

SCHEDULE 2

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(1) 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)(2);

(b) section 5(1)(a), (2), (3) and (5)(3);

(c) section 6(1), (3), (4), (5) and (6)(4);

(d) section 7(1)(5);

(e) section 8(1), (3), (4), (5) and (6);

(f) the heading for section 9;

(g) section 9(1) and (6)(6).

(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.

(1) 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.

(2) 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.

(3) 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).

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

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

(6) 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).

Status: This is the original version (as it was originally made).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

- (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)(7).
- (8) In section 23B (enforcement)(8)—
- (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)(9), 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)—

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

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

(9) The definition of the Director General of Fair Trading was repealed by paragraph 1 of Schedule 26 to the 2002 Act.

- (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)(**10**), 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;

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

Status: This is the original version (as it was originally made).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

- (o) paragraph 13.
- (15) In Schedule 4 (penalty notices under section 23B(1)(**11**)—
 - (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”.

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