

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 16 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

SCHEDULES

^{F1}SCHEDULE 1

Section 1

THE NATIONAL CONSUMER COUNCIL

Textual Amendments

- F1** Sch. 1 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(48)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

^{F1}PART 1

THE CONSUMER ADVOCACY BODIES

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^{F1}Terms of appointment and tenure of members

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^{F1}PART 2

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^{F1}Constitution of regional committees

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^{F1}PART 5

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SCHEDULE 2

Section 25

ENFORCEMENT OF INFORMATION REQUIREMENTS

Gas Act 1986 (c. 44)

- 1 In section 28 of the Gas Act 1986 (orders for securing compliance with certain provisions), in subsection (8), in the definition of “relevant requirement” for “or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act)” substitute “ or section 25(5) of the Consumers, Estate Agents and Redress Act 2007 (directions to comply with requirements under section 24 of that Act) ”.

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Commencement Information

I1 Sch. 2 para. 1 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Electricity Act 1989 (c. 29)

- 2 In section 25 of the Electricity Act 1989 (orders for securing compliance), in subsection (8), in the definition of “relevant requirement” for “or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act)” substitute “ or section 25(5) of the Consumers, Estate Agents and Redress Act 2007 (directions to comply with requirements under section 24 of that Act) ”.

Commencement Information

I2 Sch. 2 para. 2 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Postal Services Act 2000 (c. 26)

F23

Textual Amendments

F2 Sch. 2 para. 3 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(b\)](#); [S.I. 2011/2329](#), [art. 3](#)

Commencement Information

I3 Sch. 2 para. 3 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

SCHEDULE 3

Section 30

ABOLITION OF CONSUMER BODIES: TRANSITIONAL PROVISION

Complaints and investigations functions of Gas and Electricity Consumer Council

- 1 (1) This paragraph applies to—
- (a) any complaint to which section 32(1) of the Gas Act 1986 (c. 44) applies which is referred to the Gas and Electricity Consumer Council before the appointed day;
 - (b) any matter under investigation by the Gas and Electricity Consumer Council under section 33 of that Act immediately before the appointed day.
- (2) The functions of the Gas and Electricity Consumer Council under section 32 or 33 of the Gas Act 1986 are exercisable by the Council in relation to the complaint or matter, but as if in section 32(8) of that Act the reference to the Utilities Act 2000 (c. 27) or the Gas Act 1986 included a reference to this Act and to Part 9 of the Enterprise Act 2002 (c. 40).
- (3) Sub-paragraph (2) applies—

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- (a) notwithstanding the repeal of sections 32 and 33 of the Gas Act 1986 by this Act, and
- (b) whether or not the complaint is within section 11, 12 or 13, or the matter is within section 11.

(4) “The appointed day” is the day on which section 30(1) comes into force.

Commencement Information

I4 Sch. 3 para. 1 in force at 1.10.2008 by [S.I. 2008/2550, art. 2, Sch.](#)

- 2
- (1) This paragraph applies to—
 - (a) any complaint to which section 46(1) of the Electricity Act 1989 (c. 29) applies which is referred to the Gas and Electricity Consumer Council before the appointed day;
 - (b) any matter under investigation by the Gas and Electricity Consumer Council under section 46A of that Act immediately before the appointed day.
 - (2) The functions of the Gas and Electricity Consumer Council under section 46 or 46A of the Electricity Act 1989 are exercisable by the Council in relation to the complaint or matter, but as if in section 46(8) of that Act the reference to the Utilities Act 2000 or the Electricity Act 1989 included a reference to this Act and Part 9 of the Enterprise Act 2002.
 - (3) Sub-paragraph (2) applies—
 - (a) notwithstanding the repeal of sections 46 and 46A of the Electricity Act 1989 by this Act, and
 - (b) whether or not the complaint is within section 11, 12 or 13, or the matter is within section 11.
 - (4) “The appointed day” is the day on which section 30(1) comes into force.

Commencement Information

I5 Sch. 3 para. 2 in force at 1.10.2008 by [S.I. 2008/2550, art. 2, Sch.](#)

Annual reports of the Gas and Electricity Consumer Council

- 3
- (1) After the abolition of the Gas and Electricity Consumer Council under section 30(1), any duty of the Gas and Electricity Consumer Council to make an annual report, in relation to any financial year for which such a report has not been made, is to be discharged by the Council.
 - (2) The period between the abolition of the Gas and Electricity Consumer Council and the end of the preceding financial year (if less than 12 months) is to be treated as its financial year for which the last annual report is required.
 - (3) If that period is 9 months or longer the Council must make the last annual report as soon as practicable after the end of that period.
 - (4) If that period is shorter than 9 months the last annual report must be made no later than the first report of the Council under section 7.

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(5) In this paragraph—

“annual report” means a report required by paragraph 6 of Schedule 2 to the Utilities Act 2000 (c. 27);

“financial year” means a year ending with 31 March.

Commencement Information

I6 Sch. 3 para. 3 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Complaints and investigations functions of Consumer Council for Postal Services

- 4 (1) This paragraph applies to any matter which, immediately before the appointed day, is under investigation by the Consumer Council for Postal Services under—
- (a) section 56(1) of the Postal Services Act 2000 (c. 26) (complaints referred to the Consumer Council for Postal Services), or
 - (b) section 57 of that Act (power of that Council to investigate other matters).
- (2) The functions of the Consumer Council for Postal Services under section 56 or 57 of the Postal Services Act 2000 are exercisable by the Council in relation to the matter, and any agreement between the Consumer Council for Postal Services and the Commission under section 56(3) of that Act has effect as if agreed between the Council and the Commission.
- (3) Sub-paragraph (2) applies—
- (a) notwithstanding the repeal of sections 56 and 57 of the Postal Services Act 2000 by this Act;
 - (b) whether or not the matter is within section 11 or 16.
- (4) “The appointed day” is the day on which section 30(2) comes into force.

Commencement Information

I7 Sch. 3 para. 4 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Annual reports of the Consumer Council for Postal Services

- 5 (1) After the abolition of the Consumer Council for Postal Services under section 30(2), any duty of the Consumer Council for Postal Services to make an annual report, in relation to any financial year for which such a report has not been made, is to be discharged by the Council.
- (2) The period between the abolition of the Consumer Council for Postal Services and the end of the preceding financial year (if less than 12 months) is to be treated as the financial year for which the last annual report is required.
- (3) If that period is 9 months or longer the Council must make the last annual report as soon as practicable after the end of that period.
- (4) If that period is shorter than 9 months the last annual report must be made no later than the first report of the Council under section 7.
- (5) In this paragraph—

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“annual report” means a report required by section 55(1) of the Postal Services Act 2000 (c. 26);

“financial year” means a year ending with 31 March.

Commencement Information

I8 Sch. 3 para. 5 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

SCHEDULE 4

Section 35

TRANSFER OF PROPERTY ETC TO COUNCIL

Preliminary

1 In this Schedule—

“transfer scheme” has the meaning given by section 35;

“transferor” means the body to which section 35 applies and to which the transfer scheme relates.

Commencement Information

I9 Sch. 4 para. 1 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

Contents of transfer schemes

- 2 (1) The property, rights and liabilities that may be transferred by a transfer scheme include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.
- (2) The transfers authorised by sub-paragraph (1) include transfers of interests and rights that are to take effect in accordance with the scheme as if there were—
- (a) no such requirement to obtain a person's consent or concurrence,
 - (b) no such liability in respect of a contravention of any other requirement, and
 - (c) no such interference with any interest or right,
- as there would otherwise be by reason of a provision within sub-paragraph (3).
- (3) A provision is within this sub-paragraph to the extent that it has effect (whether under an enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled or subject to anything to which the transfer relates.

Commencement Information

I10 Sch. 4 para. 2 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

3 A transfer scheme may define the property, rights and liabilities to be transferred by specifying them or describing them.

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Commencement Information

I11 Sch. 4 para. 3 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

- 4 A transfer scheme may contain supplementary, incidental, transitional and consequential provision.

Commencement Information

I12 Sch. 4 para. 4 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

Effect of transfers

- 5 (1) On the day appointed by a transfer scheme the property, rights and liabilities which are the subject of the scheme are transferred to [^{F3}Citizens Advice] in accordance with the provisions of the scheme.
- (2) Sub-paragraph (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by virtue of that sub-paragraph.

Textual Amendments

F3 Words in Sch. 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\(49\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I13 Sch. 4 para. 5 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

- 6 (1) So far as is appropriate in consequence of the transfer, anything done by the transferor for the purposes of or in connection with anything transferred which is in effect immediately before it is transferred is to be treated as if done by [^{F3}Citizens Advice].
- (2) A transfer does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.
- (3) There may be continued by or in relation to [^{F3}Citizens Advice] anything (including legal proceedings) relating to anything transferred which is in the process of being done by or in relation to the transferor immediately before it is transferred.
- (4) So far as is appropriate in consequence of the transfer, [^{F3}Citizens Advice] is substituted for the transferor in any agreement, instrument or other document relating to anything transferred.

Textual Amendments

F3 Words in Sch. 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\(49\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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Commencement Information

I14 Sch. 4 para. 6 in force at 21.12.2007 by S.I. 2007/3546, art. 3, Sch.

Staff

- 7 The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to a transfer which relates to rights or liabilities under a contract of employment whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of those regulations.

Commencement Information

I15 Sch. 4 para. 7 in force at 21.12.2007 by S.I. 2007/3546, art. 3, Sch.

- 8 Where an employee of the transferor becomes an employee of [F3Citizens Advice] by virtue of a transfer scheme—
- (a) a period of employment with the transferor is to be treated as a period of employment with [F3Citizens Advice], and
 - (b) the transfer to [F3Citizens Advice] is not to be treated as a break in service.

Textual Amendments

F3 Words in Sch. 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(49) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I16 Sch. 4 para. 8 in force at 21.12.2007 by S.I. 2007/3546, art. 3, Sch.

Chargeable gains: asset to be treated as disposed of without a gain or loss

- 9 For the purposes of the Taxation of Chargeable Gains Act 1992 (c. 12), a transfer of an asset by a transfer scheme is to be treated as a disposal of that asset to [F3Citizens Advice] for a consideration of such amount as would secure that, on the disposal, neither a gain nor a loss accrues to the transferor.

Textual Amendments

F3 Words in Sch. 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(49) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I17 Sch. 4 para. 9 in force at 21.12.2007 by S.I. 2007/3546, art. 3, Sch.

Continuity in relation to transfer of intangible assets

- 10 (1) For the purposes of Schedule 29 to the Finance Act 2002 (c. 23)—

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- (a) a transfer by a transfer scheme of a chargeable intangible asset of the transferor is to be treated as a tax-neutral transfer, and
 - (b) an intangible fixed asset which is an existing asset of the transferor at the time of the transfer is to be treated, on and after the transfer, as an existing asset in the hands of [^{F3}Citizens Advice].
- (2) Expressions used in this paragraph and in that Schedule have the same meanings in this paragraph as in that Schedule.

Textual Amendments

F3 Words in Sch. 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(49)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I18 Sch. 4 para. 10 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

Corporation Tax Acts

- 11 So far as it relates to corporation tax, this Schedule is to be construed as one with the Corporation Tax Acts.

Commencement Information

I19 Sch. 4 para. 11 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

Modification of transfer schemes after appointed day

- 12 (1) If, after the day appointed by a transfer scheme, the transferor and [^{F3}Citizens Advice] so agree in writing, the scheme shall for all purposes be deemed to have come into force on that day with such modifications as may be agreed.
- (2) An agreement under this paragraph may, in connection with giving effect to modifications to the scheme, include supplementary, incidental, transitional and consequential provision.

Textual Amendments

F3 Words in Sch. 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(49)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Commencement Information

I20 Sch. 4 para. 12 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**

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SCHEDULE 5

Section 45

INFORMATION RELATING TO COMPLIANCE WITH COMPLAINTS HANDLING STANDARDS

- 1 (1) The Gas Act 1986 (c. 44) is amended as follows.
- (2) In section 28 (orders for securing compliance with certain provisions), in the definition of “relevant requirement” in subsection (8), after “33D” insert “, 33DB”.
- (3) After section 33DA insert—

“33DB Information relating to complaints handling standards

- (1) This section applies in relation to standards prescribed by the Authority by regulations under section 43 of the Consumers, Estate Agents and Redress Act 2007 (standards for complaints handling) in relation to licence holders (or some of them).
- (2) The Authority must from time to time collect information with respect to the levels of compliance with the standards which those licence holders have achieved.
- (3) At such times as the Authority may direct, each of those licence holders must give the Authority such information as the Authority may direct with respect to the levels of compliance with the standards which the licence holder has achieved.”

Commencement Information

I21 Sch. 5 para. 1 in force at 1.10.2008 by S.I. 2008/2550, art. 2, Sch.

- 2 (1) The Electricity Act 1989 (c. 29) is amended as follows.
- (2) In section 25 (orders for securing compliance), in the definition of “relevant requirement” in subsection (8), after “42A” insert “, 42AB”.
- (3) After section 42AA insert—

“42AB Information relating to complaints handling standards

- (1) This section applies in relation to standards prescribed by the Authority by regulations under section 43 of the Consumers, Estate Agents and Redress Act 2007 (standards for complaints handling) in relation to licence holders (or some of them).
- (2) The Authority must from time to time collect information with respect to the levels of compliance with the standards which those licence holders have achieved.
- (3) At such times as the Authority may direct, each of those licence holders must give the Authority such information as the Authority may direct with respect to the levels of compliance with the standards which the licence holder has achieved.”

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Commencement Information

I22 Sch. 5 para. 2 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

F43

Textual Amendments

F4 Sch. 5 para. 3 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(c\)](#); [S.I. 2011/2329](#), art. 3

Commencement Information

I23 Sch. 5 para. 3 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

SCHEDULE 6

Section 53

ESTATE AGENTS' REDRESS SCHEMES

1 The Estate Agents Act 1979 (c. 38) is amended as follows.

Commencement Information

I24 Sch. 6 para. 1 in force at 12.10.2007 by [S.I. 2007/2934](#), art. 3, [Sch.](#)

2 After section 23 insert—

“Redress schemes

23A Redress schemes

- (1) The Secretary of State may by order require persons who engage in estate agency work in relation to residential property (“relevant estate agency work”) to be members of an approved redress scheme for dealing with complaints in connection with that work.
- (2) An order may provide for the duty to apply—
 - (a) only to specified descriptions of persons who engage in estate agency work; and
 - (b) in relation to any relevant estate agency work carried out by a person to whom the duty applies or only in relation to specified descriptions of work (which may be framed by reference to descriptions of residential property).
- (3) An order may also provide for the duty not to apply in relation to complaints of any specified description (which may be framed by reference to a description of person making a complaint).

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- (4) In subsections (1) and (2)(a), the reference to persons who engage in estate agency work does not include a reference to persons who engage in that work in the course of their employment.
- (5) The power to make an order shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Before making an order the Secretary of State must be satisfied that all persons who are to be subject to the duty will be eligible to join a suitable approved redress scheme before the duty applies to them.

For this purpose the Secretary of State may disregard persons who cannot lawfully engage in the relevant estate agency work to which the duty applies.

- (7) Nothing in this section prevents an approved redress scheme from providing—
 - (a) for membership to be open to persons who are not subject to the duty;
 - (b) for the investigation and determination of any complaints in relation to which the duty does not apply, where the members concerned have voluntarily accepted the jurisdiction of the scheme over those complaints;
 - (c) for the exclusion from investigation and determination under the scheme of any complaint in such cases or circumstances as may be specified in or determined under the scheme.
- (8) For the purposes of this section—
 - (a) a “redress scheme” is a scheme which provides for complaints against members of the scheme to be investigated and determined by an independent person (“the ombudsman”);
 - (b) a redress scheme is “approved” if—
 - (i) it is for the time being approved by the OFT under Schedule 3; or
 - (ii) it is administered by or on behalf of the Secretary of State and designated by him as an approved redress scheme for the purposes of this section;
 - (c) a “complaint” is a complaint made by a person by virtue of his being or having been a seller or buyer of residential property;
 - (d) “seller”, in relation to residential property, means a person who claims that he is or may become interested in disposing of an interest in land in respect of that property (and includes a person who disposes of such an interest);
 - (e) “buyer”, in relation to residential property, means a person who claims that he is or may become interested in acquiring an interest in land in respect of that property (and includes a person who acquires such an interest).
- (9) The Secretary of State may not designate a scheme as an approved redress scheme for the purposes of this section unless the Secretary of State is satisfied that the scheme is one which could be approved by the OFT in accordance with paragraphs 2 to 5 of Schedule 3.

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- (10) Schedule 3 (which makes further provision in connection with the approval of redress schemes etc.) shall have effect.
- (11) In this section—
- “order” means an order under subsection (1);
 - “the duty” means the requirement under an order to be a member of an approved redress scheme.

23B Enforcement

- (1) If a duly authorised officer of an enforcement authority other than the OFT believes that a person has engaged (or is engaging) in estate agency work in relation to residential property in breach of the duty imposed by an order under section 23A(1) he may give a penalty charge notice to that person.
- (2) A penalty charge notice may not be given after the end of the period of six months beginning with the day (or in the case of a continuing breach the last day) on which the breach of duty was committed.
- (3) Schedule 4 (which makes further provision in connection with penalty charge notices) shall have effect.
- (4) An enforcement authority other than the OFT must notify the OFT if it believes that a person has engaged (or is engaging) in estate agency work in relation to residential property in breach of the duty imposed by an order under section 23A(1).

23C Meaning of residential property

- (1) For the purposes of sections 23A and 23B “residential property”—
- (a) has the meaning given by subsection (2); but
 - (b) does not include land of a description specified in an order made by the Secretary of State for the purposes of this section.
- (2) “Residential property” means any land that consists of or includes a building or part of a building—
- (a) the whole or part of which is used as a dwelling or as more than one dwelling; or
 - (b) that is (or is to be) offered for sale on the basis that the whole or part of it is suitable for such use or is intended to be so suitable by the time the seller disposes of his interest in it.
- (3) In subsection (2), the reference to a building or part of a building (so far as relating to paragraph (b) of that subsection) includes a reference to a building or part that is being or is to be constructed.
- (4) A description of land specified by order under subsection (1)(b) may be framed by reference to the purpose or purposes for which the land (or part of it) is or is intended to be used.
- (5) The power to make an order under subsection (1)(b) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

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 16 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

I25 Sch. 6 para. 2 in force at 12.10.2007 by [S.I. 2007/2934](#), [art. 3](#), [Sch.](#)

3 After Schedule 2 insert—

“SCHEDULE 3

Section 23A(10)

REDRESS SCHEMES

Approval of redress schemes

- 1 A redress scheme may be approved for the purposes of section 23A by the OFT acting in accordance with paragraphs 2 to 8.
- 2 (1) A scheme may not be approved unless the OFT considers that—
 - (a) the provisions of the scheme; and
 - (b) the manner in which it will be operated (so far as can be judged from facts known to the authority);are satisfactory for the purposes of section 23A.
- (2) Without prejudice to the generality of sub-paragraph (1), a scheme must not be approved unless the OFT considers that it makes satisfactory provision about—
 - (a) the complaints which may be made under the scheme (which may include complaints about non-compliance with the provisions of a code of practice or other document);
 - (b) the ombudsman'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 particular complaint);
 - (c) the redress which the ombudsman may require members to provide to complainants, which must include the types of redress specified in sub-paragraph (3);
 - (d) the enforcement of any requirement to provide redress imposed on a member in accordance with the scheme.
- (3) The types of redress mentioned in sub-paragraph (2)(c) are—
 - (a) providing an apology or explanation;
 - (b) paying compensation; and
 - (c) taking such other actions in the interests of the complainant as the ombudsman may specify.
- 3 (1) In determining whether a scheme, or any provisions mentioned in paragraph 2(2), are satisfactory the OFT must have regard to—
 - (a) the interests of members of the scheme and of sellers and buyers of residential properties; and
 - (b) such principles as—
 - (i) in the opinion of the OFT constitute generally accepted principles of best practice in relation to consumer redress schemes, and
 - (ii) it is reasonable to regard as applicable to the scheme.

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- (2) In considering the interests mentioned in sub-paragraph (1)(a), the OFT may have regard to the number of other redress schemes which are (or are likely to become) approved redress schemes.
- 4 The OFT must not approve a scheme unless it considers that the scheme makes satisfactory provision about the provision of information by the ombudsman or the scheme administrator to—
- (a) persons exercising functions under other approved schemes;
 - (b) persons exercising functions under other consumer redress schemes; and
 - (c) the OFT or any other person exercising regulatory functions in relation to the activities of persons engaging in estate agency work.
- 5 The OFT must not approve a scheme if it considers that the scheme provides for membership to be revoked on any unfair grounds.

Applications for approval to the OFT

- 6 An application for approval by the OFT of a redress scheme must—
- (a) be made in such manner as the OFT may determine; and
 - (b) be accompanied by such information as the OFT may require.
- 7 Where the OFT is proposing to refuse an application for approval it must give the applicant a notice stating—
- (a) that it is proposing to refuse the application;
 - (b) the grounds for the proposed refusal; and
 - (c) that representations about the proposed refusal may be made within such period of not less than 30 days as is specified in the notice.
- 8 If the OFT decides to refuse an application for approval, it must give the applicant a notice stating—
- (a) the OFT's decision to refuse the application; and
 - (b) the reasons for the decision.

Notification of changes to an approved scheme

- 9 The scheme administrator of a redress scheme which is approved by the OFT must notify the OFT 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.

Withdrawal of approval by the OFT

- 10 The OFT may withdraw approval of a redress scheme which is for the time being approved by it.
- 11 Before withdrawing approval of a scheme, the OFT must give the scheme administrator a notice stating—
- (a) that it proposes to withdraw its approval;
 - (b) the grounds for the proposed withdrawal of approval; and
 - (c) that representations about the proposed withdrawal may be made within such period of not less than 30 days as is specified in the notice.

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 16 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*

- 12 The OFT must give the scheme administrator a notice stating—
- (a) its decision on a proposal to withdraw approval; and
 - (b) the reasons for its decision.
- 13 If the OFT decides to withdraw approval of a scheme—
- (a) the withdrawal has effect from such date as may be specified in the notice under paragraph 12;
 - (b) the scheme administrator must give a copy of the notice under paragraph 12 to every member of the scheme.

Revocation of designation by the Secretary of State

- 14 If the Secretary of State decides to revoke his designation of a scheme for the purposes of section 23A, he must give every member of the scheme a notice stating—
- (a) that he has decided to revoke the designation;
 - (b) the reasons for his decision; and
 - (c) the date from which the revocation has effect.

Defamation proceedings

- 15 For the purposes of the law relating to defamation, proceedings under an approved redress scheme in relation to the investigation and determination of a complaint are to be treated in the same way as proceedings before a court.

Interpretation

- 16 In this Schedule—
- “redress scheme” has the meaning given in section 23A(8)(a);
 - “approved redress scheme” has the meaning given in section 23A(8)(b);
 - “buyer”, in relation to residential property, has the meaning given in section 23A(8)(e);
 - “complaint” has the meaning given in section 23A(8)(c);
 - “ombudsman” means the independent person mentioned in section 23A(8)(a);
 - “residential property” has the meaning given in section 23C;
 - “scheme administrator”, in relation to a redress scheme, means the person who administers the scheme;
 - “seller”, in relation to residential property, has the meaning given by section 23A(8)(d).”

Commencement Information

I26 Sch. 6 para. 3 in force at 12.10.2007 by [S.I. 2007/2934](#), art. 3, [Sch.](#)

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 16 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

“SCHEDULE 4

Section 23B(3)

PENALTY NOTICES UNDER SECTION 23B(1)

- 1 A penalty charge notice given to a person under section 23B(1) by a duly authorised officer of an enforcement authority other than the OFT must—
 - (a) state the officer's belief that that person has committed a breach of the duty imposed by an order under section 23A(1);
 - (b) give such other particulars of the circumstances as may be necessary to give reasonable notice of the breach of duty;
 - (c) require that person, within a period specified in the notice—
 - (i) to pay a penalty charge specified in the notice; or
 - (ii) to give notice to the enforcement authority that he wishes to review the notice;
 - (d) state the effect of paragraph 8;
 - (e) specify the person to whom and the address at which the penalty charge may be paid and the method or methods by which payment may be made; and
 - (f) specify the person to whom and the address at which a notice requesting a review may be sent (and to which any representations relating to the review may be addressed).
- 2 The penalty charge specified in the notice shall be of such amount (not exceeding £1,000) as may be prescribed for the time being by regulations made by the Secretary of State.
- 3 (1) The period specified under paragraph 1(c) must not be less than 28 days beginning with the day after that on which the penalty charge notice was given.
 - (2) The enforcement authority may extend the period for complying with the requirement mentioned in paragraph 1(c) in any particular case if they consider it appropriate to do so.
- 4 The enforcement authority may, if they consider that the penalty charge notice ought not to have been given, give the recipient a notice withdrawing the penalty charge notice.
- 5 (1) If, within the period specified under paragraph 1(c) (or that period as extended under paragraph 3(2)), the recipient of the penalty charge notice gives notice to the enforcement authority requesting a review, the authority shall—
 - (a) consider any representations made by the recipient and all other circumstances of the case;
 - (b) decide whether to confirm or withdraw the notice; and
 - (c) give notice of their decision to the recipient.
- (2) A notice under sub-paragraph (1)(c) confirming the penalty charge notice must also state the effect of paragraphs 6(1) to (3) and 8(1) and (3).
- (3) If the authority are not satisfied—
 - (a) that the recipient committed the breach of duty specified in the notice;

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- (b) that the notice was given within the time allowed by section 23B(2) and complies with the other requirements imposed by or under this Schedule; and
 - (c) that in the circumstances of the case it was appropriate for a penalty charge notice to be given to the recipient;
 - they shall withdraw the penalty charge notice.
- 6
 - (1) If after a review the penalty charge notice is confirmed by the enforcement authority, the recipient may, within the period of 28 days beginning with the day after that on which the notice under paragraph 5(1)(c) is given, appeal to a county court or, in Scotland, to the sheriff against the penalty charge notice.
 - (2) The county court or the sheriff may extend the period for appealing against the notice.
 - (3) Such an appeal must be on one (or more) of the following grounds—
 - (a) that the recipient did not commit the breach of duty specified in the penalty charge notice;
 - (b) that the notice was not given within the time allowed by section 23B(2) or does not comply with any other requirement imposed by or under this Schedule; or
 - (c) that in the circumstances of the case it was inappropriate for the notice to be given to the recipient.
 - (4) An appeal against a penalty charge notice shall be by way of a rehearing; and the county court or sheriff shall either uphold the notice or quash it.
- 7 If the penalty charge notice is withdrawn or quashed, the authority shall repay any amount previously paid as a penalty charge in pursuance of the notice.
- 8
 - (1) The amount of the penalty charge is recoverable from the recipient of the penalty charge notice as a debt owed to the authority unless—
 - (a) the notice has been withdrawn or quashed; or
 - (b) the charge has been paid.
 - (2) Proceedings for the recovery of the penalty charge may not be commenced before the end of the period mentioned in paragraph 5(1).
 - (3) And if within that period the recipient of the penalty charge notice gives notice to the authority that he wishes the authority to review the penalty charge notice, such proceedings may not be commenced—
 - (a) before the end of the period mentioned in paragraph 6(1); and
 - (b) where the recipient appeals against the penalty charge notice, before the end of the period of 28 days beginning with the day on which the appeal is withdrawn or determined.
- 9 In proceedings for the recovery of the penalty charge, a certificate which—
 - (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority; and
 - (b) states that payment of the penalty charge was or was not received by a date specified in the certificate;is evidence of the facts stated.

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 16 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 Section 29 (service of notices etc.) applies in relation to—
- (a) any penalty charge notice which is to be given under section 23B(1) by a duly authorised officer of an enforcement authority other than the OFT; and
 - (b) any notice which is to be given under paragraph 5(1)(c) of this Schedule by such an enforcement authority;
- as it applies in relation to any notice which under this Act is to be given to any person by the OFT.
- 11 The Secretary of State may by regulations make provision supplementary or incidental to the provisions of this Schedule, including in particular provision prescribing—
- (a) the form of penalty charge notices or of any other notice mentioned in this Schedule;
 - (b) circumstances in which penalty charge notices may not be given;
 - (c) the method or methods by which penalty charges may be paid.
- 12 Any power to make regulations under this Schedule shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

I27 Sch. 6 para. 4 in force at 12.10.2007 by [S.I. 2007/2934](#), art. 3, [Sch.](#)

SCHEDULE 7

Section 63

MINOR AND CONSEQUENTIAL AMENDMENTS

Estate Agents Act 1979 (c. 38)

- 1 In section 3 of the Estate Agents Act 1979 (prohibition orders), in subsection (3) for “paragraphs (c) and (d)” substitute “ paragraphs (ba) to (d) ”.

Commencement Information

I28 Sch. 7 para. 1 in force at 1.10.2008 by [S.I. 2008/905](#), art. 3(2), [Sch. 2](#)

- 2 In section 6 of that Act (revocation and variation of orders)—
- (a) in subsection (4) in paragraph (b), for the words from “again fail to comply” to the end of the paragraph substitute “ engage in further conduct as mentioned in subsection (1A)(b) or (1B)(b) of that section or engage again in the practice specified in the order, as the case may be. ”; and
 - (b) omit subsection (7).

Commencement Information

I29 Sch. 7 para. 2 in force at 1.10.2008 by [S.I. 2008/905](#), art. 3(2), [Sch. 2](#)

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 16 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

PROSPECTIVE

- 3 In section 30(2) of that Act (orders and regulations to which duty to consult applies), after “19” insert “, 21A”.

Gas Act 1986 (c. 44)

- 4 The Gas Act 1986 is amended as follows.

Commencement Information

I30 Sch. 7 para. 4 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

- 5 In section 4AB (guidance on social and environmental matters), for subsection (3) (b) substitute—
“(b) the Council;”.

Commencement Information

I31 Sch. 7 para. 5 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

- 6 In section 28 (orders for securing compliance with certain provisions), in subsection (6) for first “and” substitute “or”.

Commencement Information

I32 Sch. 7 para. 6 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

Electricity Act 1989 (c. 29)

- 7 The Electricity Act 1989 is amended as follows.

Commencement Information

I33 Sch. 7 para. 7 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

- 8 In section 3B (guidance on social and environmental matters), for subsection (3) (b) substitute—
“(b) the Council;”.

Commencement Information

I34 Sch. 7 para. 8 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

- 9 In section 25 (orders for securing compliance), in subsection (6) for first “and” substitute “or”.

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 16 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

I35 Sch. 7 para. 9 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Water Industry Act 1991 (c. 56)

- 10 In Schedule 15 to the Water Industry Act 1991 (disclosure of information)—
- (a) in Part 1 (persons in respect of whose functions disclosure may be made), at the end insert— “ The National Consumer Council. ”, and
 - (b) in Part 2 (enactments etc in respect of which disclosure may be made), after the entry for the Railways Act 2005 insert— “ The Consumers, Estate Agents and Redress Act 2007. ”

Commencement Information

I36 Sch. 7 para. 10 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Taxation of Chargeable Gains Act 1992 (c. 12)

^{F5}11

Textual Amendments

F5 Sch. 7 para. 11 omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 2 para. 70\(j\)](#)

Commencement Information

I37 Sch. 7 para. 11 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

Postal Services Act 2000 (c. 26)

^{F6}12

Textual Amendments

F6 Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

Commencement Information

I38 Sch. 7 para. 12 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

^{F6}13

Textual Amendments

F6 Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

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Commencement Information

I39 Sch. 7 para. 13 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

^{F6}14

Textual Amendments

F6 Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

Commencement Information

I40 Sch. 7 para. 14 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

^{F6}15

Textual Amendments

F6 Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

Commencement Information

I41 Sch. 7 para. 15 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

^{F6}16

Textual Amendments

F6 Sch. 7 paras. 12-16 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 188\(d\)](#); [S.I. 2011/2329](#), [art. 3](#)

Commencement Information

I42 Sch. 7 para. 16 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

17 In Schedule 8 (amendments of enactments), in paragraph 10 for “that Schedule to that Act” substitute “ Schedule 2 to the Parliamentary Commissioner Act 1967 ”.

Commencement Information

I43 Sch. 7 para. 17 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Utilities Act 2000 (c. 27)

18 The Utilities Act 2000 is amended as follows.

Commencement Information

I44 Sch. 7 para. 18 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

19 In section 4 (forward work programmes)—

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- (a) in subsection (1) omit—
 - (i) “and the Council”, and
 - (ii) “each” (in the second place),
- (b) in subsection (3) omit “or the Council”,
- (c) in subsection (4) omit “or the Council”,
- (d) in subsection (5) omit “or the Council”, and
- (e) omit subsection (7).

Commencement Information

I45 Sch. 7 para. 19 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

- 20 In section 105 (general restrictions on disclosure of information)—
- (a) in subsection (5) omit “and” immediately preceding paragraph (l) and after that paragraph insert “, and
 - (m) the National Consumer Council.”,
 - (b) in subsection (6), at the end insert—
 - “(x) the Consumers, Estate Agents and Redress Act 2007.”,
 - (c) in subsection (8) omit—
 - (i) in paragraph (a) “33DA or”, and “42AA or”, and
 - (ii) in paragraph (c) “, the Council”, and
 - (d) after subsection (11) insert—
 - “(11A) Nothing in this section applies to information within section 29(3) of the Consumers, Estate Agents and Redress Act 2007 (application of disclosure regime in Part 9 of the Enterprise Act 2002 to information obtained by the Council).”

Commencement Information

I46 Sch. 7 para. 20 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Warm Homes and Energy Conservation Act 2000 (c. 31)

- 21 In section 2 (strategy relating to fuel poverty) in subsection (4)(c) for “Gas and Electricity Consumer Council” substitute “National Consumer Council”.

Commencement Information

I47 Sch. 7 para. 21 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Criminal Justice and Police Act 2001 (c. 16)

- 22 In the Criminal Justice and Police Act 2001 —
- (a) in section 66 (general interpretation of Part 2), in subsection (4)(e) for “section 11(1) of the Estate Agents Act 1979” substitute “section 11(1) to (1C) of the Estate Agents Act 1979”, and

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- (b) in Part 1 of Schedule 1 (powers of seizure to which section 50 applies), in paragraph 24 for “section 11(1)(c) of the Estate Agents Act 1979” substitute “ section 11(1B) of the Estate Agents Act 1979 ”.

Commencement Information

I48 Sch. 7 para. 22 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

Housing Act 2004 (c. 34)

^{F7}23

Textual Amendments

F7 Sch. 7 para. 23 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(1\)\(m\)](#), [Sch. 25 Pt. 29](#)

Commencement Information

I49 Sch. 7 para. 23 in force at 1.10.2008 by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)

SCHEDULE 8

Section 64

REPEALS

Commencement Information

I50 Sch. 8 in force at 21.12.2007 for specified purposes by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

I51 Sch. 8 in force at 1.10.2008 for specified purposes by [S.I. 2008/905](#), [art. 3\(2\)](#), [Sch. 2](#)

I52 Sch. 8 in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2550](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

Short title and chapter

Extent of repeal

Public Records Act 1958 (c. 51)

In Schedule 1, in the Table at the end of paragraph 3, the entries relating to the Consumer Council for Postal Services and the Gas and Electricity Consumer Council.

Parliamentary Commissioner Act 1967 (c. 13)

In Schedule 2 the entries relating to the Consumer Council for Postal Services, the Gas and Electricity Consumer Council and the National Consumer Council.

House of Commons Disqualification Act 1975 (c. 24)

In Schedule 1—
(a) in Part 2 the entries relating to the Consumer Council for Postal Services and the Gas and Electricity Consumer Council, and
(b) in Part 3 the entries relating to the Chairman and Deputy Chairman of the National Consumer Council.

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Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, the entries for the Consumer Council for Postal Services (“Postwatch”), the Gas and Electricity Consumer Council (Energywatch) and the National Consumer Council.
Estate Agents Act 1979 (c. 38)	Section 5(4). Section 6(7). Section 9(4)(a). Section 27(1)(b).
Gas Act 1986 (c. 44)	Sections 32 and 33.
Electricity Act 1989 (c. 29)	Sections 46 and 46A.
Postal Services Act 2000 (c. 26)	Section 2. In section 39 “or of the Secretary of State in relation to the establishment of the Council”. Sections 51 to 59. In section 61— <ul style="list-style-type: none"> (a) in subsection (1) “and the Council” and “each” (in the second place), (b) in subsection (2)(b) “or the Council”, (c) in subsection (3) “or the Council”, (d) in subsection (5)(a) “or (as the case may be) the Commission”, and (e) in subsection (5)(b) “or (as the case may be) the Council”. Schedule 2. In Schedule 7, paragraph 5(1)(d) and the “or” immediately preceding it. In Schedule 8, paragraphs 9 and 14(2).
Utilities Act 2000 (c. 27)	Section 2. Section 3(6). In section 4— <ul style="list-style-type: none"> (a) in subsection (1) “and the Council” and “each” (in the second place), (b) in subsection (3) “or the Council”, (c) in subsection (4) “or the Council”, (d) in subsection (5) “or the Council”, and (e) subsection (7). In section 8— <ul style="list-style-type: none"> (a) subsection (3)(b) and the “and” immediately preceding it, and (b) subsection (7). Sections 17, 18(1) to (4) and (7), 19, 20(1) to (4), 21 to 27. In section 105— <ul style="list-style-type: none"> (a) in subsection (5) “and” immediately preceding paragraph (1), (b) in subsection (8)(a) “33DA or” and “42AA or”, and (c) in subsection (8)(c) “, the Council”. Schedule 2.

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	In Schedule 6, paragraphs 12(f) (and the “and” immediately preceding it), 22(b), 40(b) and 42.
	In Schedule 7—
	(a) paragraphs 24 and 25,
	(b) in paragraph 26(1), “or the Council”,
	(c) paragraphs 28 and 30,
	(d) paragraphs 31 and 32.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entries for the Consumer Council for Postal Services, the Gas and Electricity Consumer Council and the National Consumer Council.
Warm Homes and Energy Conservation Act 2000 (c. 31)	Section 2(9).
Enterprise Act 2002 (c. 40)	In Schedule 25, paragraphs 15(7), 20(8) and 42(6).
Energy Act 2004 (c. 20)	Section 179(3)(b) and (e).
Housing Act 2004 (c. 34)	Sections 172 to 174.

Changes to legislation:

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[View outstanding changes](#)

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\(b\)](#)