



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 3

AMENDMENT OF THE ESTATE AGENTS ACT 1979

Prohibition and warning orders

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—
 - (i) an undertaking mentioned in section 3(1)(ba); or
 - (ii) an enforcement order mentioned in section 3(1)(bb); and

Status: This is the original version (as it was originally enacted).

- (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.”