

*Status: Point in time view as at 31/03/2014.*

*Changes to legislation: Estate Agents Act 1979, Cross Heading: Decision is up to date with all changes known to be in force on or before 10 June 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)*

## SCHEDULES

### SCHEDULE 2

#### PROCEDURE ETC.

#### PART I

#### ORDERS AND DECISIONS UNDER SECTIONS 3, 4 AND 6

##### *Decision*

- 6 (1) The [F<sup>1</sup>lead enforcement authority] shall take into account in deciding whether to proceed with [F<sup>2</sup>its] proposal any written or oral representations made in accordance with the preceding provisions of this Schedule.
- (2) If the [F<sup>3</sup>lead enforcement authority] considers that [F<sup>2</sup>it] should proceed with [F<sup>2</sup>its] proposal but for a reason which differs, or on grounds which differ, from those set out in the notice of the proposal under paragraph 2 above, [F<sup>2</sup>it] shall give a further notice under that paragraph.
- (3) In any case where—
- (a) a notice under paragraph 2 above gives more than one reason for the proposal or (in the case of a proposal to make an order under section 3 of this Act) sets out more than one matter which the [F<sup>4</sup>lead enforcement authority] intends should be specified as the grounds for the order, and
  - (b) it appears to the [F<sup>4</sup>lead enforcement authority] that one or more of those reasons should be abandoned or, as the case may be, that one or more of those matters should not be so specified,
- the [F<sup>4</sup>lead enforcement authority] may nevertheless decide to proceed with [F<sup>2</sup>its] proposal on the basis of any other reason given in the notice or, as the case may be, on any other grounds set out in the notice.

#### Textual Amendments

- F1** Words in Sch. 2 para. 6(1) substituted (31.3.2014) 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(5), Sch. 2 para. 1(13)(a)(v)(ee) (with Sch. 1 para. 28, 2 paras. 13-15)
- F2** Words in Sch. 2 para. 6 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 9(16)(d)**; [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F3** Words in Sch. 2 para. 6(2) substituted (31.3.2014) 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(5), Sch. 2 para. 1(13)(a)(v)(ee) (with Sch. 1 para. 28, 2 paras. 13-15)

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- F4** Words in Sch. 2 para. 6(3) substituted (31.3.2014) 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(5), Sch. 2 para. 1(13)(a)(v)(ee) (with Sch. 1 para. 28, 2 paras. 13-15)

- 7 If the [<sup>F5</sup>lead enforcement authority] decides not to proceed with [<sup>F6</sup>its] proposal [<sup>F6</sup>it] shall give notice of that decision to the person affected and, in the case of a notice of a decision on an application under section 6 of this Act, such a notice shall be combined with a notice under subsection (3) of that section.

#### Textual Amendments

- F5** Words in Sch. 2 para. 7 substituted (31.3.2014) 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(5), Sch. 2 para. 1(13)(a)(v)(ff) (with Sch. 1 para. 28, 2 paras. 13-15)
- F6** Words in Sch. 2 para. 7 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 9(16)(e)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

- 8 If the [<sup>F7</sup>lead enforcement authority] decides to proceed with [<sup>F8</sup>its] proposal [<sup>F8</sup>it] may, if [<sup>F8</sup>it] thinks fit having regard to any representations made to [<sup>F8</sup>it] —
- (a) where the proposal is for the making of an order, make the order in a form which varies from that of the proposed order mentioned in the notice under paragraph 2 above, or
  - (b) where the proposal is to vary an order, make a variation other than that mentioned in the notice under paragraph 2 above, or
  - (c) where the proposal is to refuse to revoke an order, vary the order.

#### Textual Amendments

- F7** Words in Sch. 2 para. 8 substituted (31.3.2014) 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(5), Sch. 2 para. 1(13)(a)(v)(gg) (with Sch. 1 para. 28, 2 paras. 13-15)
- F8** Words in Sch. 2 para. 8 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 9(16)(f)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

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