

CONSUMERS, ESTATE AGENTS AND REDRESS ACT 2007

EXPLANATORY NOTES

TERRITORIAL EXTENT AND TERRITORIAL APPLICATION

Northern Ireland

Part 4: Miscellaneous and General

Section 59: Contracts concluded away from business premises

163. This section enables the Secretary of State to make regulations which give consumers the right to cancel contracts concluded in their home or at their workplace with a trader whom they invited to visit them there. Consumers already have rights to cancel contracts where the trader's visit was unsolicited¹. The Secretary of State will set out the details of the new rights, and the circumstances in which they will apply, in the relevant statutory instrument.

Section 60: Orders and Regulations

164. *Section 60* makes provision in relation to orders and regulations made under the Act. Any power to make orders or regulations under the Act is exercisable by statutory instrument.
165. An order or regulations under the Act may also include incidental, supplementary, consequential, transitory and transitional provisions and savings.
166. Such provisions may, if contained in an order or regulations made by the Secretary of State, make amendments to legislation including Acts of the Scottish Parliament and a Measure or Act of the National Assembly for Wales.
167. *Subsection (7)* provides that section 60 does not authorise an order or regulations under the Act to make any provision which is within the legislative competence of the Scottish Parliament. The effect of this is that no provision which is made by virtue of section 60 may be made in relation to devolved matters. *Subsection (7)* does not prevent an order under the Act amending Acts of the Scottish Parliament for reserved purposes.

Section 61: Directions

168. *Section 61* provides that a notice or direction required to be given under the Act is required to be given in writing, and any power to give a direction includes a power to vary or revoke a direction.

¹ SI 1987 No 2117 Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations

Section 62: Parliamentary control of orders and regulation

169. This section makes provision in relation to the Parliamentary procedure that applies to orders and regulations made by the Secretary of State under the Act.
170. Regulations made by the Gas and Electricity Markets Authority or the Postal Services Commission under sections 43 and 46 are not subject to any Parliament procedure. However, regulations made under section 43 are subject to the consent of the Secretary of State by virtue of section 43(4).

Section 63: Minor, consequential and transitional provision

171. This section provides a power to make such incidental, supplementary, consequential, transitory and transitional provisions and savings as the Secretary of State considers necessary or expedient in relation to the commencement of any provisions of, or made under, the Act. However, such a measure may not make any provision which is within the legislative competence of the Scottish Parliament (*subsection (5)*).

Section 64: Repeals

172. *Section 64* gives effect to Schedule 8 which repeals certain provisions in existing legislation.

Section 65: Extent

173. *Section 65* provides that in general the Act applies to England, Wales, Scotland and Northern Ireland. However, certain provisions apply only to certain parts of the UK (see paragraph 25 of these Notes).