 27(1)(b).
Gas Act 1986 (c. 44)	Sections 32 and 33.
Electricity Act 1989 (c. 29)	Sections 46 and 46A.
Postal Services Act 2000 (c. 26)	Section 2. In section 39 “or of the Secretary of State in relation to the establishment of the Council”. Sections 51 to 59. In section 61— (a) in subsection (1) “and the Council” and “each” (in the second place), (b) in subsection (2)(b) “or the Council”, (c) in subsection (3) “or the Council”,

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	(d) in subsection (5)(a) “or (as the case may be) the Commission”, and
	(e) in subsection (5)(b) “or (as the case may be) the Council”.
	Schedule 2.
	In Schedule 7, paragraph 5(1)(d) and the “or” immediately preceding it.
	In Schedule 8, paragraphs 9 and 14(2).
Utilities Act 2000 (c. 27)	Section 2.
	Section 3(6).
	In section 4—
	(a) in subsection (1) “and the Council” and “each” (in the second place),
	(b) in subsection (3) “or the Council”,
	(c) in subsection (4) “or the Council”,
	(d) in subsection (5) “or the Council”, and
	(e) subsection (7).
	In section 8—
	(a) subsection (3)(b) and the “and” immediately preceding it, and
	(b) subsection (7).
	Sections 17, 18(1) to (4) and (7), 19, 20(1) to (4), 21 to 27.
	In section 105—
	(a) in subsection (5) “and” immediately preceding paragraph (1),
	(b) in subsection (8)(a) “33DA or” and “42AA or”, and
	(c) in subsection (8)(c) “, the Council”.
	Schedule 2.
	In Schedule 6, paragraphs 12(f) (and the “and” immediately preceding it), 22(b), 40(b) and 42.
	In Schedule 7—
	(a) paragraphs 24 and 25,
	(b) in paragraph 26(1), “or the Council”,
	(c) paragraphs 28 and 30,
	(d) paragraphs 31 and 32.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entries for the Consumer Council for Postal Services, the Gas and Electricity Consumer Council and the National Consumer Council.
Warm Homes and Energy Conservation Act 2000 (c. 31)	Section 2(9).
Enterprise Act 2002 (c. 40)	In Schedule 25, paragraphs 15(7), 20(8) and 42(6).
Energy Act 2004 (c. 20)	Section 179(3)(b) and (e).
Housing Act 2004 (c. 34)	Sections 172 to 174.

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**Status:**

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**Changes to legislation:**

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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. 42(4)(c) words substituted by [2023 c. 52 Sch. 17 para. 16\(a\)](#)
- s. 42(4)(c) words substituted by [2023 c. 52 Sch. 17 para. 16\(b\)](#)