



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 6

MISCELLANEOUS AND GENERAL

Redress schemes: lettings and property management agents

85 Orders under section 83 or 84: enforcement

- (1) An order under section 83(1) or 84(1) may make provision —
 - (a) for sanctions to be imposed in respect of a breach of a requirement imposed by the order;
 - (b) for the investigation of suspected breaches of such a requirement.
- (2) The sanctions for which provision may be made in the order are—
 - (a) the imposition of civil penalties;
 - (b) the making of orders prohibiting a person from engaging in lettings agency work or (as the case may be) property management work or from engaging in a particular description of such work;
 - (c) the creation of criminal offences in respect of breaches of orders mentioned in paragraph (b).
- (3) Provision made for the imposition of a sanction by virtue of subsection (1)(a) must include—
 - (a) provision for appeals to a court or tribunal against the imposition of the sanction, and
 - (b) such other provision as the Secretary of State considers appropriate for safeguarding the interests of persons on whom the sanction may be imposed.
- (4) Provision made by virtue of this section may confer functions on a person that exercises functions of a public nature.

Changes to legislation: Enterprise and Regulatory Reform Act 2013, Section 85 is up to date with all changes known to be in force on or before 26 July 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

- [^{F1}(4A) A person on whom functions are conferred under subsection (4) must have regard to any guidance issued by the Secretary of State or the lead enforcement authority (if not the Secretary of State) relating to the enforcement of an order under section 83(1) or 84(1).]
- (5) The Secretary of State may make payments out of money provided by Parliament to a person on whom functions are conferred by virtue of this section.
- [^{F2}(6) For provisions about enforcement of an order under section 83(1) or 84(1) by the lead enforcement authority, see sections 24 to 26 of the Tenant Fees Act 2019.
- (7) In this section “lead enforcement authority” has the meaning given by section 24(1) of the Tenant Fees Act 2019.]

Textual Amendments

- F1** S. 85(4A) inserted (15.4.2019) by [Tenant Fees Act 2019 \(c. 4\)](#), **ss. 29(2)(a)**, 34(1); S.I. 2019/857, reg. 2(d)
- F2** S. 85(6)(7) inserted (15.4.2019) by [Tenant Fees Act 2019 \(c. 4\)](#), **ss. 29(2)(b)**, 34(1); S.I. 2019/857, reg. 2(d)
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Commencement Information

- I1** S. 85 partly in force; s. 85 in force for specified purposes at Royal Assent, see s. 103(1)(i)

Changes to legislation:

Enterprise and Regulatory Reform Act 2013, Section 85 is up to date with all changes known to be in force on or before 26 July 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.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2013/1455 art. 3 4 Sch. 3 by [S.I. 2013/2271 art. 2](#)
- specified provision(s) revocation of earlier commencing SI 2015/641 by [S.I. 2015/1558 art. 2](#)

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. 25(5) inserted by [2024 c. 13 s. 327\(1\)](#)
- Sch. 4A inserted by [2024 c. 13 s. 327\(2\)](#)