
Changes to legislation: Estate Agents Act 1979, Cross Heading: Notice of proposal is up to date with all changes known to be in force on or before 28 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

PROCEDURE ETC.

PART I

ORDERS AND DECISIONS UNDER SECTIONS 3, 4 AND 6

Notice of proposal

- 2 (1) The [F¹lead enforcement authority] shall give to the person affected a notice informing him of the proposal and of the [F²lead enforcement authority's] reason for it; but paragraph 1(2) above shall not apply for the purposes of this sub-paragraph.
- (2) In the case of a proposal to make an order, the notice under sub-paragraph (1) above shall inform the person affected of the substance of the proposed order and, in the case of a proposal to make an order under section 3 of this Act, shall—
- (a) set out those matters falling within subsection (1) of that section which the [F³lead enforcement authority] intends should be specified as the grounds for the order, and
 - (b) specify any other matters of which the [F³lead enforcement authority] has taken account under subsection (2) of that section, and
 - (c) if the [F³lead enforcement authority] proposes to rely on section 4(3) of this Act to establish the unfitness of the person affected, state that fact.
- (3) The notice given under sub-paragraph (1) above shall invite the person affected, within such period of not less than twenty-one days as may be specified in the notice—
- (a) to submit to the [F⁴lead enforcement authority] his representations in writing as to why the order should not be made or, as the case may be, should be varied or revoked in accordance with the application, and
 - (b) to give notice to the [F⁴lead enforcement authority], if he thinks fit, that he wishes to make such representations orally,
- and where notice is given under paragraph (b) above the [F⁴lead enforcement authority] shall arrange for the oral representations to be heard.

Textual Amendments

- F1** Words in Sch. 2 para. 2(1) substituted (31.3.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), Sch. 2 para. 1(13)(a)(iv)(**aa**) (with Sch. 1 para. 28, 2 paras. 13-15)

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- F2** Words in Sch. 2 para. 2(1) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), Sch. 2 para. 1(13)(a)(iv)(**bb**) (with Sch. 1 para. 28, 2 paras. 13-15)
- F3** Words in Sch. 2 para. 2(2) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), Sch. 2 para. 1(13)(a)(v)(**aa**) (with Sch. 1 para. 28, 2 paras. 13-15)
- F4** Words in Sch. 2 para. 2(3) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), Sch. 2 para. 1(13)(a)(v)(**aa**) (with Sch. 1 para. 28, 2 paras. 13-15)

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

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

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