



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 1

[^{F1}THE CONSUMER ADVOCACY BODIES]

Textual Amendments

- F1** Pt. 1 heading substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), Sch. 1 para. 12(2) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Modifications etc. (not altering text)

- C1** Pt. 1 power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(1), [Sch. 18 para. 61\(1\)](#)
- C2** Pt. 1 power to extend (N.I.) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(1), [Sch. 18 para. 61\(3\)](#)

[^{F2}The consumer advocacy bodies]

Textual Amendments

- F2** S. 1 cross-heading substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), [Sch. 1 para. 12\(3\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

[^{F3}1 The consumer advocacy bodies

- (1) In this Act—

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“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,
- [^{F4}(ba) Consumer Scotland,] or
- (c) the GCCNI.

[^{F5}(3) Except where this Act otherwise provides—

- (a) a function conferred on Citizens Advice, Citizens Advice Scotland or Consumer Scotland by or under this Act may be carried out by that body jointly with one or both of the other bodies, and
- (b) each of those bodies may carry out on behalf of another of those bodies a function that is conferred on that other body by or under this Act, with the agreement of that other body.]

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

Textual Amendments

- F3** S. 1 substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#) , art. 1(3) , **Sch. 1 para. 12(4)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F4** S. 1(2)(ba) inserted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#) , art. 1(1), **Sch. para. 7(2)(a)** (with art. 5)
- F5** S. 1(3) substituted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#) , art. 1(1), **Sch. para. 7(2)(b)** (with art. 5)

^{F6}2 The territorial committees

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Textual Amendments

- F6** S. 2 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#) , art. 1(3) , **Sch. 1 para. 12(5)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)

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

3 “Consumer” and “consumer matters”

(1) In this Part “consumer” and “consumer matters” have the meaning given by this section.

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

Textual Amendments

- F7** Words in s. 3(2)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 176](#); [S.I. 2011/2329](#), art. 3
- F8** Words in s. 3(4)(a) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 176](#); [S.I. 2011/2329](#), art. 3

Commencement Information

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

4 “Designated consumers”

- (1) In this Part “designated consumers” means—
- (a) consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems, and
 - (b) consumers in relation to [^{F9}postal services].
- (2) The Secretary of State may, by order, amend subsection (1) so as—
- (a) to make any description of consumers within subsection (3) “designated consumers” for the purposes of this Part;
 - (b) to provide for any description of consumers to cease to be “designated consumers” for those purposes.
- (3) The consumers within this subsection are consumers in England and Wales in relation to services provided by a water undertaker, a sewerage undertaker [^{F10}, a water supply licensee or a sewerage licensee], in [^{F11}the undertaker's or licensee's capacity] as such.
- (4) Before making an order under subsection (2), the Secretary of State must consult—
- [^{F12}(a) except in the case of an order which relates only to consumers in Northern Ireland, Citizens Advice,

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- (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 [^{F13}and Consumer Scotland],
 - (ab) in the case of an order which relates to consumers in Northern Ireland in relation to postal services, the GCCNI,
 - (b) in the case of a relevant order, the Scottish Ministers,
 - (c) the Welsh Ministers, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (5) For this purpose a “relevant order” is an order which relates to any description of—
- (a) consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems, or
 - (b) consumers in relation to [^{F14}postal services].

Textual Amendments

- F9** Words in s. 4(1)(b) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 176**; S.I. 2011/2329, art. 3
- F10** Words in s. 4(3) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 137(a)**; S.I. 2017/462, art. 3(k)(xxv)
- F11** Words in s. 4(3) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 137(b)**; S.I. 2017/462, art. 3(k)(xxv)
- F12** S. 4(4)(a)-(ab) substituted (1.4.2014) for s. 4(4)(a) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(6)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F13** Words in s. 4(4)(aa) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(3)** (with art. 5)
- F14** Words in s. 4(5)(b) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 176**; S.I. 2011/2329, art. 3

Commencement Information

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

Determining priorities

5 Forward work programmes [^{F15}of the GCCNI]

- (1) [^{F16}The GCCNI] must [^{F17}before each programme year] publish a document (the “forward work programme”) containing—
- (a) a statement of any priorities of [^{F18}the GCCNI] for the year in relation to designated consumers generally or any description of designated consumers;
 - (b) a general description of the main activities (including any projects) which it plans to undertake during the year in relation to designated consumers generally or any description of designated consumers;
 - (c) a statement of any other priorities of [^{F19}the GCCNI] for the year;
 - (d) a general description of any other projects which it plans to undertake during the year (other than those comprising routine activities in the exercise of its functions).

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- (2) The description of a project under subsection (1)(b) or (d) must include the objectives of the project.
- (3) The forward work programme for any year must also include—
 - (a) an estimate of the overall expenditure which [^{F20}the GCCNI] expects to incur during the year in the exercise of its functions, and
 - (b) an estimate of the expenditure (if any) which [^{F21}the GCCNI] expects to incur during the year in the exercise of its functions in relation to designated consumers.

^{F22}(4)

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

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

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

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

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

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

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

- (a) the Secretary of State,
- ^{F28}(b)
- ^{F28}(c)
- (d) the Office of Fair Trading, and
- (e) any regulatory body which [^{F29}the GCCNI] considers might have an interest in the content of the notice.

[^{F30}(8) References in this section to “designated consumers” are references to designated consumers who are consumers in relation to postal services in Northern Ireland.

(9) In this section “programme year” means—

- (a) the period beginning on 1st April 2014 and ending with the next following 31st March, and
- (b) each successive period of 12 months.]

Textual Amendments

- F15** Words in s. 5 heading inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(7)(a)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F16** Words in s. 5(1) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(7)(b)(i)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)

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- F17** Words in s. 5(1) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F18** Words in s. 5(1)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(b)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F19** Words in s. 5(1)(c) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(b)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F20** Words in s. 5(3)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F21** Words in s. 5(3)(b) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F22** S. 5(4) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F23** S. 5(4A) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F24** Words in s. 5(4A)(b) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(4)** (with art. 5)
- F25** Words in s. 5(5) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(f)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F26** Words in s. 5(6) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(g)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F27** Words in s. 5(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(h)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F28** S. 5(7)(b)(c) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(h)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F29** Words in s. 5(7)(e) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(h)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F30** S. 5(8)(9) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(7)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

6 General provision about functions [F31 of the GCCNI]

- (1) In exercising its functions [F32 the GCCNI] must comply with the requirements of this section.
- (2) [F33 The GCCNI] must have regard to the forward work programme published under section 5.

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- (3) [^{F34} The GCCNI] must have regard to the interests of consumers in different areas.
- (4) [^{F35} The GCCNI] must have regard to the interests of consumers that are one or more of the following—
 - (a) disabled or chronically sick individuals;
 - (b) individuals of pensionable age;
 - (c) individuals with low incomes;
 - (d) individuals residing in rural areas.
- (5) But nothing in subsection (4) is to be taken as implying that regard may not be had to the interests of other descriptions of consumers.
- (6) [^{F36} The GCCNI] must have regard to the need to use its resources in the most efficient and economic way.
- (7) In discharging the duty imposed by subsection (6), [^{F37} the GCCNI] must take account of the existence of any other public bodies with the same functions as, or similar functions to, those of [^{F37} the GCCNI] and the activities carried on by such bodies.
- (8) [^{F38} The GCCNI] must exercise its functions in the manner which it considers is best calculated to contribute to the achievement of sustainable development.
- ^{F39}(9)
- (10) A person is of pensionable age for the purposes of this section if—
 - (a) the person has attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26)), or
 - (b) in the case of a man born before [^{F40} 6 December 1953], he is the same age as a woman who has attained pensionable age (within the meaning so given).

Textual Amendments

- F31** Words in s. 6 heading inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F32** Words in s. 6(1) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F33** Words in s. 6(2) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F34** Words in s. 6(3) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F35** Words in s. 6(4) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F36** Words in s. 6(6) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F37** Words in s. 6(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- F38** Words in s. 6(8) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F39** S. 6(9) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(8)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F40** Words in s. 6(10)(b) substituted (3.1.2012) by Pensions Act 2011 (c. 19), s. 38(3)(a), **Sch. 1 para. 7**

Commencement Information

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

[^{F41}6A Exercise of functions of consumer advocacy bodies

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

Textual Amendments

- F41** S. 6A inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(9)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Annual report

^{F42} 7 Annual report

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Textual Amendments

- F42** S. 7 omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(10)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

^{F43} 7A Annual report on Scottish Water related activities

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Textual Amendments

- F43** S. 7A omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(11)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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

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The core functions

8 The representative function

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

Textual Amendments

- F44** Words in s. 8(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(12)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F45** Words in s. 8(2)(f) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(12)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

9 The research function

- [^{F46}The GCCNI] may obtain and keep under review—
- (a) information about consumer matters,
 - (b) information about the views of consumers on consumer matters, and
 - (c) information of such other description as may be prescribed by the Secretary of State by order.

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

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Textual Amendments

F46 Words in s. 9 substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(13)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

10 The information function

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

Textual Amendments

F47 Words in s. 10(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(14)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

F48 Words in s. 10(1)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(14)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

F49 Words in s. 10(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(14)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

F50 Words in s. 10(2)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(14)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I8 S. 10(1)(a)(2) in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

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

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Powers of investigation

11 General powers of investigation

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

Textual Amendments

- F51** Words in s. 11(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(15)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F52** Words in s. 11(1)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), Sch. 1 para. 12(15)(a)(ii)(**aa**) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F53** Words in s. 11(1)(a) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), Sch. 1 para. 12(15)(a)(ii)(**bb**) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F54** Words in s. 11(1)(b) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), Sch. 1 para. 12(15)(a)(iii)(**aa**) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F55** Words in s. 11(1)(b) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), Sch. 1 para. 12(15)(a)(iii)(**bb**) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

12 Investigation of complaints made by vulnerable designated consumers

- (1) Subsection (3) applies to a complaint which is made—
 - (a) by or on behalf of a vulnerable person in that person's capacity as a designated consumer (“the designated consumer”),
 - (b) against a person (“the supplier”) who in the course of a business carried on by the supplier supplies or seeks to supply, or refuses to supply, goods or services to the designated consumer, and

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

Textual Amendments

- F56** Words in s. 12(2) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(16)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F57** Words in s. 12(3) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(16)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F58** Words in s. 12(3) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(16)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F59** Words in s. 12(4) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(16)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F60** Words in s. 12(4) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(16)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F61** S. 12(5) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(5)(a)** (with art. 5)
- F62** S. 12(5)(6) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(16)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F63** Words in s. 12(6) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(5)(b)** (with art. 5)

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Commencement Information

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

13 Investigation of complaints relating to disconnection of gas or electricity

- (1) This section applies to—
- (a) a complaint by a gas consumer against a gas transporter, in respect of the disconnection of, or a threat to disconnect, the consumer's premises by the gas transporter;
 - (b) a complaint by a gas consumer against a gas transporter, following such a disconnection, in respect of a refusal by the gas transporter to reconnect the premises;
 - (c) a complaint by a gas consumer against a gas supplier, in respect of the cutting off of, or a threat to cut off, a supply of gas to the consumer's premises by the gas supplier;
 - (d) a complaint by a gas consumer against a gas supplier, following such a cutting off, in respect of a refusal by the gas supplier to restore the supply to the premises;
 - (e) a complaint by a gas consumer against a gas supplier, in respect of the failure of a prepayment system;
 - (f) a complaint by an electricity consumer against an electricity supplier, an electricity distributor or a transmission licence holder, in respect of the disconnection of, or a threat to disconnect, the consumer's premises by the electricity supplier, electricity distributor or licence holder;
 - (g) a complaint by an electricity consumer against an electricity supplier, electricity distributor or transmission licence holder, following such a disconnection by the supplier, distributor or licence holder, in respect of a refusal by the supplier, distributor or licence holder to reconnect the premises;
 - (h) a complaint by an electricity consumer against an electricity supplier, in respect of the failure of a prepayment system.
- (2) Where a complaint to which this section applies is referred to^{F64} a consumer advocacy body] by or on behalf of the complainant, ^{F65}that consumer advocacy body] must investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (3).
- (3) Where it appears to ^{F66}a consumer advocacy body] to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, ^{F67}that consumer advocacy body] must—
- (a) provide advice to the complainant, or
 - (b) make representations on behalf of the complainant to the person against whom the complaint is made about anything to which the complaint relates.
- (4) ^{F68}A consumer advocacy body] may refuse to investigate a complaint, or part of a complaint, if—
- (a) the complaint or part appears to ^{F69}the consumer advocacy body] to be frivolous or vexatious;
 - (b) the complaint or part falls within a class of matter which a regulatory body is under a duty (whether imposed by or under an enactment or otherwise) to investigate;

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- (c) the complaint or part is being dealt with, or ^{F70}the consumer advocacy body] is satisfied that it would be better dealt with, under an ombudsman scheme or any other redress scheme or in legal proceedings;
 - (d) ^{F71}the consumer advocacy body] considers that there has been undue delay in the making of the complaint or part, or the provision of evidence to support it;
 - (e) ^{F72}the consumer advocacy body] considers that there are other compelling reasons why it is inappropriate for the complaint or part to be investigated by ^{F72}the consumer advocacy body].
- (5) ^{F73}A consumer advocacy body] may refuse to investigate a complaint until the complainant has taken such steps as appear to ^{F74}the consumer advocacy body] to be reasonable for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with it.
- ^{F75}(5A) Where a complaint is referred to a consumer advocacy body, that body may agree with another consumer advocacy body that the complaint is to be treated as having been referred to that other body.]
- ^{F76}(5B) If ^{F77}two consumer advocacy bodies] so agree in a particular case, subsections (2) to (5) and section 14(2) to (4) are to have effect accordingly.]
- (6) In subsection (1)—
- (a) in paragraphs (a) and (b) “ disconnection ” in relation to any premises, means disconnection from a main of a gas transporter or the discontinuation of the conveyance of gas to the premises;
 - (b) in paragraphs (b), (d) and (g), the references to a gas consumer or electricity consumer are references to a person who was such a consumer at the time the disconnection of, or cutting off of the supply to, the premises occurred;
 - (c) in paragraphs (e) and (h), references to the failure of a prepayment system are references to—
 - (i) a failure in the facilities for payment for the supply of gas or electricity which results in a consumer with a prepayment meter being unable to make a payment for the supply of gas or electricity, or
 - (ii) where a payment has been made for the supply of gas or electricity through a prepayment meter, a case where the supply is not given through the prepayment meter because of a defect in the meter or in the facilities for payment.
- ^{F78}(6A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI .]
- (7) In this section—
- “ electricity consumer ” means an individual who is a consumer in relation to electricity supplied by an authorised supplier;
 - “ enactment ” means—
 - (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament, or
 - (c) a Measure or Act of the National Assembly for Wales,
 whenever passed or made;
 - “ gas consumer ” means an individual who is a consumer in relation to gas supplied by an authorised supplier;
 - “the consumer's premises”—

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- (a) in relation to an electricity consumer, means the premises to which the electricity supplied to the consumer by the authorised supplier is supplied;
 - (b) in relation to a gas consumer, means the premises to which the gas supplied to the consumer is conveyed by the gas transporter;
- “ redress scheme ” means a scheme under which complaints may be made to, and investigated and determined by, an independent person.

Textual Amendments

- F64** Words in s. 13(2) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F65** Words in s. 13(2) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F66** Words in s. 13(3) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F67** Words in s. 13(3) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F68** Words in s. 13(4) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F69** Words in s. 13(4)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F70** Words in s. 13(4)(c) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F71** Words in s. 13(4)(d) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F72** Words in s. 13(4)(e) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F73** Words in s. 13(5) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(d)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F74** Words in s. 13(5) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(d)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F75** S. 13(5A) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(6)(a)** (with art. 5)
- F76** S. 13(5A)(5B) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(17)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F77** Words in s. 13(5B) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(6)(b)** (with art. 5)

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F78 S. 13(6A) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(17)(f)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I12 S. 13 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

14 Reference of matters to the Gas and Electricity Markets Authority

- (1) In this section references to a complaint are to a complaint within section 11(1)(a) or to which section 12(3) or 13 applies.
 - (2) Where it appears to [^{F79}the consumer advocacy body in question] that a complaint relates to a matter in respect of which any of the Authority's enforcement functions may be exercisable, [^{F80}that body] must refer the complaint to the Authority unless it is satisfied that the Authority is already aware of the matter.
 - (3) Where a complaint to which section 13 applies is referred to the Authority under subsection (2), [^{F81}the consumer advocacy body in question] is not required to investigate the complaint under subsection (2) of that section until the Authority has had a reasonable opportunity to exercise its enforcement functions in relation to the matter to which the complaint relates.
 - (4) On investigating a complaint, [^{F82}the consumer advocacy body in question] must inform the complainant if it considers that the complaint relates to a matter of a kind which can be referred by the complainant to the Authority under any provision of the Gas Act 1986 (c. 44) or the Electricity Act 1989 (c. 29).
- [^{F83}(4A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI.]
- (5) In this section—
 - “ the Authority ” means the Gas and Electricity Markets Authority;
 - “ enforcement function ”, in relation to the Authority, means any of its functions under section 28 or 30A of the Gas Act 1986 or section 25 or 27A of the Electricity Act 1989.

Textual Amendments

- F79** Words in s. 14(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(18)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F80** Words in s. 14(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(18)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F81** Words in s. 14(3) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(18)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F82** Words in s. 14(4) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(18)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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F83 S. 14(4A) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(18)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

15 ^{F84} Reference of postal matters to OFCOM]

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

Textual Amendments

- F84** S. 15 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 177(2)**; [S.I. 2011/2329](#), art. 3
- F85** Words in s. 15(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(19)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F86** Words in s. 15(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 177(3)(a)**; [S.I. 2011/2329](#), art. 3
- F87** Words in s. 15(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(19)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F88** Words in s. 15(1)(a) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 177(3)(b)**; [S.I. 2011/2329](#), art. 3
- F89** Words in s. 15(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(19)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F90** Word in s. 15(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 177(4)**; [S.I. 2011/2329](#), art. 3

Commencement Information

I14 S. 15 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

16 Investigations relating to public post offices

- ^{F91}(1) Without prejudice to the generality of section 11—
- (a) Citizens Advice^{F92}, Citizens Advice Scotland and Consumer Scotland] may investigate any matter relating to the number and location of public post offices in England, Wales and Scotland;

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(b) the GCCNI may investigate any matter relating to the number and location of public post offices in Northern Ireland.]

(2) In this section “public post office” has the same meaning as in the Postal Services Act 2000 (c. 26) (see [F93]section 125(1)] of that Act).

Textual Amendments

- F91** S. 16(1) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(20)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F92** Words in s. 16(1)(a) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(7)** (with art. 5)
- F93** Words in s. 16(2) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 178**; S.I. 2011/2329, art. 3

Commencement Information

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

Other functions of [F94]the consumer advocacy bodies]

Textual Amendments

- F94** Words in s. 17 cross-heading substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 12(21) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

17 Reports by [F95] the GCCNI]

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

Textual Amendments

- F95** Words in s. 17 heading substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(22)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F96** Words in s. 17(1) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(22)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F97** Words in s. 17(1) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(22)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 para. 13-15)
- F98** Words in s. 17(2) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(22)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I16 S. 17 in force at 1.10.2008 by S.I. 2008/2550, art. 2, Sch.

18 Secretary of State's power to require reports

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

Textual Amendments

- F99** Words in s. 18(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(23)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F100** Words in s. 18(1) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(23)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I17 S. 18 in force at 1.10.2008 by S.I. 2008/2550, art. 2, Sch.

19 Advice, information and guidance

- (1) [^{F101}The GCCNI] may issue advice or guidance to any person with a view to improving standards of service and promoting best practice in connection with the handling of complaints made by consumers or any other matter affecting the interests of consumers.
- (2) [^{F102} The GCCNI] may publish advice or information about consumer matters if it appears to [^{F103}the GCCNI] that its publication would promote the interests of consumers.
- (3) For this purpose “ information about consumer matters ” includes information about the views of consumers on consumer matters.

Textual Amendments

- F101** Words in s. 19(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(24)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F102** Words in s. 19(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(24)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F103** Words in s. 19(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(24)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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Commencement Information

I18 S. 19 in force at 1.10.2008 by S.I. 2008/2550, art. 2, Sch.

[^{F104}19A Guidance for energy consumers

- (1) [^{F105}A consumer advocacy body] must prepare, and keep under review—
 - (a) guidance for energy consumers (the “energy consumer guidance”), and
 - (b) a summary prepared in accordance with subsection (4) (the “concise guidance”).
 - (2) The energy consumer guidance must address the matters included in any document published by the European Commission pursuant to Article 3(16) of the Electricity Directive or Article 3(12) of the Gas Directive [^{F106}which is in force immediately before IP completion day].
 - (3) The energy consumer guidance may include any other information relating to the rights of energy consumers which [^{F107}the consumer advocacy body in question] thinks appropriate.
 - (4) The concise guidance must—
 - (a) summarise any information in the energy consumer guidance which [^{F108}in the view of the consumer advocacy body in question] is particularly relevant to the interests of energy consumers, and
 - (b) state where a copy of the energy consumer guidance can be obtained.
 - (5) In preparing and reviewing [^{F109}its energy consumer guidance and its concise guidance][^{F110}a consumer advocacy body] must consult—
 - (a) the Secretary of State,
 - (b) the Gas and Electricity Markets Authority, and
 - (c) any other person [^{F111}the consumer advocacy body in question] considers appropriate.
 - [^{F112}(6) A consumer advocacy body must publish the first version of its energy consumer guidance and its concise guidance on its website.]
 - (7) If, following a review, [^{F113}a consumer advocacy body] considers it necessary to amend [^{F114}its energy consumer guidance and its concise guidance], [^{F115}the consumer advocacy body] must, as soon as is reasonably practicable—
 - (a) publish the amended version on its website, and
 - (b) inform any person it consulted in accordance with subsection (5) that it has done so.
 - (8) [^{F116}A consumer advocacy body] may also make the first and any amended version of [^{F117}its energy consumer guidance and its concise guidance] available in any other manner [^{F118}the consumer advocacy body] thinks appropriate for the purpose of bringing that guidance to the attention of those likely to be interested.
- [Until a consumer advocacy body has published the first version of its energy consumer
- ^{F119}(8A) 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,

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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 ^{F120}[Citizens Advice Scotland or] the GCCNI].

(9) In this section—

“the Electricity Directive” means Directive [2009/72/ EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive [2003/54/ EC](#) ;

“energy consumer” means an individual who is—

- (a) a consumer in relation to gas supplied by an authorised supplier for consumption by the consumer’s own household;
- (b) a consumer in relation to electricity supplied by an authorised supplier for consumption by the consumer’s own household;

^{F121}“the Gas Directive” means Directive [2009/73/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive [2003/55/EC](#) (), as amended by the 2019 Amending Directive;]

^{F122}“the 2019 Amending Directive” means Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019 amending Directive [2009/73/EC](#) concerning common rules for the internal market in natural gas.]]

Textual Amendments

- F104** S. 19A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011](#) (S.I. 2011/2704) , regs. 1(1) , **3(2)**
- F105** Words in s. 19A(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014](#) (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(a)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F106** Words in s. 19A(2) inserted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/530), regs. 1(1), **77** (as amended by S.I. 2020/1016, regs. 1(2), **3(28)**); 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in s. 19A(3) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014](#) (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(b)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F108** Words in s. 19A(4)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014](#) (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(c)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F109** Words in s. 19A(5) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014](#) (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(d)(i)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)

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

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- F110** Words in s. 19A(5) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(d)(ii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F111** Words in s. 19A(5)(c) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(d)(iii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F112** S. 19A(6) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(e)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F113** Words in s. 19A(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(f)(i)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F114** Words in s. 19A(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(f)(ii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F115** Words in s. 19A(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(f)(iii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F116** Words in s. 19A(8) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(g)(i)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F117** Words in s. 19A(8) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(g)(ii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F118** Words in s. 19A(8) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(g)(iii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F119** S. 19A(8A)-(8C) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3) , **Sch. 1 para. 12(25)(g)(iv)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15)
- F120** Words in s. 19A(8C) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(8)** (with art. 5)
- F121** Words in s. 19A(9) substituted (14.7.2020) by The Gas (Internal Markets) Regulations 2020 (S.I. 2020/625), regs. 1(2), **8(a)**
- F122** Words in s. 19A(9) inserted (14.7.2020) by The Gas (Internal Markets) Regulations 2020 (S.I. 2020/625), regs. 1(2), **8(b)**

F123 20 Duty to enter into co-operation arrangements

.....

Textual Amendments

- F123** S. 20 omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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

20A

.....

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

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Textual Amendments

F124 S. 20A omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

F125 21 Power to co-operate and give assistance

.....

Textual Amendments

F125 Ss. 21-23 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

F125 22 Voluntary activities

.....

Textual Amendments

F125 Ss. 21-23 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

F125 23 Supplementary powers etc

.....

Textual Amendments

F125 Ss. 21-23 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Information

24 Provision of information to ^{F126}the consumer advocacy bodies]

- (1) ^{F127}A consumer advocacy body] may, by notice, require a person within subsection (3) to supply it with such information as is specified or described in the notice within such reasonable period as is so specified.
- (2) ^{F128}In the case of the GCCNI, the] information specified or described in a notice under subsection (1) must be information ^{F129}the GCCNI] requires for the purpose of exercising its functions.

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

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- [^{F130}(2A) In the case of Citizens Advice[^{F131}, Citizens Advice Scotland or Consumer Scotland], the information specified or described in a notice under subsection (1) must be information it requires—
- (a) for the purpose of exercising a function conferred on it by or under an enactment, or
 - (b) for the purpose of exercising a function it has that—
 - (i) is not conferred by or under an enactment, and
 - (ii) corresponds to a function conferred on the GCCNI under section 8, 9, 10, 11 or 19, disregarding for these purposes the limitations relating to postal services in Northern Ireland in sections 1(4) and 11(1).
- (2B) For the purposes of subsection (2A) “enactment” means an Act, an Act of the Scottish Parliament, a measure or Act of the National Assembly for Wales or Northern Ireland legislation.]
- (3) The persons referred to in subsection (1) are—
- (a) the [^{F132}Competition and Markets Authority];
 - (b) a designated regulator;
 - (c) any person who supplies goods or services in the course of a business carried on by that person;
 - (d) any other person specified or of a description specified by the Secretary of State by order for the purposes of this subsection.
- (4) A notice under subsection (1) may specify the manner and form in which any information is to be provided.
- (5) Before giving a notice under subsection (1), or specifying the manner or form in which any information is to be provided, [^{F133}a consumer advocacy body] must have regard to the desirability of minimising the costs, or any other detriment, to the person to whom the notice is to be given.
- (6) If a person within subsection (3)(a) or (b) fails to comply with a notice under subsection (1), the person must, if so required by [^{F134}the consumer advocacy body in question], give notice to [^{F135}that body] of the reasons for the failure.
- (7) An order under subsection (3)(d) may provide either—
- (a) that subsection (6) is to apply in relation to a person specified or of a description specified by the order as it applies to a person within subsection (3) (a) or (b), or
 - (b) that section 26 is to apply in relation to such a person.
- (8) [^{F136}A consumer advocacy body] may publish any notice received under subsection (6).
- [^{F137}(8A) Information provided to a consumer advocacy body because of a notice under subsection (1) may be provided by that body to the other consumer advocacy bodies.]
- (9) In this section—
- “designated regulator” means—
- (a) the Gas and Electricity Markets Authority;
 - (b) [^{F138}the Office of Communications;]
 - (c) the Water Services Regulation Authority;
 - (ca) [^{F139}the Water Industry Commission for Scotland;]

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

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- (d) any other person prescribed by the Secretary of State by order for the purposes of this subsection;
“ goods ” includes land or an interest in land.

Textual Amendments

- F126** Words in s. 24 heading substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F127** Words in s. 24(1) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F128** Words in s. 24(2) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F129** Words in s. 24(2) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F130** S. 24(2A)(2B) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F131** Words in s. 24(2A) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(9)** (with art. 5)
- F132** Words in s. 24(3)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 173** (with art. 3)
- F133** Words in s. 24(5) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F134** Words in s. 24(6) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(f)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F135** Words in s. 24(6) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(f)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F136** Words in s. 24(8) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(g)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F137** S. 24(8A) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(27)(h)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F138** Words in s. 24(9) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 179**; S.I. 2011/2329, art. 3
- F139** Words in s. 24(9) inserted (S.) (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **Sch. 2 para. 19**; S.S.I. 2011/278, art. 2(d)

Modifications etc. (not altering text)

- C3** S. 24 power to apply (with modifications) conferred (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(l), **Sch. 18 para. 61(2)**

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

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

25 Enforcement by regulator of section 24 notice

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

TABLE

<i>Regulated provider</i>	<i>Relevant regulator</i>
A person holding a licence under section 7, 7ZA ^{F142} or 7A ^{F142} , 7A or 7AB] of the Gas Act 1986 (c. 44).	The Gas and Electricity Markets Authority.
A person holding a licence under section 6 of the Electricity Act 1989 (c. 29).	The Gas and Electricity Markets Authority.
^{F143} A postal operator.	The Office of Communications.]
A water undertaker, sewerage undertaker [^{F144} , water supply licensee or sewerage licensee].	The Water Services Regulation Authority.
^{F145} The Water Industry Commission for Scotland.	The Water Industry Commission for Scotland.]

- (4) Where a failure is referred under subsection (1), the designated investigator must—
- consider any representations made by [^{F146}the consumer advocacy body] or the regulated provider, and
 - determine whether the regulated provider is entitled to refuse to comply with the notice by virtue of provision made under section 28 (exemptions from requirements to provide information).
- (5) If the designated investigator determines that the regulated provider is not entitled to refuse to comply with the notice, the designated investigator must direct the regulated provider to comply with it.

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- (6) The designated investigator must give [^{F147}the consumer advocacy body] and the regulated provider notice of—
- (a) a determination under subsection (4)(b) and the reasons for it, and
 - (b) any direction under subsection (5).
- [^{F148}(6A) An obligation imposed by virtue of subsection (5) on a postal operator is enforceable by OFCOM under Schedule 7 to the Postal Services Act 2011 (enforcement of regulatory requirements).]
- (7) An obligation imposed by virtue of subsection (5) on a water undertaker, sewerage undertaker [^{F149}, water supply licensee or sewerage licensee] is enforceable by the Water Services Regulation Authority under section 18 of the Water Industry Act 1991 (c. 56) (orders for securing compliance).
- (8) Schedule 2 makes provision about the enforcement of obligations imposed by virtue of subsection (5) on other regulated providers.

Textual Amendments

- F140** Words in s. 25(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(28)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F141** Words in s. 25(2) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(2)**; S.I. 2017/462, art. 3(k)(xxv)
- F142** Words in s. 25(3) substituted (E.W.S.) (19.9.2012) by [The Electricity and Gas \(Smart Meters Licensable Activity\) Order 2012 \(S.I. 2012/2400\)](#), arts. 1, **32**
- F143** Words in s. 25(3) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 180(2)**; S.I. 2011/2329, art. 3
- F144** Words in s. 25(3) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(3)**; S.I. 2017/462, art. 3(k)(xxv)
- F145** Words in s. 25(3) inserted (S.) (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7)(8), **Sch. 2 para. 20**; S.S.I. 2011/278, art. 2(d)
- F146** Words in s. 25(4)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(28)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F147** Words in s. 25(6) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(28)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F148** S. 25(6A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 180(3)**; S.I. 2011/2329, art. 3
- F149** Words in s. 25(7) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(4)**; S.I. 2017/462, art. 3(k)(xxv)

Commencement Information

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

26 Enforcement by court of section 24 notice

- (1) This section applies where a person (“ the defaulter ”) refuses, or otherwise fails, to comply with a notice given to the defaulter under section 24(1) and the defaulter is—
- (a) within section 24(3)(c), or

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

Textual Amendments

F150 Words in s. 26(3) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(29)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

27 Provision of information by [^{F151}a consumer advocacy body]

- [^{F152}(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 [^{F153}, Citizens Advice Scotland or Consumer Scotland] to supply it with such information relating to its functions conferred by or under section 24 or any other enactment as is specified or described in the notice within such reasonable period as is so specified.
- (1A) For the purpose of subsection (1)(b), “enactment” means any provision of an Act, Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales or Northern Ireland legislation.]
- (2) The information specified or described in a notice under subsection (1) must be information the authorised person requires for the purpose of exercising its functions.
- (3) “ Authorised person ” means—
 - (a) the [^{F154}Competition and Markets Authority];
 - (b) a designated regulator (within the meaning of section 24(9));

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- (c) any person specified or of a description specified by the Secretary of State by order.
- (4) A notice under subsection (1) may specify the manner and form in which any information is to be provided.
- (5) Before giving a notice under subsection (1) or specifying the manner or form in which any information is to be provided, an authorised person must have regard to the desirability of minimising the costs, or any other detriment, to [^{F155}the consumer advocacy body in question].
- (6) If [^{F156}a consumer advocacy body] fails to comply with a notice under subsection (1), it must, if so required by the authorised person which gave that notice, give notice to the authorised person of the reasons for the failure.
- (7) An authorised person may publish any notice received by it under subsection (6).

Textual Amendments

- F151** Words in s. 27 heading substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(30)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F152** S. 27(1)(1A) substituted (1.4.2014) for s. 27(1) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(30)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F153** Words in s. 27(1)(b) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(10)** (with art. 5)
- F154** Words in s. 27(3)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 174** (with art. 3)
- F155** Words in s. 27(5) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(30)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F156** Words in s. 27(6) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(30)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

- I22** S. 27 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

28 Exemptions from requirements to provide information

- (1) The Secretary of State may make regulations prescribing—
 - (a) descriptions of persons to whom [^{F157}a consumer advocacy body] may not give a notice under section 24(1);
 - (b) descriptions of information which a person may refuse to supply in accordance with a notice under section 24(1) or 27(1);
 - (c) circumstances in which a person may refuse to comply with such a notice.
- (2) No person may be required by a notice under section 24(1) or 27(1) or a court order under section 26—

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- (a) to provide any information which that person could not be compelled to supply in evidence in civil proceedings before the High Court or the Court of Session, or
- (b) to produce any document which that person could not be compelled to produce in such proceedings.

Textual Amendments

F157 Words in s. 28(1)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(31)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

29 Disclosure of information

- (1) In Schedule 14 to the Enterprise Act 2002 (c. 40) (restrictions on disclosure: list of enactments under or by virtue of which information is obtained), at the appropriate place in the list insert— “ Consumers, Estate Agents and Redress Act 2007. ”
- (2) In Schedule 15 to that Act (enactments in relation to which disclosure may be made), at the appropriate place in the list insert— “ Consumers, Estate Agents and Redress Act 2007. ”
- (3) For the purposes of Part 9 of the Enterprise Act 2002 (c. 40) (information) the following information is to be regarded as “specified information” within the meaning of that Part—
 - (a) information obtained by ^{F158}Citizens Advice^{F159}, Citizens Advice Scotland or Consumer Scotland]] under or by virtue of Part 1 of the the Gas Act 1986 (c. 44), Part 1 of the Electricity Act 1989 (c. 29) or the Utilities Act 2000 (c. 27);
 - (b) information obtained by ^{F160}the consumer advocacy bodies] under or by virtue of ^{F161}the Postal Services Act 2011].
- ^{F162}(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^{F163}, Citizens Advice Scotland or Consumer Scotland] it is to be regarded as a function of that body under this Act for the purpose of enabling that body to receive information under section 241(3) of the Enterprise Act 2002 (disclosure to facilitate the exercise of another person’s function).
- (3C) “Relevant function” means^{F164}, in relation to Citizens Advice or Citizens Advice Scotland,] a function that—
 - (a) is not conferred by or under an enactment, and

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- (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).]
- [^{F165}and, in relation to Consumer Scotland, a function conferred under section 3, 4 or 5 of the Consumer Scotland Act 2020 (asp 11).]
- (4) Part 9 of the Enterprise Act 2002 (which among other things restricts the disclosure of certain information) does not limit the information which may be—
- (a) made available by [^{F166}the GCCNI] under section 8 or 10,
 - (b) included in, or made public as part of, a report of [^{F167}the GCCNI] under any provision of this Part,
 - (c) published by [^{F168}the GCCNI] under section 19(2) ^{F169} ...,
 - [^{F170}(ca) published or made available by [^{F171}Citizens Advice or [^{F172}Consumer Scotland]] under [^{F173} subsection (7) or (8)] of section 19A,
 - (cb) published by [^{F174}Citizens Advice]^{F175}, Citizens Advice Scotland or Consumer Scotland]] under section 24(8),]
 - (d) published by an authorised person under section 27(7),
 - (e) published by [^{F176}a consumer advocacy body] under section 45, or
 - (f) published by [^{F177}Citizens Advice or Citizens Advice Scotland] under section 33DA of the Gas Act 1986 or section 42AA of the Electricity Act 1989.
- (5) Before disclosing any specified information by virtue of subsection (4) (other than by publishing it as mentioned in subsection (4)(e) or (f)), [^{F178}the consumer advocacy body in question or the] authorised person must consult—
- (a) if the information relates to the affairs of an individual, that individual, and
 - (b) if the information relates to the business of an undertaking, the person for the time being carrying on the business.
- (6) Before disclosing any specified information by virtue of subsection (4) (other than by publishing it as mentioned in subsection (4)(e) or (f)), [^{F179}the consumer advocacy body in question or the] authorised person must also have regard to the considerations set out in subsections (2) to (4) of section 244 of the Enterprise Act 2002.

For this purpose, references to “the authority” in those subsections are to be read as references to [^{F179}the consumer advocacy body in question or the] the authorised person, as appropriate.

- (7) In this section—

“ authorised person ” has the same meaning as in section 27;
“ specified information ” has the meaning given by section 238(1) of the Enterprise Act 2002.

Textual Amendments

- F158** Words in s. 29(3)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(32)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F159** Words in s. 29(3)(a) substituted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#), art. 1(1), **Sch. para. 7(11)(a)** (with art. 5)

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- F160** Words in s. 29(3)(b) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F161** Words in s. 29(3)(b) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 181**; S.I. 2011/2329, art. 3
- F162** S. 29 inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F163** Words in s. 29(3B) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(b)** (with art. 5)
- F164** Words in s. 29(3C) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(c)(i)** (with art. 5)
- F165** Words in s. 29(3C) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(c)(ii)** (with art. 5)
- F166** Words in s. 29(4)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F167** Words in s. 29(4)(b) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F168** Words in s. 29(4)(c) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F169** Words in s. 29(4)(c) omitted (10.11.2011) by virtue of The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **3(3)(a)**
- F170** S. 29(4)(ca)(cb) inserted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **3(3)(b)**
- F171** Words in s. 29(4)(ca) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F172** Words in s. 29(4)(ca) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(d)** (with art. 5)
- F173** Words in s. 29(4)(ca) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F174** Words in s. 29(4)(cb) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(c)(vi)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F175** Words in s. 29(4)(cb) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(11)(e)** (with art. 5)
- F176** Words in s. 29(4)(e) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(c)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F177** Words in s. 29(4)(f) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(c)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F178** Words in s. 29(5) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(32)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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F179 Words in s. 29(6) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(32)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I24 S. 29 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

Abolition of consumer bodies

30 Abolition of “Energywatch” and “Postwatch”

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

“ “ the Council ” means the National Consumer Council; ”,
 - (b) in section 111(1) of the Electricity Act 1989 (general interpretation), for the definition of “the Council” substitute—

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

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

“ “ Council ” means the National Consumer Council; ”.
- (5) Schedule 3 contains transitional provisions.

Commencement Information

I25 S. 30(1)-(3) (4)(a) (4)(b) (5) in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

I26 S. 30(4)(c) in force at 21.12.2007 for specified purposes by [S.I. 2007/3546](#), art. 3, **Sch.**

I27 S. 30(4)(c)(d) in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2550](#), art. 2, **Sch.**

I28 S. 30(4)(d) in force at 21.12.2007 for specified purposes by [S.I. 2007/3546](#), art. 3, **Sch.**

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31 Designation of the Consumer Council for Water for abolition

- (1) The Secretary of State may by order designate the Consumer Council for Water for abolition.
- (2) An order under this section must specify the earliest date on which a transfer order or an abolition order under section 32 may take effect in respect of the Consumer Council for Water.
- (3) Before making an order under this section the Secretary of State must consult—
 - (a) the Consumer Council for Water,
 - (b) [F180Citizens Advice] , and
 - (c) such other persons as the Secretary of State considers appropriate.
- (4) An order under this section may only be made with the consent of the Welsh Ministers.

Textual Amendments

F180 Words in s. 31(3)(b) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(33)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

32 Transfer orders and abolition orders

- (1) Where the Consumer Council for Water is designated for abolition under section 31, the Secretary of State may make in respect of it—
 - (a) one or more transfer orders;
 - (b) an abolition order.
 - (2) A transfer order is an order which provides for the transfer to [F181Citizens Advice] of any function of the Consumer Council for Water.
 - (3) An abolition order is an order which provides for the abolition of the Consumer Council for Water.
 - (4) No provision of an order under this section may take effect before the date specified under section 31(2).
- [F182(4A) A transfer order may be made only with the consent of Citizens Advice.]
- (5) A transfer order or abolition order may be made only with the consent of the Welsh Ministers.

Textual Amendments

F181 Words in s. 32(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(34)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

F182 S. 32(4A) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(34)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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Commencement Information

I30 S. 32 in force at 1.10.2008 by S.I. 2008/2550, art. 2, Sch.

33 Supplementary provision about transfer and abolition orders

- (1) This section applies where the Consumer Council for Water has been designated for abolition under section 31.
- (2) In this section “ payment conditions ” means—
 - (a) in the case of an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991 (c. 56), conditions included in the appointment by virtue of section 11(1)(c) of that Act, and
 - (b) in the case of a water supply licence under Chapter 1A of that Part, conditions included in the licence by virtue of section 17G(1)(b) of that Act.
- (3) The payment conditions of such an appointment or licence may (without prejudice to the generality of sections 11(1)(c) and 17G(1)(b) of that Act) require the payment by the company holding the appointment or licence of sums relating to any of the expenses mentioned in subsection (4).
- (4) Those expenses are—
 - (a) the appropriate proportion of the expenses of [F183Citizens Advice] (other than those expenses within paragraph (b) and [F184 any expenses which relate to taking on functions transferred from the Consumer Council for Water]);
 - (b) any expenses of [F185Citizens Advice] , the Secretary of State or the Consumer Council for Water which relate to a transfer scheme made in respect of the Consumer Council for Water under section 35(2)(a) or (7);
 - (c) the expenses of the Secretary of State which relate to the abolition of the Consumer Council for Water;
 - (d) the expenses of [F186Citizens Advice] expanding [F187 a qualifying consumer advice scheme] to enable it to cater for water consumers;
 - (e) the appropriate proportion of the expenses of [F188Citizens Advice] on, or in connection with, the support of [F189 a qualifying consumer advice scheme] .
- (5) The “appropriate proportion” of any relevant expenses means such proportion of the expenses as the Secretary of State considers is reasonable having regard to—
 - (a) in the case of expenses within subsection (4)(a), the functions exercisable by [F190Citizens Advice] in relation to water consumers;
 - (b) in the case of expenses within subsection (4)(e), the functions under [F191a qualifying consumer advice scheme] which are exercisable in relation to water consumers.
- (6) The Authority may, in accordance with this section, modify any payment conditions where it considers it necessary or expedient to do so in consequence of, or of preparations for—
 - (a) the abolition of the Consumer Council for Water, or
 - (b) a transfer order or abolition order under section 32.
- (7) The Authority may, in accordance with this section, make such incidental or consequential modifications of the other conditions which are included in—
 - (a) an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991 (c. 56), or

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- (b) a water supply licence under Chapter 1A of that Part,
as it considers necessary or expedient in consequence of, or of preparations for, an event mentioned in subsection (6)(a) or (b).
- (8) Before modifying under subsection (6) or (7) the conditions included in an appointment or licence, the Authority must consult the company holding the appointment or licence.
- (9) The Secretary of State may, after consulting the Welsh Ministers, give directions to the Authority for the purpose of securing that sums relating to any of the expenses mentioned in subsection (4) are included in the sums payable by virtue of payment conditions; and the Authority must comply with any such direction.
- [^{F192}(9A) For the purposes of this section a qualifying public consumer advice scheme is a scheme that is supported by Citizens Advice or Citizens Advice Scotland, or by them jointly, in a manner that the Office of Fair Trading is prohibited from supporting by section 8A of the Enterprise Act 2002.]
- (10) In this section—
“ the Authority ” means the Water Services Regulation Authority;
^{F193}
...
“ water consumers ” means consumers in relation to services provided by a water undertaker, a sewerage undertaker [^{F194}, a water supply licensee or a sewerage licensee], in [^{F195}the undertaker's or licensee's capacity] as such.

Textual Amendments

- F183** Words in s. 33(4)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(35)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F184** Words in s. 33(4)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(35)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F185** Words in s. 33(4)(b) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(35)(a)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F186** Words in s. 33(4)(d) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(35)(a)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F187** Words in s. 33(4)(d) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(35)(a)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F188** Words in s. 33(4)(e) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(35)(a)(vi)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F189** Words in s. 33(4)(e) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(35)(a)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F190** Words in s. 33(5)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(35)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- F191** Words in s. 33(5)(b) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(35)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F192** S. 33(9A) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(35)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F193** Words in s. 33(10) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(35)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F194** Words in s. 33(10) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 139(a)**; S.I. 2017/462, art. 3(k)(xxv)
- F195** Words in s. 33(10) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 139(b)**; S.I. 2017/462, art. 3(k)(xxv)

Commencement Information

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

Abolition: supplementary provision

34 Compensation for loss of office

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

Commencement Information

- I32** S. 34 in force at 1.10.2008 by S.I. 2008/2550 , art. 2 , **Sch.**

35 Transfer of property etc

- (1) This section applies to—
- ^{F196}(a)
 - ^{F196}(b)
 - (c) if a transfer order has been made under section 32 (whether or not it has taken effect), the Consumer Council for Water;
 - ^{F196}(d)
- (2) The Secretary of State may direct a body to which this section applies—
- (a) to make a scheme or schemes for the transfer of its property, rights and liabilities to [^{F197}Citizens Advice] ;

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- (b) to transfer such property, rights or obligations as are specified in the direction to a person (other than [^{F197}Citizens Advice]) so specified (“the specified transferee”).
- (3) Before giving, varying or revoking a direction under subsection (2), the Secretary of State must consult—
 - (a) the body to which the direction is to be or has been given,
 - (b) [^{F198}Citizens Advice], and
 - (c) in the case of a direction under subsection (2)(b), the specified transferee.
- (4) A body given a direction under subsection (2)(a) must consult [^{F199}Citizens Advice] before making a transfer scheme.
- (5) A transfer scheme made pursuant to a direction under subsection (2)(a) has effect—
 - (a) only if approved by the Secretary of State, and
 - (b) subject to any modifications made by the Secretary of State.
- (6) Before making any modifications the Secretary of State must consult the body to which the direction was given.
- (7) The Secretary of State may make a scheme or schemes for the transfer to [^{F200}Citizens Advice] of the property, rights and liabilities of a body to which this section applies.
- (8) Schedule 4 makes further provision about transfer schemes.
- (9) In this section “ transfer scheme ” means a scheme made under or by virtue of subsection (2)(a) or (7).

Textual Amendments

- F196** S. 35(1)(a)(b)(d) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(36)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F197** Words in s. 35(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(36)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F198** Words in s. 35(3)(b) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(36)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F199** Words in s. 35(4) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(36)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F200** Words in s. 35(7) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(36)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

- I33** S. 35 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

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36 Directions

- (1) The Secretary of State may direct a body to which section 35 applies to supply to the Secretary of State such information specified or described in the direction as the Secretary of State may require in relation to—
 - (a) the body's property, rights or liabilities, or
 - (b) the exercise by the body of its functions.
- (2) A direction under subsection (1)—
 - (a) must specify the period within which the information is to be provided, and
 - (b) may require the information to be supplied in a specified form.
- (3) A body given a direction under subsection (1) must comply with it within the specified period.
- (4) The Secretary of State may direct a body to which section 35 applies not to take any action of a specified kind, or in specified circumstances.
- (5) Before giving, varying or revoking a direction under this section, the Secretary of State must consult—
 - (a) the body to which the direction is to be or has been given, and
 - (b) [^{F201}Citizens Advice] .
- (6) In this section “ specified ” means specified in the direction given by the Secretary of State.

Textual Amendments

F201 Words in s. 36(5)(b) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(37)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I34 S. 36 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

Alteration of [^{F202}the functions of Citizens Advice and Citizens Advice Scotland]

Textual Amendments

F202 Words in s. 37 cross-heading substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), Sch. 1 para. 12(38) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

37 [^{F203}Extension of the functions of Citizens Advice and Citizens Advice Scotland]

- (1) The Secretary of State may, by order, confer on [^{F204}Citizens Advice or Citizens Advice Scotland] any other function or functions if the Secretary of State considers that it is in the interests of consumers generally, or consumers of a particular description, to do so.

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- (2) The Secretary of State may only confer a function on [^{F205}Citizens Advice or Citizens Advice Scotland] under this section if the function appears to the Secretary of State to be connected (directly or indirectly) to an existing or former function of the Council.
- (3) Before making an order under subsection (1), the Secretary of State must consult—
- (a) [^{F206}the body on which the Secretary of State proposes to confer a function or functions],
 - (b) if it appears to the Secretary of State that the exercise of any function conferred by the order might affect Wales in relation to any matter as respects which functions are exercisable by the Welsh Ministers, those Ministers, and
 - (c) such other persons as the Secretary of State considers appropriate.
- [^{F207}(3A) An order under this section may not—
- (a) confer a function on Citizens Advice or Citizens Advice Scotland, or
 - (b) modify a function conferred on Citizens Advice or Citizens Advice Scotland by an order under this section,
- unless that body consents to the conferring or modifying of the function.]
- (4) An order under this section may not make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (5) An order under this section which makes provision which would be within the legislative competence of the National Assembly for Wales if it were contained in [^{F208}an Act of the Assembly] may only be made with the consent of the Assembly.
- (6) In subsection (5) “ the Assembly Act provisions ” has the meaning given by section 103(8) of the Government of Wales Act 2006 (c. 32).

Textual Amendments

- F203** Words in s. 37 heading substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(39)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F204** Words in s. 37(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(39)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F205** Words in s. 37(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(39)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F206** Words in s. 37(3)(a) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(39)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F207** S. 37(3A) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(39)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F208** Words in s. 37(5) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 70** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

Commencement Information

- I35** S. 37 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

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F209 38 Removal of the Council's functions in relation to Northern Ireland

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Textual Amendments

F209 S. 38 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(40)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Representation on other consumer panels

F210 39 The Financial Services Consumer Panel

.....

Textual Amendments

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

Commencement Information

I36 S. 39 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

40 The OFCOM Consumer Panel

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

(a) after subsection (4) insert—

“(4A) The Secretary of State may direct OFCOM to appoint as a member of the Consumer Panel a person specified by the Secretary of State who—

- (a) is a non-executive member of the National Consumer Council, and
- (b) is nominated for the purposes of this subsection by the National Consumer Council after consultation with OFCOM.

(4B) Only one person may, at any time, be a member of the Consumer Panel appointed in accordance with a direction under subsection (4A); but that does not prevent OFCOM appointing as a member of the Consumer Panel any person who is also a member of the National Consumer Council.

(4C) A person appointed in accordance with a direction under subsection (4A) ceases to be a member of the Panel on ceasing to be a non-executive member of the National Consumer Council.”, and

(b) in subsection (5) for “subsection (3) or (4)” substitute “ subsections (3) to (4A) ”.

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Commencement Information

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

f²¹¹ Provision about consumer advocacy bodies

Textual Amendments

F211 Ss. 40A, 40B and cross-heading inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#) , [art. 1\(3\)](#) , [Sch. 1 para. 12\(41\)](#) (with [Sch. 1 para. 28](#) , [Sch. 2 paras. 13-15](#))

40A Grants to consumer advocacy bodies

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

40B Exemption from liability in damages

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

“charity trustee” in relation to Citizens Advice, has the meaning given by section 177 of the Charities Act 2011 and in relation to Citizens Advice

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Scotland, has the meaning given by section 106 of the Charities and Trustee Investment (Scotland) Act 2005 ;

“relevant enactment” means a provision of—

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

Interpretation

41 Interpretation of Part 1

(1) In this Part—

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

^{F212}
...

“ functions ” includes powers and duties;

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

^{F213}
...

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

[^{F214} “ postal operator ” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 65 of that Act);]

“ postal services ” has the same meaning as in the [^{F215} Part 3 of the Postal Services Act 2011 (see section 65 of that Act)] ;

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

^{F216}
...

[^{F217}“sewerage licensee” means a person holding a sewerage licence under Chapter 1A of Part 2 of the Water Industry Act 1991;]

[^{F217}“water supply licensee” means a person holding a water supply licence under Chapter 1A of Part 2 of the Water Industry Act 1991.]

(2) In this Part—

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

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Textual Amendments

- F212** Words in s. 41 omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(42)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F213** Words in s. 41(1) repealed (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 140(a)**; S.I. 2017/462, art. 3(k)(xxv)
- F214** Words in s. 41 inserted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 182(2)**; S.I. 2011/2329, art. 3
- F215** Words in s. 41 substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 182(3)**; S.I. 2011/2329, art. 3
- F216** Words in s. 41 omitted (1.10.2011) by virtue of Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 182(4)**; S.I. 2011/2329, art. 3
- F217** Words in s. 41(1) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 140(b)**; S.I. 2017/462, art. 3(k)(xxv)

Modifications etc. (not altering text)

- C4** S. 41(1) modified (6.5.2008) by Consumers, Estate Agents and Redress Act 2007 (Commencement No.3 and Supplementary Provision) Order 2008 (S.I. 2008/1262), **art. 4**

Commencement Information

- I38** S. 41 in force at 21.12.2007 by S.I. 2007/3546, art. 3, **Sch.**

PART 2

COMPLAINTS HANDLING AND REDRESS SCHEMES

Modifications etc. (not altering text)

- C5** Pt. 2 power to apply (with modifications) conferred (25.10.2022) by Energy Prices Act 2022 (c. 44), **ss. 19(11)(b)(i), 30(6)** (with s. 29)
- C6** Pt. 2 applied (with modifications) (E.W.S.) (1.11.2022) by The Energy Bill Relief Scheme Pass-through Requirement (Heat Suppliers) (England and Wales and Scotland) Regulations 2022 (S.I. 2022/1101), regs. 1(2), **9**
- C7** Pt. 2 applied (with modifications) (E.W.S.) (26.4.2023) by The Energy Bills Discount Scheme Pass-through Requirement (Heat Suppliers) Regulations 2023 (S.I. 2023/455), regs. 1(2), **9**
- C8** Pt. 2 power to apply (with modifications) conferred (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2) (l), **Sch. 18 para. 62**

Introductory

42 Interpretation of Part 2

(1) In this Part—

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

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

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

TABLE

Regulated provider	Relevant consumer	Relevant regulator
A person holding a licence under section 7A(1) of the Gas Act 1986 (c. 44) (supply licences).	A person who is a consumer in relation to gas supplied by a gas supplier (within the meaning of Part 1 of that Act).	The Gas and Electricity Markets Authority.
A person holding a licence under section 7(2) of the Gas Act 1986 (transportation licences).	A person (other than a gas licensee) who is a consumer in relation to services provided by a gas transporter (within the meaning of Part 1 of that Act).	The Gas and Electricity Markets Authority.
A person holding a licence under section 6(1)(d) of the Electricity Act 1989 (c. 29) (supply licences).	A person who is a consumer in relation to electricity supplied by an electricity supplier (within the meaning of Part 1 of that Act).	The Gas and Electricity Markets Authority.
A person holding a licence under section 6(1)(c) of the Electricity Act 1989 (distribution licences).	A person (other than an electricity licensee) who is a consumer in relation to services provided by an electricity distributor (within the meaning of Part 1 of that Act).	The Gas and Electricity Markets Authority.
F218 ...	F218 ...	F218 ...
A water undertaker, sewerage undertaker ^{F219} , water supply licensee or sewerage licensee].	A person who is a consumer in relation to services provided by a water undertaker, sewerage undertaker ^{F220} , water supply licensee or sewerage licensee in the undertaker's or licensee's capacity] as such.	The Water Services Regulation Authority.

(2) In this Part—

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

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

F221
...

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

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

[^{F222}“sewerage licensee” has the same meaning as in Part 1;]

[^{F222}“water supply licensee” has the same meaning as in Part 1.]

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

(4) In this section—

“electricity licensee” means—

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

“gas licensee” means—

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

Textual Amendments

F218 Words in s. 42(1) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 183](#); [S.I. 2011/2329](#), art. 3

F219 Words in s. 42(1) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 141\(2\)\(a\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)

F220 Words in s. 42(1) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 141\(2\)\(b\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)

F221 Words in s. 42(2) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 141\(3\)\(a\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)

F222 Words in s. 42(2) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 141\(3\)\(b\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)

Commencement Information

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

Standards for handling complaints

43 Standards for handling complaints

- (1) A regulator must by regulations prescribe standards for the handling by its regulated providers of consumer complaints made to them.
- (2) The regulations may prescribe standards in relation to all consumer complaints, or consumer complaints of a kind specified in the regulations.

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

Textual Amendments

F223 S. 43(8)(b)(ba) substituted (1.4.2014) for s. 43(8)(b) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(43)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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

Commencement Information

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

44 Requirements for making regulations under section 43

- (1) Before making regulations under section 43 a regulator must—
 - (a) arrange for such research as it considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected, and consider the results,
 - (b) publish a notice of its proposals (a “proposals notice”) in such manner as the regulator considers appropriate for bringing it to the attention of those likely to be affected by the proposals,
 - (c) consider any representations duly made, and
 - (d) consult persons or bodies appearing to it to be representative of persons likely to be affected by the proposals.
- (2) The proposals notice must—

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- (a) set out the standards the regulator proposes to prescribe,
 - (b) give the reasons why the regulator proposes to prescribe those standards,
 - (c) explain how the standards will be enforced, and
 - (d) specify a time (not being earlier than the end of the period of 30 days beginning with the day on which the notice is published) before which representations may be made.
- (3) The requirements of subsection (1) may be satisfied by action taken before the commencement of this section or the passing of this Act.

Commencement Information

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

45 Information with respect to compliance with complaints handling standards

- (1) This section applies in relation to standards prescribed by a regulator by regulations under section 43 in relation to its regulated providers (or some of them).
- [^{F225}(1A) This section also applies in relation to standards for the handling of complaints made about postal operators by users of their services which are contained in consumer protection conditions imposed under Part 3 of the Postal Services Act 2011.]
- (2) [^{F226}Citizens Advice, Citizens Advice Scotland and Consumer Scotland must publish such statistical information as Citizens Advice, Citizens Advice Scotland or, as the case may be, Consumer Scotland][^{F227}consider] appropriate relating to the levels of compliance with the standards which those regulated providers[^{F228} or postal operators] have achieved.
- [^{F229}(2A) The GCCNI must publish such statistical information as it considers appropriate relating to the levels of compliance with the standards which those postal operators have achieved.]
- (3) That information must be published in such form and manner, and with such frequency, as [^{F230}the consumer advocacy body in question] thinks appropriate.
- (4) Schedule 5 makes further provision with respect to information about compliance with complaints handling standards.

Textual Amendments

- F225** S. 45(1A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 184\(2\)](#); [S.I. 2011/2329](#), art. 3
- F226** Words in s. 45(2) substituted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#), art. 1(1), [Sch. para. 7\(13\)](#) (with art. 5)
- F227** Words in s. 45(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), [Sch. 1 para. 12\(44\)\(a\)\(ii\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F228** Words in s. 45(2) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 184\(3\)](#); [S.I. 2011/2329](#), art. 3
- F229** S. 45(2A) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), [Sch. 1 para. 12\(44\)\(b\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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F230 Words in s. 45(3) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(44)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

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

46 Supply of information to consumers

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

Commencement Information

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

Requirements relating to redress schemes

47 Membership of redress scheme

- (1) The Secretary of State may by order require regulated providers to be members of a redress scheme which is—
 - (a) approved by their relevant regulator in accordance with section 49, or
 - (b) administered by the Secretary of State (or a person appointed by the Secretary of State) and designated by the Secretary of State as an appropriate redress scheme in relation to them.
- (2) The order may provide that the requirement applies only in relation to consumer complaints of a kind specified in the order.
- (3) In particular, the order may specify a kind of consumer complaint by reference to the subject-matter of a complaint, or the description of person making a complaint.
- (4) Before making an order under this section the Secretary of State must consult—
 - (a) each relevant regulator (in relation to regulated providers to which the order will apply), and
 - (b) other persons appearing to the Secretary of State to be representative of persons who have an interest in the matter.
- (5) The requirements of subsection (4) may be satisfied by consultation undertaken before the commencement of this section or the passing of this Act.
- (6) An order under this section which applies to a water undertaker or sewerage undertaker for an area which is wholly or mainly in Wales may be made only with the consent of the Welsh Ministers.

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

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- (7) The Secretary of State may not make an order under this section unless satisfied, in relation to each regulated provider to which the order will apply, that—
- (a) there is at least one qualifying redress scheme which the provider is eligible to join and membership of which will satisfy the requirement imposed by the order, or
 - (b) there will be such a scheme when the order comes into force.
- (8) The Secretary of State may not designate a scheme in relation to regulated providers under subsection (1)(b) unless the Secretary of State is satisfied that the scheme is one which could be approved by their relevant regulator in accordance with section 49.
- (9) The Secretary of State may establish or administer a scheme for the purposes of subsection (1)(b), or provide financial assistance to a person who establishes or administers such a scheme; and such a scheme may provide for fees to be payable by members of the scheme.

Commencement Information

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

48 Membership of redress schemes: supplementary

- (1) In this Part—
- “qualifying redress scheme” means a redress scheme within paragraph (a) or (b) of section 47(1);
- “redress scheme” means a scheme under which consumer complaints may be made to, and investigated and determined by, an independent person (“the independent person”);
- “scheme administrator”, in relation to a redress scheme, means the person who administers the scheme,
- and references to approval of a redress scheme are to approval of the scheme for the purposes of section 47(1)(a).
- (2) In the definition of “redress scheme”, “independent”, in relation to a consumer complaint, means independent of—
- (a) the regulated provider against whom the complaint is made, and
 - (b) the regulator who is the relevant regulator in relation to the regulated provider.
- (3) Nothing in this Part prevents a qualifying redress scheme providing—
- (a) for membership to be open to persons who are not subject to any duty to belong to a qualifying redress scheme;
 - (b) for the investigation and determination of complaints other than those in relation to which such a duty applies, made against members who have voluntarily accepted the jurisdiction of the scheme over such complaints.
- (4) For the purposes of the law relating to defamation, proceedings under a qualifying redress scheme (in relation to a consumer complaint and a regulated provider to which an order under section 47 applies) are to be treated in the same way as proceedings before a court.

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Commencement Information

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

49 Approval of redress schemes

- (1) In deciding whether to approve a redress scheme, a regulator must have regard to—
 - (a) the provisions of the scheme;
 - (b) the manner in which the scheme will be operated (so far as that can be judged from the facts known to the regulator);
 - (c) the interests of relevant consumers (in relation to the regulator's regulated providers);
 - (d) such principles as—
 - (i) in the opinion of the regulator constitute generally accepted principles of best practice in relation to schemes for providing redress to consumers, and
 - (ii) it is reasonable to regard as applicable to the scheme.
- (2) In considering the interests of relevant consumers under subsection (1)(c), the regulator must in particular have regard to the number of other redress schemes applying to its regulated providers which are (or are likely to become) qualifying redress schemes.
- (3) A regulator must not approve a redress scheme unless—
 - (a) membership of the scheme is open to all the regulator's regulated providers, and those regulated providers may not be expelled from membership of the scheme,
 - (b) if, at the time the approval is given, any of the regulator's regulated providers are required under section 47 to be a member of a redress scheme (or would be so required but for the fact that an order which has been made under that section is not yet in force), the scheme covers all the consumer complaints to which the requirement applies,
 - (c) the independent person may require regulated providers to provide complainants with the types of redress listed in subsection (6) (whether or not other types of redress are available), and
 - (d) the regulator considers that the scheme makes satisfactory provision about the matters listed in subsection (7).
- (4) Subsection (3)(a) does not prevent the Gas and Electricity Markets Authority approving—
 - (a) a scheme which is open to all regulated gas providers, but not regulated electricity providers,
 - (b) a scheme which is open to all regulated electricity providers, but not regulated gas providers,and, in the case of such a scheme, subsection (3)(b) applies as if the reference to the regulator's regulated providers were to the regulated gas providers or, as the case may be, regulated electricity providers.
- (5) For this purpose—

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“regulated electricity provider” means a person holding a licence under section 6(1)(c) or (d) of the Electricity Act 1989 (c. 29);

“regulated gas provider” means a person holding a licence under section 7(2) or 7A(1) of the Gas Act 1986 (c. 44).

- (6) The types of redress mentioned in subsection (3)(c) are—
- (a) providing an apology or explanation,
 - (b) paying compensation, and
 - (c) taking such other action in the interests of the complainant as the independent person may specify.
- (7) The matters mentioned in subsection (3)(d) are—
- (a) the matters about which complaints may be made (which may include non-compliance with a code of practice or other document);
 - (b) the independent person's duties and powers in relation to the investigation and determination of complaints (which may include power to decide not to investigate or determine a complaint);
 - (c) the enforcement of any requirement to provide redress imposed on a regulated provider in accordance with the scheme;
 - (d) the provision of information by the independent person to the regulator and to persons within subsection (8);
 - (e) the provision of information by the independent person—
 - [^{F231}(i) to Citizens Advice Scotland, for the purposes of any qualifying public consumer advice scheme supported by the body (on its own or jointly with one or both of Citizens Advice and Consumer Scotland),]
 - [^{F231}(ia) to Consumer Scotland, for the purposes of any qualifying public consumer advice scheme supported by the body (on its own or jointly with one or both of Citizens Advice and Citizens Advice Scotland), and]
 - [^{F232}(ii) to persons who operate a qualifying public consumer advice scheme supported by Citizens Advice^{F233}, Citizens Advice Scotland or Consumer Scotland, or by all or any two of those bodies jointly], for the purposes of that scheme;]
 - (f) the acceptance and handling of complaints transferred from redress schemes which have their approval withdrawn under section 51.
- (8) The persons within this subsection are—
- (a) any other body having regulatory functions in relation to the regulated providers to which the scheme applies;
 - (b) persons exercising functions under other redress schemes which apply to the regulator's regulated providers;
 - [^{F234}(c) Citizens Advice;
 - (ca) so far as regards schemes to be approved by the Gas and Electricity Markets Authority, Citizens Advice Scotland [^{F235}and Consumer Scotland];]
 - (d) the Secretary of State.
- [^{F236}(9) For the purposes of this section a qualifying public consumer advice scheme is a scheme that is supported by Citizens Advice^{F237}, Citizens Advice Scotland or Consumer Scotland, or by all or any two of] them jointly, in a manner that the Office of Fair Trading is prohibited from supporting by section 8A of the Enterprise Act 2002.]

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F231** S. 49(7)(e)(i)(ia) substituted for s. 49(7)(e)(i) (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(14)(a)** (with art. 5)
- F232** S. 49(7)(e)(i)(ii) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(45)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F233** Words in s. 49(7)(e)(ii) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(14)(b)** (with art. 5)
- F234** S. 49(8)(c)(ca) substituted (1.4.2014) for s. 48(8)(c) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(45)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F235** Words in s. 49(8)(ca) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(14)(c)** (with art. 5)
- F236** S. 49(9) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(45)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F237** Words in s. 49(9) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 7(14)(d)** (with art. 5)

Commencement Information

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

50 Approval of redress schemes: supplementary

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

Commencement Information

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

51 Procedure for refusing or withdrawing approval

- (1) Before refusing or withdrawing its approval of a redress scheme, the regulator must give the scheme administrator a notice—

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) stating that the regulator proposes to refuse or withdraw its approval,
 - (b) giving the reasons for the proposed refusal or withdrawal, and
 - (c) specifying a time (not being earlier than the end of the period of 30 days beginning with the day on which the notice is given to the scheme administrator) before which representations about the proposed refusal or withdrawal may be made.
- (2) The regulator must give notice to the scheme administrator of—
- (a) the regulator's decision on a proposal to refuse or withdraw approval, and
 - (b) the reasons for its decision.
- (3) In the case of a decision to withdraw approval, the regulator must also give notice of its decision and the reasons for it to the Secretary of State.
- (4) The scheme administrator must give a copy of the notice under subsection (2) to each member of the scheme.
- (5) If the regulator decides to withdraw approval, the withdrawal has effect in accordance with, and from the date specified in, the notice under subsection (2).
- (6) Where a redress scheme designated under section 47(1)(b) is administered by a person appointed by the Secretary of State, this section (other than subsection (3)) applies in relation to a revocation by the Secretary of State of that person's appointment as it applies in relation to a withdrawal by a regulator of the approval of a redress scheme.

Commencement Information

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

Enforcement

52 Enforcement of requirements imposed under Part 2

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

^{F239}(4)

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

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

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

Commencement Information

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

PART 3

AMENDMENT OF THE ESTATE AGENTS ACT 1979

Estate agents' duties

53 Membership of redress schemes

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

Commencement Information

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

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

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

PROSPECTIVE

54 Duty to keep records

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

“21A Duty to keep permanent records

- (1) A person engaged in estate agency work shall—

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

Changes to legislation: *Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Prohibition and warning orders

55 Grounds for prohibition orders

- (1) Section 3(1) of the Estate Agents Act 1979 (c. 38) (grounds for making prohibition orders) is amended as follows.
- (2) In paragraph (a), for “has been convicted of” substitute “ has committed ”.
- (3) After paragraph (b) insert—
 - “(ba) has failed to comply with an undertaking accepted from him under section 217, 218 or 219 of the Enterprise Act 2002 and given in relation to estate agency work; or
 - (bb) has failed to comply with an enforcement order under section 217 of the Enterprise Act 2002 which was made against him in relation to estate agency work; or”.
- (4) Section 5(4) of that Act (which provides for section 3 orders based on a person's conviction to cease to have effect when the conviction is spent) is omitted.
- (5) For paragraph 1 of Schedule 1 to that Act substitute—

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

Commencement Information

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

56 Grounds for warning orders

- (1) Section 4 of the Estate Agents Act 1979 (warning orders) is amended as follows.
- (2) For subsection (1) substitute—
 - “(1) If the OFT is satisfied that any of subsections (1A), (1B) or (1C) apply in relation to a person it may by order notify that person that it is satisfied of the matters mentioned in that subsection.
 - (1A) This subsection applies in relation to a person if—
 - (a) in the course of estate agency work, he has engaged in conduct falling within paragraph (a), (b), (c), (ca) or (cb) of section 3(1); and
 - (b) were he to engage again in any conduct falling within that paragraph, the OFT would consider him unfit and proceed to make a prohibition order.
 - (1B) This subsection applies in relation to a person if—
 - (a) in the course of estate agency work, he has engaged in conduct constituting a failure to comply with—

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

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- (i) an undertaking mentioned in section 3(1)(ba); or
 - (ii) an enforcement order mentioned in section 3(1)(bb); and
 - (b) were he to fail again to comply with that undertaking or order by engaging in the same or similar conduct, the OFT would consider him unfit and proceed to make a prohibition order.
- (1C) This subsection applies in relation to a person if—
- (a) in the course of estate agency work, he has engaged in a practice mentioned in section 3(1)(d); and
 - (b) were he to engage again in that practice, the OFT would consider him unfit and proceed to make a prohibition order.”
- (3) In subsection (2) for the words from “a further” to “order” (in the second place it appears) substitute “ further conduct as mentioned in subsection (1A)(b) or (1B)(b) or engaging again in the practice specified in the order, as the case may be, ”.
- (4) In subsection (3) for the words from “fails to comply” to “order” (in the second place it appears) substitute “ engages in further conduct as mentioned in subsection (1A)(b) or (1B)(b) or engages again in the practice specified in the order, as the case may be, ”.
- (5) After subsection (3) insert—
- “(4) In this section “unfit” means unfit as mentioned in subsection (2) of section 3 and “prohibition order” means an order under that section.”

Commencement Information

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

Investigatory powers

F240 **57 Powers of entry and inspection**

Textual Amendments

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

58 Failure to produce information

F241(1)

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

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

F242(3)

F242(4)

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

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

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

Commencement Information

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

PART 4

MISCELLANEOUS AND GENERAL

Contracts concluded away from business premises

59 Contracts concluded away from business premises

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

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

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

Subordinate legislation

60 Orders and regulations

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

“enactment” means—

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

whenever passed or made;

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

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (10) In this section “regulator” means—
- (a) the Gas and Electricity Markets Authority, ^{F243} ...
 - ^{F243}(b)

Textual Amendments

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

61 Directions

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

62 Parliamentary control of orders and regulations

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

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F244** Words in s. 62(3)(b) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(46)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F245** Words in s. 62(3)(d) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(46)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F246** S. 62(3)(e) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 12(46)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Amendments, transitional provision and repeals

63 Minor, consequential and transitional provision

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

Commencement Information

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

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

64 Repeals

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

Commencement Information

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

General

65 Extent

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

Textual Amendments

- F247** S. 65(2)(ba) inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011](#) (S.I. 2011/2704), regs. 1(1), **3(4)**
- F248** Words in s. 65(2)(c) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014](#) (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(47)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F249** S. 65(4)(5) omitted (1.10.2011) by virtue of [Postal Services Act 2011](#) (c. 5), s. 93(2)(3), **Sch. 12 para. 187**; S.I. 2011/2329, art. 3; S.I. 2011/2329, art. 3
- F250** S. 65(7) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014](#) (S.I. 2014/631), art. 1(3), **Sch. 1 para. 12(47)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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

Changes to legislation: Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

66 Commencement

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

67 Short title

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

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

Consumers, Estate Agents and Redress Act 2007 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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

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

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