

SCHEDULE 1

Transfer of certain functions of the National Consumer Council,
transfer of certain consumer advice scheme functions of the OFT and
consequential, supplementary, incidental and transitional provision

PART 1

Amendments to Acts

Consumers, Estate Agents and Redress Act 2007

- 12.**—(1) The 2007 Act⁽¹⁾ is amended as follows.
- (2) For the heading to Part 1 substitute “THE CONSUMER ADVOCACY BODIES”.
- (3) For the italic heading before section 1 substitute “*The consumer advocacy bodies*”.
- (4) For section 1 (establishment of the National Consumer Council and its territorial committees) substitute—

“1 The consumer advocacy bodies

- (1) In this Act—
- “Citizens Advice” means the National Association of Citizens Advice Bureaux;
- “Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;
- “the GCCNI” means the General Consumer Council for Northern Ireland.
- (2) Except where this Act otherwise provides, a reference in this Act to a consumer advocacy body is a reference to—
- (a) Citizens Advice,
- (b) Citizens Advice Scotland, or
- (c) the GCCNI.
- (3) Except where this Act otherwise provides, Citizens Advice and Citizens Advice Scotland may jointly carry out a function conferred by or under this Act on Citizens Advice or Citizens Advice Scotland, and each may if the other agrees carry out on behalf of the other a function conferred on the other by or under this Act.
- (4) A function conferred on the GCCNI by this Act may be exercised by the GCCNI only in relation to consumer matters that relate to postal services in Northern Ireland.”.
- (5) Omit section 2 (the territorial committees).
- (6) In section 4 (“designated consumers”), in subsection (4) (consultation before making an order), for paragraph (a) substitute—
- “(a) except in the case of an order which relates only to consumers in Northern Ireland, Citizens Advice,
- (aa) in the case of a relevant order other than one relating only to consumers in Northern Ireland or consumers within subsection (3), Citizens Advice Scotland,
- (ab) in the case of an order which relates to consumers in Northern Ireland in relation to postal services, the GCCNI,”.

(1) 2007 c. 17.

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- (7) In section 5 (forward work programmes)—
- (a) in the heading, at the end insert “of the GCCNI”;
 - (b) in subsection (1)—
 - (i) for “The Council” substitute “The GCCNI”;
 - (ii) for “before each financial year” substitute “before each programme year”;
 - (iii) in paragraph (a) for “the Council” substitute “the GCCNI”;
 - (iv) in paragraph (c) for “the Council” substitute “the GCCNI”;
 - (c) in subsection (3)—
 - (i) in paragraph (a) for “the Council” substitute “the GCCNI”;
 - (ii) in paragraph (b) for “the Council” substitute “the GCCNI”;
 - (d) omit subsection (4);
 - (e) after subsection (4) insert—

“(4A) In preparing a draft of the forward work programme for any year, the GCCNI must consult—

 - (a) Citizens Advice, and
 - (b) Citizens Advice Scotland.”;
 - (f) in subsection (5) for “the Council” substitute “the GCCNI”;
 - (g) in subsection (6) for “the Council” substitute “the GCCNI”;
 - (h) in subsection (7)—
 - (i) for “The Council” substitute “The GCCNI”;
 - (ii) omit paragraphs (b) and (c);
 - (iii) in paragraph (e) for “the Council” substitute “the GCCNI”;
 - (i) after subsection (7) insert—

“(8) References in this section to “designated consumers” are references to designated consumers who are consumers in relation to postal services in Northern Ireland.

(9) In this section “programme year” means—

 - (a) the period beginning on 1st April 2014 and ending with the next following 31st March, and
 - (b) each successive period of 12 months.”.
- (8) In section 6 (general provision about functions)(2)—
- (a) in the heading, at the end insert “of the GCCNI”;
 - (b) in the following provisions for “the Council” substitute “the GCCNI”—
 - (i) subsection (1);
 - (ii) subsection (7) (in both places);
 - (c) in the following provisions for “The Council” substitute “The GCCNI”—
 - (i) subsection (2);
 - (ii) subsection (3);
 - (iii) subsection (4);
 - (iv) subsection (6);

(2) Section 6(10)(b) was amended by section 1(7) of and paragraph 7 of Schedule 1 to the Pensions Act 2011 (c. 19).

- (v) subsection (8);
- (d) omit subsection (9).
- (9) After section 6 insert—

“Exercise of functions of consumer advocacy bodies

6A Subject to section 13 (investigation of complaints relating to the disconnection of gas or electricity), nothing in this Part imposes on a consumer advocacy body a duty to exercise any of its functions on behalf of or at the request of a particular consumer.”.

- (10) Omit section 7 (annual report) and the italic heading before it.
- (11) Omit section 7A (annual report on Scottish Water related activities)(3).
- (12) In section 8 (the representative function)—
 - (a) in subsection (1) for “The Council” substitute “The GCCNI”;
 - (b) in subsection (2)(f) for “the Council” substitute “the GCCNI”.
- (13) In section 9 (the research function) for “The Council” substitute “The GCCNI”.
- (14) In section 10 (the information function)—
 - (a) in subsection (1)—
 - (i) for “The Council” substitute “The GCCNI”;
 - (ii) in paragraph (a) for “the Council” substitute “the GCCNI”;
 - (b) in subsection (2)—
 - (i) for “the Council”, in the first place it occurs, substitute “the GCCNI”;
 - (ii) in paragraph (a) for “the Council” substitute “the GCCNI”;
- (15) In section 11 (general powers of investigation)—
 - (a) in subsection (1)—
 - (i) for “The Council” substitute “The GCCNI”;
 - (ii) in paragraph (a)—
 - (aa) for “the Council” substitute “the GCCNI”;
 - (bb) after “general relevance” insert “concerning consumer matters that relate to postal services in Northern Ireland.”;
 - (iii) in paragraph (b)—
 - (aa) for “the Council” substitute “the GCCNI”;
 - (bb) for the words from “consumers generally” to the end substitute “consumers of postal services in Northern Ireland.”.
 - (16) In section 12 (investigation of complaints made by vulnerable designated consumers)—
 - (a) in subsection (2) for “the Council” substitute “the consumer advocacy body to which the complaint is referred”;
 - (b) in subsection (3)—
 - (i) for “the Council”, in the first place it occurs, substitute “a consumer advocacy body”;
 - (ii) for “the Council”, in the second place it occurs substitute “that consumer advocacy body”;

(3) Section 7A was inserted by section 3(6) of and paragraphs 15 and 17 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010 asp 8.

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- (c) in subsection (4)—
 - (i) for “the Council”, in the first place it occurs, substitute “a consumer advocacy body”;
 - (ii) for “the Council”, in the second place it occurs, substitute “that consumer advocacy body”;
- (d) after subsection (4) insert—
 - “(5) Where a complaint is referred to Citizens Advice or Citizens Advice Scotland, those bodies may agree that the complaint is to be treated as having been referred to the other of them.
 - (6) If Citizens Advice and Citizens Advice Scotland so agree in a particular case, subsections (3) and (4) and sections 14(2) to (4) and 15(1) are to have effect accordingly.”
- (17) In section 13 (investigation of complaints relating to disconnection of gas or electricity)—
 - (a) in subsection (2)—
 - (i) for “the Council”, in the first place it occurs, substitute “a consumer advocacy body”;
 - (ii) for “the Council”, in the second place it occurs, substitute “that consumer advocacy body”;
 - (b) in subsection (3)—
 - (i) for “the Council” in the first place it occurs substitute “a consumer advocacy body”;
 - (ii) for “the Council” in the second place it occurs, substitute “that consumer advocacy body”;
 - (c) in subsection (4)—
 - (i) for “The Council” substitute “A consumer advocacy body”;
 - (ii) in paragraph (a) for “the Council” substitute “the consumer advocacy body”;
 - (iii) in paragraph (c) for “the Council” substitute “the consumer advocacy body”;
 - (iv) in paragraph (d) for “the Council” substitute “the consumer advocacy body”;
 - (v) in paragraph (e), for “the Council”, in both places it occurs, substitute “the consumer advocacy body”;
 - (d) in subsection (5)—
 - (i) for “The Council” substitute “A consumer advocacy body”;
 - (ii) for “the Council” substitute “the consumer advocacy body”;
 - (e) after subsection (5) insert—
 - “(5A) Where a complaint is referred to Citizens Advice or Citizens Advice Scotland, those bodies may agree that the complaint is to be treated as having been referred to the other of them.
 - (5B) If Citizens Advice or Citizens Advice Scotland so agree in a particular case, subsections (2) to (5) and section 14(2) to (4) are to have effect accordingly.”
 - (f) After subsection (6) insert—
 - “(6A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI.”
- (18) In section 14 (reference of matters to the Gas and Electricity Markets Authority)—
 - (a) in subsection (2)—
 - (i) for “the Council”, in the first place it occurs, substitute “the consumer advocacy body in question”;
 - (ii) for “the Council”, in the second place it occurs, substitute “that body”;

- (b) in subsection (3) for “the Council” substitute “the consumer advocacy body in question”;
- (c) in subsection (4) for “the Council” substitute “the consumer advocacy body in question”;
- (d) after subsection (4) insert—
 - “(4A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI.”.
- (19) In section 15 (reference of postal matters to OFCOM)**(4)**—
 - (a) in subsection (1)—
 - (i) for “The Council” substitute “A consumer advocacy body”;
 - (ii) for “the Council” substitute “that consumer advocacy body”;
 - (b) in subsection (2) for “The Council” substitute “The consumer advocacy bodies”.
- (20) In section 16 (investigations relating to public post offices)**(5)**, for subsection (1) substitute—
 - “(1) Without prejudice to the generality of section 11—
 - (a) Citizens Advice and Citizens Advice Scotland may investigate any matter relating to the number and location of public post offices in England, Wales and Scotland;
 - (b) the GCCNI may investigate any matter relating to the number and location of public post offices in Northern Ireland.”.
- (21) In the italic heading before section 17, for “*the Council*” substitute “*the consumer advocacy bodies*”.
- (22) In section 17 (reports by the National Consumer Council)—
 - (a) in the heading, for “the Council” substitute “the GCCNI”;
 - (b) in subsections (1)—
 - (i) for “The Council” substitute “The GCCNI”;
 - (ii) at the end insert “under this Act.”;
 - (c) in subsection (2) for “The Council” substitute “The GCCNI”.
- (23) In section 18 (Secretary of State’s power to require reports), in subsection (1)—
 - (a) for “the Council” substitute “the GCCNI”;
 - (b) after the words “consumer matters” insert “which relate to postal services in Northern Ireland”.
- (24) In section 19 (advice, information and guidance)—
 - (a) in subsection (1) for “The Council” substitute “The GCCNI”;
 - (b) in subsection (2)—
 - (i) for “The Council” substitute “The GCCNI”;
 - (ii) for “the Council” substitute “the GCCNI”.
- (25) In section 19A (guidance for energy consumers)**(6)**—
 - (a) in subsection (1) for “The Council” substitute “A consumer advocacy body”;
 - (b) in subsection (3) for “the Council” substitute “the consumer advocacy body in question”;
 - (c) in subsection (4)(a) for “in the Council’s view” substitute “in the view of the consumer advocacy body in question”;

(4) Section 15(1), (1)(a), and (2) was amended by paragraphs 175 and 177 of Part 3 of Schedule 12 to the Postal Services Act 2011 (c. 5).

(5) Section 16(2) was amended by paragraphs 175 and 178 of Part 3 of Schedule 12 to the Postal Services Act 2011.

(6) Section 19A was inserted by regulation 3(1) and (2) of S.I. 2011/2704.

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- (d) in subsection (5)—
- (i) for “the energy consumer guidance and the concise guidance” substitute “its energy consumer guidance and its concise guidance”;
 - (ii) for “the Council” substitute “a consumer advocacy body”;
 - (iii) in paragraph (c) for “the Council” substitute “the consumer advocacy body in question”;
- (e) for subsection (6) substitute—
- “(6) A consumer advocacy body must publish the first version of its energy consumer guidance and its concise guidance on its website.”;
- (f) in subsection (7)—
- (i) for “the Council”, in the first place it occurs, substitute “a consumer advocacy body”;
 - (ii) for “the energy consumer guidance and the concise guidance” substitute “its energy consumer guidance and its concise guidance”;
 - (iii) for “the Council, in the second place it occurs, substitute “the consumer advocacy body”;
- (g) in subsection (8)—
- (i) for “The Council” substitute “A consumer advocacy body”;
 - (ii) for “the energy consumer guidance and the concise guidance” substitute “its energy consumer guidance and its concise guidance”;
 - (iii) for “the Council” substitute “the consumer advocacy body”;
 - (iv) after subsection (8) insert—
- “(8A) Until a consumer advocacy body has published the first version of its energy consumer guidance and its concise guidance, it must—
- (a) publish on its website, and
 - (b) make available in any other manner that it thinks appropriate for the purpose of bringing them to the attention of those likely to be interested,
- the last version of the energy consumer guidance and the concise guidance to be published by the National Consumer Council under this section (as it had effect immediately before the amendments made to this Act 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/...) came into force.
- (8B) Nothing in this section prevents a consumer advocacy body from publishing its energy consumer guidance or its concise summary in a document that includes the energy consumer guidance or, as the case may be, the concise summary of another consumer advocacy body.
- (8C) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI.”
- (26) Omit sections 20(7), 20A(8) and 21 to 23.
- (27) In section 24 (provision of information to the Council)(9)—

(7) Section 20(2)(b) and (3)(a) was repealed by Schedule 19 to the Financial Services Act 2012 (c. 21).

(8) Section 20A was inserted by section 3(6) of and paragraphs 15 and 18 of Part 1 to Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(9) Section 24(9)(b) was substituted by paragraphs 175 and 179 of Part 3 of Schedule 12 to the Postal Services Act 2011; section 24(9)(ca) was inserted by paragraphs 15 and 19 of Schedule 2 to the Public Services Reform (Scotland) Act.

- (a) in the heading, for “the Council” substitute “the consumer advocacy bodies”;
- (b) in subsection (1) for “The Council” substitute “A consumer advocacy body”;
- (c) in subsection (2)—
 - (i) for “The” substitute “In the case of the GCCNI, the”;
 - (ii) for “the Council” substitute “the GCCNI”;
- (d) after subsection (2) insert—
 - “(2A) In the case of Citizens Advice or Citizens Advice Scotland, the information specified or described in a notice under subsection (1) must be information it requires—
 - (a) for the purpose of exercising a function conferred on it by or under an enactment, or
 - (b) for the purpose of exercising a function it has that—
 - (i) is not conferred by or under an enactment, and
 - (ii) corresponds to a function conferred on the GCCNI under section 8, 9, 10, 11 or 19, disregarding for these purposes the limitations relating to postal services in Northern Ireland in sections 1(4) and 11(1).
 - (2B) For the purposes of subsection (2A) “enactment” means an Act, an Act of the Scottish Parliament, a measure or Act of the National Assembly for Wales or Northern Ireland legislation.”
- (e) in subsection (5) for “the Council” substitute “a consumer advocacy body”;
- (f) in subsection (6)—
 - (i) for “the Council”, in the first place it occurs, substitute “the consumer advocacy body in question”;
 - (ii) for “the Council”, in the second place it occurs, substitute “that body”;
- (g) in subsection (8) for “The Council” substitute “A consumer advocacy body”;
- (h) after subsection (8) insert—
 - “(8A) Information provided to a consumer advocacy body because of a notice under subsection (1) may be provided by that body to the other consumer advocacy bodies.”;
- (28) In section 25 (enforcement by regulator of section 24 notice)**(10)**—
 - (a) in subsection (1) for “the Council” substitute “the consumer advocacy body in question”;
 - (b) in subsections (4)(a) and (6) for “the Council” substitute “the consumer advocacy body”.
- (29) In section 26 (enforcement by court of section 24 notice), in subsection (3) for “The Council” substitute “The consumer advocacy body in question”.
- (30) In section 27 (provision of information by the Council)—
 - (a) for “the Council” in the heading substitute “a consumer advocacy body”;
 - (b) for subsection (1) substitute—
 - “(1) An authorised person may, by notice, require—
 - (a) the GCCNI to supply it with such information in relation to consumer matters that relate to postal services in Northern Ireland, as is specified or described in the notice within such reasonable period as is so specified, or

(10) Section 25(3) was amended, and section 25(6A) inserted, by paragraphs 175 and 180 of Part 3 of Schedule 12 to the Postal Services Act 2011; section 25(3) was further amended by paragraph 20 of Schedule 2 to the Public Services Reform (Scotland) Act 2010 asp 8 and article 32 of S.I. 2012/2400.

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- (b) Citizens Advice or Citizens Advice Scotland to supply it with such information relating to its functions conferred by or under section 24 or any other enactment as is specified or described in the notice within such reasonable period as is so specified.

(1A) For the purpose of subsection (1)(b), “enactment” means any provision of an Act, Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales or Northern Ireland legislation.”

- (c) in subsection (5) for “the Council” substitute “the consumer advocacy body in question”;
- (d) in subsection (6) for “the Council” substitute “a consumer advocacy body”.

(31) In section 28 (exemptions from requirements to provide information), in subsection (1)(a) for “the Council” substitute “a consumer advocacy body”.

(32) In section 29 (disclosure of information)(11)—

- (a) in subsection (3)—
 - (i) in paragraph (a) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
 - (ii) in paragraph (b) for “the Council” substitute “the consumer advocacy bodies”;
- (b) after subsection (3) insert—

“(3A) Citizens Advice and Citizens Advice Scotland are to be treated as public authorities for the purposes of section 238(1) of the Enterprise Act 2002 only so far as regards functions conferred on the body in question under or by virtue of—

- (a) the enactments mentioned in subsection (3), or
- (b) this Act.

(3B) If and so far as a relevant function is exercisable by Citizens Advice or Citizens Advice Scotland it is to be regarded as a function of that body under this Act for the purpose of enabling that body to receive information under section 241(3) of the Enterprise Act 2002 (disclosure to facilitate the exercise of another person’s function).

(3C) “Relevant function” means a function that—

- (a) is not conferred by or under an enactment, and
- (b) corresponds to a function conferred on the GCCNI under section 8, 9, 10, 11 or 19, disregarding for these purposes the limitations relating to postal services in Northern Ireland in sections 1(4) and 11(1).”;

- (c) in subsection (4)—
 - (i) in paragraph (a) for “the Council” substitute “the GCCNI”;
 - (ii) in paragraph (b) for “the Council” substitute “the GCCNI”;
 - (iii) in paragraph (c) for “the Council” substitute “the GCCNI”;
 - (iv) in paragraph (ca) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
 - (v) in paragraph (ca) for “any of subsections (6) to (8)” substitute “subsection (7) or (8)”;
 - (vi) in paragraph (cb) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
 - (vii) in paragraph (e) for “the Council” substitute “a consumer advocacy body”;

(11) Section 29(3)(b) was amended by paragraphs 175 and 181 of Part 3 of Schedule 12 to the Postal Services Act 2011; section 29(4)(c) was amended, and (ca) and (cb) inserted, by regulation 3(1) and (3) of [S.I. 2011/2704](#).

- (viii) in paragraph (f) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
 - (d) in subsection (5) for “the Council or” substitute “the consumer advocacy body in question or the”;
 - (e) in subsection (6) for “the Council or”, in both places it occurs, substitute “the consumer advocacy body in question or the”.
- (33) In section 31 (designation of the Consumer Council for Water for abolition), in subsection (3) (b) for “the Council” substitute “Citizens Advice”.
- (34) In section 32 (transfer orders and abolition orders)—
- (a) in subsection (2) for “the Council” substitute “Citizens Advice”;
 - (b) after subsection (4) insert—
“**(4A)** A transfer order may be made only with the consent of Citizens Advice.”.
- (35) In section 33 (supplementary provision about transfer and abolition orders)—
- (a) in subsection (4)—
 - (i) in paragraph (a) for “the Council”, in the first place it occurs, substitute “Citizens Advice”;
 - (ii) in paragraph (a) for “any expenses relating to the establishment of the Council” substitute “any expenses which relate to taking on functions transferred from the Consumer Council for Water”;
 - (iii) in paragraph (b) for “the Council” substitute “Citizens Advice”;
 - (iv) in paragraph (d) after “expenses of” insert “Citizens Advice”;
 - (v) in paragraph (d) for “an OFT scheme” substitute “a qualifying consumer advice scheme”;
 - (vi) in paragraph (e) for “the Office of Fair Trading” substitute “Citizens Advice”;
 - (vii) in paragraph (e) for “any OFT scheme” substitute “a qualifying consumer advice scheme”;
 - (b) in subsection (5)—
 - (i) in paragraph (a) for “the Council” substitute “Citizens Advice”;
 - (ii) in paragraph (b) for “the OFT scheme” substitute “a qualifying consumer advice scheme”;
 - (c) after subsection (9) insert—
“**(9A)** For the purposes of this section a qualifying public consumer advice scheme is a scheme that is supported by Citizens Advice or Citizens Advice Scotland, or by them jointly, in a manner that the Office of Fair Trading is prohibited from supporting by section 8A of the Enterprise Act 2002.”;
 - (d) in subsection (10), omit the definition of “OFT scheme”.
- (36) In section 35 (transfer of property etc)—
- (a) in subsection (1) omit paragraphs (a), (b) and (d);
 - (b) in subsection (2) for “the Council”, in both places it occurs, substitute “Citizens Advice”;
 - (c) in subsection (3)(a) for “the Council” substitute “Citizens Advice”;
 - (d) in subsection (4) for “the Council” substitute “Citizens Advice”;
 - (e) in subsection (7) for “the Council” substitute “Citizens Advice”;
- (37) In section 36 (directions), in subsection (5)(b) for “the Council” substitute “Citizens Advice”.

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(38) In the italic heading before section 37 for “the Council’s functions” substitute “the functions of Citizens Advice and Citizens Advice Scotland”.

(39) In section 37 (extension of the Council’s functions: Great Britain—

- (a) for the heading substitute “Extension of the functions of Citizens Advice and Citizens Advice Scotland”;
- (b) in subsection (1) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
- (c) in subsection (2) for “the Council”, in the first place it occurs, substitute “Citizens Advice or Citizens Advice Scotland”;
- (d) in subsection (3)(a) for “the Council” substitute “the body on which the Secretary of State proposes to confer a function or functions”;
- (e) after subsection (3) insert—

“(3A) An order under this section may not—

- (a) confer a function on Citizens Advice or Citizens Advice Scotland, or
- (b) modify a function conferred on Citizens Advice or Citizens Advice Scotland by an order under this section,

unless that body consents to the conferring or modifying of the function.”.

(40) Omit section 38 (removal of the Council’s functions in relation to Northern Ireland)(12)(13)

(41) After section 40 insert—

“Provision about consumer advocacy bodies

40A Grants to consumer advocacy bodies

(1) The Secretary of State, or any other Minister of the Crown may, from time to time make grants to a consumer advocacy body in connection with functions conferred on it by or by virtue of this Act or any other enactment.

(2) In the case of the GCCNI, grants under paragraph (1) may only be made in relation to consumer matters that relate to postal services in Northern Ireland.

(3) In this section “enactment” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of the National Assembly for Wales, or
- (d) Northern Ireland legislation.

40B Exemption from liability in damages

(1) A person listed in paragraph (2) is not liable in damages for anything done or omitted to be done in the exercise or purported exercise of any of the functions conferred by this or any other relevant enactment.

(2) The persons referred to in paragraph (1) are—

- (a) Citizens Advice and Citizens Advice Scotland;
- (b) an employee of Citizens Advice or Citizens Advice Scotland;

(12) Section 38(2)(c) was amended by paragraphs 175 and 176 of Part 3 to Schedule 12 to the Postal Services Act 2011.

(13) Section 39 was repealed by Schedule 19 to the Financial Services Act 2012.

- (c) a person contracted to work for Citizens Advice or Citizens Advice Scotland;
 - (d) a charity trustee of Citizens Advice or Citizens Advice Scotland.
- (3) Paragraph (1) does not apply—
- (a) if it is shown that the act or omission was in bad faith, or
 - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998⁽¹⁴⁾.
- (4) In this section—
- “charity trustee” in relation to Citizens Advice, has the meaning given by section 177 of the Charities Act 2011⁽¹⁵⁾ and in relation to Citizens Advice Scotland, has the meaning given by section 106 of the Charities and Trustee Investment (Scotland) Act 2005⁽¹⁶⁾;
- “relevant enactment” means a provision of—
- (a) the Gas Act 1986;
 - (b) the Electricity Act 1989;
 - (c) The Postal Services Act 2000;
 - (d) the Utilities Act 2000;
 - (e) the Warm Homes and Energy Conservation Act 2000;
 - (f) the Communications Act 2003;
 - (g) the Postal Services Act 2011;
 - (h) The Water Industry (Scotland) Act 2002;
 - (i) the Water Services etc (Scotland) Act 2005;
 - (j) this Act.”.
- (42) In section 41 (interpretation of Part 1)⁽¹⁷⁾ omit the definition of “financial year”.
- (43) In section 43 (standards for handling complaints), in subsection (8), for paragraph (b) and the “and” following it substitute—
- “(b) Citizens Advice,
 - (ba) Citizens Advice Scotland, and”.
- (44) In section 45 (information with respect to compliance with complaints handling standards)—
- (a) in subsection (2)—
 - (i) for “The Council” substitute “Citizens Advice and Citizens Advice Scotland”;
 - (ii) for “it considers” substitute “Citizens Advice or, as the case may be, Citizens Advice Scotland consider”;
 - (b) after subsection (2) insert—

“(2A) The GCCNI must publish such statistical information as it considers appropriate relating to the levels of compliance with the standards which those postal operators have achieved.”;
 - (c) in subsection (3) for “the Council” substitute “the consumer advocacy body in question”.
- (45) In section 49 (approval of redress schemes)—
- (a) in subsection (7)(e) for sub-paragraphs (i) and (ii) substitute—

⁽¹⁴⁾ 1998 c. 42.

⁽¹⁵⁾ 2011 c. 25.

⁽¹⁶⁾ 2005 asp 10.

⁽¹⁷⁾ Section 41(1) was amended by paragraphs 175 and 182 of Part 3 of Schedule 12 to the Postal Services Act 2011 (c. 5).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *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 No. 631*

- “(i) to Citizens Advice Scotland, for the purposes of any qualifying public consumer advice scheme supported by it (on its own or jointly with Citizens Advice), and
 - (ii) to persons who operate a qualifying public consumer advice scheme supported by Citizens Advice or Citizens Advice Scotland, or by them jointly, for the purposes of that scheme;”;
- (b) in subsection (8) for paragraph (c) substitute—
- “(c) Citizens Advice;
 - (ca) so far as regards schemes to be approved by the Gas and Electricity Markets Authority, Citizens Advice Scotland;”;
- (c) after subsection (8) insert—
- “(9) For the purposes of this section a qualifying public consumer advice scheme is a scheme that is supported by Citizens Advice or Citizens Advice Scotland, or by them jointly, in a manner that the Office of Fair Trading is prohibited from supporting by section 8A of the Enterprise Act 2002.”.
- (46) In section 62 (parliamentary control of orders and regulations), in subsection (3)—
- (a) in paragraph (b) for “Council” substitute “the consumer advocacy bodies”;
 - (b) in paragraph (d) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”;
 - (c) omit paragraph (e).
- (47) In section 65 (extent)—
- (a) in subsection (2)(c) for “the Council’s functions: Great Britain” substitute “the functions of Citizens Advice and Citizens Advice Scotland”;
 - (b) omit subsection (7).
- (48) Omit Schedule 1 (the National Consumer Council).
- (49) In Schedule 4 (transfer of property etc to the National Consumer Council) for “the Council”, in each place it occurs, substitute “Citizens Advice”.