



Estate Agents Act 1979

1979 CHAPTER 38

Orders by ^[F1]the lead enforcement authority

4 Warning orders.

^[F1](1) If the ^[F2]lead enforcement authority is satisfied that any of subsections (1A), (1B) or (1C) apply in relation to a person it may by order notify that person that it is satisfied of the matters mentioned in that subsection.

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

- (a) in the course of estate agency work, he has engaged in conduct falling within paragraph (a), (b), (c), (ca) or (cb) of section 3(1); and
- (b) were he to engage again in any conduct falling within that paragraph, the ^[F3]lead enforcement authority would consider him unfit and proceed to make a prohibition order.

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

- (a) in the course of estate agency work, he has engaged in conduct constituting a failure to comply with—
 - (i) an undertaking mentioned in section 3(1)(ba); or
 - (ii) an enforcement order mentioned in section 3(1)(bb); and
- (b) were he to fail again to comply with that undertaking or order by engaging in the same or similar conduct, the ^[F4]lead enforcement authority would consider him unfit and proceed to make a prohibition order.

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

- (a) in the course of estate agency work, he has engaged in a practice mentioned in section 3(1)(d); and
- (b) were he to engage again in that practice, the ^[F5]lead enforcement authority would consider him unfit and proceed to make a prohibition order.]

(2) An order under this section shall state whether, in the opinion of the ^[F6]lead enforcement authority, ^[F7]further conduct as mentioned in subsection (1A)(b) or (1B) (b) or engaging again in the practice specified in the order, as the case may be,] is

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addressed unfit to carry on estate agency work generally or estate agency work of a description specified in the order.

- (3) If, after an order has been made under this section, the person to whom it is addressed [^{F8}engages in further conduct as mentioned in subsection (1A)(b) or (1B)(b) or engages again in the practice specified in the order, as the case may be,] in accordance with subsection (2) above; and the [^{F9}lead enforcement authority] may proceed to make an order under section 3 above accordingly.

[^{F10}(4) In this section “unfit” means unfit as mentioned in subsection (2) of section 3 and “prohibition order” means an order under that section.]

Textual Amendments

- F1** S. 4(1)-(1C) substituted for s. 4(1) (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 56(2), 66(2)** (with s. 48(3)); S.I. 2008/905, art. 3(2), Sch. 2
- F2** Words in s. 4(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(4)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F3** Words in s. 4(1A)(b) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(4)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F4** Words in s. 4(1B)(b) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(4)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F5** Words in s. 4(1C)(b) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(4)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F6** Words in s. 4(2) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(4)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F7** Words in s. 4(2) substituted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 56(3), 66(2)** (with s. 48(3)); S.I. 2008/905, art. 3(2), Sch. 2
- F8** Words in s. 4(3) substituted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 56(4), 66(2)** (with s. 48(3)); S.I. 2008/905, art. 3(2), Sch. 2
- F9** Words in s. 4(3) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(4)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F10** S. 4(4) inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 56(5), 66(2)** (with s. 48(3)); S.I. 2008/905, art. 3(2), Sch. 2

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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\(1\)](#)