
EXPLANATORY NOTE

(This note is not part of the Order)

This instrument abolishes the National Consumer Council and transfers relevant functions to the National Association of Citizens Advice Bureaux (“Citizens Advice”) and the Scottish Association of Citizens Advice Bureaux (“Citizens Advice Scotland”). Functions of the National Consumer Council relating to consumer matters in Northern Ireland for postal services, are transferred to the General Consumer Council for Northern Ireland (“GCCNI”).

The abolition and the transfer of functions is to take place on 1st April 2014.

The instrument also transfers certain functions which relate to a consumer advice scheme from the Office of Fair Trading (“OFT”) to Citizens Advice and Citizens Advice Scotland. This transfer also takes effect on 1st April 2014.

In addition the order transfers the functions of the OFT in relation to the regulation of estate agents. The OFT’s functions in the Estate Agents Act 1979 are transferred to a lead enforcement authority and the OFT’s functions as the supervisor of estate agents in the Money Laundering Regulations 2007 are transferred to the Commissioners of Her Majesty’s Revenue and Customs (“the Commissioners”). This transfer of functions is to take place on 31st March 2014.

Article 2 abolishes the National Consumer Council.

Article 3(1) introduces Schedule 1 to the Order. This has effect to transfer relevant functions of the National Consumer Council to Citizens Advice, Citizens Advice Scotland and GCCNI (known together as the “consumer advocacy bodies”). Schedule 1 also transfers relevant functions in relation to the energy sector to Citizens Advice and Citizens Advice Scotland, transfers functions which relate to water (as well as a function in the Warm Homes and Energy Conservation Act 2000, which only relates to England and Wales) to Citizens Advice and transfers functions relating to Scottish water to Citizens Advice Scotland and makes other amendments to Scottish legislation. In addition, Schedule 1 transfers functions relating to consumer matters in Northern Ireland relating to post to GCCNI.

Finally, Schedule 1 makes consequential, supplementary incidental and transitional provision relating to the abolition of the National Consumer Council and the transfer of its functions.

Article 3(2) explains that where a function is transferred to Citizens Advice and Citizens Advice Scotland under article (3)(1)(a) and (b), those bodies may also exercise their functions jointly or they may exercise a function on behalf of the other, if they so agree.

Article 3(3) provides that any other functions conferred on Citizens Advice and Citizens Advice Scotland not conferred by this Order, will not be subject to the provisions of this Order.

Article 3(4) provides that a function transferred to the GCCNI may only be exercised in relation to consumer matters that relate to postal services in Northern Ireland.

The function to support a consumer advice scheme was transferred from the OFT to Citizens Advice and Citizens Advice Scotland by the Public Bodies (The Office of Fair Trading’s Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783).

Article 4 and Schedule 1 transfer ancillary functions of the OFT which relate to a consumer advice scheme to Citizens Advice and Citizens Advice Scotland. Schedule 1 also makes consequential, supplementary and incidental provision relating to the transfer of those consumer advice scheme functions from the OFT.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 5 transfers the functions of the OFT in relation to the regulation of estate agents. Article 5(1) transfers the OFT's functions in the Estate Agents Act 1979 to Powys County Council, the lead enforcement authority. Article 5(2) transfers the OFT's functions as the supervisor of estate agents under the Money Laundering Regulations 2007 to the Commissioners. Schedules 2 and 3 make consequential, supplementary, incidental, transitional provision and savings.

A full regulatory impact assessment of the effect that this Order will have on the costs to business is available from the Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET or at www.gov.uk/bis and is published with the Explanatory Document alongside the instrument on www.legislation.gov.uk.