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STATUTORY INSTRUMENTS

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**2014 No. 631**

**PUBLIC BODIES**

**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**

*Made - - - - 13th March 2014  
Coming into force in accordance with Article 1(2) to  
(6)*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1(1) and (2), 5(1)(b), 6(1), (2) and (5) and 35(2) of the Public Bodies Act 2011(1) (“the Act”).

The Treasury have consented to the making of this Order in so far as their consent is required by section 6(4) of the Act.

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

- (a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1); and
- (b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Scottish Parliament has consented to the making of this Order in so far as its consent is required by section 9(1) of the Act.

The consent of the Northern Ireland Assembly has been obtained in accordance with section 9(3) of the Act.

The Secretary of State has consulted in accordance with section 10 of the Act.

The National Association of Citizens Advice Bureaux and the Scottish Association of Citizens Advice Bureaux have consented to the transfer of functions made by this Order in so far as their consent is required by section 21(1) of the Act.

A draft of this Order, and an explanatory document containing the information required in section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) of the Act after the end of the period of twelve weeks mentioned in section 11(3).

In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

### Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as 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.

(2) This article comes into force on the day after the day on which this Order is made.

(3) Subject to paragraph (4), articles 2, 3 and 4 of this Order come into force on 1st April 2014.

(4) Article 3(1)(g) and paragraph 14 of Schedule 1 (repeal of reference to the National Consumer Council in Schedule 1 to the Public Bodies Act 2011) come into force on 2nd April 2014.

(5) Subject to paragraphs (6) and (7), article 5 of this Order comes into force on 31st March 2014.

(6) Article 5(3)(a)(ii) and paragraph 6 of Schedule 2 (repeal of reference to the Office of Fair Trading in Schedule 5 to the Public Bodies Act 2011) come into force on 1st April 2014.

(7) Paragraph 16 of Schedule 2 (provision of information to the lead enforcement authority by the OFT) comes into force on the day after the day on which this Order is made.

(8) An amendment or repeal made by this Order has the same extent as the enactment to which it relates.

(9) In this Order—

“the 1979 Act” means the Estate Agents Act 1979(2);

“the 2002 Act” means the Enterprise Act 2002(3);

“the 2007 Act” means the Consumers, Estate Agents and Redress Act 2007(4);

“the 2007 Regulations” means the Money Laundering Regulations 2007(5);

“Citizens Advice” means the National Association of Citizens Advice Bureaux(6);

“Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux(7);

“CMA” means the Competition and Markets Authority(8);

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“the First-tier Tribunal” means the First-tier Tribunal constituted under section 3(1) of the Tribunal, Courts and Enforcement Act 2007(9)”

“the GCCNI” means the General Consumer Council for Northern Ireland(10);

“the lead enforcement authority” means Powys County Council;

“the National Consumer Council” means the National Consumer Council established by section 1 of the 2007 Act;

“the OFT” means the Office of Fair Trading established by section 1 of the 2002 Act.

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(2) 1979 c. 38; relevant amendments were made by the 2002 Act and the 2007 Act.

(3) 2002 c. 40.

(4) 2007 c. 17; relevant amendments were made by the Pensions Act 2011 (c. 19), the Public Services Reform (Scotland) Act 2010 asp 8, the Postal Services Act 2011 (c. 5), the Financial Services Act 2012 (c. 21), S.I. 2011/2704 and S.I. 2012/2400.

(5) S.I. 2007/2157.

(6) The National Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 (c. 46) with the company number 1436945, and a registered charity with the number 279057.

(7) The Scottish Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 with the company number SC089892, and a registered charity with the number SC016637.

(8) The Competition and Markets Authority was established by section 25 of the Enterprise and Regulatory Reform Act 2013 (c. 24).

(9) 2007 c. 15.

(10) The General Consumer Council for Northern Ireland was established by the General Consumer Council (Northern Ireland) Order 1984 No. 1822 (N.I.12) as amended by the Electricity (Northern Ireland) Order 1992 No. 231 (N.I.1), the Audit and Accountability (Northern Ireland) Order 2003 No. 418 (N.I.5), the Energy (Northern Ireland) Order 2003 No. 419 (N.I.6), the Natural Environment and Rural Communities Act 2006 (c. 16), Water and Sewage Services (Northern Ireland) Order 2006 No. 3336 (N.I.21) and the Transport Act (Northern Ireland) 2011 (c. 11).

- (10) A reference in this Order to a consumer advocacy body is a reference to—
- (a) Citizens Advice,
  - (b) Citizens Advice Scotland, or
  - (c) the GCCNI.

### **Abolition of the National Consumer Council**

2. The National Consumer Council is abolished.

### **Transfer of functions of the National Consumer Council**

- 3.—(1) Schedule 1 has effect—
- (a) to transfer certain functions of the National Consumer Council under—
    - (i) the Postal Services Act 2000(**11**),
    - (ii) the 2007 Act, and
    - (iii) the Postal Services Act 2011(**12**),to the consumer advocacy bodies;
  - (b) to transfer certain functions of the National Consumer Council under—
    - (i) the Gas Act 1986(**13**),
    - (ii) the Electricity Act 1989(**14**),
    - (iii) the Utilities Act 2000(**15**),
    - (iv) the Communications Act 2003(**16**), and
    - (v) the 2007 Act,to Citizens Advice and to Citizens Advice Scotland;
  - (c) to transfer certain functions of the National Consumer Council under—
    - (i) the Warm Homes and Energy Conservation Act 2000(**17**), and
    - (ii) the 2007 Act,to Citizens Advice;
  - (d) to transfer certain functions of the National Consumer Council under—
    - (i) the Water Industry (Scotland) Act 2002(**18**),
    - (ii) the Water Services etc (Scotland) Act 2005(**19**), and
    - (iii) the Public Service Reform (Scotland) Act 2010(**20**),to Citizens Advice Scotland;
  - (e) to transfer certain functions of the National Consumer Council under the 2007 Act to the GCCNI;

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(11) 2000 c. 26; relevant amendments have been made by the Postal Services Act 2011.

(12) 2011 c. 5; relevant amendments have been made to this Act by [S.I. 2013/783](#).

(13) 1986 c. 44; relevant amendments have been made to this Act.

(14) 1989 c. 29; relevant amendments have been made to this Act.

(15) 2000 c. 27; relevant amendments have been made to this Act.

(16) 2003 c. 21.

(17) 2000 c. 31; relevant amendments have been made to this Act.

(18) 2002 asp 3.

(19) 2005 asp 3.

(20) 2010 asp 8.

- (f) to make consequential, supplementary incidental and transitional provision relating to the abolition of the National Consumer Council and the transfer of certain functions;
  - (g) to repeal the entry relating to the National Consumer Council in Schedule 1 to the Public Bodies Act 2011.
- (2) A function transferred under paragraph (1)(a) or (b) to Citizens Advice or Citizens Advice Scotland—
- (a) may be exercised by each of them jointly with the other;
  - (b) may be exercised on behalf of the one to which the function is transferred by the other of them, if they so agree.
- (3) The conferring of functions on Citizens Advice or Citizens Advice Scotland by or under this Order is without prejudice to the functions of Citizens Advice and Citizens Advice Scotland not so conferred.
- (4) A function transferred to the GCCNI under paragraph (1)(a) or (e) may be exercised by that body only in relation to consumer matters that relate to postal services in Northern Ireland.
- (5) In paragraph (4) “consumer matters” has the meaning given by section 3 of the 2007 Act.

#### **Transfer of OFT functions in relation to a consumer advice scheme**

4. Schedule 1 also has effect—
- (a) to transfer certain functions of the OFT under the 2007 Act in relation to a consumer advice scheme to Citizens Advice and Citizens Advice Scotland;
  - (b) to make consequential, supplementary and incidental provision relating to the transfer of certain functions relating to a consumer advice scheme from the OFT to Citizens Advice and Citizens Advice Scotland.

#### **Transfer of OFT functions in relation to estate agents**

- 5.—(1) The functions conferred on the OFT by the 1979 Act are transferred to the lead enforcement authority.
- (2) The functions exercisable by the OFT under the 2007 Regulations by virtue of its role as the supervisory authority for estate agents pursuant to regulation 23(1)(b)(ii) of those Regulations are transferred to the Commissioners.
- (3) The following Schedules have effect—
- (a) Schedule 2, which—
    - (i) makes consequential, supplementary, incidental and transitional provision and savings relating to the transfer of functions under the Estate Agents Act 1979; and
    - (ii) repeals the entry relating to the OFT in Schedule 5 to the Public Bodies Act 2011;
  - (b) Schedule 3 (consequential, supplementary, incidental and transitional provision and savings relating to the transfer of functions under the 2007 Regulations).

13th March 2014

*Jenny Willott*  
Parliamentary Under Secretary of State for  
Employment Relations and Consumer Affairs  
Department for Business, Innovation and Skills

## SCHEDULE 1

Articles 3 and 4

Transfer of certain functions of the National Consumer Council,  
transfer of certain consumer advice scheme functions of the OFT and  
consequential, supplementary, incidental and transitional provision

### PART 1

#### Amendments to Acts

##### **Public Records Act 1958**

1. In Part 2 of Schedule 1 to the Public Records Act 1958(21) (definition of public record: other establishments and organisations) omit the entry relating to the National Consumer Council.

##### **Parliamentary Commissioner Act 1967**

2. In Schedule 2 to the Parliamentary Commissioner Act 1967(22) (departments etc. subject to investigation) omit the entry relating to the National Consumer Council.

##### **House of Commons Disqualification Act 1975**

3. In Schedule 1 to the House of Commons Disqualification Act 1975(23) (offices disqualifying for membership)—

- (a) in Part 2 (bodies of which all members are disqualified)(24) omit the entry relating to the National Consumer Council;
- (b) in Part 3 (other disqualifying offices)(25) omit the entry relating to a member of a committee of the National Consumer Council established under section 1 of, or paragraph 12 of Schedule 1 to, the Consumers, Estate Agents and Redress Act 2007.

##### **Gas Act 1986**

4.—(1) The Gas Act 1986(26) is amended as follows.

(2) In section 4AB (guidance on social and environmental matters)(27), in subsection (3) for paragraph (b) substitute—

- “(b) Citizens Advice;
- (ba) Citizens Advice Scotland;”.

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(21) 1958 c. 51. The entry relating to the National Consumer Council was inserted by paragraph 36(1) of Part 6 of Schedule 1 to the 2007 Act.

(22) 1967 c. 13; Schedule 2 was substituted by Schedule 1 to S.I. 2011/2986. Other amendments to this Act are not relevant to this Order.

(23) 1975 c. 24.

(24) Part 2 of Schedule 1 was amended by paragraph 34(1) of Part 6 of Schedule 1 to the 2007 Act. Other amendments to this Part are not relevant to this Order.

(25) Part 3 of Schedule 1 was amended by paragraph 34(2) of Part 6 of Schedule 1 to the 2007 Act. Other amendments to this Part are not relevant to this Order.

(26) 1986 c. 44 as amended by section 10(1) of and paragraph 26 of Schedule 3 to the Gas Act 1995 (c. 45), sections 20(5), 90(2), and 108 of and paragraphs 1, 2(1) and 10 of Part 1 of Schedule 6 to the Utilities Act 2000 (c. 27), section 17 of and paragraphs 1 and 3 of the Schedule to the Climate Change and Sustainable Energy Act 2006 (c. 19) and paragraph 1 of Schedule 1 to the Energy Act 2011 (c. 16).

(27) Section 4AB was inserted by section 10 of the Utilities Act 2000; Section 4AB(3)(b) was substituted by paragraph 5 of Schedule 7 to the 2007 Act.

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(3) In section 6A (exemptions from prohibition)(**28**), in subsection (1B)(a) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.

(4) In section 8 (standard conditions of licences)(**29**), in subsection (5)(b) for “and to the Council” substitute “, to Citizens Advice and to Citizens Advice Scotland”.

(5) In section 23 (modifications of conditions of licences)(**30**), in subsection (4)(b)—

(a) omit the “and” following sub-paragraph (iii);

(b) for sub-paragraph (iv) substitute—

“(iv) Citizens Advice, and

(v) Citizens Advice Scotland.”

(6) In section 23B (appeal to the Competition Commission)(**31**)—

(a) in subsection (2)(d) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland or those bodies acting jointly”;

(b) in subsection (4)(c) for “by the Council,” substitute “by Citizens Advice or Citizens Advice Scotland or those bodies acting jointly,”.

(7) In section 27A (determination of certain disputes)(**32**), in subsection (1)(a) for the words from “Authority by” to “the Council;” substitute—

“Authority—

(i) by either party, or

(ii) with the consent of either party, by Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly;”.

(8) In section 30A (penalties)(**33**), in subsection (7)—

(a) omit the “and” following paragraph (b);

(b) for paragraph (c) substitute—

“(c) by serving a copy of the notice on Citizens Advice; and

(d) by serving a copy of the notice on Citizens Advice Scotland.”

(9) In section 33AB (standards of performance in individual cases: disputes)(**34**), in subsection (1)—

(a) in paragraph (a) for the words from “Authority by” to “the Council;” substitute—

**(28)** Section 6A was inserted by section 2 of the Gas (Exempt Supplies) Act 1993 (c. 1), and then substituted by section 4 of the Gas Act 1995; section 6A(1) was amended by sections 86(1) and 108 of and Schedule 8 to the Utilities Act 2000, section 149(1) and (4) of the Energy Act 2004 (c. 20) and articles 17 and 20 S.I. 2012/2400; section 6A(1A) and (1B) was inserted by section 86(2) of the Utilities Act 2000; sections 6A(2), (2A) and (3) was substituted for section 6A(2) and (3) by section 86(3) of that Act; sections 6A(5) to (9) were substituted for section 6A(5) by section 86(4) of that Act.

**(29)** Section 8 was substituted by section 8(1) of the Gas Act 1995 and amended by section 81(3)(b) of the Utilities Act 2000 and section 150(6)(a) of the Energy Act 2004; section 8(1)(aa) was inserted by section 150(6)(b) of the Energy Act 2004; section 8(2) was amended by section 108 of and paragraphs 1 and 2(1) of Part 1 of Schedule 6 to the Utilities Act 2000; section 8(3) to (7) was amended by section 3(2) of the Utilities Act 2000; section 8(6A) was inserted by section 150(7) of the Energy Act 2004; section 8(7) was amended by section 82(1)(a) and (b) of the Utilities Act 2000.

**(30)** Section 23 was substituted by and paragraph 21 of Schedule 3 to the Gas Act 1995; section 23(1) to (4) and (4A) was substituted for subsections (1) to (4) by regulations 41(1), (2) and (3) of S.I. 2011/2701; section 23(5) was amended by regulations 41(1), (2) and (4) of S.I. 2011/2701; section 23(6) to (10) was substituted for section 23(6) to (13) by regulations 41(1), (2) and (5) of S.I. 2011/2701; section 23(1) to (10) was further amended by section 3(2) of the Utilities Act 2000.

**(31)** Section 23B was inserted by regulations 41(1) and (7) of S.I. 2011/2704; section 23B(2) was amended by articles 17 and 24 of S.I. 2012/2400.

**(32)** Section 27A was inserted by section 10(1) of and paragraph 26 of Schedule 3 to the Gas Act 1995 and amended by sections 3(2) and 108 of and paragraphs 1, 2(1) and 10 of Part 1 of Schedule 6 to the Utilities Act 2000.

**(33)** Section 30A was inserted by section 95(1) of the Utilities Act 2000; sections (1), (3), (5)(a), (5)(d), (7)(b) and (8) were amended by regulations 37(1) and (4)(d) of S.I. 2011/2704; section 30A(1)(b) was amended by article 9(2) of S.I. 2000/3343; section 30A(2) and (2A) was substituted for section 30(2) by paragraphs 1 and 3 of Schedule 14 to the Enterprise and Regulatory Reform Act 2013.

**(34)** Section 33AB was inserted by section 90(2) of the Utilities Act 2000.

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“Authority—

- (i) by either party, or
- (ii) with the consent of either party, by Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly;”.

(b) in paragraph (b) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”.

(10) In section 33BAA (procedures for prescribing or determining standards of performance)(**35**), in subsection (1)(c) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.

(11) In section 33BC (promotion of reductions in carbon emissions: gas transporters and gas suppliers)(**36**), in subsection (11) for “the Council” substitute “Citizens Advice, Citizens Advice Scotland”.

(12) In section 33DA (publication of statistical information about standards of performance)(**37**)—

(a) in subsection (1) for the words from the beginning to “considers appropriate” substitute “It shall be the duty of both Citizens Advice and Citizens Advice Scotland to secure the publication, in such form and manner and with such frequency as the particular body thinks appropriate, of such statistical information as the particular body considers appropriate”;

(b) after subsection (1) insert—

“(1A) Citizens Advice and Citizens Advice Scotland may comply with the duty in subsection (1) by publishing information jointly or by securing that information is published on behalf of both of them.”;

(c) in subsection (2) for “or the Council” substitute “, Citizens Advice or Citizens Advice Scotland”.

(13) In section 41D (application by Authority for order including new activities)(**38**), in subsection (2) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.

(14) In section 41E (references to Competition Commission)(**39**), in subsection (4) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.

(15) In section 41F (reports on references)(**40**)—

(a) in subsection (7)—

(i) for “send another copy to the Council” substitute “send a copy of the report to Citizens Advice and Citizens Advice Scotland”;

(ii) for “that other copy” substitute “the copy sent to Citizens Advice and Citizens Advice Scotland”;

(b) in subsection (8), for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.

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(35) Section 33BAA was inserted by section 92 of the Utilities Act 2000.

(36) Section 33BC was inserted by section 10(1) of and paragraph 36 of Schedule 3 to the Gas Act 1995, substituted by section 99 of the Utilities Act 2000 and amended by section 17 of and paragraphs 1, 2(1) and (2) of the Schedule to the [Climate Change and Sustainable Energy Act 2006](#) (c. 19). There are other amendments not relevant to this Order.

(37) Section 33DA was inserted by section 20(5) of the Utilities Act 2000; section 33DA(1)(a)(ii) was amended by section 17 of and paragraphs 1 and 3 of the Schedule to the Climate Change and Sustainable Energy Act 2006; section 33DA(1)(a)(iii) was amended by paragraph 1 of Schedule 1 to the Energy Act 2011.

(38) Section 41D was inserted by section 88 of the Utilities Act 2000.

(39) Section 41E was inserted by section 88 of the Utilities Act 2000. Other amendments to section 41E are not relevant to this Order.

(40) Section 41F was inserted by section 88 of the Utilities Act 2000; Sections (3A) and (3B) were inserted by, and Sections (4) and (4A) to (4D) were substituted for section 41F(4) by section 278(1) and paragraphs 15(1) and (13) of Schedule 25 to the 2002 Act.

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- (16) In section 41G (application by Authority for order excluding activities)(**41**), in subsection (2) (a) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.
- (17) In section 41H (consultation by Secretary of State about order excluding activities)(**42**), in subsection (2)(a) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.
- (18) In section 41I (service by Authority of certain notices on Council)(**43**)—
- (a) in the heading for “Council” substitute “Citizens Advice and Citizens Advice Scotland”;
  - (b) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (19) In section 66 (general interpretation)(**44**)—
- (a) at the appropriate place insert—
    - ““Citizens Advice” means the National Association of Citizens Advice Bureaux;”;
    - ““Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;”;
  - (b) omit the definition of “the Council”.
- (20) In Schedule 2B (the gas code)—
- (a) in paragraph 6A(4)(**45**), for paragraph (a) substitute—
    - “(a) Citizens Advice;
    - (aa) Citizens Advice Scotland;”;
  - (b) in paragraph 8(11)(b)(**46**) for “and to the Council” substitute “, to Citizens Advice and to Citizens Advice Scotland”.

## Electricity Act 1989

- 5.**—(1) The Electricity Act 1989(**47**) is amended as follows.
- (2) In section 3B (guidance on social and environmental matters)(**48**), in subsection (3) for paragraph (b) substitute—
- “(b) Citizens Advice;
  - (ba) Citizens Advice Scotland;”.
- (3) In section 5 (exemptions from prohibition), in subsection (3)(a) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.

**(41)** Section 41G was inserted by the section 88 of the Utilities Act 2000.

**(42)** Section 41H was inserted by section 88 of the Utilities Act 2000.

**(43)** Section 41I was inserted by section 18(5) of the Utilities Act 2000.

**(44)** Section 66 was amended by section 108 of and paragraph 22(a) of Part 1 of Schedule 6 to the Utilities Act 2000 and section 30(4)(a) of the 2007 Act.

**(45)** Schedule 2B was inserted by section 9(2) of and Schedule 2 to the Gas Act 1995; paragraph 6A was inserted by section 84(1) and (2) of the Utilities Act 2000 and substituted by section 181(1) of the Energy Act 2004; paragraph 6A(1)(a) was substituted by section 23(1) and (2) of the Energy Act 2011.

**(46)** Paragraph 8 of Schedule 2B was amended by section 108 of and paragraphs 1 and 23(a) and (b) of Part 1 of Schedule 6 to the Utilities Act 2000.

**(47)** 1989 c. 29.

**(48)** Section 3B was inserted by section 14 of the Utilities Act 2000; section 3B(3)(b) was substituted by the 2007 Act. Sections 184(12) and 185(13) of the Energy Act 2004 made provision for the effect of this Part of the Electricity Act 1989 (c. 29). Section 190(2) of the Energy Act 2004 also made provision that section 3B shall apply to the carrying out of certain functions conferred on the Secretary of State and the Gas and Electricity Markets Authority (“the Authority”) under the Energy Act 2004. The section shall also apply to the Climate Change Act 2008 (c. 27). Section 30(2) of the Energy Act 2010 (c. 27) also provides that the section shall apply to the carrying out of certain functions by the Secretary of State or the Authority by or under the Energy Act 2010. Sections 76, 77 and 98 of the Energy Act 2011 also provide that they apply to functions of the Secretary of State and with respect to holders of electricity licences.



(4) In section 8A (standard conditions of licences)(**49**), in subsection (4)(b) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.

(5) In section 11A (modification of conditions of licences)(**50**), in subsection (4)(b)—

(a) omit the “and” after sub-paragraph (ii);

(b) for sub-paragraph (iii) substitute—

“(iii) Citizens Advice, and

(iv) Citizens Advice Scotland.”

(6) In section 11C (appeal to the Competition Commission)(**51**)—

(a) in subsection (2)(d), for “the Council” substitute “Citizens Advice or Citizens Advice Scotland or those bodies acting jointly”;

(b) in subsection (4)(c) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland or those bodies acting jointly”.

(7) In section 23 (determination of disputes)(**52**), in subsection (1A)(a) for the words from “Authority by” to “the Council;” substitute—

“Authority—

(i) by either party, or

(ii) with the consent of either party, by Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly;”.

(8) In section 27A (penalties)(**53**), in subsection (7)—

(a) omit the “and” following paragraph (b);

(b) for paragraph (c) substitute—

“(c) by serving a copy of the notice on Citizens Advice; and

(d) by serving a copy of the notice on Citizens Advice Scotland.”

(9) In section 32L (renewables obligation orders: procedure)(**54**), in subsection (1), for paragraph (b) substitute—

“(b) Citizens Advice,

(ba) Citizens Advice Scotland;”.

(10) In section 39B (standards of performance in individual cases: disputes)(**55**), in subsection (1)

(a) in paragraph (a) for the words from “the Authority” to “the Council;” substitute—

“Authority—

(i) by either party, or

(ii) with the consent of either party, by Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly;”.

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(**49**) Section 8A was inserted by section 33 of the Utilities Act 2000; section 8A(1) was amended by, and section (1A) inserted by section 137 of the Energy Act 2004; section (1B) was inserted by section 146(1) to (7) of that Act.

(**50**) Section 11A was inserted by section 35 of the Utilities Act 2000; section 11A(1) to (4A) was substituted for section 11A(1) to (4), section 11A(5) was amended and section 11A(6) to (10) was substituted for section 11A(6) to (11) by regulation 43 of [S.I. 2011/2704](#).

(**51**) Section 11C was inserted by regulations 43(1) and (8) of [S.I. 2011/2704](#).

(**52**) Section 23 was amended by sections 3(2) and 108 of and paragraphs 24 and 26(1) to (4) of Part 2 of Schedule 6 to the Utilities Act 2000.

(**53**) Section 27A was inserted by section 59(1) of the Utilities Act 2000; section 27A(2) and (2A) was substituted for section 27A(2) by the Enterprise and Regulatory Reform Act 2013 (c. 24); section 27A was further amended by regulation 39(1) and (3) (d) of [S.I. 2011/2704](#).

(**54**) Section 32L was substituted by section 37 of the Energy Act 2008 (c. 32).

(**55**) Section 39B was inserted by section 54(2) of the Utilities Act 2000.

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- (b) in paragraph (b) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”.
- (11) In section 40B (procedures for prescribing or determining standards of performance)**(56)**, in subsection (1)(c) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (12) In section 41A**(57)** (promotion of reductions in carbon emissions: electricity distributors and electricity suppliers), in subsection (1) for “the Council” substitute “Citizens Advice, Citizens Advice Scotland”.
- (13) In section 42AA (publication of statistical information about standards of performance)**(58)**—
- (a) in subsection (1) for the words from the beginning to “considers appropriate” substitute “It shall be the duty of both Citizens Advice and Citizens Advice Scotland to secure the publication, in such form and manner and with such frequency as the particular body thinks appropriate, of such statistical information as the particular body considers appropriate”;
  - (b) after subsection (1) insert—

“(1A) Citizens Advice and Citizens Advice Scotland may comply with the duty in subsection (1) by publishing information jointly or by securing that information is published on behalf of both of them.”;
  - (c) in subsection (2) for “or the Council” substitute “, Citizens Advice or Citizens Advice Scotland”.
- (14) In section 56B (application by Authority for order including new activities)**(59)**, in subsection (2) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (15) In section 56C (references to Competition Commission)**(60)**, in subsection (4) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (16) In section 56D (reports on references)**(61)**—
- (a) in subsection (7)—
    - (i) for “send another copy to the Council” substitute “send a copy of the report to Citizens Advice and Citizens Advice Scotland”;
    - (ii) for “that other copy” substitute “the copy sent to Citizens Advice and Citizens Advice Scotland”;
  - (b) in subsection (8) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (17) In section 56E (application by Authority for order excluding activities)**(62)**, in subsection (2) (a) for “the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.
- (18) In section 56F (consultation by Secretary of State about order excluding activities)**(63)**, in subsection (2)(a) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.

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**(56)** Section 40B was inserted by section 56 of the Utilities Act 2000.

**(57)** Section 41A was substituted by section 70 of the Utilities Act 2000; the heading to section 41A was amended by paragraph 5(2) of Schedule 1 to the Climate Change and Sustainable Energy Act 2006 and section 41A(11) was amended by paragraphs 2, 4(1) and (10) of Schedule 1 to the Energy Act 2011. There are other amendments which are not relevant to this Order.

**(58)** Section 42AA was inserted by section 20(6) of the Utilities Act 2000; sections 42AA(1)(a) and (b) and (2) were amended by section 100(5) of and paragraph 4 of Schedule 8 to the Climate Change Act 2008; section 42AA(1)(a)(ii) was also amended by section 17 of and paragraphs 4 and 6 of the Schedule to the Climate Change and Sustainable Energy Act 2006; section 42AA(2) was further amended by article 5(b) of *S.I. 2000/2947*.

**(59)** Section 56B was inserted by section 43 of the Utilities Act 2000 (c. 27).

**(60)** Section 56C was inserted by section 43 of the Utilities Act 2000 and further amended, but those amendments are not relevant to this Order.

**(61)** Section 56D was inserted by section 43 of the Utilities Act 2000; section 56D(3A) and (3B) were inserted, and section 56D(4) to 4(D) substituted for section 56D(4) by section 278(1) of and paragraph 20(1) and (13) of Schedule 25 to the 2002 Act.

**(62)** Section 56E was inserted by section 43 of the Utilities Act 2000.

**(63)** Section 56F was inserted by section 43 of the Utilities Act 2000.

- (19) In section 56G (service by Authority of certain notices on Council)(**64**)—
- (a) in the heading for “Council” substitute “Citizens Advice and Citizens Advice Scotland”;
  - (b) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (20) In section 111 (general interpretation)(**65**), in subsection (1)—
- (a) at the appropriate place insert—
    - ““Citizens Advice” means the National Association of Citizens Advice Bureaux;”;
    - ““Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;”;
  - (b) omit the definition of “the Council”.
- (21) In Schedule 6 (the electricity code) in paragraph 3(10)(b)(**66**) for “and to the Council” substitute “, to Citizens Advice and to Citizens Advice Scotland”.
- (22) In Schedule 7 (use etc. of electricity meters), in paragraph 12(5), for paragraph (a) substitute—
- “(a) Citizens Advice;
  - (aa) Citizens Advice Scotland;”.

### **Water Industry Act 1991**

- 6.** In Schedule 15 to the Water Industry Act 1991(**67**), in Part 1 (persons in respect of whose functions disclosure may be made)—
- (a) after the entry for the Office of Rail Regulation insert—
    - “The National Association of Citizens Advice Bureaux.”;
  - (b) omit the entry relating to the National Consumer Council.

### **Postal Services Act 2000**

- 7.**—(1) The Postal Services Act 2000(**68**) is amended as follows.
- (2) In section 93 (power to modify sections 89 to 92)(**69**), in subsection (2) for “the Council” substitute “, Citizens Advice, Citizens Advice Scotland, the GCCNI”.
- (3) In section 102 (power to ensure compliance with the Postal Services Directive)(**70**)—
- (a) in subsection (3)(a) for “or the Council” substitute “, Citizens Advice, Citizens Advice Scotland or the GCCNI”;
  - (b) after subsection (5) insert—
    - “(6) 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,

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(64) Section 56G was inserted by section 18 of the Utilities Act 2000.

(65) Section 111 was amended by section 30(4)(b) of the 2007 Act and paragraph 40(a) of Schedule 6 to the Utilities Act 2000. There are other amendments to this section which are not relevant to this Order.

(66) Schedule 6 was substituted by section 51(2) of and Schedule 4 to the Utilities Act 2000. Other amendments are not relevant to this Order.

(67) 1991 c. 56; Part 1 of Schedule 15 was amended by paragraph 10(a) of Schedule 7 to the 2007 Act.

(68) 2000 c. 26.

(69) Section 93(2) was amended by paragraphs 1 and 27 of Part 1 of Schedule 12 to the Postal Services Act 2011 (c. 5).

(70) Section 102(1) and (3) was amended by paragraphs 1 and 33(1), (2) and (3) of Part 1 of Schedule 12 to the Postal Services Act 2011.

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

(4) In section 125 (interpretation), in subsection (1)—

(a) omit the definition of “the Council”;

(b) at the appropriate place insert—

““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,”.

## Utilities Act 2000

8.—(1) The Utilities Act 2000(71) is amended as follows.

(2) In section 3 (transfer to Authority and Council of functions, property etc.)—

(a) in the heading omit “and Council”;

(b) in subsection (3) omit “or to the Council”;

(c) omit subsection (4);

(d) in subsection (8) omit “or Council”.

(3) In section 4 (forward work programmes)(72), in subsection (6) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.

(4) In section 5 (annual and other reports of Authority)(73), in subsection (7) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.

(5) Omit section 7 (co-operation between Authority and Council).

(6) In section 8 (payments by licence holders relating to new arrangements)(74)—

(a) in subsection (3A)—

(i) omit paragraphs (a) and (b);

(ii) after paragraph (b) insert—

“(ba) the appropriate proportion of the expenses of Citizens Advice (including expenses relating to taking on functions transferred from the National Consumer Council but not including expenses within paragraph (ca));

(bb) the appropriate proportion of the expenses of Citizens Advice Scotland (including expenses relating to taking on functions transferred from the National Consumer Council but not including expenses within paragraph (cb));”;

(iii) in paragraph (c) omit “the Council,”;

(iv) after paragraph (c) insert—

(71) 2000 c. 27.

(72) Sections 4(1), (3), (4) and (5) was amended by paragraphs 18 and 19 of Schedule 7 to the 2007 Act.

(73) Section 5(1)(b) and (9) was amended by the Enterprise and Regulatory Reform Act 2013 (c. 24); Section 5(2)(a)(ii) was amended by article 3 of S.I. 2000/3343.

(74) Section 8(2), (3), (3)(a), (6) and (9) was amended, section 8(3A),(3B) and (10) inserted and section 8(4)(a) and (b), (5) and (8) substituted by section 1(4) of and paragraph 29 of Part 5 of Schedule 1 to the 2007 Act; section 8(3)(b) and (7) was repealed by paragraph 1 of Schedule 8 to that Act; section 8(3A)(e) was repealed, section 8(3A)(f) amended and section 8(3C) inserted by article 5 of S.I. 2013/783.

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- “(ca) the appropriate proportion of the expenses of Citizens Advice which relate to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011;
  - (cb) the appropriate proportion of the expenses of Citizens Advice Scotland which relate to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011;”;
  - (v) after paragraph (d) insert—
    - “(da) the appropriate proportion of the expenses of the Secretary of State which relate to the abolition of the National Consumer Council and the transfer of functions to Citizens Advice and Citizens Advice Scotland;
    - (db) the appropriate proportion of the expenses of the Secretary of State which relate to the transfer of functions and the conferring of functions on Citizens Advice and Citizens Advice Scotland 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/...);
    - (dc) the appropriate proportion of the expenses of the Secretary of State which relate to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011;”;
  - (b) in subsection (3B)—
    - (i) in paragraph (a) for “subsection (3A)(a) or (b)” substitute “subsection (3A)(ba), (bb), (ca), (cb) or (db)”;
    - (ii) in paragraph (a) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland, as the case may be,”;
    - (iii) omit the “and” after paragraph (a);
    - (iv) after paragraph (a) insert—
      - “(aa) in the case of expenses within subsection (3A)(da) or (dc), the functions exercised by the National Consumer Council in relation to gas and electricity consumers, and”;
  - (c) in subsection (4)—
    - (i) omit paragraph (a) and the “or” following it;
    - (ii) after paragraph (b) insert—
      - “(c) the abolition of the National Consumer Council, or
      - (d) the conferring of functions which are exercisable in relation to gas and electricity consumers on Citizens Advice or Citizens Advice Scotland 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/...).”;
  - (d) in subsection (10), omit the definitions of—
    - (i) “Citizens Advice”, and
    - (ii) “Citizens Advice Scotland”.
- (7) In section 103 (overall carbon emissions reduction targets)(75), in subsection (4) for “the Council” substitute “Citizens Advice, Citizens Advice Scotland”.

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(75) The heading to section 103 and section 103(1), (1)(a) and (b) and (3) were amended by section 17 of and paragraph 7 of the Schedule to the Climate Change and Sustainable Energy Act 2006 (c. 19); section 103(1A) was inserted by paragraph 6(3)

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- (8) In section 103A (overall home heating cost reduction targets)(76), in subsection (5) for “the Council” substitute “Citizens Advice, Citizens Advice Scotland”.
- (9) In section 105 (general restrictions on disclosure of information)—
- (a) in subsection (3)(a) for “the Council” substitute “Citizens Advice, Citizens Advice Scotland”;
  - (b) in subsection (5)—
    - (i) omit the “and” after paragraph (l);
    - (ii) for paragraph (m) substitute—
      - “(m) Citizens Advice, and
      - (n) Citizens Advice Scotland.”;
  - (c) in subsection (11A) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”.
- (10) In section 106 (interpretation)(77), in subsection (1)—
- (a) at the appropriate place insert—
    - ““Citizens Advice” means the National Association of Citizens Advice Bureaux;”;
    - ““Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;”
  - (b) omit the definition of “Council”.

### **Warm Homes and Energy Conservation Act 2000**

- 9.—(1) The Warm Homes and Energy Conservation Act 2000(78) is amended as follows.
- (2) In section 2 (strategy relating to fuel poverty), in subsection (4)(c) for “the National Consumer Council” substitute “Citizens Advice”.
- (3) In section 4 (interpretation, short title, commencement and extent), after subsection (1) insert—
- “(1A) In this Act “Citizens Advice” means the National Association of Citizens Advice Bureaux.”.

### **Freedom of Information Act 2000**

- 10.—(1) In Schedule 1 to the Freedom of Information Act 2000(79) (list of public authorities), Part 6 (other public bodies and offices: general) is amended as follows.
- (2) In the entry relating to the National Association of Citizens Advice Bureaux—
- (a) for “Bureaux, in” substitute—
    - “Bureaux—
    - (a) in”;
  - (b) after the paragraph (a) so formed insert—
    - “(b) in respect of information relating to the functions transferred to it by Article 3(1)(a), (b) or (c) of the Public Bodies (Abolition of the National Consumer

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of the Schedule 8 to the Climate Change Act 2008 (c. 27); section 103(1), (1)(b), (2), (2)(b), (3) and (4) was also amended by paragraph 8 to Schedule 1 of the Energy Act 2011.

(76) Section 103A was inserted by section 70 of the Energy Act 2011.

(77) Section 106(1) was amended by section 30(4)(d) of the 2007 Act.

(78) 2000 c. 31; section 2(4)(c) was amended by paragraphs 18 and 21 of Schedule 7 to the 2007 Act.

(79) 2000 c. 36; Schedule 1 was amended by Schedule 1 to S.I. 2010/937 and by S.I. 2013/783.

Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/...).”.

- (3) Omit the entry relating to the National Consumer Council.

### **Communications Act 2003**

**11.**—(1) The Communications Act 2003(**80**) is amended as follows.

(2) In section 17 (membership etc. of the Consumer Panel)(**81**)—

(a) in subsection (4A) for paragraphs (a) and (b) substitute—

“(a) is an employee of the National Association of Citizens Advice Bureaux (“Citizens Advice”), and

(b) is nominated for the purposes of this subsection by Citizens Advice after consultation with OFCOM.”;

(b) in subsection (4B) for “a member of the National Consumer Council” substitute “an employee of Citizens Advice”;

(c) after subsection (4B) insert—

“(4BA) 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 an employee of the Scottish Association of Citizens Advice Bureaux (“Citizens Advice Scotland”) Citizens Advice Scotland, and

(b) is nominated for the purposes of this subsection by Citizens Advice Scotland after consultation with OFCOM.

(4BB) Only one person may, at any time, be a member of the Consumer Panel appointed in accordance with a direction under subsection (4BA); but that does not prevent OFCOM appointing as a member of the Consumer Panel any person who is also an employee of Citizens Advice Scotland.”;

(d) for subsection (4C) substitute—

“(4C) A person appointed in accordance with a direction under subsection (4A) or (4BA) ceases to be a member of the Consumer Panel—

(a) on ceasing to be an employee of Citizens Advice or, as the case may be, Citizens Advice Scotland, or

(b) if Citizens Advice or, as the case may be, Citizens Advice Scotland decide that the person is no longer to be on the Consumer Panel.”;

(e) in subsection (5) after “to (4A)” insert “and (4BA)”.

### **Consumers, Estate Agents and Redress Act 2007**

**12.**—(1) The 2007 Act(**82**) is amended as follows.

(2) For the heading to Part 1 substitute “THE CONSUMER ADVOCACY BODIES”.

(3) For the italic heading before section 1 substitute “*The consumer advocacy bodies*”.

(4) For section 1 (establishment of the National Consumer Council and its territorial committees) substitute—

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**(80)** 2003 c. 21.

**(81)** Section 17(4A) to (4C) was inserted, and section 17(5) amended, by section 40 of the 2007 Act.

**(82)** 2007 c. 17.

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## **“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, or

(c) the GCCNI.

(3) Except where this Act otherwise provides, Citizens Advice and Citizens Advice Scotland may jointly carry out a function conferred by or under this Act on Citizens Advice or Citizens Advice Scotland, and each may if the other agrees carry out on behalf of the other a function conferred on the other by or under this Act.

(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.”.

(5) Omit section 2 (the territorial committees).

(6) In section 4 (“designated consumers”), in subsection (4) (consultation before making an order), for paragraph (a) substitute—

“(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,

(ab) in the case of an order which relates to consumers in Northern Ireland in relation to postal services, the GCCNI.”.

(7) In section 5 (forward work programmes)—

(a) in the heading, at the end insert “of the GCCNI”;

(b) in subsection (1)—

(i) for “The Council” substitute “The GCCNI”;

(ii) for “before each financial year” substitute “before each programme year”;

(iii) in paragraph (a) for “the Council” substitute “the GCCNI”;

(iv) in paragraph (c) for “the Council” substitute “the GCCNI”;

(c) in subsection (3)—

(i) in paragraph (a) for “the Council” substitute “the GCCNI”;

(ii) in paragraph (b) for “the Council” substitute “the GCCNI”;

(d) omit subsection (4);

(e) after subsection (4) insert—

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

(a) Citizens Advice, and

(b) Citizens Advice Scotland.”;

(f) in subsection (5) for “the Council” substitute “the GCCNI”;



- (g) in subsection (6) for “the Council” substitute “the GCCNI”;
- (h) in subsection (7)—
  - (i) for “The Council” substitute “The GCCNI”;
  - (ii) omit paragraphs (b) and (c);
  - (iii) in paragraph (e) for “the Council” substitute “the GCCNI”;
- (i) after subsection (7) insert—
  - “(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.”.
- (8) In section 6 (general provision about functions)(**83**)—
  - (a) in the heading, at the end insert “of the GCCNI”;
  - (b) in the following provisions for “the Council” substitute “the GCCNI”—
    - (i) subsection (1);
    - (ii) subsection (7) (in both places);
  - (c) in the following provisions for “The Council” substitute “The GCCNI”—
    - (i) subsection (2);
    - (ii) subsection (3);
    - (iii) subsection (4);
    - (iv) subsection (6);
    - (v) subsection (8);
  - (d) omit subsection (9).
- (9) After section 6 insert—

#### **“Exercise of functions of consumer advocacy bodies**

**6A** 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.”.

- (10) Omit section 7 (annual report) and the italic heading before it.
- (11) Omit section 7A (annual report on Scottish Water related activities)(**84**).
- (12) In section 8 (the representative function)—
  - (a) in subsection (1) for “The Council” substitute “The GCCNI”;
  - (b) in subsection (2)(f) for “the Council” substitute “the GCCNI”.
- (13) In section 9 (the research function) for “The Council” substitute “The GCCNI”.
- (14) In section 10 (the information function)—
  - (a) in subsection (1)—

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(83) Section 6(10)(b) was amended by section 1(7) of and paragraph 7 of Schedule 1 to the Pensions Act 2011 (c. 19).

(84) Section 7A was inserted by section 3(6) of and paragraphs 15 and 17 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010 asp 8.

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- (i) for “The Council” substitute “The GCCNI”;
  - (ii) in paragraph (a) for “the Council” substitute “the GCCNI”;
- (b) in subsection (2)—
  - (i) for “the Council”, in the first place it occurs, substitute “the GCCNI”;
  - (ii) in paragraph (a) for “the Council” substitute “the GCCNI”;
- (15) In section 11 (general powers of investigation)—
  - (a) in subsection (1)—
    - (i) for “The Council” substitute “The GCCNI”;
    - (ii) in paragraph (a)—
      - (aa) for “the Council” substitute “the GCCNI”;
      - (bb) after “general relevance” insert “concerning consumer matters that relate to postal services in Northern Ireland.”;
    - (iii) in paragraph (b)—
      - (aa) for “the Council” substitute “the GCCNI”;
      - (bb) for the words from “consumers generally” to the end substitute “consumers of postal services in Northern Ireland.”.
- (16) In section 12 (investigation of complaints made by vulnerable designated consumers)—
  - (a) in subsection (2) for “the Council” substitute “the consumer advocacy body to which the complaint is referred”;
  - (b) in subsection (3)—
    - (i) for “the Council”, in the first place it occurs, substitute “a consumer advocacy body”;
    - (ii) for “the Council”, in the second place it occurs substitute “that consumer advocacy body”;
  - (c) in subsection (4)—
    - (i) for “the Council”, in the first place it occurs, substitute “a consumer advocacy body”;
    - (ii) for “the Council”, in the second place it occurs, substitute “that consumer advocacy body”;
  - (d) after subsection (4) insert—
    - “(5) Where a complaint is referred to Citizens Advice or Citizens Advice Scotland, those bodies may agree that the complaint is to be treated as having been referred to the other of them.
    - (6) If Citizens Advice and Citizens Advice Scotland so agree in a particular case, subsections (3) and (4) and sections 14(2) to (4) and 15(1) are to have effect accordingly.”.
- (17) In section 13 (investigation of complaints relating to disconnection of gas or electricity)—
  - (a) in subsection (2)—
    - (i) for “the Council”, in the first place it occurs, substitute “a consumer advocacy body”;
    - (ii) for “the Council”, in the second place it occurs, substitute “that consumer advocacy body”;
  - (b) in subsection (3)—
    - (i) for “the Council” in the first place it occurs substitute “a consumer advocacy body”;
    - (ii) for “the Council” in the second place it occurs, substitute “that consumer advocacy body”;

- (c) in subsection (4)—
  - (i) for “The Council” substitute “A consumer advocacy body”;
  - (ii) in paragraph (a) for “the Council” substitute “the consumer advocacy body”;
  - (iii) in paragraph (c) for “the Council” substitute “the consumer advocacy body”;
  - (iv) in paragraph (d) for “the Council” substitute “the consumer advocacy body”;
  - (v) in paragraph (e), for “the Council”, in both places it occurs, substitute “the consumer advocacy body”;
- (d) in subsection (5)—
  - (i) for “The Council” substitute “A consumer advocacy body”;
  - (ii) for “the Council” substitute “the consumer advocacy body”;
- (e) after subsection (5) insert—
  - “(5A) Where a complaint is referred to Citizens Advice or Citizens Advice Scotland, those bodies may agree that the complaint is to be treated as having been referred to the other of them.
  - “(5B) If Citizens Advice or Citizens Advice Scotland so agree in a particular case, subsections (2) to (5) and section 14(2) to (4) are to have effect accordingly.”
- (f) After subsection (6) insert—
  - “(6A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI.”
- (18) In section 14 (reference of matters to the Gas and Electricity Markets Authority)—
  - (a) in subsection (2)—
    - (i) for “the Council”, in the first place it occurs, substitute “the consumer advocacy body in question”;
    - (ii) for “the Council”, in the second place it occurs, substitute “that body”;
  - (b) in subsection (3) for “the Council” substitute “the consumer advocacy body in question”;
  - (c) in subsection (4) for “the Council” substitute “the consumer advocacy body in question”;
  - (d) after subsection (4) insert—
    - “(4A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI.”
- (19) In section 15 (reference of postal matters to OFCOM)**(85)**—
  - (a) in subsection (1)—
    - (i) for “The Council” substitute “A consumer advocacy body”;
    - (ii) for “the Council” substitute “that consumer advocacy body”;
  - (b) in subsection (2) for “The Council” substitute “The consumer advocacy bodies”.
- (20) In section 16 (investigations relating to public post offices)**(86)**, for subsection (1) substitute—
  - “(1) Without prejudice to the generality of section 11—
    - (a) Citizens Advice and Citizens Advice Scotland may investigate any matter relating to the number and location of public post offices in England, Wales and Scotland;

**(85)** Section 15(1), (1)(a), and (2) was amended by paragraphs 175 and 177 of Part 3 of Schedule 12 to the Postal Services Act 2011 (c. 5).

**(86)** Section 16(2) was amended by paragraphs 175 and 178 of Part 3 of Schedule 12 to the Postal Services Act 2011.

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- (b) the GCCNI may investigate any matter relating to the number and location of public post offices in Northern Ireland.”
- (21) In the italic heading before section 17, for “*the Council*” substitute “*the consumer advocacy bodies*”.
- (22) In section 17 (reports by the National Consumer Council)—
- (a) in the heading, for “the Council” substitute “the GCCNI”;
  - (b) in subsections (1)—
    - (i) for “The Council” substitute “The GCCNI”;
    - (ii) at the end insert “under this Act.”;
  - (c) in subsection (2) for “The Council” substitute “The GCCNI”.
- (23) In section 18 (Secretary of State’s power to require reports), in subsection (1)—
- (a) for “the Council” substitute “the GCCNI”;
  - (b) after the words “consumer matters” insert “which relate to postal services in Northern Ireland”.
- (24) In section 19 (advice, information and guidance)—
- (a) in subsection (1) for “The Council” substitute “The GCCNI”;
  - (b) in subsection (2)—
    - (i) for “The Council” substitute “The GCCNI”;
    - (ii) for “the Council” substitute “the GCCNI”.
- (25) In section 19A (guidance for energy consumers)**(87)**—
- (a) in subsection (1) for “The Council” substitute “A consumer advocacy body”;
  - (b) in subsection (3) for “the Council” substitute “the consumer advocacy body in question”;
  - (c) in subsection (4)(a) for “in the Council’s view” substitute “in the view of the consumer advocacy body in question”;
  - (d) in subsection (5)—
    - (i) for “the energy consumer guidance and the concise guidance” substitute “its energy consumer guidance and its concise guidance”;
    - (ii) for “the Council” substitute “a consumer advocacy body”;
    - (iii) in paragraph (c) for “the Council” substitute “the consumer advocacy body in question”;
  - (e) for subsection (6) substitute—
 

“(6) A consumer advocacy body must publish the first version of its energy consumer guidance and its concise guidance on its website.”;
  - (f) in subsection (7)—
    - (i) for “the Council”, in the first place it occurs, substitute “a consumer advocacy body”;
    - (ii) for “the energy consumer guidance and the concise guidance” substitute “its energy consumer guidance and its concise guidance”;
    - (iii) for “the Council, in the second place it occurs, substitute “the consumer advocacy body”;
  - (g) in subsection (8)—
    - (i) for “The Council” substitute “A consumer advocacy body”;

**(87)** Section 19A was inserted by regulation 3(1) and (2) of [S.I. 2011/2704](#).

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- (ii) for “the energy consumer guidance and the concise guidance” substitute “its energy consumer guidance and its concise guidance”;
- (iii) for “the Council” substitute “the consumer advocacy body”;
- (iv) after subsection (8) insert—

“(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 the GCCNI.”

(26) Omit sections 20(88), 20A(89) and 21 to 23.

(27) In section 24 (provision of information to the Council)(90)—

- (a) in the heading, for “the Council” substitute “the consumer advocacy bodies”;
- (b) in subsection (1) for “The Council” substitute “A consumer advocacy body”;
- (c) in subsection (2)—
  - (i) for “The” substitute “In the case of the GCCNI, the”;
  - (ii) for “the Council” substitute “the GCCNI”;
- (d) after subsection (2) insert—

“(2A) In the case of Citizens Advice or Citizens Advice 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).

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(88) Section 20(2)(b) and (3)(a) was repealed by Schedule 19 to the Financial Services Act 2012 (c. 21).

(89) Section 20A was inserted by section 3(6) of and paragraphs 15 and 18 of Part 1 to Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(90) Section 24(9)(b) was substituted by paragraphs 175 and 179 of Part 3 of Schedule 12 to the Postal Services Act 2011; section 24(9)(ca) was inserted by paragraphs 15 and 19 of Schedule 2 to the Public Services Reform (Scotland) Act.

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- (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.”
- (e) in subsection (5) for “the Council” substitute “a consumer advocacy body”;
- (f) in subsection (6)—
- (i) for “the Council”, in the first place it occurs, substitute “the consumer advocacy body in question”;
- (ii) for “the Council”, in the second place it occurs, substitute “that body”;
- (g) in subsection (8) for “The Council” substitute “A consumer advocacy body”;
- (h) after subsection (8) insert—
- “(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.”;
- (28) In section 25 (enforcement by regulator of section 24 notice)(91)—
- (a) in subsection (1) for “the Council” substitute “the consumer advocacy body in question”;
- (b) in subsections (4)(a) and (6) for “the Council” substitute “the consumer advocacy body”.
- (29) In section 26 (enforcement by court of section 24 notice), in subsection (3) for “The Council” substitute “The consumer advocacy body in question”.
- (30) In section 27 (provision of information by the Council)—
- (a) for “the Council” in the heading substitute “a consumer advocacy body”;
- (b) for subsection (1) substitute—
- “(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 or Citizens Advice 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.”
- (c) in subsection (5) for “the Council” substitute “the consumer advocacy body in question”;
- (d) in subsection (6) for “the Council” substitute “a consumer advocacy body”.
- (31) In section 28 (exemptions from requirements to provide information), in subsection (1)(a) for “the Council” substitute “a consumer advocacy body”.
- (32) In section 29 (disclosure of information)(92)—
- (a) in subsection (3)—
- (i) in paragraph (a) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;

(91) Section 25(3) was amended, and section 25(6A) inserted, by paragraphs 175 and 180 of Part 3 of Schedule 12 to the Postal Services Act 2011; section 25(3) was further amended by paragraph 20 of Schedule 2 to the Public Services Reform (Scotland) Act 2010 asp 8 and article 32 of S.I. 2012/2400.

(92) Section 29(3)(b) was amended by paragraphs 175 and 181 of Part 3 of Schedule 12 to the Postal Services Act 2011; section 29(4)(c) was amended, and (ca) and (cb) inserted, by regulation 3(1) and (3) of S.I. 2011/2704.

- (ii) in paragraph (b) for “the Council” substitute “the consumer advocacy bodies”;
  - (b) after subsection (3) insert—
    - “(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 or Citizens Advice 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 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).”;
  - (c) in subsection (4)—
    - (i) in paragraph (a) for “the Council” substitute “the GCCNI”;
    - (ii) in paragraph (b) for “the Council” substitute “the GCCNI”;
    - (iii) in paragraph (c) for “the Council” substitute “the GCCNI”;
    - (iv) in paragraph (ca) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
    - (v) in paragraph (ca) for “any of subsections (6) to (8)” substitute “subsection (7) or (8)”;
    - (vi) in paragraph (cb) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
    - (vii) in paragraph (e) for “the Council” substitute “a consumer advocacy body”;
    - (viii) in paragraph (f) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
  - (d) in subsection (5) for “the Council or” substitute “the consumer advocacy body in question or the”;
  - (e) in subsection (6) for “the Council or”, in both places it occurs, substitute “the consumer advocacy body in question or the”.
- (33) In section 31 (designation of the Consumer Council for Water for abolition), in subsection (3) (b) for “the Council” substitute “Citizens Advice”.
- (34) In section 32 (transfer orders and abolition orders)—
- (a) in subsection (2) for “the Council” substitute “Citizens Advice”;
  - (b) after subsection (4) insert—
    - “(4A) A transfer order may be made only with the consent of Citizens Advice.”.
- (35) In section 33 (supplementary provision about transfer and abolition orders)—
- (a) in subsection (4)—
    - (i) in paragraph (a) for “the Council”, in the first place it occurs, substitute “Citizens Advice”;

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- (ii) in paragraph (a) for “any expenses relating to the establishment of the Council” substitute “any expenses which relate to taking on functions transferred from the Consumer Council for Water”;
  - (iii) in paragraph (b) for “the Council” substitute “Citizens Advice”;
  - (iv) in paragraph (d) after “expenses of” insert “Citizens Advice”;
  - (v) in paragraph (d) for “an OFT scheme” substitute “a qualifying consumer advice scheme”;
  - (vi) in paragraph (e) for “the Office of Fair Trading” substitute “Citizens Advice”;
  - (vii) in paragraph (e) for “any OFT scheme” substitute “a qualifying consumer advice scheme”;
- (b) in subsection (5)—
- (i) in paragraph (a) for “the Council” substitute “Citizens Advice”;
  - (ii) in paragraph (b) for “the OFT scheme” substitute “a qualifying consumer advice scheme”;
- (c) after subsection (9) insert—
- “(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.”;
- (d) in subsection (10), omit the definition of “OFT scheme”.
- (36) In section 35 (transfer of property etc)—
- (a) in subsection (1) omit paragraphs (a), (b) and (d);
  - (b) in subsection (2) for “the Council”, in both places it occurs, substitute “Citizens Advice”;
  - (c) in subsection (3)(a) for “the Council” substitute “Citizens Advice”;
  - (d) in subsection (4) for “the Council” substitute “Citizens Advice”;
  - (e) in subsection (7) for “the Council” substitute “Citizens Advice”;
- (37) In section 36 (directions), in subsection (5)(b) for “the Council” substitute “Citizens Advice”.
- (38) In the italic heading before section 37 for “the Council’s functions” substitute “the functions of Citizens Advice and Citizens Advice Scotland”.
- (39) In section 37 (extension of the Council’s functions: Great Britain)—
- (a) for the heading substitute “Extension of the functions of Citizens Advice and Citizens Advice Scotland”;
  - (b) in subsection (1) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
  - (c) in subsection (2) for “the Council”, in the first place it occurs, substitute “Citizens Advice or Citizens Advice Scotland”;
  - (d) in subsection (3)(a) for “the Council” substitute “the body on which the Secretary of State proposes to confer a function or functions”;
  - (e) after subsection (3) insert—
- “(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.”.

(40) Omit section 38 (removal of the Council’s functions in relation to Northern Ireland)(93)(94)

(41) After section 40 insert—

*“Provision about consumer advocacy bodies*

**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.

**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(95).

(4) In this section—

“charity trustee” in relation to Citizens Advice, has the meaning given by section 177 of the Charities Act 2011(96) and in relation to Citizens Advice Scotland, has the meaning given by section 106 of the Charities and Trustee Investment (Scotland) Act 2005(97);

“relevant enactment” means a provision of—

- (a) the Gas Act 1986;

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(93) Section 38(2)(c) was amended by paragraphs 175 and 176 of Part 3 to Schedule 12 to the Postal Services Act 2011.

(94) Section 39 was repealed by Schedule 19 to the Financial Services Act 2012.

(95) 1998 c. 42.

(96) 2011 c. 25.

(97) 2005 asp 10.

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- (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.”.
- (42) In section 41 (interpretation of Part 1)(98) omit the definition of “financial year”.
- (43) In section 43 (standards for handling complaints), in subsection (8), for paragraph (b) and the “and” following it substitute—
- “(b) Citizens Advice,
  - (ba) Citizens Advice Scotland, and”.
- (44) In section 45 (information with respect to compliance with complaints handling standards)—
- (a) in subsection (2)—
    - (i) for “The Council” substitute “Citizens Advice and Citizens Advice Scotland”;
    - (ii) for “it considers” substitute “Citizens Advice or, as the case may be, Citizens Advice Scotland consider”;
  - (b) after subsection (2) insert—

“(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.”;
  - (c) in subsection (3) for “the Council” substitute “the consumer advocacy body in question”.
- (45) In section 49 (approval of redress schemes)—
- (a) in subsection (7)(e) for sub-paragraphs (i) and (ii) substitute—
    - “(i) to Citizens Advice Scotland, for the purposes of any qualifying public consumer advice scheme supported by it (on its own or jointly with Citizens Advice), and
    - (ii) to persons who operate a qualifying public consumer advice scheme supported by Citizens Advice or Citizens Advice Scotland, or by them jointly, for the purposes of that scheme;”;
  - (b) in subsection (8) for paragraph (c) substitute—
    - “(c) Citizens Advice;
    - (ca) so far as regards schemes to be approved by the Gas and Electricity Markets Authority, Citizens Advice Scotland;”;
  - (c) after subsection (8) insert—

“(9) 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.”.
- (46) In section 62 (parliamentary control of orders and regulations), in subsection (3)—

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(98) Section 41(1) was amended by paragraphs 175 and 182 of Part 3 of Schedule 12 to the Postal Services Act 2011 (c. 5).

- (a) in paragraph (b) for “Council” substitute “the consumer advocacy bodies”;
  - (b) in paragraph (d) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
  - (c) omit paragraph (e).
- (47) In section 65 (extent)—
- (a) in subsection (2)(c) for “the Council’s functions: Great Britain” substitute “the functions of Citizens Advice and Citizens Advice Scotland”;
  - (b) omit subsection (7).
- (48) Omit Schedule 1 (the National Consumer Council).
- (49) In Schedule 4 (transfer of property etc to the National Consumer Council) for “the Council”, in each place it occurs, substitute “Citizens Advice”.

### **Postal Services Act 2011**

**13.**—(1) The Postal Services Act 2011<sup>(99)</sup> is amended as follows.

(2) In section 51 (consumer protection conditions)<sup>(100)</sup>—

- (a) in subsection (2)(c)—
  - (i) omit the “and” following paragraph (b);
  - (ii) in paragraph (c) omit “the National Consumer Council.”;
  - (iii) in paragraph (c) for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or the General Consumer Council for Northern Ireland”;
  - (iv) after paragraph (c) insert—

“and

(d) to make payments relating to qualifying consumer expenses of the Secretary of State.”;

(b) for subsection (4) substitute—

“(4) The reference in subsection (2)(c) to qualifying consumer expenses of Citizens Advice, Citizens Advice Scotland or the General Consumer Council for Northern Ireland is to—

- (a) such proportion of the expenses of Citizens Advice as the Secretary of State considers reasonable having regard to the functions exercisable by it in relation to users of postal services (including expenses which relate to taking on functions transferred from the National Consumer Council, but not including expenses within paragraph (b)),
- (b) such proportion of the expenses of Citizens Advice relating to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011 as the Secretary of State considers reasonable having regard to the functions exercisable by Citizens Advice in relation to users of postal services,
- (c) such proportion of the expenses of Citizens Advice incurred in connection with its support of any qualifying public consumer advice scheme as the Secretary of State considers reasonable having regard to the functions under the scheme exercisable in relation to users of postal services,

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<sup>(99)</sup> 2011 c. 5.

<sup>(100)</sup> Section 51(2), (4) and (4)(b) was amended, and sections 51(4A) and (8) inserted, by article 6 of [S.I. 2013/783](#).

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- (d) such proportion of the expenses of Citizens Advice Scotland as the Secretary of State considers reasonable having regard to the functions exercisable by it in relation to users of postal services (including expenses which relate to taking on functions transferred from the National Consumer Council, but not including expenses within paragraph (e)),
  - (e) such proportion of the expenses of Citizens Advice Scotland relating to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011 as the Secretary of State considers reasonable having regard to the functions exercisable by Citizens Advice Scotland in relation to users of postal services,
  - (f) such proportion of the expenses of Citizens Advice Scotland incurred in connection with its support of any qualifying public consumer advice scheme as the Secretary of State considers reasonable having regard to the functions under the scheme exercisable in relation to users of postal services, and
  - (g) such proportion of the expenses of the General Consumer Council for Northern Ireland as the Secretary of State considers reasonable having regard to the functions exercisable by it in relation to users of postal services (including expenses which relate to taking on functions transferred from the National Consumer Council).”;
- (c) after subsection (4) insert—
- “(4ZA) The reference in subsection (2)(d) to qualifying consumer expenses of the Secretary of State is to—
- (a) such proportion of the expenses of the Secretary of State relating to the abolition of the National Consumer Council as the Secretary of State considers reasonable having regard to the functions exercised by the National Consumer Council in relation to users of postal services,
  - (b) such proportion of the expenses of the Secretary of State relating to the conferring of functions on Citizens Advice, Citizens Advice Scotland and the General Consumer Council for Northern Ireland 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/...) as the Secretary of State considers reasonable having regard to the functions exercisable by any of those bodies in relation to users of postal services, and
  - (c) such proportion of the expenses of the Secretary of State relating to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011 as the Secretary of State considers reasonable having regard to the functions exercised by the National Consumer Council in relation to users of postal services.”;
- (d) in subsection (6) after “subsection (2)(c)” insert “or (d)”;
- (e) in subsection (8) omit the definitions of—
- (i) “Citizens Advice”;
  - (ii) “Citizens Advice Scotland”.
- (3) In section 56 (general restriction on disclosure of information), in subsection (6)(b) for “the National Consumer Council” substitute “Citizens Advice etc”.
- (4) In section 57 (decisions by OFCOM to impose regulatory conditions, penalties etc), in subsection (1)(e) for “National Consumer Council” substitute “Citizens Advice etc”.
- (5) In section 61 (duties in relation to social and environmental matters)—

- (a) in subsection (3) for paragraph (b) (and the “and” following it) substitute—
  - “(b) Citizens Advice,
  - (ba) Citizens Advice Scotland,
  - (bb) if the guidance relates to Northern Ireland, the General Consumer Council for Northern Ireland, and”;
- (b) after subsection (3) insert—
  - “(3A) The Secretary of State is not required to consult Citizens Advice or Citizens Advice Scotland if the draft guidance relates only to Northern Ireland.”.
- (6) In section 65 (interpretation of Part 3 etc), in subsection (1) at the appropriate place insert—
  - ““Citizens Advice” means the National Association of Citizens Advice Bureaux,”;
  - ““Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux,”.
- (7) In Schedule 5 (approval of redress schemes), in paragraph 1—
  - (a) in sub-paragraph (6)(e), omit the words from “(and, in” to “mentioned there”;
  - (b) omit sub-paragraph (7)(c);
  - (c) for sub-paragraph (7)(e) and (f) substitute—
    - “(e) Citizens Advice,
    - (f) Citizens Advice Scotland, and
    - (g) the General Consumer Council for Northern Ireland.”
- (8) In Schedule 7 (enforcement of regulatory requirements) in paragraph 1(2)(b)(ii) for “National Consumer Council” substitute “Citizens Advice etc”.

### **Public Bodies Act 2011**

14. In Schedule 1 to the Public Bodies Act 2011 (bodies and offices subject to the power to abolish in section 1) omit the entry for the National Consumer Council.

## **PART 2**

### **Amendments to Acts of the Scottish Parliament**

#### **Water Industry (Scotland) Act 2002 (asp 3)**

- 15.—(1) The Water Industry (Scotland) Act 2002(101) is amended as follows.
- (2) In section 2A (National Consumer Council representations)(102)—
    - (a) in the heading for “National Consumer Council” substitute “Citizens Advice Scotland”;
    - (b) in subsection (1) for “the National Consumer Council (“the Council”)” substitute “Citizens Advice Scotland”;
    - (c) in subsection (2) for “the Council” substitute “ Citizens Advice Scotland”.

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(101)2002 asp 3.

(102)Section 2A was inserted by section 3(6) of and paragraphs 1 and 2 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010 asp 3.

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- (3) In section 4 (power of the Commission to require information)(**103**), in subsection (4) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (4) In section 5 (annual reports by, and information from, the Commission)(**104**), in subsection (2)(a)(i) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (5) In section 6 (funding of the Commission and the National Consumer Council)(**105**)—
- (a) in the heading for “the National Consumer Council” substitute “Citizens Advice Scotland”;
  - (b) in subsection (2A)—
    - (i) for “the National Consumer Council” substitute “Citizens Advice Scotland”;
    - (ii) for “the Council’s” substitute “Citizens Advice Scotland’s”;
  - (c) in subsection (2B) for “the Council” substitute “Citizens Advice Scotland”.
- (6) In section 27 (approval of customer standards code)(**106**)—
- (a) in subsection (1) for “the National Consumer Council” substitute “Citizens Advice Scotland”;
  - (b) in subsection (4) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (7) In section 28 (consultation code)(**107**), in subsection (3)(a)—
- (a) for “the National Consumer Council” substitute “Citizens Advice Scotland”;
  - (b) for “the Council” substitute “Citizens Advice Scotland”.
- (8) In section 29B (determination of maximum charges)(**108**), in subsection (4)(a)(iii) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (9) In section 29D (statements regarding charges)(**109**), in subsection (5)(b) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (10) In section 56A (directions may set objectives)(**110**), in subsection (4) for “the National Consumer Council” substitute “Citizens Advice Scotland”.

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(**103**) Section 4(1) was amended by paragraph 7(1) of Schedule 5 to the Water Services etc (Scotland) Act 2005 [asp 3](#); section 4(2) and (3) was substituted by section 4(2) in section 1(2) of that Act; section 4(4) was inserted by section 3(6) of and paragraphs 1 and 3 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(**104**) The heading to section 5 and section 5(1) to (3) were amended by paragraph 7(1) and (3) of Schedule 5 to the Water Services etc (Scotland) Act 2005; section 5(4) was inserted by section 1(3) of that Act; section 5(1)(b), (2)(a)(i) and (ii) and (2)(b) was further amended by section 3(6) of and paragraphs 1 and 4 of Part 1 of Schedule 2 to Public Services Reform (Scotland) Act 2010.

(**105**) The heading to section 6 and section 6(1) and (2) were amended by paragraph 7(1) of Schedule 5 to the Water Services etc (Scotland) Act 2005; the heading to section 6 was also amended, and subsections (2A) and (2B) inserted, by section 3(6) of and paragraphs 1, 5 and 6 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(**106**) Section 27(1), (1)(b), (2), (2)(a) and (b), (3), (4)(b), (5) and (6) was amended by paragraph 7(1) of Schedule 5 to the Water Services etc (Scotland) Act 2005; section 27(1) and (4) was also amended by section 130(1) and (2) of the Public Services Reform (Scotland) Act 2010; section 27(1) and (4) was further amended by section 3(2) of and paragraphs 1 and 8 of Part 1 of Schedule 2 to that Act.

(**107**) Section 28(3)(a) was amended by sections 3(6) and 130(1), (3)(a) and 3(b) and paragraphs 1, 9(a) and 9(b) of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(**108**) Section 29B was inserted by section 21(1) of the Water Services etc (Scotland) Act 2005 [asp 3](#); section 29B(a)(ii) was amended, and subsection (ii) inserted by section 130(1) and (4) of the Public Services Reform (Scotland) Act 2010; section 29B(4)(a)(iii) was also inserted by section 3(6) of and paragraphs 1 and 10 of Part 1 of Schedule 2 to that Act.

(**109**) Section 29D was inserted by section 21(1) of the Water Services etc (Scotland) Act 2005; section 29D(5)(aa) was inserted by Public Services Reform (Scotland) Act 2010; section 29D(5)(b) was substituted by section 3(6) of and paragraphs 1 and 11 of Part 1 of Schedule 2 to that Act.

(**110**) Section 56A was inserted by section 22 of the Water Services etc (Scotland) Act 2005; section 56A(4) was amended by sections 3(6) and 130(1) and (6) of and paragraphs 1 and 12 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(11) In section 57 (information and reports)(**111**), in subsection (6)(a) for “the National Consumer Council” substitute “Citizens Advice Scotland”.

(12) In section 70 (interpretation), in subsection (1) at the appropriate place insert—  
““Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux.”.

### **Scottish Public Services Ombudsman Act 2002 (asp 11)**

**16.** In Part 2 of Schedule 2 to the Scottish Public Services Ombudsman Act 2002(**112**) (entries amendable by Order in Council: cross-border public authorities), omit “79 National Consumer Council”.

### **Freedom of Information (Scotland) Act 2002 (asp 13)**

**17.**—(1) The Freedom of Information (Scotland) Act 2002(**113**) is amended as follows.

(2) In paragraph 79A of Part 7 of Schedule 1 (others)—

(a) for “function” substitute “functions”;

(b) at the end insert “and articles 3(1)(a), (b) and (d) of the Public Bodies (Abolition of the National Consumer Council and the Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/...)”.

### **Water Services etc (Scotland) Act 2005 (asp 3)**

**18.**—(1) The Water Services etc (Scotland) Act 2005(**114**) is amended as follows.

(2) In section 19 (disconnections code)(**115**), in subsection (4)(c) for “the National Consumer Council” substitute “Citizens Advice Scotland”.

(3) In section 20B (Commission’s scheme)(**116**), in subsection (4)(c) for “the National Consumer Council” substitute “Citizens Advice Scotland”.

### **Public Services Reform (Scotland) Act 2010 (asp 8)**

**19.**—(1) The Public Services Reform (Scotland) Act 2010(**117**) is amended as follows.

(2) In section 3 (transfer to certain bodies of functions of Waterwatch Scotland)—

(a) in subsection (4) for “The National Consumer Council” substitute “Citizens Advice Scotland”;

(b) in subsection (5) for “the National Consumer Council” substitute “Citizens Advice Scotland”;

(c) after subsection (7) insert—

“(8) In this section “Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux.”.

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(111) Section 57(6) and (7) was amended by paragraph 7 of Schedule 5 to the Water Services etc (Scotland) Act 2005. Section 57(6) was also amended by sections 3(6) and 130(1) and (7) of and paragraph 13 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(112) 2002 asp 11.

(113) 2002 asp 13.

(114) 2005 asp 3.

(115) Section 19(4)(c) was substituted by section 3(6) of and paragraph 14 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(116) Section 20B was inserted by section 32 of the Water Resources (Scotland) Act 2013 asp 5.

(117) 2010 asp 8.

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(3) In Part 1 of Schedule 2 (transfer of Waterwatch Scotland functions: modifications of enactments), omit paragraphs 16 to 18.

## PART 3

### Amendment to Northern Ireland legislation

#### **Northern Ireland Assembly Disqualification Act 1975**

**20.** In the Northern Ireland Assembly Disqualification Act 1975(**118**), Schedule 1 Part 3 (other disqualifying offices)(**119**) omit “A member of a committee of the National Consumer Council established under section 1 of, or paragraph 12 of Schedule 1 to, the Consumers, Estate Agents and Redress Act 2007 (territorial and regional committees).”.

#### **The General Consumer Council (Northern Ireland) Order 1984**

**21.**—(1) In the General Consumer Council (Northern Ireland) Order 1984(**120**), Schedule 1 (provision as to the GCCNI) is amended as follows.

(2) In paragraph 12 (reports and accounts)—

(a) in sub-paragraph (1) after “the Department” insert “and the Secretary of State.”;

(b) after sub-paragraph (1) insert—

“(1A) The Secretary of State shall lay a copy of the report before Parliament.”

(c) in sub-paragraph (5)—

(i) at the end of paragraph (a) omit “and”;

(ii) after paragraph (b) insert—

“; and

(c) the Secretary of State.”.

(d) in sub-paragraph (6)(b) after “the Department” insert “and the Secretary of State.”.

(e) after sub-paragraph (6A) insert—

“(6B) The Secretary of State shall lay a copy of the statement of accounts and of the Comptroller and Auditor General’s report before Parliament.”.

(3) After paragraph 14 insert—

“Exemption from liability in damages

**15.**—(1) The Council and the persons listed in paragraph (2) are not liable in damages for anything done or omitted to be done in exercise or purported exercise of any of the functions transferred to it under the following enactments—

(a) the Postal Services Act 2000;

(b) the Consumers, Estate Agents and Redress Act 2007;

(c) the Postal Services Act 2011.

(2) The persons referred to in sub-paragraph (1) are—

(a) an employee of the Council;

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(118) 1975 c. 25.

(119) Part 3 of Schedule 1 was amended by section 1(4) of and Part 6 of Schedule 1 to the 2007 Act.

(120) S.I. 1984/1822 (N.I.12).



- (b) a person contracted to work for the Council.
- (3) Sub-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.”.

## PART 4

### Statutory Instruments

#### **Enterprise Act 2002 (Bodies Designated to make Super-Complaints) Order 2004**

**22.** In the Schedule to the Enterprise Act 2002 (Bodies Designated to make Super-Complaints) Order 2004(**121**) omit “3. The National Consumer Council.”.

#### **Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008**

**23.**—(1) The Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008(**122**) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) after the definition of “the Authority” insert—
    - ““Citizens Advice” means the National Association of Citizens Advice Bureaux;”;
    - ““Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;”;
  - (b) after the definition of “complaints handling procedure” insert—
    - ““the consumer advice scheme” means the consumer advice scheme supported by Citizens Advice or Citizens Advice Scotland, or by them jointly, under article 2 of the Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 [S.I. 2013/783](#);”;
  - (c) after the definition of “consumer advice scheme” so inserted, insert—
    - ““consumer advocacy body” means Citizens Advice or Citizens Advice Scotland;”;
  - (d) omit the definition of “Consumer Direct” and “the Council”.
- (3) In regulation 8 (section 12 and 13 complaints)—
  - (a) in paragraph (1) for “the Council” substitute “the consumer advocacy bodies”;
  - (b) in paragraph (2) for “the Council” substitute “a consumer advocacy body”.
- (4) In regulation 9 (referral of consumers from Consumer Direct)—
  - (a) in the heading, for “Consumer Direct” substitute “the consumer advice scheme”;
  - (b) in paragraph (1)—
    - (i) for the first mention of “Consumer Direct” substitute “the consumer advocacy bodies”;
    - (ii) for the second mention of Consumer Direct” substitute “the consumer advocacy bodies”;

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(121) [S.I. 2004/1517](#) .

(122) [S.I. 2008/1898](#).

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(c) in paragraph (2) for “Consumer Direct” substitute “the consumer advocacy bodies”.

### **Infrastructure Planning (National Policy Statement Consultation) Regulations 2009**

**24.** For sub-paragraph (x) of regulation 3(3) of the Infrastructure Planning (National Policy Statement Consultation) Regulations 2009(**123**), substitute—

- “(x) The National Association of Citizens Advice Bureaux;
- (xa) The Scottish Association of Citizens Advice Bureaux”.

### **Electricity (Standards of Performance) Regulations 2010**

**25.**—(1) The Electricity (Standards of Performance) Regulations 2010(**124**) are amended as follows.

(2) In regulation 3(1) (general interpretation)—

- (a) omit the definition of “the Council”;
- (b) at the appropriate place insert—

““consumer advocacy body” means the National Association of Citizens Advice Bureaux or the Scottish Association of Citizens Advice Bureaux;”.

(3) In regulation 24 (notice of rights)(**125**) in paragraphs (1)(a) and (2)(a), for “the Council” substitute “the consumer advocacy bodies”.

(4) In regulation 25 (information to be given to customers about overall performance) in paragraph (1)(a), for “the Council” substitute “the consumer advocacy bodies”.

(5) In Schedule 2 (standards of performance – practice and procedure for determinations: determination of disputes) in paragraph 1(2)(a), for “the Council” substitute “a consumer advocacy body”.

### **Electricity (Connection Standards of Performance) Regulations 2010**

**26.**—(1) The Electricity (Connection Standards of Performance) Regulations 2010(**126**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “the Council”.
- (b) at the appropriate place insert—

““consumer advocacy body” means the National Association of Citizens Advice Bureaux or the Scottish Association of Citizens Advice Bureaux;”.

(3) In regulation 18 (notice of rights) in paragraph (1)(a), for “the Council” substitute “the consumer advocacy bodies”.

(4) In Schedule 2 (practice and procedure for determinations) in paragraph 1(2)(a), for “the Council” substitute “a consumer advocacy body”.

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(123) [S.I. 2009/1302](#).

(124) [S.I. 2010/698](#).

(125) Regulation 24(1) was amended by regulation 2(1)(e) of [S.I. 2010/2131](#).

(126) [S.I. 2010/2088](#).

## Postal Services Act 2011 (Disclosure of Information) Order 2012

27. In Article 3 (prescription of bodies and persons) of the Postal Services Act 2011 (Disclosure of Information) Order 2012(127)—

- (a) omit “the National Consumer Council;”;
- (b) at the appropriate place insert—
  - “the General Consumer Council for Northern Ireland;”;
  - “the National Association of Citizens Advice Bureaux;”;
  - “the Scottish Association of Citizens Advice Bureaux;”.

## PART 5

### Transitional provisions

28.—(1) Nothing in this Order affects the validity of anything done (or having effect as if done) by or in relation to the National Consumer Council before the coming into force of articles 2 and 3.

(2) Anything done (or having effect as if done) by or in relation to the National Consumer Council, so far as it relates to any of the functions transferred by article 3, has effect, so far as is necessary for continuing its effect after the coming into force of articles 2 and 3, as if done by or in relation to the transferee or transferees.

(3) Anything (including legal proceedings) which at the coming into force of articles 2 and 3 is in the process of being done by or in relation to the National Consumer Council, so far as it relates to any function transferred by article 3, may be continued by or in relation to the transferee or transferees to which that function is transferred

(4) So far as is necessary or appropriate for the purposes of or in consequence of the transfer effected by article 3, after the coming into force of articles 2 and 3, a reference to the National Consumer Council in an instrument or other document is to be treated as a reference to the transferee or the transferees to which that function is transferred.

(5) Money paid by a person to the Gas and Electricity Markets Authority or the Office of Communications because of the obligation to make payments with respect to the expenses of the National Consumer Council under—

- (a) a condition imposed by the Gas and Electricity Markets Authority(128) under section 8 of the Utilities Act 2000, or
- (b) a condition imposed by the Office of Communications(129) under section 51 of the Postal Services Act 2011,

is to be treated by the Gas and Electricity Markets Authority or, as the case may be, the Office of Communications, as money paid by that person because of an obligation to make payments under such a condition with respect to those expenses of one or more of the transferees, that relate to a function transferred by article 3.

- (6) In this article “transferee” means—
  - (a) Citizens Advice,
  - (b) Citizens Advice Scotland, or
  - (c) the GCCNI.

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(127) S.I. 2012/1128.

(128) The Gas and Electricity Markets Authority was established by section 1 of the Utilities Act 2000 (c. 27).

(129) The Office of Communications was established by section 1 of the Communications Act 2003 (c. 21).

## SCHEDULE 2

Article 5(3)

Consequential, supplementary, incidental and transitional provision and savings relating to the transfer of functions under the Estate Agents Act 1979

## PART 1

## Amendments to Acts

**Estate Agents Act 1979**

- 1.—(1) The 1979 Act(**130**) is amended as follows.
- (2) In the italic heading before section 3 for “*Office of Fair Trading*” substitute “*the lead enforcement authority*”.
- (3) In section 3 (orders prohibiting unfit persons from doing estate agency work)—
- (a) in subsection (1)—
    - (i) for “Office of Fair Trading (in this Act referred to as “the OFT”)” substitute “lead enforcement authority”;
    - (ii) for “OFT” substitute “lead enforcement authority”;
  - (b) in subsections (2), (4), (5) and (8), in each place it occurs, for “OFT” substitute “lead enforcement authority”;
- (4) In the following provisions for “OFT”, in each place it occurs, substitute “lead enforcement authority”—
- (a) section 4(1), (1A)(b), (1B)(b), (1C)(b), (2) and (3)(**131**);
  - (b) section 5(1)(a), (2), (3) and (5)(**132**);
  - (c) section 6(1), (3), (4), (5) and (6)(**133**);
  - (d) section 7(1)(**134**);
  - (e) section 8(1), (3), (4), (5) and (6);
  - (f) the heading for section 9;
  - (g) section 9(1) and (6)(**135**).
- (5) After section 9 insert—

**“9A Notice of convictions and judgments**

- (1) This section applies if—
- (a) a person is convicted of an offence by or before a court in the United Kingdom, or
  - (b) a judgment is given against a person by a court in civil proceedings in the United Kingdom.

(130) References in the 1979 Act to the Office of Fair Trading were substituted for references to the Director General of Fair Trading by paragraph 9 of Schedule 25 to the 2002 Act.

(131) Section 4(1), (1A), (1B) and (1C) was substituted for section 4(1), section 4(2) and (3) was amended and section 4(4) was inserted by section 56 of the 2007 Act.

(132) Section 5(3) was amended by paragraph 5(a) of Schedule 26 and paragraph 1 of Schedule 27 to the Equality Act 2010 (c. 15).

(133) Section 6(4) was amended by paragraph 2(a) of Schedule 7 to the 2007 Act.

(134) Section 7(1) and (2) was amended by paragraph 3 of Schedule 1 to S.I. 2009/1836.

(135) Section 9(6) was amended by paragraph 37(a) of Schedule 3 and paragraph 1 of Schedule 4 to the Equality Act 2006 (c. 3).

- (2) The court may make arrangements to bring the conviction or judgment to the attention of the lead enforcement authority if it appears to the court that—
- (a) having regard to the functions of the lead enforcement authority under this Act it is expedient for the conviction or judgment to be brought to the attention of the lead enforcement authority, and
  - (b) without such arrangements the conviction or judgment may not be brought to the attention of the lead enforcement authority.”.
- (6) In section 11 (powers of entry and inspection) omit subsections (6) and (7).
- (7) In the following provisions for “OFT”, in each place it occurs, substitute “lead enforcement authority”—
- (a) section 13(4);
  - (b) section 15(5);
  - (c) section 17(1), (5) and (6);
  - (d) section 19(6);
  - (e) section 20(3);
  - (f) section 21(6);
  - (g) section 23A(8)(b)(i) and (9)(**136**).
- (8) In section 23B (enforcement)(**137**)—
- (a) in subsection (1) omit “other than the OFT”;
  - (b) in subsection (4) for “OFT”, in both places it occurs, substitute “lead enforcement authority”.
- (9) In section 25 (general duties of OFT)—
- (a) in the heading for “OFT” substitute “the lead enforcement authority”;
  - (b) in subsections (1), (2) and (3) for “OFT”, in each place it occurs, substitute “lead enforcement authority”;
- (10) In the following provisions for “OFT”, in each place it occurs, substitute “lead enforcement authority”—
- (a) section 26(1)(a) and (4);
  - (b) section 29(1) and (3);
  - (c) section 30(1).
- (11) In section 33 (general interpretation provisions)(**138**), in subsection (1)—
- (a) in the definition of “general notice” for “OFT” substitute “lead enforcement authority”;
  - (b) omit the definition of “OFT”;
  - (c) at the appropriate place insert—  
““the lead enforcement authority” means Powys County Council;”.
- (12) In section 34 (financial provisions), in subsection (2) for the words from “paid to” to “this Act” substitute “paid to the lead enforcement authority under this Act”.
- (13) In Schedule 2 (procedure etc.)—
- (a) in Part 1 (orders and decisions under sections 3, 4 and 6)—

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(**136**) Section 23A was inserted by paragraph 2 of Schedule 6 to the 2007 Act.

(**137**) Section 23B was inserted by paragraph 2 of Schedule 6 to the 2007 Act.

(**138**) The definition of the Director General of Fair Trading was repealed by paragraph 1 of Schedule 26 to the 2002 Act.

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- (i) in paragraph 1(1)(a) for “OFT” substitute “lead enforcement authority”;
  - (ii) in paragraph 1(1)(b) for “OFT’s” substitute “lead enforcement authority’s”;
  - (iii) in paragraph 1(2) for “OFT” substitute “lead enforcement authority”;
  - (iv) in paragraph 2(1)—
    - (aa) for “OFT” substitute “lead enforcement authority”; and
    - (bb) for “OFT’s” substitute “lead enforcement authority’s”;
  - (v) in the following provisions for “OFT”, in each place it occurs, substitute “lead enforcement authority”—
    - (aa) paragraph 2(2) and (3);
    - (bb) paragraph 3;
    - (cc) paragraph 4(1) and (2);
    - (dd) paragraph 5;
    - (ee) paragraph 6(1), (2) and (3);
    - (ff) paragraph 7;
    - (gg) paragraph 8;
  - (vi) in paragraph 9(1) for “OFT’s” substitute “lead enforcement authority’s”;
  - (vii) in paragraph 10(2) for “OFT” substitute “lead enforcement authority”;
  - (b) in Part 2 (applications under sections 6(1) and 8(3)), in the following provisions for “OFT”, in each place it occurs, substitute “lead enforcement authority”—
    - (i) paragraph 11;
    - (ii) paragraph 12;
    - (iii) paragraph 13;
    - (iv) paragraph 14.
- (14) In Schedule 3 (redress schemes)(**139**), in the following provisions for “OFT”, in each place it occurs, substitute “lead enforcement authority”—
- (a) paragraph 1;
  - (b) paragraph 2(1) and (2);
  - (c) paragraph 3(1) and (2);
  - (d) paragraph 4;
  - (e) paragraph 5;
  - (f) the italic heading before paragraph 6;
  - (g) paragraph 6;
  - (h) paragraph 7;
  - (i) paragraph 8;
  - (j) paragraph 9;
  - (k) the italic heading before paragraph 10;
  - (l) paragraph 10;
  - (m) paragraph 11;
  - (n) paragraph 12;

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(139) Schedule 3 was inserted by paragraph 3 of Schedule 6 to the 2007 Act.

- (o) paragraph 13.
- (15) In Schedule 4 (penalty notices under section 23B(1)(140)—
  - (a) in paragraph 1 omit “other than the OFT”;
  - (b) in paragraph 10—
    - (i) in paragraph (a) omit “other than the OFT”;
    - (ii) for “by the OFT” substitute “by the lead enforcement authority”.

### **Companies Act 1985**

- 2. In Schedule 15D to the Companies Act 1985(141) (disclosures)—
  - (a) in paragraph 17 omit paragraph (c);
  - (b) after paragraph 27 insert—
    - “27A. A disclosure for the purpose of enabling or assisting the lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979) to exercise its functions under the Estate Agents Act 1979.”.

### **Tribunals and Inquiries Act 1992**

- 3.—(1) The Tribunals and Inquiries Act 1992(142) is amended as follows.
- (2) In section 14 (restricted application of Act in relation to certain tribunals)(143) after subsection (1)(a) insert—
  - “(aa) the lead enforcement authority referred to in paragraph 16A of Schedule 1,”.
- (3) In Part 1 of Schedule 1 (tribunals under direct supervision of Council)(144)—
  - (a) after paragraph 16 insert—

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“Estate agents	16A. The lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979) in respect of its functions under the Estate Agents Act 1979, and any member of its staff authorised to exercise those functions.”;
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- (b) in paragraph 17 omit “and the Estate Agents Act 1979”.

### **Enterprise Act 2002**

- 4. In section 231 of the Enterprise Act 2002 (notice of convictions and judgment to OFT), in subsection (2) omit “or under the Estate Agents Act 1979 (c.38)”.

### **Companies Act 2006**

- 5.—(1) The Companies Act 2006(145) is amended as follows.

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(140) Schedule 4 was inserted by paragraph 4 of Schedule 6 to the 2007 Act.

(141) 1985 c. 6; Schedule 15D was inserted by paragraph 25 of Part 3 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27).

(142) 1992 c. 53.

(143) Section 14(1)(b) was amended by paragraph 27(3) of Schedule 25 to the 2002 Act.

(144) The entry for Fair Trading in paragraph 17 was revoked by paragraph 4 of Part 1 of Schedule 1 to S.I. 2013/1881, which was commenced on 26 July 2013 for the purposes in Article 1(2) of that Order, coming fully into force on 1st April 2014.

(145) 2006 c. 46.

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(2) In Part 2 of Schedule 2 (specified descriptions of disclosures)(**146**)—

- (a) in paragraph 25 omit paragraph (c);
- (b) after paragraph 36 insert—

“**36A.** A disclosure for the purpose of enabling or assisting the lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979) to exercise its functions under the Estate Agents Act 1979.”

(3) In Part 2 of Schedule 11A (specified descriptions of disclosures)(**147**)—

- (a) in paragraph 39 omit paragraph (c);
- (b) after paragraph 51 insert—

“**51A.** A disclosure for the purpose of enabling or assisting the lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979) to exercise its functions under the Estate Agents Act 1979.”

### **Public Bodies Act 2011**

**6.** In Schedule 5 to the Public Bodies Act 2011 (power to modify or transfer functions: bodies and offices) omit the entry for the Office of Fair Trading (“OFT”).

## **PART 2**

### **Amendments to Acts of the Scottish Parliament**

#### **Housing (Scotland) Act 2006**

**7.—(1)** In section 117 of the Housing (Scotland) Act 2006(**148**) (notification of breach of duty)—

- (a) in subsection (1)(a) for “Office of Fair Trading” substitute “lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979)”;
- (b) in subsection (2) for “Office of Fair Trading” substitute “lead enforcement authority”.

## **PART 3**

### **Amendments to Statutory Instruments**

#### **Estate Agents (Entry and Inspection) Regulations 1981**

**8.** The Estate Agents (Entry and Inspection) Regulations 1981(**149**) are revoked.

#### **Energy (Northern Ireland) Order 2003**

**9.** In Article 63 of the Energy (Northern Ireland) Order 2003(**150**) (general restrictions on disclosure of information) after paragraph 4(f) insert—

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(**146**) Schedule 2 was substituted containing new Part headings by paragraph 1 of Schedule 1 to [S.I. 2009/1208](#).

(**147**) Schedule 11A was inserted by paragraph 1 of Schedule 1 to [S.I. 2007/3494](#).

(**148**) [2006 asp 1](#).

(**149**) [S.I. 1981/1519](#).

(**150**) [S.I. 2003/419](#), to which there are amendments not relevant to this Order.



“(fa) for the purpose of facilitating the performance by the lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979) of any of its functions under the Estate Agents Act 1979;”.

### **Water and Sewerage Services (Northern Ireland) Order 2006**

**10.** In Article 265 of the Water and Sewerage Services (Northern Ireland) Order 2006(**151**) (restriction on disclosure of information) after paragraph (3)(k) insert—

“(ka) for the purpose of facilitating the performance by the lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979) of any of its functions under the Estate Agents Act 1979;”.

### **Companies (Disclosure of Address) Regulations 2009**

**11.** At the end of Schedule 1 to the Companies (Disclosure of Address) Regulations 2009(**152**) (specified public authorities) after “the Scottish Housing Regulator”, insert—

“; the lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979) exercising functions under the Estate Agents Act 1979”.

### **Overseas Companies Regulations 2009**

**12.** At the end of Schedule 1 to the Overseas Companies Regulations 2009(**153**) (specified public authorities), after “the Scottish Housing Regulator” insert—

“; the lead enforcement authority (as defined in section 33(1) of the Estate Agents Act 1979) exercising functions under the Estate Agents Act 1979”.

## **PART 4**

### **Transitional provisions and savings**

#### **General**

**13.—**(1) Nothing in this Order affects the validity of anything done (or having effect as if done) by or in relation to the OFT before the coming into force of article 5(1).

(2) Anything done (or having effect as if done) by or in relation to the OFT, so far as it relates to any of the functions transferred by article 5(1), has effect, so far as is necessary for continuing its effect after the coming into force of article 5(1), as if done by or in relation to the lead enforcement authority.

(3) Anything (including legal proceedings) which at the coming into force of article 5(1) is in the process of being done by or in relation to the OFT, so far as it relates to any of the functions transferred by article 5(1), may be continued by or in relation to the lead enforcement authority.

(4) So far as is necessary or appropriate for the purposes of or in consequence of the transfer effected by article 5(1), after the coming into force of article 5(1), a reference to the OFT in an instrument or other document is to be treated as a reference to the lead enforcement authority.

(5) This paragraph is subject to paragraphs 14 and 15.

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(151) S.I. 2006/3336, to which there are amendments not relevant to this Order.

(152) S.I. 2009/214, the entry for the Scottish Housing Regulator was inserted by paragraph 20 of Part 2 of Schedule 1 to S.I. 2012/700; there are other amending instruments, but none are relevant.

(153) S.I. 2009/1801, the entry for the Scottish Housing Regulator was inserted by paragraph 21 of Part 2 of Schedule 1 to S.I. 2012/700; there are other amending instruments, but none are relevant.

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### Costs orders

14. Where the OFT is the receiving or paying party under a costs order made in connection with legal proceedings that relate to the exercise of any function transferred by article 5(1), the CMA is to be treated as the receiving or paying party, as the case may be, instead.

### General notices issued by the OFT

- 15.—(1) Any general notices issued by the OFT under the 1979 Act cease to have effect.  
 (2) In this paragraph “general notice” has the meaning given by section 33(1) of the 1979 Act.

### Information

16. The OFT may disclose to the lead enforcement authority any information which the OFT considers it necessary or expedient to disclose to the lead enforcement authority in connection with the transfer of functions by article 5(1).

## SCHEDULE 3

Article 5(3)

Consequential, supplementary, incidental and transitional provision and savings relating to the transfer of functions under the Money Laundering Regulations 2007

## PART 1

### Amendments to Statutory Instruments

#### Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999

1. In column 2 of the table in the Schedule (descriptions of matters) to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999(154) adjacent to the entry for Her Majesty’s Revenue and Customs after “national minimum wage.” insert—

“Matters relating to the Commissioners’ functions as the supervisory authority for estate agents pursuant to regulation 23(1)(d)(vii) of the Money Laundering Regulations 2007.”

#### Money Laundering Regulations 2007

2.—(1) The 2007 Regulations are amended as follows.

(2) In regulation 23 (supervisory authorities)(155)—

- (a) omit paragraph (1)(b)(ii);
- (b) after paragraph (1)(d)(vi) insert—  
 “(vii) estate agents”.

(154) S.I. 1999/401, the Schedule was substituted by paragraph 1 of Schedule 1 to S.I. 2012/283; there are other amending instruments but none are relevant.

(155) Regulation 23(1)(b) was revoked by paragraph 31(5)(a)(ii) of Part 2 of Schedule to S.I. 2013/1881, which was commenced on 26 July 2013 for the purposes in Article 1(2) of that Order, coming fully into force on 1st April 2014; Regulations 23(1)(d) (v) and (vi) were inserted by paragraph 6(d) of Part 2 of Schedule 6 to S.I. 2009/209; there are other amending instruments, but none are relevant.

- (3) In regulation 32 (power to maintain registers)(156)—
- (a) omit paragraph (3)(b);
  - (b) after paragraph (4) insert—  
“(4A) The Commissioners may maintain a register of estate agents.”.

## PART 2

### Transitional provisions and savings

#### General

**3.—**(1) This paragraph and paragraphs 4 to 7 have effect in place of the provisions of paragraph 32 of the Schedule to the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No. 2) Order 2013(157) (transitional provision in relation to the Money Laundering Regulations 2007).

(2) Nothing in this Order affects the validity of anything done (or having effect as if done) by or in relation to the OFT before the commencement of article 5(2).

(3) Anything done (or having effect as if done) by or in relation to the OFT, so far as it relates to any of the functions transferred by article 5(2), has effect, so far as is necessary for continuing its effect after the commencement of article 5(2), as if done by or in relation to the Commissioners.

(4) Anything (including legal proceedings) which at the coming into force of article 5(2) is in the process of being done by or in relation to the OFT, so far as it relates to any of the functions transferred by article 5(2), may be continued by or in relation to the Commissioners.

(5) So far as is necessary or appropriate for the purposes of or in consequence of the transfer effected by article 5(2), after the coming into force of that article, a reference to the OFT in an instrument or other document is to be treated as a reference to the Commissioners.

(6) This paragraph is subject to paragraphs 4 to 7.

#### Costs orders

**4.** Where the OFT is the receiving or paying party under a costs order made in connection with legal proceedings that relate to the exercise of any function transferred by article 5(2), the CMA is to be treated as the receiving or paying party, as the case may be, instead.

#### Change in appeal procedure

**5.** Where the OFT has issued a notice under regulation 34(4)(b), 34(8) or 42(6) of the 2007 Regulations in relation to any of the functions transferred by article 5(2) but have not before the commencement of article 5(2) issued a notice of its decision under regulation 34(5)(b), 34(9)(b) or 42(7)(b), as the case may be, the notice ceases to have effect.

**6.** Where the OFT has issued a notice of its decision under regulation 34(5)(b), 34(9)(b) or 42(7)(b) of the 2007 Regulations in relation to any of the functions transferred by article 5(2) and an appeal has not been started before the commencement of article 5(2)—

- (a) a person who is the subject of such a decision may appeal to the First-tier Tribunal;

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(156) Regulation 32(3)(b) was revoked by paragraph 31(6) of Part 2 of Schedule to S.I. 2013/1881, which was commenced on 26 July 2013 for the purposes in Article 1(2) of that Order, coming fully into force on 1st April 2014.

(157) S.I. 2013/1881 was commenced on 26th July 2013 for the purposes in Article 1(2) of that Order, coming fully into force on 1st April 2014.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) any such appeal must be started in accordance with the Tribunal Procedure (First Tier Tribunal) (General Regulatory Chamber) Rules 2009(158);
- (c) after such an appeal has been started it is to be treated as an appeal under regulation 43 of the 2007 Regulations;
- (d) the Commissioners may offer a review of such a decision and where they do so regulations 43 to 43F of the 2007 Regulations apply with the following modifications—
  - (i) in regulation 43 (appeals against decisions of the Commissioners)—
    - (aa) omit paragraph (1);
    - (bb) in paragraph (2) for “a decision to which this regulation applies” substitute “a decision under regulation 34(5)(b), 34(9)(b) or 42(7)(b)”;
  - (ii) in regulation 43A (offer of review)—
    - (aa) omit paragraph (1);
    - (bb) in paragraph (2) omit “at the same time as the decision is notified to P”;
  - (iii) in the following provisions after “under regulation 43F” insert “or paragraph 6(a) of Schedule 3 to 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”-
    - (aa) regulation 43B(2) and (3);
    - (bb) regulation 43D(3).
  - (iv) in regulation 43E (nature of review etc.), in paragraph (3)(a) for “Commissioners” substitute “Office of Fair Trading”.

7. Where an appeal has been started against a decision of the OFT in relation to any of the functions transferred by article 5(2) under regulation 44 of the 2007 Regulations, after the commencement of article 5(2) it is to be treated as an appeal under regulation 43 of the 2007 Regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This instrument abolishes the National Consumer Council and transfers relevant functions to the National Association of Citizens Advice Bureaux (“Citizens Advice”) and the Scottish Association of Citizens Advice Bureaux (“Citizens Advice Scotland”). Functions of the National Consumer Council relating to consumer matters in Northern Ireland for postal services, are transferred to the General Consumer Council for Northern Ireland (“GCCNI”).

The abolition and the transfer of functions is to take place on 1st April 2014.

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(158) S.I. 2009/1976, rule 1(2) was substituted by rule 2(2) of S.I. 2010/2653; the definition of “General Regulatory Chamber” was repealed by rule 2(2) of S.I. 2011/651; rule 22(1)(a) was substituted by rule 27(a) of S.I. 2010/43; there are other amending instruments but none are relevant.

The instrument also transfers certain functions which relate to a consumer advice scheme from the Office of Fair Trading (“OFT”) to Citizens Advice and Citizens Advice Scotland. This transfer also takes effect on 1st April 2014.

In addition the order transfers the functions of the OFT in relation to the regulation of estate agents. The OFT’s functions in the Estate Agents Act 1979 are transferred to a lead enforcement authority and the OFT’s functions as the supervisor of estate agents in the Money Laundering Regulations 2007 are transferred to the Commissioners of Her Majesty’s Revenue and Customs (“the Commissioners”). This transfer of functions is to take place on 31st March 2014.

Article 2 abolishes the National Consumer Council.

Article 3(1) introduces Schedule 1 to the Order. This has effect to transfer relevant functions of the National Consumer Council to Citizens Advice, Citizens Advice Scotland and GCCNI (known together as the “consumer advocacy bodies”). Schedule 1 also transfers relevant functions in relation to the energy sector to Citizens Advice and Citizens Advice Scotland, transfers functions which relate to water (as well as a function in the Warm Homes and Energy Conservation Act 2000, which only relates to England and Wales) to Citizens Advice and transfers functions relating to Scottish water to Citizens Advice Scotland and makes other amendments to Scottish legislation. In addition, Schedule 1 transfers functions relating to consumer matters in Northern Ireland relating to post to GCCNI.

Finally, Schedule 1 makes consequential, supplementary incidental and transitional provision relating to the abolition of the National Consumer Council and the transfer of its functions.

Article 3(2) explains that where a function is transferred to Citizens Advice and Citizens Advice Scotland under article (3)(1)(a) and (b), those bodies may also exercise their functions jointly or they may exercise a function on behalf of the other, if they so agree.

Article 3(3) provides that any other functions conferred on Citizens Advice and Citizens Advice Scotland not conferred by this Order, will not be subject to the provisions of this Order.

Article 3(4) provides that a function transferred to the GCCNI may only be exercised in relation to consumer matters that relate to postal services in Northern Ireland.

The function to support a consumer advice scheme was transferred from the OFT to Citizens Advice and Citizens Advice Scotland by the Public Bodies (The Office of Fair Trading’s Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783).

Article 4 and Schedule 1 transfer ancillary functions of the OFT which relate to a consumer advice scheme to Citizens Advice and Citizens Advice Scotland. Schedule 1 also makes consequential, supplementary and incidental provision relating to the transfer of those consumer advice scheme functions from the OFT.

Article 5 transfers the functions of the OFT in relation to the regulation of estate agents. Article 5(1) transfers the OFT’s functions in the Estate Agents Act 1979 to Powys County Council, the lead enforcement authority. Article 5(2) transfers the OFT’s functions as the supervisor of estate agents under the Money Laundering Regulations 2007 to the Commissioners. Schedules 2 and 3 make consequential, supplementary, incidental, transitional provision and savings.

A full regulatory impact assessment of the effect that this Order will have on the costs to business is available from the Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET or at [www.gov.uk/bis](http://www.gov.uk/bis) and is published with the Explanatory Document alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).